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MEETING: 19 MARCH 1979

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#### NOTE

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The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

## 2131st MEETING

Held in New York on Monday, 19 March 1979, at 3.30 p.m.

*President:* Mr. Leslie O. HARRIMAN (Nigeria).

*Present:* The representatives of the following States: Bangladesh, Bolivia, China, Czechoslovakia, France, Gabon, Jamaica, Kuwait, Nigeria, Norway, Portugal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

### Provisional agenda (S/Agenda/2131)

#### 1. Adoption of the agenda

#### 2. The situation in the occupied Arab territories:

Letter dated 23 February 1979 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council (S/13115)

*The meeting was called to order at 4.40 p.m.*

#### Adoption of the agenda

*The agenda was adopted.*

#### The situation in the occupied Arab territories:

Letter dated 23 February 1979 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council (S/13115)

1. The PRESIDENT: In accordance with the decisions taken at previous meetings, I invite the representatives of Egypt, the German Democratic Republic, Hungary, India, Indonesia, Iran, Iraq, Israel, Jordan, Lebanon, Mauritania, Pakistan, Qatar, Senegal, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the Ukrainian Soviet Socialist Republic, Viet Nam, Yemen and Yugoslavia, as well as the representative of the Palestine Liberation Organization, to participate in the discussion without the right to vote.

*At the invitation of the President, Mr. Nuseibeh (Jordan), Mr. Blum (Israel) and Mr. Terzi (Palestine Liberation Organization) took places at the Council table and Mr. Abdel Meguid (Egypt), Mr. Florin (German Democratic Republic), Mr. Hollai (Hungary), Mr. Jaipal (India), Mr. Suwondo (Indonesia), Mr. Shemirani (Iran), Mr. Bafi (Iraq), Mr. Tuéni (Lebanon), Mr. Kane (Mauritania), Mr. Naik (Pakistan), Mr. Jamal (Qatar), Mr. Fall (Senegal), Mr. Hussien (Somalia), Mr. Sahloul (Sudan), Mr. El-Choufi (Syrian Arab Republic), Mr. Mestiri (Tuni-*

*sia), Mr. Eralp (Turkey), Mr. Martynenko (Ukrainian Soviet Socialist Republic), Mr. Ha Van Lau (Viet Nam), Mr. Al-Haddad (Yemen) and Mr. Komatina (Yugoslavia) took the places reserved for them at the side of the Council chamber.*

2. The PRESIDENT: I wish to inform members of the Council that I have received letters from the representatives of Democratic Kampuchea and Romania, in which they request to be invited to participate in the discussion. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

*At the invitation of the President, Mr. Thiounn Prasith (Democratic Kampuchea) and Mr. Marinescu (Romania) took the places reserved for them at the side of the Council chamber.*

3. The PRESIDENT: I wish to draw attention to the revised text [S/13171/Rev. I] of the draft resolution sponsored by Bangladesh, Kuwait, Nigeria and Zambia.

4. Mr. ALGÅRD (Norway): This debate on an important aspect of the Middle East conflict is taking place at a time of dramatic and promising developments. We are, hopefully, witnessing the beginning of an era of peace for the countries and peoples of the Middle East.

5. The Norwegian Government would like to commend President Carter for his persistent and dedicated efforts towards bringing peace to the Middle East. The agreement reached represents a milestone in the process that was initiated by President Sadat's bold visit to Jerusalem and led to the Camp David agreements containing a framework for peace in the Middle East. During President Carter's negotiations at Cairo and Jerusalem, President Sadat and Prime Minister Begin demonstrated their willingness to deal decisively and concretely with the challenges to peace.

6. The Norwegian Government considers the peace treaty between Egypt and Israel as the essential first step in the continuing efforts to bring about a comprehensive peace settlement to the whole area.

7. In the end, only a settlement which recognizes Israel's right to exist within secure and recognized boundaries and the legitimate national rights of the Palestinians can bring a just and lasting peace to the Middle East. We think that the provisions and objectives of the Camp

David agreements, if carefully implemented and faithfully pursued, could initiate a process towards a comprehensive settlement in the region. We hope that all parties to the conflict will seize this historic opportunity and participate in the realization of this goal.

8. The Council has on several occasions considered the situation in the occupied territories. As a result of the intensive negotiations over the last few months and days, we hope that the peoples of the occupied territories can look forward to a new future. In the meantime, the occupied territories must be subject to the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.<sup>1</sup>

9. We are now at a crucial stage in the Middle East conflict. My Government hopes that all parties concerned will actively contribute to the peace process and refrain from any steps that might complicate the prospects for a just and lasting peace. We therefore encourage the Council to formulate its decision under the item under consideration in a way consistent with this overriding concern.

10. Mr. N'DONG (Gabon) (*interpretation from French*): Once again the Security Council has met to re-examine the complex affair of the situation in the occupied Arab territories. This re-examination, which meets the wishes of the 42 Islamic States Members of the United Nations, demonstrates firstly and undoubtedly that the concern of the international community is to see the Palestinians finally fully enjoying their inalienable rights—rights which have so often been recognized and reaffirmed in resolutions of many bodies of the Organization. This re-examination also reflects—if there is still a need for this—the great importance which the Organization has for more than 30 years accorded to the search for a just solution of this thorny problem, which, in my delegation's view, remains one of the most distressing tragedies of the twentieth century. Finally, this debate is, because of the solemn character of the question, a further opportunity to draw the attention of international public opinion to this problem, which has exploded into bloodshed in the form of four wars.

11. As everyone will recall, the question of Palestine is a problem which has concerned the Organization since 1947, practically since its creation. The Organization has spared no effort to help in finding a solution to the problem, and the Gabonese delegation, which has always supported and whole-heartedly supports these initiatives of the United Nations, can only welcome the Organization's efforts; but it cannot but regret also the fact that the situation is still in a deadlock because of the failure to apply the relevant resolutions of the Organization.

12. The problem of the Middle East still remains unresolved, inasmuch as it would appear that a kind of conversation between deaf persons has begun between the protagonists, thus accentuating the instability of the situation in the region, with the constant risk of igniting the powder keg at any time, as long as one of the parties to the conflict refuses to accept the participation of all those

involved in the question, in particular the principal protagonist, the Palestinian people.

13. I should like to make absolutely clear here—as so many previous speakers have stressed—that it is essential, if not indispensable, that any plan of action aimed at resolving the situation in the Middle East take account a certain number of fundamental principles, which I shall venture to recall.

14. First, the question of Palestine is at the very heart of the Middle East problem and, consequently, it is impossible to contemplate any solution without taking account of the legitimate interests of the Palestinian people. In other words, there can be no lasting settlement in the Middle East until the fundamental aspirations of the Palestinian people have been satisfied.

15. Secondly, the realization of the inalienable rights of the Palestinian people to return home and to enjoy self-determination, independence and national sovereignty will contribute to the settlement of the Middle East crisis. Indeed, the Palestinian people has been uprooted from its ancestral land and has constantly claimed a homeland—a right which is universally acknowledged as belonging to all peoples. How then, if we consider the concatenation of events over the last few years, can we fail to understand that this people, which has been dispersed to the four corners of the world, should continue to refuse obstinately the mantle of refugee with which people have attempted to clothe it? Why should we refuse to understand its aspirations to live within a State inasmuch as it has already become familiar with living in that kind of organized political entity? How long will the Organization, being devoted to peace and justice as it is, continue to permit that people to live herded into camps, thus swelling the number of those called by Frantz Fanon *The Wretched of the Earth*?<sup>2</sup>

16. Thirdly, the participation of the Palestine Liberation Organization, the representative of the Palestinian people, on an equal footing with all other parties is indispensable for all efforts, deliberations and conferences on the Middle East undertaken under the auspices of the United Nations.

17. Fourthly, the withdrawal by Israel from all Arab territories occupied since 1967 is a prerequisite which reaffirms the cardinal principle of the inadmissibility of the acquisition of territory by force, and consequently the obligation which flows therefrom is for Israel to evacuate all territory occupied by such means. I should like, in this regard, to recall that, by resolution 242 (1967) of 22 November 1967, the Security Council consecrated "the inadmissibility of the acquisition of territory by war" and called, *inter alia*, for the "withdrawal of Israeli armed forces from territories occupied in the recent conflict". It is highly regrettable that Israel has not seen fit to modify its policy with regard to settlements in the occupied Arab territories following the six-day war.

18. Fifthly, there is recognition of the right of all States of the area to exist as independent States within secure

<sup>1</sup>United Nations, *Treaty Series*, vol. 75, p. 287.

<sup>2</sup>New York, Grove Press, Inc., 1966.

and recognized boundaries. In this regard, we continue to believe that recognition of the rights of a people is something which cannot be brought about by the violation of or the failure to respect the rights of others. Consequently, in the search for a solution to this problem, the Security Council must always base itself on the principles of the Charter and all the relevant resolutions of the Organization, particularly Council resolutions 242 (1967) and 338 (1973).

19. We believe that only firm respect for these principles and the implementation of the decisions and recommendations of the Organization will make it possible to guarantee to all the peoples of the Middle East, without any exception, the opportunity to exercise their inalienable right to self-determination, national independence and to live in peace with their neighbours within secure and recognized boundaries. In this regard, paragraph 1 (ii) of resolution 242 (1967) is quite clear. It states:

“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”.

20. All these principles which I have just enumerated are found in the statement of El Hadj Omar Bongo, President of the Gabonese Republic, which he made in the General Assembly on 14 October 1977. He said:

“However, we also feel that the road to such peace lies through unequivocal recognition of the right of the Palestinians to possess a country and through the withdrawal of the Israelis from the Arab lands they have occupied since 1967, as well through strict application by the belligerents of Security Council resolutions 242 (1967) and 338 (1973), to which they have subscribed”.<sup>3</sup>

21. After certain bold initiatives, with which we are all familiar, in the attempt to search for a solution to this problem, one might reasonably have thought that we were nearing the end of that policy of gradually encroaching on the occupied Arab territories. The gloomy but detailed picture sketched for us by the representative of Senegal in his capacity as Chairman of the Conference of Islamic Countries [2126th meeting] and the gloomy factual analysis presented to us by the representative of Jordan do not suggest that we are witnessing the dawn of a peaceful future. On the contrary, it would seem to emerge from what we have heard here that this policy of gradual encroachment by Israel has not been modified in the slightest, either with regard to the settlements or with regard to the Holy City of Jerusalem.

22. My delegation believes that the persistence of such conduct casts a dark shadow over international relations and constitutes a flagrant threat to international peace and security, not only in the area but also throughout the world, because we must always bear in mind that the Middle East region has, undeniably, in the eyes of the

great Powers, considerable strategic importance, and consequently everything that happens there is seen as having a direct bearing on the precarious balance of forces in the world. This conduct also constitutes a serious obstacle on the winding road leading to general peace in the Middle East.

23. In order to put an end to this persistent state of belligerency between the protagonists, a state which dangerously threatens peace in the world, the Security Council, the surest guardian of international peace and security, must rise to its responsibilities. It should above all reaffirm the fundamental principles of the Charter of the Organization and of its relevant resolutions on the problem of the Middle East. In so doing, it would oppose any consecrating of the policy of *fait accompli*. The real problem which we have to solve is that of knowing whether today the United Nations is going to continue to accept this policy of *fait accompli* and whether, after having recognized that the Palestinian people has the most inalienable rights, it is going to continue to tolerate the policy which continues to deprive that people of its homeland and allow them to live in a state of shameful deprivation.

24. Furthermore, the Council should contemplate appropriate measures likely to put an end to this policy of occupation of foreign territory which generates tension and crises. The Council must, finally, redress the injustices which have been committed by declaring null and void all measures taken in violation of international law, the relevant provisions of the Charter and its own resolutions.

25. The PRESIDENT: The next speaker is the representative of Mauritania. I invite him to take a place at the Council table and to make his statement.

26. Mr. KANE (Mauritania) (*interpretation from French*): Mr. President, the period that you have chosen for this meeting of the Security Council, devoted to the situation in the Arab territories occupied by Israel, comes at an ideal time because this is a crucial period in the history of the Middle East. Indeed, the comings and goings of diplomats during the last few days with respect to the Middle East have aroused, because of their scope and level, certain hopes in some quarters, but at the same time they have revealed major contradictions which exist in the area, and those contradictions are due to the obstinacy, intransigence and arrogance of the Zionist entity.

27. It is because this situation could degenerate into a conflict with incalculable consequences for mankind that the United Nations has, for more than a generation, with all its talents, skills and energies, considered the Middle East problem as one of its most important and immediate preoccupations. But in spite of the efforts which have been made over the past 30 years and more, the situation in the Middle East arouses pessimism much more than optimism, because the contradictions today have reached a particularly dangerous threshold owing to the escalation of violence in the past few days in occupied Arab Palestine. And the escalation of terror comes at a time when the Israeli Government has publicly pro-

<sup>3</sup> Official Records of the General Assembly, Thirty-second Session, Plenary Meetings, 34th meeting, para. 118.

claimed that it is prepared to make concessions so that parties to the conflict can reach a just and lasting peace. Today, even more than yesterday, houses of Palestinians have been destroyed, and young Palestinians are pursued, hunted down and killed in cold blood. That attitude is neither new nor surprising; it has long been a constant feature of the Zionist policy for more than a generation. At every international juncture the Israeli Government has used its "stick and carrot" policy.

28. This period, which is full of uncertainty and is a turning-point in the Middle East in the struggle of the Palestinian people, is one in which the Security Council is once again called upon to reach decisions which, I am convinced, will be a landmark in the Organization's history.

29. I am particularly convinced of this because you, Mr. President, are a son of the third world and the African continent, presiding over the Security Council for this month. Everyone recalls the tragedy of your great country, Nigeria, during a crucial period in the history of the liberation of the African continent. The Nigerian people's genius, determination and willingness to sacrifice and the cohesiveness of the African continent were needed to defeat the forces which wished to weaken Nigeria in order the better to dominate Africa.

30. That same policy of division, domination and exploitation has been pursued for more than a generation in the Middle East, with all its attendant suffering, grief and misfortune.

31. So you are presiding over the Council as it considers a problem which is in every way similar to one that you—and we—have experienced. That is why it is our fond hope that the Security Council will, at the conclusion of its work, reach positive results of benefit to the Organization.

32. I said a moment ago that the Security Council was meeting at a crucial time for the United Nations and the Middle East. Indeed, since the occupation of Palestine and certain Arab territories, the path to peace has never been so intensely exploited. In the present situation, which is marked by hope and a prudence inspired by all the disappointment of the past few years, the great unknown today is what will happen to the Palestinian people. How often have we imagined compromises without success and solutions without any future to the problem of the Middle East.

33. Those who in good faith or in self-interest have built up those solutions have simply forgotten that the problem of the Middle East has its origin in the question of Palestine. It is because Arab Palestine has been occupied by Zionism, it is because millions of men, women and children have been obliged to leave their ancestral homes, it is because, in a word, the Palestinian people have been victims of the most outrageous injustice of our times that the Arab peoples have been mobilized to meet the challenge thrown at them by the occupying Zionist forces.

34. The wars that have followed since the tragedy of the Palestinian people and the occupation by Israel of other

Arab territories are only the consequence of the solidarity of the Arab peoples with the Palestinian people in their legitimate struggle to recover their most sacred rights. That is part of a simple, logical and obvious pattern.

35. How, in the circumstances, can we agree on a just and lasting peace if we disregard the rights of the Palestinians, if we continue to put in parentheses the destiny of an entire people?

36. Certainly, imperialist circles and their natural ally, the State of Israel, have always sought a solution that would preserve their interests in the area. It has been with that thought in mind that more and more Jewish settlements have been established in occupied Arab territories, houses belonging to Palestinians have been bombed and destroyed, young Palestinians have been pursued and hunted down, and Israel's role as the policeman of imperialism has become ever clearer; intense and widespread publicity on an unprecedented scale has been orchestrated in the area to divide the Arab nation, and a psychological war cleverly maintained has been imposed upon the Palestinians to force them to abandon their struggle and live in a state of resignation and utter poverty. The recent expropriation measures and killings have been used by Israel as part of its over-all strategy. On 15 March, two young Palestinians were killed in cold blood, simply because they dared to shout their disapproval, as would anyone jealous of his dignity and independence.

37. The policy of the Zionists in the area is so clear that there is no need to sound out the Israeli Government to establish their true intentions. Israel's true intentions are clear in substance, simple in form, and are the intentions of all those who have ever wished to dominate the world—to sow terror and despair among peoples, empty the territories and then occupy them.

38. Palestine has not escaped that constant policy of the dominators and colonialists. In Palestine, as well as elsewhere in the world, notably in Zimbabwe, Namibia and South Africa, the form of colonization, domination and exploitation is one and indivisible.

39. The new outbreaks of violence in recent times in Palestine, Zimbabwe, Namibia and South Africa have taken place at a time when the alliances formerly made with imperialism are breaking down, peoples which are tired with bowing to domination and exploitation are rebelling, and the Powers which have engaged in exploitation find themselves in a difficult international economic situation.

40. In this situation, the Zionists, the South African racists and the Rhodesians can only make a tactical retreat, readjust their positions and adapt to the new situation.

41. The violence being brought to bear against the Palestinian and Lebanese peoples, the recent bombings of Angola, Mozambique and Zambia by the racists in Rhodesia and South Africa, and the killing of the Namibian and South African peoples are all aimed at intimidating the freedom fighters in Palestine and southern Africa.

42. At the same time, together with that hardening of positions in the occupied territories and the front-line countries, a policy of so-called dialogue and openness towards certain countries has been pursued with great willness. In spite of this attempt to roll back the course of history, the friends of Palestine, Namibia, South Africa and Zimbabwe have become more numerous. That support for the freedom fighters has increased, and thanks to the determination, courage and spirit of sacrifice of the Palestinian people and the peoples of southern Africa, every day sees new victories.

43. If the situation in Palestine and certain countries in southern Africa has not been successfully resolved over the past 30 years, it is because the South African and Zionist racists have always applied a policy of divide and rule in the Arab world, on the one hand, and in Africa, on the other, so as to strengthen their domination. That domination is something that they are trying to perpetuate, with the support of imperialism in all areas.

44. The divisions within Africa and within the Arab world which have long served the cause of the Powers that have dominated and exploited us—divisions that have run counter to our most vital interests—are, fortunately, being overcome little by little.

45. To revert to the Middle East, the struggle of the Palestinian people is no longer a struggle for the liberation of Palestine alone—as some would have wished. The struggle being waged by the Palestinian people goes beyond the framework of Palestine; it is a much wider and deeper struggle. The victory or defeat of the Palestinian people is first and foremost the victory or defeat of the Arab nation as a whole; it is also the victory or defeat of freedom and dignity, wherever they are being violated in the world.

46. Hence, we cannot speak of the victory of an Arab country so long as the Palestinian people has not regained its most sacred and legitimate rights, just as we cannot speak of peace so long as that peace does not have the support of the Palestinian people as a whole.

47. Those who have taught us that the most genuine expression of democracy is the safeguarding of the freedom of every individual should realize that, until the Palestinian people is able to exercise its right to self-determination, freedom and democracy everywhere will be threatened.

48. Thus, the situation in Palestine and in southern Africa is a challenge to the Organization, because it constitutes a threat which can at any moment jeopardize the fragile balance on which international security rests.

49. We have for a long time been denouncing here and elsewhere the injustice being inflicted on the people of Palestine, Zimbabwe, Namibia and southern Africa. It is paradoxical, indeed inadmissible, that in the world in which we are living today, only Africa and the Arab world—I repeat: only Africa and the Arab world—are subjected to colonization, exploitation and racism: the most virulent and abject forms of domination ever known.

50. Southern Africa and Palestine have today become concentration camps where blacks and Arabs are treated like beasts of burden, humiliated and exploited, forced to choose between resignation, complete destitution or extermination.

51. If the Security Council, faced with such a situation—which demeans not only blacks and Arabs but human beings everywhere—does not take a decision in keeping with the dictates of justice and law, the African and Arab peoples will have no choice but to resort to violence.

52. I am convinced that the Council will live up to its historic responsibility in the present crucial international situation. I am sure that it will bring its full weight to bear to ensure that the initiatives for peace under way in the region are successful. Need we once again emphasize that this peace can be just and lasting only if it is comprehensive and takes into account above all the higher interests of the Palestinian people.

53. If the Council reaches such a solution, the world will be spared a confrontation which could only be fatal for the human race. The genius of man will have triumphed once again, because he will have overcome passion, hatred and ruinous quarrels and established an atmosphere of co-operation, understanding and good-neighbourliness: the sole expression of genuine civilization, beneficial for society as a whole.

54. The PRESIDENT: The next speaker is the representative of Tunisia. I invite him to take a place at the Council table and to make his statement.

55. Mr. MESTIRI (Tunisia) (*interpretation from French*): With so many important questions on the Security Council's agenda, we are happy indeed, Mr. President, to see you presiding over its work. We are certain that your great talent and your long experience in the struggle for justice and peace will be particularly useful in the Council's consideration of the situation in the occupied Arab territories, a situation that is rightly of concern to the international community as a whole. We wish also to pay a tribute to your predecessor, Ambassador Bishara of Kuwait, who presided over the Council last month with his well-known competence and talent.

56. The entire world is aware of the intolerable situation that continues to prevail in the occupied Arab territories and in the Holy City of Jerusalem. At the risk of repeating ourselves we must emphasize the reasons for that situation—namely, that the Palestinians, reduced to the status of refugees for decades now, have been denied their most fundamental and legitimate rights. Since the necessary redressing of that flagrant injustice is at the heart of any solution to the Middle East problem, it is clear that half-measures are not enough to ensure respect for the aspirations of the Palestinian people and the other Arab countries whose territories have been occupied by Israel.

57. We regretted to hear the representative of Israel repeatedly describe the debate in the Security Council as a "barren ritual"; that can hardly reassure us about his Government's intentions or its approach to the problem.

Similarly, the representative of Israel stated that "the current debate has been deliberately staged at this time with a view to impeding the ongoing peace efforts in the Middle East" [2124th meeting, para. 114]. We all know very well that nothing could impede peace more than the constant policy of his Government and its systematic practices, which are clearly part of an over-all plan to change the physical nature of the occupied Arab territories. Each day, Palestinians are driven from their homes and their lands are confiscated to make room for Jewish settlements; water resources are diverted in order to crush a population that is already on the brink of despair; a Holy City which has always been regarded as one of the most precious heritages of mankind is annexed, with complete contempt for the Charter of the United Nations, human rights and the most elementary rules of international morality.

58. Thus, the situation has obviously deteriorated; it has assumed alarming proportions, justifying this series of meetings of the Security Council and requiring action by the Council.

59. I shall not take the time to list the deliberate actions of the Israeli Government and the suffering being experienced every day by the Palestinians. These facts have been brought to the attention of members of the Security Council by various sources, particularly the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. Moreover, the representative of Jordan and the representative of the Palestine Liberation Organization—the sole legitimate representative of the Palestinian people—have proved, with facts and figures, the seriousness and scope of the policy of the occupier. Their well-documented statements painted a complete picture of the present situation, and it is a gloomy picture indeed, revealing intentions and designs that are dangerous for the region, in the short as well as the long term.

60. But we should like to observe that that policy goes even beyond those considerations, for it affects not only the fate of an entire people, but also something that is regarded as most sacred and profound by hundreds of millions of Moslems and Christians: their faith and their spiritual heritage.

61. For that reason, the situation in Jerusalem has acquired increased importance and urgency. The historic and religious nature of the Holy City is threatened with obliteration, with total disappearance, because of the constant desecration of the Islamic holy places—and these places could even be demolished—for the benefit of frenzied Judaization and the concentration of new Israeli colonies designed to isolate the Arab citizens, whether Christian or Moslem, and to drive them from their city.

62. And yet the Security Council has adopted many resolutions banning any measure to annex Jerusalem or change its status. In its resolutions 252 (1968) and 267 (1969), the Security Council decided that all legislative and administrative measures taken by Israel which pur-

ported to alter the legal status of Jerusalem were invalid, and it urgently called upon Israel to rescind those measures. In its resolution 271 (1969) and 298 (1971), the Council condemned Israel for having failed to comply with those resolutions and once again issued a very clear warning to it. Unfortunately, Israel has never paid any attention to those resolutions, and they have therefore remained dead letters.

63. The situation in the other occupied Arab territories is no less alarming. There, Israeli settler policy has been developing unremittingly since 1967. It is a relentless policy, for its constant aim is to modify the legal status and the geographical and demographic composition of the territories. There also new settlements have arisen, and new lands, among the most fertile, have been expropriated unlawfully; water resources have been diverted, Palestinians have been driven from their lands or arbitrarily arrested in spite of the fact that the Security Council and the General Assembly have adopted many resolutions on the subject, the most recent of which, General Assembly resolution 33/113 B, calls upon Israel

"to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War"

and

"to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem" [General Assembly resolution 33/113 B].

64. The Israeli Government's response to these international legal instruments has been no better. The fourth Geneva Convention of 12 August 1949,<sup>1</sup> to which the State of Israel is a party, is an enlightening example in this connexion. In particular, article 49 stipulates that "the occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". In many resolutions the General Assembly has declared that the Geneva Convention applies to the occupied Arab territories.

65. Furthermore, cases of ill-treatment and torture inflicted by the occupying authorities on Palestinian political prisoners have become increasingly frequent. The information in chapter VI of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories<sup>4</sup> supports certain very definite conclusions in this connexion. Even more recently, articles in the press based on official documents of the United States State Department confirm that such cases of torture and inhuman treatment have indeed taken place in the occupied territories. All of this is part of a sinister pattern of numerous acts contrary to the United Nations Charter and the principles of international law.

66. It would be profoundly regrettable and a grave matter if the Security Council were again to fail to put an end

<sup>4</sup> A/33/356.

to these actions. It is high time that the Council took concrete and effective action to put an end to this policy of faits accomplis and these actions, which threaten international peace and security. In this connexion the President of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in a letter to the President of the Security Council, quite rightly pointed out that

“the need for concrete action by the Security Council is becoming increasingly urgent. It is especially so in view of the recent illegal measures taken by the Israeli Government for the establishment of Jewish settlements in the occupied Arab territories, measures which are scarcely conducive to a climate favouring the search for a peaceful solution in the region” [S/13164].

67. There is no need here to stress that the question of Palestine lies at the heart of the problem of the Middle East. Fulfilment of the inalienable national rights of the Palestinian people and the withdrawal of Israel from all occupied Arab territories is the only way of restoring peace and security. We all want peace, and the Palestinian people more than anyone—real peace, a peace that would restore their national rights and their right to live as a free people with all the peoples of the area.

68. The PRESIDENT: The next speaker is the representative of Romania. I invite him to take a place at the Council table and to make a statement.

69. Mr. MARINESCU (Romania) (*interpretation from French*): Mr. President, permit me to extend my sincere gratitude to you and to the other members of the Security Council for having given me the opportunity to address the Council on the important item it is considering. It is a particular pleasure for me to see you, Sir, presiding over this meeting of the Council, which is devoted to protecting legality and justice and promoting peace and security in the Middle East. Your devotion to the cause of the equality of peoples and respect for the dignity of the human person on the great African continent and elsewhere shows that the presidency of the Council for this month is in the best possible hands. It is also a great pleasure for me to take this opportunity to mention the excellent relations of co-operation and sincere friendship existing between your country and mine.

70. This is not the first time that the Security Council has been faced with an examination of the situation in the Arab territories occupied by Israel following the 1967 war, and if the Council finds itself obliged once again to deal with this grave problem it is because the situation prevailing in these territories, far from having improved, has in fact continued to be a subject of the most serious concern.

71. As we know very well, pursuant to the Charter of the United Nations and the generally recognized norms of international law, the acquisition of territory by force is inadmissible, and all territories thus occupied must be restored to the peoples to which they legally belong. This is precisely the case with the territories occupied by Israel since 1967. The resolutions of the General Assembly and the Security Council that have laid down the fundamental

principles for a just and lasting settlement in the Middle East and ways and means of bringing it about provide for the clear-cut obligation of Israel to withdraw from all the Arab territories it occupies.

72. Of course, the tension persisting in the Middle East, which at any moment might lead to an aggravation of the conflict, can be explained by the prolonged occupation of the Arab territories and the refusal to recognize the aspirations of the Palestinian people and its legitimate right to self-determination. But the situation in the region can only deteriorate following the actions and measures taken by the Israeli authorities in these territories.

73. Romania has always considered acts and measures aimed at modifying the status of the occupied Arab territories as illegal, because in our view neither Israel nor any other party has the right to change the situation in these territories by force.

74. The creation and increase of settlements, the expropriation of land and the refusal to permit refugees to return to the occupied territories are obviously incompatible with obligations flowing from the Charter of the United Nations and international law. Those measures are entirely contrary to the provisions of the Geneva Convention relative to the Protection of Civilians in Time of War. In its consensus declaration of November 1976 [1969th meeting], the Security Council clearly reaffirmed that the provisions of that Convention are applicable to the Arab territories occupied by Israel since 1967 and called upon Israel to refrain from any measure liable to change the demographic composition or the geographical character of these territories. Romania, as a member of the Council at the time, gave its whole-hearted support to that consensus declaration in the conviction that such measures were incompatible with the objective of bringing about lasting peace in the Middle East.

75. We believe that the Israeli authorities must also respect the resolutions of the United Nations prohibiting any modification of the status of the city of Jerusalem. The decision to transfer governmental departments to the occupied Arab part of Jerusalem cannot be tolerated, because it conflicts with Security Council resolution 242 (1967) and with the provisions of other United Nations resolutions on Jerusalem. The Israeli authorities' intention of getting diplomatic missions transferred to Jerusalem might produce the same result.

76. In view of their illegal character, the continuance by Israel of these actions in the occupied territories is liable to aggravate the serious problems of the region and to give rise to further complications and contradictions. They can only lead to the creation of new obstacles to a political settlement of all the problems of the Middle East and can only have the worst effect on peace and security in that area.

77. In our view, the major interests of the establishment of peace in the Middle East and the creation among all States and peoples of the area of new relations of friendly co-operation, mutual respect and good-neighbourliness call for a reconsideration by Israel of its position and the

abandonment of all illegal measures and actions. That is the only way of bringing about a climate of confidence and, consequently, an over-all, just and lasting settlement in the region, with the participation of all the parties concerned.

78. In expressing its views on the situation in the occupied Arab territories, the Romanian delegation, at the same time, believes that respect for the status of those territories should certainly not become an end in itself. Foreign occupation, carried out in any conditions whatsoever, is none the less of itself a *de facto* situation which is illegal, unjust and contrary to fundamental principles of the Charter. That is why we are more than ever convinced that the attainment of an over-all settlement of the Middle East conflict should remain the central objective of the United Nations in the area. Such a settlement should lead to the restoration of legality through the withdrawal of Israel and the restoration of the occupied territories to the peoples to which they rightly belong.

79. At the same time, we consider the solution to the problem of the Palestinian people—the exercise of its inalienable right to self-determination, the creation of its national State—as an essential prerequisite for the establishment of a just and lasting peace in the area. Such a solution would be in the interest of the independence, security and tranquillity of all States of the area, including Israel, which should understand that its own security and tranquillity are inseparably bound up with recognition of the legitimate aspirations of the Palestinian people to live in total freedom in its own independent State.

80. I should like to recall that Romania has always demonstrated constant concern for a solution of conflicts and states of tension throughout the world exclusively by political means. On the basis of this position of principle we have constantly favoured a peaceful, negotiated settlement of the Middle East problems as the only genuine approach to the establishment of peace in the area. Ever since the outbreak of war in 1967, my country has believed that the only means of settling the particularly complex problems of the Middle East lay not in the continuation of armed conflict, but rather in negotiations among the parties directly concerned. In this context, Romania has always favoured a comprehensive solution to the problems of the area on the basis of three fundamental elements: Israel's withdrawal from the Arab territories occupied following the 1967 war; solution of the problem of the Palestinian people by the recognition of its right to self-determination, including its legitimate right to establish its own independent State; and the ensuring of the independence and territorial integrity of all States in the Middle East.

81. The events which have occurred over the last few years have served to strengthen our conviction that only a settlement of this kind can ensure all States and peoples of the region the peace, justice and security which they have been seeking for so long.

82. As I have just said, an over-all solution to the problems of the Middle East can only be brought about by negotiations in which all interested parties should partici-

pate. Since the Palestinian problem is one of the cardinal elements, the touchstone, even, of the future edifice of peace in the region, it is naturally indispensable for the Palestinian people, through its legitimate, authentic and recognized representative, the Palestine Liberation Organization, to take part in negotiations designed to find a just solution to this problem. Within this context, the participation of the Palestinian people in negotiations is essential for the establishment in the Middle East of a climate of peace and for ensuring the territorial integrity, independence, sovereignty, security and tranquillity of all the States in that part of the world.

83. In the view of the Romanian delegation, at the present time it is more necessary than ever to continue and intensify the efforts aimed at bringing about an over-all political solution to the Middle East problems and to work for the creation of favourable conditions for the participation of all interested parties in peace negotiations. In this, we attach particular importance to the question of the resumption of the Geneva Conference or the convening of a new international meeting which would take place with the participation of all interested parties, including the Palestine Liberation Organization. Such a conference should be held under the aegis and with the active participation of the United Nations.

84. We hope that this debate in the Council will be followed by other sustained and constructive efforts for the purpose of achieving, without further delay, substantial progress towards a comprehensive, just and lasting settlement of the Middle East problems.

85. The PRESIDENT: The next speaker is the representative of Democratic Kampuchea, whom I invite to take a place at the Council table and to make his statement.

86. Mr. THIOUNN PRASITH (Democratic Kampuchea) (*interpretation from French*): First of all, I should like to thank the Security Council for having been good enough to allow me to take the floor to reiterate the position of the Government of Democratic Kampuchea with regard to the situation in the occupied Arab territories.

87. The problem of Palestine and the Middle East is certainly the issue which has taken up most of the United Nations time, both in the General Assembly and its committees and in the Security Council. Numerous resolutions have been adopted with a view to resolving this problem created and maintained by Israel's constant aggression against Palestine and the Arab countries.

88. It is clear that, if so far the problem has defied solution and peace has not been achieved in the Middle East, it is because Israel not only is trampling underfoot the principles of the Charter of the United Nations and refusing to implement all the relevant resolutions of the General Assembly and the Security Council, but is also trying to find all the measures it can to bring about the final annexation of Palestinian territory and the Arab territories it has occupied by force in defiance of the unanimous condemnation of the international community.

89. Everyone knows that the people of Kampuchea and the Government of Democratic Kampuchea have always sympathized with the valiant and just struggle of the Palestinian people and the other Arab peoples against the constant aggression of Israel. With all our modest resources and capacities we will support that struggle until the Palestinian people, together with the Palestine Liberation Organization as its only representative, is able to exercise fully its legitimate and inalienable rights to return to its home and exercise its right to decide its own future, its right to independence and national sovereignty, and particularly its right to create a Palestinian State on Palestinian soil. Similarly, the people of Kampuchea and the Government of Democratic Kampuchea will always support in the same way the just struggle of all the peoples of other Arab countries to recover all their territory occupied by Israel since 1967.

90. We have always thought that the problem of the Middle East could not be solved unless the Palestinian problem, which lies at its root, is also solved. We continue to believe that no just and lasting peace can be established in the Middle East without the withdrawal of Israel from all the Arab territories occupied since 1967.

91. The firm and constant solidarity of the people of Kampuchea with the just struggle of the Palestinian people and the other Arab peoples is based on the sacred principles of non-alignment and the Charter of the United Nations, scrupulous respect for the independence, sovereignty and territorial integrity of all States, non-intervention in the internal affairs of other States, the right of each people to decide on its own destiny and that of its country, total opposition to the policy of force and fait accompli and also respect for the principles governing international relations. It is on the basis of those principles that Democratic Kampuchea, a founding member of the non-aligned movement, has always given its firm support to all relevant resolutions adopted by the conferences of non-aligned countries, particularly the summit conferences at Belgrade and Colombo and the Foreign Ministers' Conference at Belgrade in July 1978 on the problems of Palestine and the Middle East. However, the solidarity of the people of Kampuchea with the Palestinian people and the other Arab peoples is particularly firm and unwavering because they have in common both the causes and objectives of their struggle.

92. The clear and detailed statements of the representatives of the Palestine Liberation Organization, Jordan and other Arab and non-aligned countries have strengthened our feeling that the struggle of the Palestinian people and the other Arab peoples is one common struggle with that of the Kampuchean people against foreign occupation and invasion. The crimes committed by Israel in seeking to annihilate the Palestinian people and the measures taken by Israel with a view to legalizing its annexation of Jerusalem and other occupied Arab territories are similar to the crimes committed against the people of Kampuchea and the measures taken by the invaders which are at present occupying Kampuchea. Just like the Palestinian people, the people of Kampuchea are struggling to ensure and guarantee their own survival. That is why the people of Kampuchea profoundly understand the

struggle of the Palestinian people and the other Arab peoples and feels most deeply as a first-hand witness the indescribable sufferings and pain of the Palestinian Arab peoples, because we have endured and continue to endure ourselves the same sufferings and distress caused by the monstrous crimes of Israel's twin in South-East Asia. This indicates how much the people of Kampuchea are fully identified with the struggle of the Palestinian Arab peoples in wishing to drive out the Israeli occupiers and recover their independence, sovereignty and territorial integrity. It is the same struggle against annexationists and devourers of territory.

93. My delegation will associate itself with all relevant measures to be taken by the Security Council, with the consent of the Palestine Liberation Organization and the other Arab countries, with a view to preventing Israel from continuing its policy of aggression and annexation and to permit the Palestinian people to exercise their fundamental national rights and the Arab countries to recover all their territory occupied by Israel since 1967.

94. However that may be, the people of Kampuchea and the Government of Democratic Kampuchea remain convinced that by persevering in the heroic struggle and with the firm support of all peoples which love peace, independence and justice, the struggle of the Palestinians and other Arab peoples will triumph over Israeli aggression.

95. The PRESIDENT: The next speaker is the representative of Israel on whom I now call.

96. Mr. BLUM (Israel): This debate it appears is now nearing its close. While our deliberations were taking place, another serious and intensive effort was under way in the Middle East. We have had before us at one and the same time two very different approaches to issues of the same conflict.

97. On the one hand, there has been dialogue, a willingness to listen, to recognize the rights and interests of both sides and to search for mutual accommodation. A genuine effort was made by all the participants to establish the facts and identify the problems in order to arrive at an agreed solution. No effort was spared by statesmen of world stature, who bear enormous burdens and responsibilities, to try to understand the views and concerns of the other side. And only having done that could they achieve what has been achieved.

98. On the other hand, here in the Council, Israel's rights and interests have once again been ignored from the outset. Too many members of the Council have been prepared, if not eager, to accept uncritically the totally distorted presentation of the situation by countries at war with Israel and their allies. Predetermined positions were brought into play and a helping hand given to an initiative clearly designed to subvert the only constructive peace process to date. The results will be commensurate with these circumstances.

99. The world—I dare say the whole world—followed the first process intently. This debate went by unnoticed. Anyone concerned for the future of the United Nations is bound to ask why.

100. For the Security Council to regain some of its resonance, its deliberations must be conducted in an atmosphere of moral, political and intellectual integrity. They must also be conducted in accordance with the Council's rules of procedure. The Council is not a court of justice. Still less are Council members prosecutors, judges, jurors and witnesses rolled into one. However, members will forgive me if I observe that that is how some of them tend to act.

101. One has attempted to juggle the posture of impartial adjudication with his true role as the mouthpiece for the Arab group in the Security Council. He has denied that role on previous occasions and claimed that he comes not as a partisan of Arabs but as a champion and partisan of the Charter. As a self-styled partisan of the Charter he should know that, as a party to a dispute, he should refrain from voting on any matters connected with that dispute—unless, of course, he can assure us that he is no longer a party to the Arab-Israeli dispute. After all, Article 27 (3) of the Charter provides that in decisions of the Security Council under Chapter VI, "a party to a dispute shall abstain from voting".

102. The Government of Kuwait spares no effort to show that it does not lag behind any other Arab Government in its active militancy against Israel. None the less, it is their representative who sponsored a resolution for the Council to adopt and who commended his product to Council members. To say the very least, this procedure throws moral and legal doubts on the whole process.

103. Some of those States—and particularly non-members of the Council—which have volunteered "evidence", as it were, in this debate have been discomfited when their credentials and *bona fides* have been challenged. They have protested vociferously against what they call tactics designed to divert or mislead the Council. Surely they must realize that, if this were a real court, their testimony would not stand up or even be admitted. Most of those who have participated in this debate would be dismissed as hostile witnesses. And the mere repetition of false allegations in parrot fashion does not prove anything.

104. I have referred to intellectual integrity. The latest meetings of the Council have provided us with two further examples of what I have in mind.

105. Last Friday [2128th meeting], the representative of the German Republic—which so incongruously calls itself "democratic"—made a long, petulant statement in response to remarks I had made the previous day [2127th meeting]. He based his reply on the assertion that I had claimed that his country is a country without a Jewish population. I did not say that at all, and I suggest that he check the record. I might add today that the presence of a handful of Jews in East Germany, the frail remnants of what had for centuries been a strong and vibrant community, in no way detracts from what I had to say about his country.

106. Last Thursday [*ibid.*], the representative of Yemen quoted at us a passage from a letter written in 1899 which, presumably, he thought would win the Council over to his

view. The letter was indeed written on 1 March 1899 by Yusuf Al-Khalidi, an Arab notable from Jerusalem, who in his time had been mayor of the city and also one of its deputies in the Ottoman Parliament under Abdul Hamid. It was addressed to the then Chief Rabbi of France, Zadok Kahn, a colleague and supporter of Theodor Herzl. As usual, the representative of Yemen was highly selective in his quotation. In order not to spoil the picture so meticulously contrived by the combined efforts of more than a dozen collaborators in this debate—including, of all countries, Democratic Kampuchea—he withheld from the Council the following passage from the same letter: "Who can challenge the rights of the Jews on Palestine? Good Lord, historically it is really your country!"

107. I have mentioned in passing the appearance in this debate of Democratic Kampuchea. We have indeed noted this appearance with relief and satisfaction. We were intrigued at the absence thus far of Democratic Kampuchea from this debate, for the star-studded galaxy of participants from enlightened régimes would not have been complete without it. I am tempted to comment that this is a case of Pol Pot painting the kettle black.

108. But those are minor matters. It is a far graver crime against the integrity of the Council when the initiator of a debate is prepared to litter his statements with what I shall again, out of courtesy to him, call "gross inaccuracies". When the representative of Jordan is prepared to claim time and again that Jerusalem today is 20 per cent of Judaea and Samaria, while in fact it is less than 2 per cent; when he is prepared to say that the mosques and churches of Jerusalem are closed, while everyone knows that they are open; when he is prepared to say that the inhabitants of Judaea and Samaria are cut off from their Arab brethren, while they have enjoyed freedom of movement in all directions and are streaming—into his own country—across the two bridges of the Jordan, which have been open virtually since the end of the six-day war of 1967; when he is prepared to rewrite contemporary history, like the circumstances in which his country entered the six-day war or what the Arabs did in Palestine in the days immediately after the adoption of the General Assembly resolution of 29 November 1947, facts which are common knowledge and not hidden away in obscure archives—when all this is the case, what credibility can be placed on anything he says? It is a further affront to the Council's intelligence when other representatives claim to accept the Jordanian representative's so-called "facts" and regurgitate them as gospel.

109. We have been accused of not addressing ourselves to the issues. But I submit that it is our detractors who have not listened, and it is they who have avoided the root-cause of the Arab-Israeli conflict, namely, the 30-year-old Arab refusal to recognize Israel's right to exist. As I said at the beginning of this debate, it is they who have been selective in choosing the issues, the aspects they preferred to have discussed and the timing of the discussions. We addressed ourselves to all the issues at some length on Tuesday, 13 March [2125th meeting] and in our subsequent interventions.

<sup>3</sup> Quoted in French by the speaker.

110. We refuted the allegation that Judaea, Samaria and the Gaza district are being depopulated by pointing out that the population of those areas has risen by about 20 per cent, from 965,000 in 1967 to approximately 1,150,000 today.

111. We refuted the allegation that the areas were being "de-Arabized" by reminding the Council that Arab and Moslem institutions, educational, cultural and religious, as well as communal organizations, press and arts, not only continue to function and to maintain their identity but have in fact substantially grown since 1967.

112. We refuted the allegation that the inhabitants of the areas are being exploited economically by detailing some of the remarkable economic progress which has been made since 1967.

113. We refuted the allegation that human rights have been trampled on by underscoring many of the fundamental freedoms enjoyed, in some cases for the first time ever, by local Arabs, freedoms unfortunately not enjoyed by the citizens of the overwhelming majority of our detractors in this debate.

114. And we refuted the racist charge that Israel is "Judaizing" the Holy City of Jerusalem—unless that means that Israel has transformed the inaccessible, stagnant section of the city under Jordanian occupation between 1948 and 1967—into an integral part of a vibrant city, in which there is complete freedom of access and complete freedom of religion and worship for the believers of all faiths, where all Holy Places and historical sites are maintained with respect, dignity and in good repair.

115. We explained in detail why Israel has better title than do Jordan or Egypt in the territory of what was Palestine, including the whole of Jerusalem. We explained the right of Israelis to return to the areas in question and to set up communities there. And we explained why these communities are not an obstacle to peace.

116. There is no need for me to repeat our positions on these issues, but I should like to say something about the question of water, because that highly emotive issue has been exploited in this debate.

117. First, a few plain facts about the water problems of Judaea and Samaria. The reality is that the untapped water resources in these areas are meagre. The rainy season is relatively short and only a small portion of that water can physically be captured and used for irrigation. The wells and springs of the region are not abundant. They cannot be over-exploited lest they reach too high a degree of salinity. Such over-use can create an irreversible deterioration. Political considerations aside, any governing authority in the region must be aware of these facts. Under Jordanian occupation, less than 1.5 per cent of the nearly 4,000 square kilometres which are potentially arable, were irrigated. Indeed, the gross exaggeration by the Jordanian representative of the available quantity of water is completely at variance with his Government's sound hydrological policies before 1967 of avoiding over-

use by tightly controlling the drilling of new wells and the exploitation of springs. Israel has maintained this policy, as befits a nation that has made pioneering progress in the field of water conservation and irrigation science and whose experts are invited by many countries to help to make the desert bloom.

118. No political rhetoric here can belie facts which are clearly demonstrable on the ground. The area of irrigated land cultivated by the Arab population of Judaea and Samaria has increased by 160 per cent since 1967. Improved drilling and pumping installations have assured the Arab inhabitants of a more stable and regulated flow of water, which has been a major contributing factor to the spectacular agricultural progress of the past decade. The supply of drinking water has tripled. In many Arab villages no longer does water need to be hand-carried from wells, for running water has now been brought to households.

119. It is nonsense to suggest that Israel has "plundered" the water resources in Judaea and Samaria. Altogether the available water supply in those areas is about 100 million cubic metres a year. Israel's annual requirements are in the region of 1,700 million cubic metres a year. Indeed when shortfalls occur in Arab towns in the areas in question, they are supplied from Israeli sources.

120. And if there has been an unwillingness to hear our arguments, still more has there been a reluctance to consider them. When, for example, Israel is on the record with a well-defined legal position with regard to the inapplicability of the fourth Geneva Convention of 1949—and I refer members, for example, to the statement to the General Assembly made by my predecessor on 26 October 1977<sup>6</sup>—then it is not enough for members to reject it out of hand, as has been done in most cases here. Differences of opinion are legitimate, and they deserve serious consideration.

121. Suffice it for me to say here that the terms "occupying Power" and "occupied territory", in fact have a well-defined meaning in international law and refer to the seizure by one Power of territory under the sovereignty of another Power. Since, for the reasons I set out at great length on 13 March, Jordan in no way constituted a legitimate sovereign in Judaea and Samaria, the fourth Geneva Convention cannot be said to apply to Israel's present administration of Judaea, Samaria and the Gaza district.

122. Furthermore, even if the laws of belligerent occupation were for some reason applicable here, it would have to be pointed out that article 49 of the fourth Geneva Convention bans forcible transfers, not voluntary acts of individuals taking up residence in the areas under consideration. Moreover, it must also be remembered that article 49 of the Convention was written in the wake of the mass expulsion from their lands of population groups by the Nazis, in order to make room for the settlement of Germans in those areas, in place of the original inhabitants. As the leading treatise, Oppenheim-Lauterpacht's

<sup>6</sup> *Official Records of the General Assembly, Thirty-second Session, Plenary Meetings, 47th meeting.*

*International Law*, states, the provision contained in article 49 of the Geneva Convention is:

“a prohibition intended to cover cases of the occupant bringing in its nationals for the purpose of displacing the population of the occupied territory”.<sup>7</sup>

I repeat—“for the purpose of displacing the population of the occupied territory”. However, no Arab inhabitants have been displaced by the establishment of the villages in question. Thus, for this reason too, article 49 of the Convention does not apply here.

123. In addition, consideration should be given to the fact that Israel not only applies the principles of the fourth Geneva Convention, but goes significantly beyond them. The Geneva Convention, for example, allows for the application of capital punishment. Israel has never applied the death penalty in the territories in question, despite some atrocious crimes committed there. The Geneva Convention does not provide for access by local populations to courts of the administering Power. Israel allows the people in these territories to have access to Israeli courts, whether the cases are against individuals, against the Government of Israel or against any of its officials, including military officers in these regions.

124. There is no provision in the Geneva Convention requiring that movement of the local population outside the territories be facilitated. Israel facilitates such movement in both directions, including movement to the Arab countries which regard themselves as being in a state of war with Israel. In particular, it facilitates pilgrimages to Mecca. The Geneva Convention says nothing about trade abroad by the territories in question. Israel facilitates such trade, including trade with Arab countries.

125. The Geneva Convention accepts the jurisdiction of military tribunals of the administering Power. Israel goes further than that and requires that the presidents of those tribunals should have been lawyers for at least six years and that they should be members of the Bar and fully qualified. Similarly, the civil and religious tribunals, made up of local judges, continue to function in these regions, applying civil and religious laws that were already in force.

126. The Geneva Convention makes no provision for elections. Under the Israeli administration free and democratic elections have been held twice for the municipal and local councils, and in 1976 women were allowed to participate in them for the first time.

127. Finally, we believe that some minimal degree of dignity must be preserved in our deliberations. We have had no hesitation in challenging the credibility of the Jordanian representative and the credentials of several of the speakers in this debate, but never have we stooped to the crudities of language and thought which the Jordanian representative has exhibited here.

128. In my statement on Monday, 12 March [2124th meeting], I commented briefly on his repeated reference to

<sup>7</sup>L. Oppenheim, *International Law: A Treatise*, 7th ed., H. Lauterpacht, ed. (London, New York and Toronto, Longman's, Green and Co., 1952), vol. II, p. 452.

my people as “vampires”, “vultures”, “malignant, out of control cancerous cells”, “bubonic plague” and similar terms of phrase taken directly from the Nazi vocabulary. Last Friday [2128th meeting], however, he sank to new depths and dredged up the foulest calumnies in the poisonous arsenal of anti-Semitism. As if he were reading straight out of the *Protocols of the Elders of Zion*, that notorious anti-Semitic forgery from the end of the nineteenth century which still enjoys popularity in the Arab world today, he conjured up, *inter alia*, false images of a Jewish cabal controlling the world's finances and politics. Those are loathesome and vicious notions, and the world has paid bitterly for their dissemination.

129. As I pointed out at the beginning of this statement, while our deliberations were taking place another serious and intensive effort was under way in the Middle East. The Council has a choice. As the organ entrusted under the Charter with the primary responsibility for the maintenance of international peace and security, it can recognize that for the first time in 30 years a constructive approach, on the basis of Security Council resolution 242 (1967), is being pursued towards solving the Arab-Israeli conflict and bringing peace to our war-torn region. The Council can resist attempts, such as the present one, to manipulate it and it can allow the success of the ongoing peace process—where all the issues will find their rightful place and appropriate solution. Alternatively, the Council can continue to give way to the opponents of peace. It can go on engaging in shadow-boxing. But then it should be aware that, in doing so, it will only relegate itself to irrelevance.

130. The PRESIDENT: I call on the representative of Jordan on a point of order.

131. Mr. NUSEIBEH (Jordan): The representative of Israel has stated that the debate in the Security Council has gone completely unnoticed. That did not of course surprise me at all because the answer is simple: the media are a captive of Zionist manipulation. It is noteworthy that a prestigious newspaper, *The New York Times*, with the motto “All the News That's Fit to Print” on page 1, did not see fit even to mention that there was a meeting of the Council, even though it did print that there was going to be a Trusteeship Council meeting, as well as a Security Council meeting on another subject. Not a word was printed about what went on, not even a few lines. I need hardly tell the Council that, with this massive cover-up, there should be no reflection on the supremacy, integrity and ultimate executive powers of the Council on behalf of humanity.

132. The second point made by the representative of Israel was that my information was incorrect. Very well, if that is what he believes about it why does he not have the courage to prove me wrong by accepting a neutral commission made up of members of the Security Council, all of whom are men of integrity? We are willing to have all those members, friends of Israel, go and see for themselves and prove who is right and who is wrong. There is hardly any courage at all in trying to deceive the Council by the kind of distortions and falsehoods to which we have been subjected.

133. With regard to the human rights issue, I very much regret that I did not bring with me a very, very thick file on the despicable torture of thousands of Palestinians, young men and women, which is unequalled anywhere. I think that I did read a long statement about those tortures in almost every city, every location, in Israel which has a notorious prison. I mentioned their names, the number of inmates and the methods of torture used on those young boys and girls who have been languishing there for 11 years, many of whom will never emerge unscathed as a result of the treatment and torture to which they have been subjected.

134. The representative of Israel has raised a very, very interesting question: To whom does Palestine belong? I think I would advise him to read a few reputable books about Palestine, and those books will tell him to whom Palestine belongs. It belongs to its indigenous people who have been living there for literally 8,000 years. In Jericho alone eight layers of cities, coterminous with 8,000 years, have already been uncovered. They were Palestinians, indigenous inhabitants of the land. I do not have to go beyond that, but Palestine belongs to the Palestinians, not to the people who are being imported from all over the world.

135. Yesterday I was amused to see on television that the people who are sorry to leave Yamit, that settlement in Sinai, happen to be Americans. Will the representative of Israel tell me that Americans are the indigenous inhabitants of Palestine? One of them is sorry that he is going to lose his little grocery, a little business, there—even though it is built on Egyptian soil.

136. The representative of Israel has once again said that "We have made the desert bloom"—this fraudulent statement which has been made repeatedly since the inception of Zionism. I ask: what desert? We know the geography of Palestine. There are areas with a rainfall of up to 900 millimetres every year. From the year 1700 onwards, these areas were among the most productive growers of cotton in the world. Great countries like France, England and Holland—whose industrial revolution was based on the textile industry—vied for the produce of these areas. They have always been perennially green; they have never been a desert. That applies to the West Bank as well. The only desert that we had in Palestine was the Negev—and the Negev is still largely a desert, except for a small area around Beersheba. Israel stole the water of the watershed of Syria from its basin and transported it to the area of the Negev around Beersheba, which has no entitlement to that water whatsoever.

137. One can say anything one wishes to about the Palestinians, but this is a fact: they are the best farmers in the world. Incidentally, the drip irrigation system that Israel introduced has proved to be a complete failure. It is now being dumped by the Israelis. Some persons on the East Bank of the Jordan have been the victims of this faulty, fraudulent system.

138. In reference to the question of water, the representative of Israel said that water is now going regularly in pipelines to Jerusalem. I would have expected him to

apologize to the Council for the fact that his Government has deprived the Palestinian citizens of Jerusalem of their natural water resource at Ras el-Ein and in the twin Arab cities of Ramleh and Lydda, in the plains of Palestine. The Israelis cut off this water supply when they expelled, literally by force, a quarter of a million Palestinian men, women and children, across the mountains. I still remember that Mustafa Al-Khalidi, the mayor of Ramleh—a man in his seventies or eighties—had to walk for three or four days across those mountains, without water or food. He died shortly thereafter.

139. This is water to which the Palestinians of Jerusalem are entitled. If the Israelis have reconnected that water, the fact is that it should never have been severed in the first place from the people who legitimately own it.

140. The representative of Israel talked about sovereignty. The question of sovereignty is very, very interesting. I want to enlighten him on the matter of where sovereignty lies.

141. Under international law, residual and ultimate sovereignty lies in the Palestinian people, the people who have lived uninterruptedly in the land for thousands of years. That is the ultimate sovereignty over the territory.

142. The second level of sovereignty, according to the United Nations, is inscribed in General Assembly resolution 181(II) and 194(III), adopted in 1947 and 1948 respectively, which partitioned Palestine and which would have given to the Palestinians far larger amounts of territory than the Israelis have usurped by force, by terror, by their military machine. This is the only sovereignty recognized by the United Nations. I maintain—and I am sure I shall be supported in this by every representative in this chamber—that even resolutions 242 (1967) and 338 (1973) in no way invalidate the basic, ultimate sovereignty; they in no way change the situation regarding which land belongs to whom. The Security Council resolutions did not drop from the clear blue sky. They did not abrogate the older resolutions, which are on the books and which are reconfirmed every year. In the resolutions by which Member States allocate funds to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the very first reference is to resolution 194 (III), which provides that every Palestinian refugee and displaced person has the right to go back to his home.

143. The third layer of sovereignty relates to the unity created between the West Bank and the East Bank. As I believe I have already mentioned, when that unity was achieved in 1950 it provided specifically that the brethren on the two banks of the River Jordan would work together towards the restoration of the legitimate and inalienable rights of the Palestinian people. It was provided that this unity, which came in the wake of one of the freest elections that I know of, would remain until we started talking about solving the Palestine problem—and we seem now to be coming to the point where we are talking about the Palestine problem. So, as far as international law is concerned, within the context of that unity—where the seats in Parliament, the posts in the

Cabinet and everything else were shared equally—sovereignty resided in the people on both sides of the River Jordan. Under international law, when Israel occupied the West Bank in 1967, it occupied a sovereign, united State: the Hashemite Kingdom of Jordan. Of course, there was the proviso, enacted in Parliament, that the unity that had been effected did not in any way prejudice the ultimate and just solution of the Palestine problem.

144. It seems that the piecemeal peace is at hand. Never in history have efforts to achieve peace been viewed with so much apprehension by so many. This is not because those who are not involved in the present bilateral efforts towards a treaty are not interested in peace. On the contrary: their desire for a just and lasting peace is even greater. They know, however, that there can be no short cut to peace. They know that if peace is to be genuine the defence for it must first be constructed in the minds of men. They know that no treaty, however carefully drafted, can guarantee peace if the parties concerned do not tangibly demonstrate to all concerned the necessary good faith.

145. Israeli practices in the occupied territories, carried out in defiance of world opinion, with which we have been seized for almost 10 days, clearly show that its peace efforts are yet another exercise in *realpolitik*. The broad framework resulting from the Camp David accord, full of ambiguity as it is, does not address the main issues, which inevitably should serve as the corner-stone of any peace effort.

146. Yes, the 4 million Palestinian people are the core of the problem, and not Sinai. The fact that out of the four front-line States facing Israel three did not at all, at any stage, participate in the effort, even though they had for one whole decade been doing their utmost to achieve a just, lasting and comprehensive peace, is in itself an eloquent comment on the inadequacy and the fragility of the Camp David arrangement. On the other hand, paradoxically, the three States involved in the proposed peace treaty have spent a lot of time and effort in discussing, *inter alia*, the position of the West Bank and the Gaza Strip, to which none of them has or can have a legal claim.

147. As I have said, we are now seized with the real thing, with the Palestine problem, even though legally up to this moment the West Bank is an occupied territory, as are the Golan Heights and Sinai.

148. Nor have the Palestinian people, whether inside the occupied territories or outside them, been consulted or involved in the process, although they are the core of the problem. As far as Jordan is concerned, it goes without saying that it has the biggest national stake in any peace effort. Its total and constant devotion to the cause of peace needs no explanation. Through the years Jordan has steadfastly stood by the three main elements which it considers essential: first, total withdrawal of Israel from the Arab territories occupied in June 1967; secondly, the right to self-determination under conditions of free choice for the Palestinian people, who are at the centre of the Middle East conflict, and, of course, their inalienable

right to set up their own State and to restore their legitimate rights, their land, and their homes; and, thirdly, the right of all States in the area to live in peace with, if necessary, guarantees of security to all Parties.

149. Jordan's reluctance to join in the peace efforts following Camp David is based not only on its conviction that the peace settlement should be comprehensive and should embrace all aspects of the conflict but also on a careful analysis of Israel's motives and practices in the occupied territories, which Jordan does not find conducive to a just and durable peace. That is the reason why Jordan initiated action in the Security Council—so that focal attention could be given and adequate action taken by the United Nations in this respect. The Council is discussing the question of Israeli settlements in the occupied territories with particular reference to the motives underlying Israel's actions in this regard and the pivotal significance of some West Bank resources to Israel, resources which play an important role in Israel's calculations. It is not security. I will come to what I am talking about.

150. As far as the peace efforts are concerned, it should be noted that any settlements established during a military occupation are in violation of the Geneva Convention relating to the Protection of Civilian Persons in Time of War. It is already a violation of that Convention when the representative of Israel talks about the West Bank as Judaea and Samaria. Why does he not talk about Jaffa, Haifa, Zefat, Acre, and Nazareth, and all the other Palestinian land taken over in 1947 and 1948? Even Om el-Rashrash, which is now called Elath, was seized after the General Armistice Agreement of 1949. It is the neighbour of Al-Aqabah.

151. It should, as I have said, be noted that any settlements established during a military occupation are in violation of the Geneva Convention relating to the Protection of Civilian Persons in Time of War. The United States Government has in the past consistently and fully supported this position, and has so declared publicly on many occasions. In defiance of international law and practice, and disregarding unanimous world opinion, Israel has continued to establish many more such settlements. It has continued to pursue its policy in this regard, even during the time it was actively engaged in the so-called peace negotiations, and they were concerned with Sinai and not with the sensitive issue of Palestinian rights. Sinai and other territories are an extra bonanza.

152. But this is really the issue. There are 79 Israeli settlements on the West Bank, with a budgeted plan for future expansion in 1979, which has already been published officially. The Israeli press talks about a range of 27 new settlements, many of which are earmarked to accommodate those who would be vacating Yamit. In particular, Israel has been concentrating satellite housing estates and little towns in and around Holy Jerusalem, sheltering some 76,000 persons. In the West Bank, of its total area of 550,000 hectares, some 148,866 hectares, or 37.1 per cent of the total area, have been confiscated by the Israeli authorities. The total area of settlement is, as I mentioned earlier, at present estimated to be 34,748 hectares. Mul-

tiplied that by 10, and it becomes the figure I mentioned earlier: 334,000 or 335,000 dunums. Likewise, the total population of the West Bank is estimated to be 673,000. Up to 1967 the population of the West Bank was somewhere between 800,000 and 900,000; if those people had remained in their homes there would now be 1.5 million. The Palestinians, as everybody knows, do multiply.

153. In 1978 there were already 90,147 Israeli settlers. In other words, Israeli settlers already constitute 13.4 per cent of the total population of the West Bank.

154. We are seeking here to have the international community, represented by its highest executive organ, halt the Israeli practices and policies of establishing these settlements, which seriously add to the existing impediments to peace, and to invite a Security Council fact-finding commission to go to the area. That is the least recompense the United Nations, which originally brought about the undoing of the Palestinians, owes the Palestinians—to go and see them, to talk to their mayors, to the villagers, to the people whose lands and water have been taken over. Let them go into the closed cells of the 30 or so notorious prisons in Israel, and they will find the facts for themselves. I am not asking the Council to take my word; all I am saying is: I challenge Israel to accept a commission from the Security Council. If my information is incorrect, well, let them prove me wrong.

155. What is significant in the Israeli policy is not only the establishment of these settlements as an impediment to peace, but also a whole gamut of administrative and related measures intended to diminish the influence of the Arab majority, the indigenous inhabitants, transforming them into malleable bantustan communities dependent on Israel. Ever since the occupation Israel has set out to reap what economic benefits it could from the resources of the West Bank. According to available 1977 figures, Israel took about 62 per cent of the West Bank's exports and provided 90 per cent of its imports, while the East Bank provided a market for 37,000 of the West Bank's people to alleviate the suffering and compensate for the lost markets of our people under occupation.

156. The West Bank trade deficit with Israel is financed simply by its surplus with Jordan and by remittances of West Bank Palestinian workers abroad. The West Bank, under the present circumstances, offers Israeli industries an almost completely protected market, which results in the West Bankers paying higher prices for Israeli goods. How do you expect to have a prosperous economy when the rate of inflation is 40 or 50 or 60 per cent per annum? What kind of prosperity is that?

157. Thus, in short, the West Bank offers Israel a captive market totally dependent on developments in Israel, and incapable of standing on its own feet, with restrictive and oftentimes oppressive conditions under occupation. I am talking about the civilian sector, not the prisons, which are such a nauseating tale that I do not even like to mention them.

158. Job opportunities on the West Bank itself are on the decline; obliged to earn a living, West Bankers are

forced to seek employment in Israel. Israel is taking advantage of our 60,000 West Bank workers, at far lower wages than Israeli workers. Most of the confiscated land set aside for Israeli settlements has been the best agricultural land on the West Bank. For instance, 80 per cent of agricultural land on the West Bank of the Jordan valley has been confiscated for alleged military purposes. Water resources are being syphoned off to supply Israeli settlements with their water needs. While existing artesian wells have been tapped, the Arabs have been restricted, and no new wells are allowed to be drilled without prior permission. Almost all such Arab requests have been "pending"—of course they remain pending—while Israel so far has drilled scores of new artesian wells on the West Bank to meet the water needs of its settlements thereon, in addition to taking over substantial amounts of existing Palestinian water, springs and wells. Even the philanthropic project of Al-Mashru' al-Inshaai of Musa Alami, at Jericho, which had 20 wells and which is of international renown, with international figures, had 18 of its 20 wells destroyed. This has resulted in adjacent Arab wells being depleted and drying up, in many cases.

159. The hardship conditions for Palestinians in the West Bank created by the Israeli occupation authorities are best summed up by the accelerating change in the geographic, demographic, economic and, above all, the historical, cultural and religious legacy dramatized by the continuing tragedy in our Holy Jerusalem, which is far more precious to us than all the gold in the world. This has aggravated the internal haemorrhage of the occupied Arab territories. Apart from continued deportation of West Bankers since 1967, conditions in the West Bank forced, last year alone, some 122,000 persons to cross to the East Bank of Jordan. In 1968 I was Minister of Reconstruction in the Jordan Government, and we had to cater to almost 300,000 displaced persons from the West Bank and the Gaza Strip. And I am not talking about the 1,750,000 refugees who have been sleeping, literally, under the skies and on the ground for 30 years—for three decades—while the Israelis have been living in their furnished homes.

160. With increasing settlement of the West Bank by Israelis, one wonders what would stop Israel from forcing more and more Arabs out of the West Bank, in its various devious ways, in the event of the proposed bilateral peace treaty taking effect. Such an exodus would further swell the ranks of the hundreds of thousands of embittered refugees, embodying the contradiction that Israel presents and claims, of fearing radicalism, while Israel itself is creating and exporting that very brand of bitterness that it claims to fear.

161. There is a fundamental conceptual difference between the so-called autonomy on the West Bank established on the ground to achieve a *fait accompli* and the *status quo* and the implementation of resolutions 242 (1967) and 338 (1973), in addition, of course, to the previous resolutions relative to the *status quo ante*. The accords and the proposed peace treaty have not halted the major changes in the occupied territories, nor will the ensuing period redress the facts created by the occupation. The purported autonomy envisaged by the accord

process subjects the occupied territories to a clear separation of the Palestinian people, their rights and their political future, from the land, from their links to the land and its resources, which can only in harmony represent the life, the vitality, of the West Bank. The incontrovertible fact today is that the mood of the area is smitten with unprecedented doubts and fears about the future and stability of the Middle East in consequence of the planned dumping

and eventual obliteration of the Palestinian people. This criminal plan will not succeed, but it is the Israeli official plan all the same.

162. I should have liked to go much further, but I know that the hour is late and I apologize for speaking at length.

*The meeting rose at 6.50 p.m.*



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