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2319th MEETING

Held in New York on Thursday, 17 December 1981, at 3.30 p.m.

President: Mr. Olara A. OTUNNU (Uganda).

Present: The representatives of the following States: China, France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Provisional agenda (S/Agenda/2319)

1. Adoption of the agenda
2. The situation in the occupied Arab territories:
Letter dated 14 December 1981 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/14791).

The meeting was called to order at 7.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the occupied Arab territories:

Letter dated 14 December 1981 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/14791)

1. The PRESIDENT: In accordance with the decisions taken from the 2316th to the 2318th meeting of the Council, I shall invite the representatives of Israel and the Syrian Arab Republic to take places at the Council table and the representatives of Cuba, Egypt, India, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Pakistan, Romania, Saudi Arabia, Turkey, Viet Nam, Yugoslavia and Zaire to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. Blum (Israel) and Mr. El-Fattal (Syrian Arab Republic) took places at the Council table; Mr. Roa Kouri (Cuba), Mr. Abdel Meguid (Egypt), Mr. Krishnan (India), Mr. Abulhassan (Kuwait), Mr. Tu'eni (Lebanon), Mr. Muntasser (Libyan Arab Jamahiriya), Mr. Naik (Pakistan), Mr. Marinescu (Romania), Mr. Allagany (Saudi Arabia), Mr. Kirca (Turkey), Mr. Ha Van Lau (Viet Nam), Mr. Komatina (Yugoslavia) and Mr. Kamanda wa Kamanda (Zaire) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT: I should like to inform members of the Council that I have received letters from the representatives of Indonesia and Senegal in which they request to be invited to participate in the discussion of the item on the agenda. 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. Kamil (Indonesia) and Mr. Sarré (Senegal) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT: The first speaker is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

4. Mr. KAMIL (Indonesia): Mr. President, my delegation wishes at the outset to congratulate you on your assumption of the presidency of the Security Council and to express its confidence in your skill and tact, which have already been displayed from the beginning of your presidency and which will materially contribute to the successful conclusion of our deliberations. May I also present my delegation's felicitations to the previous President, my brother Taieb Slim of Tunisia.

5. My delegation is grateful to you and the members of the Council for giving us the opportunity to participate in the debate on a matter of serious concern to all Member States, namely, Israel's unilateral annexation of Syrian territory—the Golan Heights.

6. The international community was shocked to learn of Israel's decision to impose its law on yet another of the occupied Arab territories earlier this week. This illegal and unilateral act of annexing the territory of a neighbouring State constitutes a threat to international peace and security of the highest magnitude and is a violation of one of the most fundamental tenets of the Charter of the United Nations, the prohibition of the acquisition of territory by force, as well as a number of other international conventions.

7. The United Nations has previously, on numerous occasions, demanded Israel's withdrawal from all occupied territories and, in the case of the Golan Heights, their return to full Syrian sovereignty. It is therefore not only appropriate but also incumbent upon the Council to take up this latest act of expansion

on the part of Israel. Previously, the latter has illegally annexed Jerusalem and declared it its eternal capital. It has established and consolidated its settlements throughout the occupied territories, in contravention of the fourth Geneva Convention of 1949,¹ and has pursued policies of repression and intimidation. Further, it has expanded military actions against neighbouring Arab countries. All of these measures, as has now become clear, constitute an annexation in pursuance of Israel's efforts to create its so-called Greater Israel from Arab territory it conquered by force.

8. Being fully aware of the underlying implications of the aforementioned Israeli policies in the region, the United Nations has consistently worked towards achieving a comprehensive and peaceful solution to the Middle East question, the basis of which has always been the unconditional return of the occupied territories to Arab sovereignty, as reflected in all the relevant resolutions of the Organization. Now, however, the international community, especially the Security Council, is confronted with an overt and unilateral declaration of territorial expansion by Israel, based on territorial acquisition through force at the expense and in violation of the territorial integrity of Syria and against the rules and norms of international law. This latest Israeli action is further proof that Israel is not interested in living in peace with its Arab neighbours.

9. It is well known that Syria has long been committed to seeking a peaceful and comprehensive solution to the conflict with Israel. Prompted by a sense of responsibility aimed at not exacerbating the situation, Syria has now appealed to the Council as a last resort. My delegation strongly believes that at this juncture it is appropriate for the United Nations to express its full support to Syria in its appeal to the Council.

10. As has been done by many previous speakers today, my delegation condemns the irresponsible and unwarranted action by Israel of annexing the Golan Heights. In this connection, I should like to quote the communiqué issued yesterday by the Government of Indonesia, which stated, *inter alia*:

"The annexation of the Golan Heights by Israel constitutes a flagrant violation of international law and Security Council resolution 242 (1967), which calls for Israel's withdrawal from all Arab territories occupied since 1967. This provocative act will undoubtedly escalate the already high level of tension in the Middle East and further endanger international peace and security."

11. My delegation believes that the Council fully realizes the gravity of the situation and will accordingly exercise its full powers as provided for in the Charter. It should declare Israel's annexation null and void and force it to rescind its decree of annexation of the Golan Heights. It has been demonstrated that a

grave violation of the Charter as well as of relevant United Nations resolutions has been committed and, under these circumstances, we hope that it will be possible for the Security Council to adopt the present draft resolution unanimously [S/14798].

12. The PRESIDENT: I now invite the representative of Senegal to take a seat at the Council table and to make his statement.

13. Mr. SARRÉ (Senegal) (*interpretation from French*): Mr. President, may I first express my thanks to the members of the Security Council for having been kind enough to allow my delegation to participate in the debate on an item which is a constant source of anxiety to the international community.

14. Mr. President, the speakers who have preceded me have paid a tribute to your eminent qualities as a consummate diplomat, well versed in international affairs. Since your accession to this overwhelming but very honourable office, you have proved these qualities which stand to the credit of Africa and, therefore, I hope you will allow me, rather than congratulating you, which would hardly be fitting as I also belong to Africa, merely to share with you this evidence of my satisfaction. African virtues and values require it. These remarks are equally true of your predecessor, another son of Africa, Mr. Taieb Slim, who also distinguished himself as President last month.

15. My country, for reasons of principle, law and justice, must at the very least deplore the renewal of tension in the Middle East as a result of the Israeli decision to extend to the Golan Heights the laws currently applied in Israel. The facts are clear and I think my delegation hardly needs to review them here. Such a decision, one that has provoked the protests and reprobation of the international community, could well lead to the taking of retaliatory and even enforcement action and could jeopardize the steps being taken by the United Nations to arrive at a just, comprehensive and lasting solution to the question of the Middle East—the essential element of which, as is well known, is the question of Palestine—based on the pertinent resolutions of the Organization.

16. During the debate on the question of Palestine, as well as that on the situation in the Middle East, my delegation stressed the need to take into account certain factors that could contribute effectively to the peace process, and I am thinking in particular of the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which, in an objective manner, made recommendations that are still awaiting implementation by the Security Council. I should like to take this opportunity to appeal to all the parties concerned to restrain their ambitions and passions and to devote their imagination and creative energy to the restoration of peace and stability in that region. Realism and the sense of justice demand such an attitude. Any step towards a confron-

tation must be discouraged. For that reason, my delegation considers that the Council, whose principal task is to see to the maintenance of peace and security in the region, is duty-bound to take the necessary steps to render inoperative the decisions taken by Israel, decisions that my Government cannot condone.

17. What has just occurred in the Golan Heights gives rise to the following thought: the incapacity of the United Nations to ensure implementation of its resolutions seriously impairs the credibility of a system in which countries, small and weak ones in particular, place their entire trust; disillusionment could have serious consequences. It is for that reason that my delegation remains convinced that, as part of a renewal of trust, the Council will succeed in taking the steps necessary to bring about a return of peace in that region and to translate into facts and deeds the unanimous reprobation of the international community with regard to Israel's annexation of the Golan Heights, Syrian territory.

18. The PRESIDENT: I should now like to make a statement in my capacity as the representative of UGANDA.

19. All that needs to be said on this issue has been said better, and more elaborately, by delegations that have spoken earlier. This much, however, I must add.

20. The enactment last Monday by the Israel Knesset of Law No. 5742/1981, by which it was decreed that the laws, jurisdiction and administration of Israel were extended to apply to the Syrian Golan Heights, is clearly an act of annexation. That action is without any moral, political or legal justification. It is for that reason that it has been universally condemned and declared totally invalid by the international community.

21. Article 2, paragraph 4, of the Charter of the United Nations, in providing against the threat of or use of force against the territorial integrity of any State, does preclude any annexation of territories. The present act of annexation also contravenes other fundamental tenets of contemporary international law.

22. Under article 47 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949,¹ to which Israel is a party, an occupying Power is explicitly prohibited from depriving protected persons of the benefits of the Convention through the mechanism of annexation of part or the whole of an occupied territory. Furthermore, in article 55 of the Regulations annexed to the fourth Hague Convention of 1907,² which the Geneva Convention supplements, it is clearly stated that a belligerent occupant is only a temporary administrator of the territory it occupies. Such a belligerent occupant is prohibited from annexing, dividing or pursuing any act that may permanently affect the legal status of the occupied territory.

23. Israeli authorities have tried to confuse the issue before the Council by dwelling at length on what they call the "background to the conflict" and the so-called Syrian attitude towards Israel. None of this otherwise interesting background information comes close to providing any legitimate justification for the Israeli annexation of the Syrian Golan Heights. To be sure, the Israeli annexation of the Syrian Golan Heights must be understood in the context of a well-orchestrated programme of expansion, aggression and domination covering the whole of the Middle East. That programme has been manifested in the building of massive settlements in the occupied territories, in the ruthless repression of Palestinian and other Arab civilians living in those territories and in the constant acts of aggression against neighbouring Arab States.

24. Earlier this year, we witnessed the Israeli attack on the Iraqi nuclear research station and the massive bombardments of southern Lebanon and west Beirut.

25. The Council has a responsibility to send an unequivocal message to Israel, namely, that such acts of lawlessness are unacceptable and cannot, under any circumstances, be tolerated by the international community. My delegation therefore joins other delegations and the overwhelming weight of international public opinion in condemning Israel's annexation of the Syrian Golan Heights. We support the adoption of the draft resolution before the Council [*ibid.*], in which it is declared that Israeli legislation No. 5742/1981 is null and void because of its contravention of the letter and spirit of the Charter of the United Nations, as well as the Geneva Convention relative to the Protection of Civilian Persons in Time of War. We demand the immediate repeal of that piece of legislation by Israel.

26. In the event that Israel fails to comply with the provisions of the draft resolution before the Council, the latter must meet again to take more concrete and effective measures against Israel in accordance with the relevant provisions of the Charter.

27. The security that Israel seeks cannot be achieved by the building of Israeli settlements on Arab lands, the annexation of occupied territories and brazen aggression against neighbouring Arab States. That security can only come about through a negotiated and comprehensive peace in the Middle East, beginning with a just settlement of the Palestinian question. It is towards the achievement of that peace that we must all work.

28. I resume my function as PRESIDENT of the Council. If I hear no objection, I shall suspend the meeting for ten minutes.

It was so decided.

The meeting was suspended at 7.30 p.m. and resumed at 7.40 p.m.

29. The PRESIDENT: Members of the Council have before them document S/14798 which contains the text of a draft resolution prepared in the course of the Council's consultations. It is my understanding that the Council is ready to proceed to the vote on this draft resolution. Unless I hear any objection, I shall put the draft resolution to the vote.

A vote was taken by show of hands.

The draft resolution was adopted unanimously [resolution 497 (1981)].

30. The PRESIDENT: The representative of the United States wishes to make a statement following the vote. I now call on him.

31. Mr. LICHENSTEIN (United States of America): The United States has voted in favour of draft resolution S/14798. By that resolution, the Council reaffirms its relevant resolutions, the most important ones being resolutions 242 (1967), 338 (1973) and 359 (1974), which comprise the basis of a just and durable peace in the region.

32. Such a peace must be based on two interlocking principles: withdrawal from occupied territories and the right of every State in the area—of every State—to live in peace within secure and recognized boundaries.

33. In voting for the draft resolution, the United States expresses its deep regret at, and opposition to, the action taken by the Israeli Knesset that purports to extend permanent Israeli control over the occupied Golan Heights. The United States does not accept as valid unilateral acts designed to alter the status of the territories occupied by Israel in the 1967 conflict. We have made our views on this subject known to Israeli leaders in exchanges going as far back as the summer of 1980 and we strongly urged the Government of Israel to avoid the action it has just taken.

34. We are acutely aware that the future of the Golan Heights involves a number of sensitive issues for both Israel and Syria. These concerns must be fully addressed in a final resolution of the Golan Heights question. However, they can only be resolved by negotiations within the framework of Security Council resolutions 242 (1967) and 338 (1973) by which Israel and Syria were committed to negotiate a comprehensive peace settlement. Israel's unilateral action with respect to the Golan Heights complicates and renders more difficult those negotiations.

35. The United States therefore does not regard that action by the Knesset as determining the status of the territory and calls upon Israel to reaffirm its commitment to a negotiated settlement of the conflict, including the future status of the Golan Heights.

36. The PRESIDENT: The representative of Israel has asked to speak. I now call on him.

37. Mr. BLUM (Israel): In my statement yesterday, 16 December [2316th meeting], I presented the position of the Government of Israel on the matter before the Council. In the light of it, members will readily understand that Israel cannot and does not accept the resolution just adopted. The resolution suffers from a fundamental flaw. It ignores Syria's persistent aggressions against the State of Israel since the very day Israel was established in 1948. It ignores Syria's adamant refusal to recognize Israel, to negotiate with Israel and to make peace with Israel. It ignores every hostile act taken by Syria in the last few years to subvert any movement towards a peaceful settlement of the Arab-Israeli conflict.

38. The fact is that we would not be sitting here today had Syria acted over the last 33 years in accordance with the Charter of the United Nations and the accepted norms and rules of international conduct. One of the basic principles of the Charter, to which the President of the Council also referred in his statement, is that States are prohibited in their international relations from the use and even threat of force. If a State violates this fundamental principle of the Charter, as Syria has done without interruption since 1948 by alternately using and threatening force against Israel, such a violation certainly does not create any rights for the violator. Moreover, under Article 2, paragraph 3, of the Charter, it is incumbent on all Members to settle their international disputes by peaceful means. This, too, Syria has adamantly refused to do. It has rejected Council resolution 242 (1967).

39. There is certainly no justification for an aggressor such as Syria, having once been defeated in war, to go on for well over a quarter of a century and engage in relentless hostilities against its neighbour, hostilities punctuated by two further wars of aggression initiated by it. And there is certainly no justification for that aggressor State to be allowed to perpetuate the state of war for decades, or even centuries, on end. And when the aggressor State announces its intention to do so, as Syria has persistently done over the years, it is incumbent upon the international community at large, and the Security Council in particular, to call that State to order. Instead of that, the Council has adopted a resolution that can only be construed by Syria as an encouragement to persist in its aggression against my country.

40. Were the Council to have lived up to its responsibilities and seriously put its mind to the advancement of peace in the Middle East, it would have adopted a very different form of resolution. It would have demanded of Syria that it abandon its aggressive policies towards Israel. It would have required Syria to abide by its international obligations, in accordance with the purposes and principles of the Charter. And it would have called upon Syria to negotiate with Israel, in accordance with Council resolutions 242 (1967) and 338 (1973). Then, perhaps,

the Council would have made a real contribution to international peace and security, which, after all, is its primary function and responsibility.

41. The PRESIDENT: The representative of the Syrian Arab Republic has asked to speak. I now call on him.

42. Mr. EL-FATTAL (Syrian Arab Republic): I am happy to see the adoption of this resolution by a unanimous vote. In this resolution, which is directed to the Israeli aggression against Syria since 1967, the Council demands that Israel rescind forthwith its decision. It does not request Syria to do anything other than to defend its rights, and we have the support of the international community as represented in the Security Council and in the General Assembly.

43. My country has been accused, ridiculously, of aggression. How was Israel established in 1948? By force, by the aggression of the Zionists against Palestine. That aggression began long before 1948. It began with the arrival of the first colonists, and they are present with us here.

44. A premeditated war was begun in 1967 against Syria, Jordan and Egypt—and facts and literature from Israel indicate without any doubt that Israel concocted that aggression against the three independent Arab States.

45. At a later date, which is indicated in paragraph 4 of the resolution, we expect that the Security Council will have to deal with the substantive issues arising out of Israel's non-compliance. If Israel does not comply with the provisions of the resolution, the Council should enter into another substantive debate on the nature and policies of Israel, and we shall request that sanctions be imposed upon that so-called State, which respects no law and no morality, except the use of force, annexation, expansion and the displacement of people.

46. I shall not go into the history of Israel at this stage. I am waiting for 5 January, when we will have a real, substantive resolution, if Israel does not immediately rescind its so-called law—which is lawlessness. Syria will take all appropriate measures to defend its rights.

47. It is very important that the Council has determined that all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War continue to apply to Syrian territory occupied by Israel since 1967. According to our understanding of international law, only the fourth Geneva Convention is applicable to Syrian territory, and not Israeli law. Yet Israel continues to reject that convention, which was formulated at a time when the Jews in Europe needed it.

48. We expect a full implementation of paragraph 1 of the resolution, in which the Council decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect. We interpret the words "without international legal effect" as a non-recognition by the international community of any action taken by Israel in the Golan Heights, including its recent unlawful act, namely, its annexation of the Golan Heights.

49. Members of the Council and States Members of the United Nations are now requested not to recognize any effects of that act for it is a principle of international law that no country should recognize the fruits of aggression, be it occupation or annexation.

50. The PRESIDENT: The representative of Israel has asked to make a statement in the exercise of his right of reply. I now call on him.

51. Mr. BLUM (Israel): I believe that this intervention from the representative of Syria has been very useful. It has fully borne out the points which I made in my statement, namely, Syria's relentless opposition to the very existence of the State of Israel. He went so far as to call the existence of Israel an act of aggression and has thus clarified for members of the Council the root of the problem: it is the unwillingness of his country, as well as of other countries which belong to the same camp, to come to terms with Israel's existence, irrespective of territories and boundaries. In 1948, he regarded the existence of my country as an act of aggression and since 1948 he does not recognize the legitimacy of my country and of its existence; he is thus in clear violation of the Charter of the United Nations and of international law in denying the right of a State Member of the Organization, a sovereign country, to exist and to live in peace, as is the right of every sovereign country and every Member State.

52. The representative of Syria has also pointed out that, in the resolution which it has adopted, the Council does not require anything of Syria. This is precisely the problem. If it had been a balanced resolution addressed to the root cause of the Arab-Israeli conflict and of the conflict that has been in existence between our two countries, the Council would have required Syria to cease its policy of aggression against my country, to sit down with us, to negotiate with us and to work out a peaceful settlement, as is required by international law and by the Charter. This resolution does not require any of this and is thus fundamentally tainted.

53. Despite the absence of such provisions in the resolution, for my part I repeat the call which I extended yesterday in the Council to the Government of Syria to start negotiations with us with a view to settling all the outstanding issues between our two

countries, including the problem of the boundary between us.

54. Mr. SLIM (Tunisia) (*interpretation from French*): Since there are no further speakers, I should like to take this opportunity to express my most heartfelt thanks to all the representatives of the various States who have spoken in this debate for the very kind words they have addressed to me. I thank them from the bottom of my heart.

55. The PRESIDENT: The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 8.05 p.m.

NOTES

¹ United Nations, *Treaty Series*, vol. 75, No. 975, p. 287.

² See Conventions II of 1899 and IV of 1907 respecting the laws and customs of war, annex (Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907*, New York, Oxford University Press, 1915).

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