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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
EIGHT HUNDRED AND FIFTIETH MEETING

Held at Headquarters, New York,
on Friday, 17 February 1989, at 3.30 p.m.

President: Mr. RANA

(Nepal)

Members:

Algeria
Brazil
Canada
China
Colombia
Ethiopia
Finland
France
Malaysia
Senegal
Union of Soviet Socialist Republics
United Kingdom of Great Britain and
Northern Ireland
United States of America
Yugoslavia

Mr. DJOUDI
Mr. NOGUEIRA-BATISTA
Mr. KIRSCH
Mr. LI Luy
Mr. PEÑALOSA
Mr. TADESSE
Mr. TORNUDD
Mr. BLANC
Mr. HASMY
Mr. BA
Mr. BELONOVOV

Sir Crispin TICKELL
Mr. OKUN
Mr. PEJIC

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The meeting was called to order at 4.30 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

LETTER DATED 8 FEBRUARY 1989 FROM THE PERMANENT REPRESENTATIVE OF TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/20454)

LETTER DATED 9 FEBRUARY 1989 FROM THE CHAIRMAN OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/20455)

The PRESIDENT: In accordance with the decisions taken at the previous meetings on this item, I invite the representatives of Afghanistan, Bahrain, Bangladesh, Cuba, Czechoslovakia, Democratic Yemen, Egypt, the German Democratic Republic, India, Indonesia, the Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait, the Lao People's Democratic Republic, Lebanon, the Libyan Arab Jamahiriya, Morocco, Nicaragua, Pakistan, Panama, Qatar, the Sudan, the Syrian Arab Republic, Tunisia, Turkey, the Ukrainian Soviet Socialist Republic, Yemen and Zimbabwe to take the places reserved for them at the side of the Council table. I invite the representative of Palestine to take a place at the Council table.

At the invitation of the President, Mr. Dost (Afghanistan), Mr. Al-Shakar (Bahrain), Mr. Mohiuddin (Bangladesh), Mr. Oramas Oliva (Cuba), Mr. Zapotocky (Czechoslovakia), Mr. Al-Alfi (Democratic Yemen), Mr. Badawi (Egypt), Mr. Zachmann (German Democratic Republic), Mr. Gharekhan (India), Mr. Tarmidzi (Indonesia), Mr. Mahallati (Islamic Republic of Iran), Mr. Bein (Israel), Mr. Kagami (Japan), Mr. Salah (Jordan), Mr. Abulhasan (Kuwait), Mr. Kittikhoun (Lao People's Democratic Republic), Mr. Fakhoury (Lebanon), Mr. Treiki (Libyan Arab Jamahiriya), Mr. Bennouna (Morocco), Mr. Serrano Caldera (Nicaragua), Mr. Shah Nawaz (Pakistan),

Mr. Kam (Panama), Mr. Al-Nasser (Qatar), Mr. Adam (Sudan), Mr. Al-Masri (Syrian Arab Republic), Mr. Ghezal (Tunisia), Mr. Aksin (Turkey), Mr. Oudovenko (Ukrainian Soviet Socialist Republic), Mr. Sallam (Yemen) and Mr. Mudenge (Zimbabwe) took the places reserved for them at the side of the Council Chamber; Mr. Al-Kidwa (Palestine) took a place at the Council table.

The PRESIDENT: I should like to inform the Council that I have received a letter from the representative of the United Arab Emirates in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Shaali (United Arab Emirates) took the place reserved for him at the side of the Council Chamber.

The PRESIDENT: The Security Council will now resume its consideration of the item on its agenda. Members of the Council have before them document S/20463, which contains the text of a draft resolution submitted by Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal and Yugoslavia.

Mr. PEÑALOSA (Colombia) (interpretation from Spanish): I wish to join those who have already spoken in this debate in stating our pleasure at seeing Nepal presiding over the Security Council. Colombia has for many years been linked with Nepal, a non-aligned country, by ties of friendship and co-operation. Nepal has played a very active role in this Organization since it became a Member in 1955; it has responded with special generosity to various requests for participation in contingents of United Nations peace-keeping forces.

We are pleased too that it is Ambassador Rana who is in the Chair, for he has distinguished himself during a long and successful career in the foreign service of his country and has played an important role in the Non-Aligned Movement. All those factors, together with his many personal attributes, are a guarantee of success in the Council's work.

(Mr. Peñalosa, Colombia)

We wish also to thank Ambassador Razali of Malaysia for the effective and intelligent way in which he presided over the Council's work last month.

We are taking part in the debate today feeling great disappointment and frustration. After 42 years the subject of the relations between the Arab countries and Israel continues to be a source of concern for the international community, because of its effect on peace.

We come here today to protest the brutal and inhuman way in which the Israeli occupation forces have handled the Palestinian uprising. Just as the Jewish people justly aspired to self-determination 42 years ago, the inhabitants of the occupied territories share that same aspiration. The police treatment there, the events of the past year and the artificial formulas created to control those events cannot be justified and have been rightly rejected by the inhabitants. The uprising in the territories is an eminently political problem and it must be treated accordingly.

We cannot deceive ourselves: After 22 years of occupation, the Palestinian people more than ever before yearns for self-determination. Those who today are protesting and being sacrificed were not even born, or were infants, when Israel began its occupation. They belong to a generation raised under Israeli occupation.

The Israeli people must be aware of the universal rejection of the way they are trying to control the Palestinian uprising and of its consequences. I would recall the words of David Ben-Gurion, spoken in the Knesset on 31 October 1960:

"Without the sympathy of other nations, the Israeli army by itself cannot guarantee peace for Israel".

We join previous speakers in demanding that, as the Security Council has requested several times, Israel immediately apply the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and,

(Mr. Peñalosa, Colombia)

as mandated by the Council, immediately cease policies and practices that violate the provisions of the Geneva Convention.

Colombia has always been of the view that the situation in the Middle East, so heavily burdened with bleak prospects, would become more promising with a return to the spirit and the letter of resolution 242 (1967), which after 21 years, sums up what continues to be a good starting-point to secure peace in the region. Since the establishment of the United Nations, Colombia has maintained a balanced and equitable position on the Middle East problem. The elements in resolution 242 (1967) involve recognition of the inalienable right of the Palestinian people to self-determination, the inadmissibility of the acquisition of territory by force, the withdrawal of Israeli troops from all occupied territories, an end to all states of war, and respect for and recognition of the sovereignty, territorial integrity and political independence of all States of the region and their right to exist in peace within secure and recognized borders, free from threats and acts of force.

Colombia viewed as satisfactory the position taken by the Palestine National Council and Mr. Arafat, since with it they reaffirmed the Palestinian people's commitment to the principles and purposes of the United Nations. They also condemned the threat of force, violence and terrorism and came out in favour of the settlement of international conflicts by peaceful means. With great realism and courage, which we applaud, they invited all parties involved in the conflict, particularly Israel, to forge peace in the region, under United Nations auspices, with dignity, freedom and security for all States.

We have always supported the convening of an international conference on peace in the Middle East under United Nations auspices, on the basis of Security Council

(Mr. Peñalosa, Colombia)

resolutions 242 (1967) and 338 (1973), with the participation of the Palestine Liberation Organization (PLO) on an equal footing. The indefinite postponement of that conference has brought about serious difficulties for all the countries of the region. Let us not continue postponing it indefinitely, arguing that we do not believe in the good faith of the other party. Let us test that good faith at the negotiating table.

(Mr. Peñalosa, Colombia)

The call for a just solution deserves world attention. Our country believes that any positive and constructive action from any one of the two parties in conflict must be received with all sincerity and good faith. The path to dialogue in the quest for peace is, we are convinced, long and difficult, but the removal of any obstacle from its course must be viewed as real progress and should not simply be rejected, since one gesture of trust will necessarily bring about others. Too much blood has already been shed and the suffering has been incalculable. We hope that the parties in conflict will prefer negotiation to violence, moderation to extremism, and constructive responses to offhand rejection.

Today, we wish to endorse what the Secretary-General has said:

"Clearly, the negotiation of a settlement will be extraordinarily difficult, because it will require that all parties concerned abandon the positions which they hold so firmly today. I am quite aware of the great complexity of the various options before them, and I should like to take this opportunity to urge them to demonstrate moderation and achieve the change of attitude required in order to negotiate a settlement. Each party must set aside the often justified rancour that it feels because of past injustices and try better to understand the legitimate interests and legitimate complaints of the other side."

Colombia wishes to call upon all members of the Council, and especially its permanent members, to help mobilize the international community in order to promote the start of an effective negotiation process.

We shall unconditionally support every effort by the Secretary-General to reactivate the search for a comprehensive, just and lasting settlement, because only in that manner will it be possible to protect the interests of the Israeli and Palestinian peoples and help both of them live in peace with one another.

(Mr. Peñalosa, Colombia)

As a non-aligned country Colombia is convinced of the importance of dialogue among all parties to achieve agreements that will make it possible for peace to come about. Together with the other non-aligned members of the Council, we are sponsoring a draft resolution, the text of which is so moderate that it simply contains opinions that have been expressed here and avoids points of confrontation. That is why we hope that it can be adopted unanimously this afternoon.

The PRESIDENT: I thank the representative of Colombia for his kind words addressed to me and to my country.

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

Mr. SERRANO CALDERA (Nicaragua) (interpretation from Spanish): First of all, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of February. We are convinced that your diplomatic skills, knowledge and wisdom will result in a positive contribution to the work of the Council, especially with regard to the very sensitive question now before us.

I should also like to congratulate Ambassador Ismail Razali of Malaysia for the excellent way in which he guided the work of the Council last month.

The Security Council is meeting once again in order to consider the dangerous situation prevailing in the occupied Palestinian territories, a situation that has been deteriorating as a result of the increased repression of the Palestinian population by the Israeli occupation forces.

Israeli repression and practices in the occupied Palestinian territories have drastically worsened, and the flagrant violation of human rights perpetrated against the Palestinian people is increasingly self-evident, even to those who are most sceptical.

(Mr. Serrano Caldera, Nicaragua)

The uprising of the Palestinian people against Israeli domination is now into its second year, despite the brutal repression unleashed by Israel to break the unshakeable will of the Palestinian people in their struggle for their legitimate rights. The intifadah has become a liberating struggle, an example for all human beings who are defending their rights to self-determination and national independence.

The campaign of repression unleashed by Israel in the occupied Palestinian territories has left a toll of hundreds of dead, thousands of wounded and prisoners, dozens of homes destroyed and hundreds of Palestinian brothers expelled from the land where they were born.

Israeli practices in the occupied Palestinian territories are in violation not only of the most basic human rights but also of the principles of international law and the United Nations Charter. Hence, our delegation believes that it is urgent for the Security Council to compel Israel to respect its commitments as the occupying Power, in accordance with the provisions of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

We are not here today merely to spell out the long list of arbitrary actions perpetrated against the Palestinian people by Israel, for those are widely known to the members of the Council and have been strongly condemned by the international community.

The delegation of Nicaragua has come here today in the hope that the Security Council will take the measures necessary to protect the life, the security, the dignity and the property of the Palestinians in the occupied territories.

The most recent events in the occupied Palestinian territories are extremely dangerous, and if no solution is found the suffering of the Palestinian people will go on. We cannot continue to deny an entire people its historic right to

(Mr. Serrano Caldera, Nicaragua)

self-determination, a right that has already been achieved by other peoples, and in many cases, as in that of my own country, at very great cost.

The Council must send a clear message that Israel's current position will only radicalize the situation and increase violence to the detriment of dialogue and prospects for peace. Israel must recognize that the intifadah is the irrepressible force of the Palestinian people struggling for its freedom, that it is the outcome of 21 years of Israeli military occupation and the refusal of an entire people to live in humiliation and under threats.

(Mr. Serrano Caldera, Nicaragua)

Israel must recognize that the intifadah represents the resolute will of a people against oppression and that, given its eminently political nature, there must be a political solution which must necessarily involve dialogue with the legitimate representative of the Palestinian people, namely, the Palestine Liberation Organization (PLO).

Some particularly important developments have demonstrated the sincere desire of the representatives of the Palestinian people to achieve a political solution of the problem. In this connection, we must refer to the nineteenth session of the Palestine National Council, held in Algiers from 12 to 15 November 1988, as well as the declarations subsequently adopted in Stockholm and Geneva which fully accept Security Council resolutions 242 (1967) and 338 (1973), as well as General Assembly resolution 181 (II) of 1947.

The PLO has clearly demonstrated its commitment to peace and moderation. It has recognized the right of Israel to exist, in accordance with General Assembly resolution 181 (II) of 1947, and demonstrated its steadfast readiness to engage in dialogue and negotiation. The PLO, the legitimate representative of the Palestinian people, has opened the way to a peaceful solution of the conflict. Israel must face this historic challenge and look at the new reality. Confrontation must be replaced by trust and good will. That is our hope.

The trend towards improvement in the international political climate that has been reflected in prospects for resolving many regional conflicts does not appear to have reached the Middle East or the occupied Palestinian territories, which continue to be a land of death and destruction, despite the wishes of the overwhelming majority of the international community.

(Mr. Serrano Caldera, Nicaragua)

Several initiatives reflecting the feelings of the majority of the members of the international community have emerged within the United Nations to achieve a peaceful settlement of the conflict. Unfortunately, Israel's response has been arrogance, further aggression and scorn for those initiatives - and in its attitude it has enjoyed the support of some powerful countries which could, if they wished, play a positive and important role in the settlement of the conflict. Their good faith remains to be seen.

Our delegation would also like to refer to the appeal made by the Chairman of the Palestine Liberation Organization, Mr. Yasser Arafat, at the meetings of this session of the General Assembly, held in Geneva, on the convening of an international peace conference on the Middle East. Nicaragua resolutely supports that appeal and, in accordance with the terms of General Assembly resolution 43/176, requests the Security Council to consider the measures needed to convene that conference, including the establishment of a preparatory committee.

Finally, and in conclusion, my delegation would like to express its full recognition of the Palestine Liberation Organization as the sole, legitimate representative of the people of Palestine. We appeal to Israel to accept the offer of peace and begin realistic negotiations, which will undoubtedly enjoy the support of this Council and all the other members of the international community and will open a new era of peace and prosperity for the Middle East.

The PRESIDENT: I thank the representative of Nicaragua for his kind words addressed to me.

The next speaker is the representative of the United Arab Emirates. I invite him to take a place at the Council table and to make his statement.

Mr. AL-SHAALI (United Arab Emirates) (interpretation from Arabic): My delegation is pleased to see you, Sir, presiding over the proceedings of the Security Council. We hope that with your skills and prudence the Council will be able to achieve the desired goals. We also wish to pay a tribute to your predecessor, Ambassador Ismail Razali, the Permanent Representative of Malaysia, for his constructive contribution as President of the Security Council last month.

There are certain historic moments in the life of nations when death offers the only hope for life. This, indeed, is the significance of the Palestinian national uprising that has been taking place for the past 14 months under the most severe conditions of suppression and torture. The Palestinian intifadah has a multitude of deeply significant elements. First, it is an expression of the rejection of injustice that has been inflicted, and continues to be inflicted, on the Palestinian people by Israel and its supporters. Secondly, the uprising reaffirms the fact that the Palestinian people aspires to life in freedom. More important still, the uprising is a cry that shakes the conscience of modern man. It represents a challenge to the civilized community of nations, especially since we now see that the care of whales takes precedence over human victims who are slaughtered every day as a result of racial discrimination practised in broad daylight before the whole world.

The Israeli practices are not new to this Council or to other forums of the United Nations. They are not new to all those who have been associated with the Middle East region or are familiar with its affairs. Thus, there is no lack of information about those Israeli practices or about whether they are contrary to international norms and the Universal Declaration of Human Rights.

(Mr. Al-Shaali, United Arab Emirates)

The question is whether there is anyone, especially among those important and great Powers, who can muster the courage to tell Israel enough is enough.

Previous speakers have dealt with various aspects of the problem, in particular in terms of exposing Israeli practices against defenceless Palestinians, and I do not intend at this time to delve into that subject. More relevant now is what the Security Council can do after a long period that has witnessed a grave deterioration in the situation in the occupied territories and after the 10 months that have elapsed since the Security Council last met to discuss the issue, when the Council has come to realize that Israel continues to fail to comply with its resolutions, which are binding on Israel under the Charter.

Will the Council today add yet another resolution to the series of decisions it has adopted that remain unimplemented? Or will it see another draft resolution scuttled through use of the right of veto by one or more of its permanent members?

At this juncture I would ask how long this people's cause and suffering will remain subject to the policies and interests of this or that great Power.

The Palestinian intifadah came about in response to an issue as old as the question of Palestine itself. It is our hope, especially now, that the Council will fulfil its responsibilities not only in terms of adopting an appropriate resolution but also in terms of ensuring its implementation, which is ultimately the more important task.

The PRESIDENT: I thank the representative of the United Arab Emirates for his kind words addressed to me.

Mr. KIRSCH (Canada): Mr. President, allow me to begin my remarks by expressing the appreciation and admiration of my delegation for the excellent manner in which you have exercised your stewardship of the Security Council since the beginning of the month of February. For Canada it is a source of particular

(Mr. Kirsch, Canada)

satisfaction to have seen your efforts culminate yesterday with the unanimous adoption of resolution 632 (1989) formally launching the process that is to lead to the independence of Namibia.

Let me also pay tribute to your predecessor as President, the Permanent Representative of Malaysia, Mr. Ismail Razali, who so ably and successfully oversaw our deliberations during the month of January.

Canada is speaking in this debate on the situation in the occupied territories to express both our deep concern about violations of human rights and our fervent hope that our deliberations in this forum may contribute to meaningful progress towards the overall resolution of the Arab-Israeli conflict.

This requires restraint on all sides and a recognition of the context within which these violations of human rights occur. Insecurity permeates the Arab-Israeli conflict. There is constant fear of injury or death. This erodes confidence on all sides and makes conciliation difficult. It creates a climate that nurtures rather than relieves the difficulties. These circumstances do not excuse violations of human rights, but they reveal the fundamental problem that must be resolved.

My Government has repeatedly stated that it is a determined supporter of Israel's right to security and recognition. These rights are not in question in this debate. Indeed, it is the shared values upon which Canada's historic bond of friendship with the State of Israel is established that compel my Government to express its deep concern over continued violations of the human rights of the Palestinian people in the occupied territories. These violations have been soberly and painfully documented over the past year in reports of the Secretary-General, the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East. These violations have defied

(Mr. Kirsch, Canada)

and continue to defy decisions of the General Assembly and the Security Council to which my country has subscribed, in particular Security Council resolutions 605 (1987), 607 (1988) and 608 (1988).

For Canada and Canadians, a deep-seated belief in the inherent dignity of every human being animates our approach to the situation in the territories occupied by Israel since 1967. Our approach is also governed by our wish to see the principles of international law to which we subscribe upheld by all parties.

For its part Canada, as one of the contracting parties to the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, has repeatedly stressed to Israel, which is also a party, the need for it to apply all the provisions of the Convention in the territories it has occupied since 1967. Canada calls upon Israel today, once again, to do so and thus reinforce one of the fundamental instruments of international humanitarian law.

Canada has viewed with great concern the recent introduction of certain measures by the Israeli authorities, in particular the introduction of plastic-coated metal bullets, which have caused a dramatic increase in the number of deaths and serious injuries and which bear little relation to the degree of force required to help maintain order. Nor do we accept the unlawful deportation by Israeli authorities of Palestinians from the occupied territories. We have so advised the Government of Israel on a number of occasions.

We were pleased to note the recent release from detention of Faisal al Hussein, among others, and we hope that this and similar steps can contribute to a climate that encourages such dialogue. Such a dialogue is critical if the military occupation of the West Bank and the Gaza Strip is to be brought to an end and if peace in that troubled region of the world is ever to be realized.

(Mr. Kirsch, Canada)

In conclusion may I express the hope that this debate will help lead to a climate in which the prospects for peace in the region are enhanced and in which a dialogue between all the parties concerned can begin. The achievement of a just and comprehensive peace in the Arab-Israeli dispute would be a legacy for the future in which we would all be justly proud, not least the inhabitants of the region.

The PRESIDENT: I thank the representative of Canada for his kind words addressed to me.

Mr. BLANC (France) (interpretation from French): As this is the first time I have spoken at an official meeting of the Council this month, Sir, I should like to reiterate my congratulations to you on Nepal's accession to the presidency; your presidency has been both active and fruitful.

I should like to take this opportunity to convey to Mr. Ismail Razali our gratitude for his presiding over us during the month of January.

The French Government has with deep concern observed the deterioration in the situation in the occupied territories in the West Bank and Gaza. The stepped-up repression has in recent weeks been reflected in an increase in the number of dead and wounded, including adolescents and young children. This development warrants the concern of the international community, which we are today expressing and which is indicated in the draft resolution before us.

For more than a year, the uprising of young Palestinians has been under way, involving increasing loss of human life and new casualties every day. Our Council cannot remain unmoved by these tragic events, which bear witness to a people's desire to affirm its national identity, to put an end to the occupation and to assume responsibility for its own future.

France has constantly denounced the violence, which can only increase the despair and resentment felt by populations who, after all, need to be able to live together. France has frequently had occasion to approach the Israeli authorities and various bodies in an effort to win final recognition for law and justice. We advocate dialogue and negotiation. Once again, today the French Government appeals to Israel to ensure and provide protection and safety for the population of the occupied territories in accordance with the obligations international law places upon an occupying Power.

(Mr. Blanc, France)

Each of us in the Council is persuaded that the present state of affairs, which is daily growing more lethal, is no longer acceptable. Recently a glimmer of hope for peace has appeared. It should be grasped. Israel is entitled to live within secure and recognized boundaries. The Palestinian people is entitled to possess a country, a land, and in that land to organize itself according to the structures it chooses. France believes that the international community has a part to play and that it is in the best position to promote the establishment of dialogue among the parties directly concerned. That is why the French Government believes it is urgent that preparations be made for the holding of an international conference, with the participation of all parties concerned as well as the permanent members of the Security Council. The time has come for the members of the international community, and specifically our Council, to come out in favour of peace in the Near East, a peace that will for each and every one of us be the best possible guarantee of survival and security.

The PRESIDENT: I thank the representative of France for his kind words addressed to me.

I shall now make a statement in my capacity as the representative of Nepal.

I should like to begin by paying my tribute to Ambassador Ismail Razali of Malaysia for the skill and efficiency with which he guided the work of the Council last month. I feel very much benefited by his advice and example.

The uprising of the Palestinian people in the territories occupied by Israel since 1967 has placed the question of Palestine in its proper perspective before the international community. The uprising is now in its fourteenth month and does not show any sign of relenting. Faced with this spontaneous defiance, Israel, the occupying Power, has resorted to harsh and repressive measures. The systematic destruction of life and property, serious physical injuries, widespread detentions,

(The President)

economic coercion and unrestrained use of force cannot be rationalized in terms of the need to maintain law and order.

Nepal has repeatedly urged the Israeli authorities that their way of dealing with the uprising is consistent neither with law nor with justice. Israel, as the occupying Power, has some fundamental obligations under international law and must abide by these responsibilities without reservation.

First and foremost, Israel must respect the provisions of the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. The applicability of the provisions of the Convention to the occupied territories has been emphasized by the Security Council more than once, and Israel's defiance of the Council's decisions is unjustifiable.

Application of the provisions of the Convention would help to bring an end to the cycle of violence in the occupied territories. However, short-term measures to enhance the safety and security of the Palestinian inhabitants cannot be substitutes for a political solution of the problem. The issue underlying the unrest has to be faced fair and square.

It is clear beyond any trace of doubt that the Palestinian people is irrevocably opposed to an existence under the continued Israeli occupation. The intifadah is the struggle of a people for self-determination; it is a struggle for a separate national identity. No emergency measure can change this truth. By the same token, no initiative that ignores the legitimate aspirations of the Palestinian people can ever hope to succeed. We are therefore deeply troubled by the continued refusal of Israel to take cognizance of this international consensus. That negative attitude will only serve to fuel the violence, prolong it and, in sum, exacerbate human misery. The longer the tragedy is allowed to fester the greater will be the sufferings - both for the Palestinians and the Israelis.

(The President)

The Security Council has on several occasions in the past proposed concrete measures for the political settlement of the problem. Nepal supports those proposals as they are consistent with our perception of a comprehensive and lasting peace in the Middle East. We are firmly of the opinion that comprehensive and lasting peace in the region must be based on three fundamental ingredients: withdrawal of Israel from territories occupied since 1967, recognition of the rights of the Palestinian people, including the right to a State of their own, and recognition of the right of every State in the region, including Israel, to live in peace within secure boundaries free from threats or acts of force.

There have been some positive developments towards peace in recent times. Of particular significance is the peace initiative put forward by Chairman Yasser Arafat of the Palestine Liberation Organization (PLO). We also attach much importance to the decision of the United States Administration to open direct dialogue with the PLO.

Nepal fully shares and supports the views expressed around this table that an international conference under the auspices of the United Nations involving all parties to the conflict, including the Palestine Liberation Organization, would be helpful at this stage to begin the process, within the framework of Security Council resolutions 242 (1967) and 338 (1973), for a just and lasting peace in the region. It is obvious that the status quo cannot continue. Nepal stands ready to extend all possible co-operation to the Secretary-General in his continuing effort to facilitate the convening of the International Conference. We earnestly hope that the Security Council will take urgent steps to break the deadlock and start the process of peace in the Middle East.

I now resume my function as President of the Security Council.

(The President)

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall take it that that is the case.

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I call on the representative of the United States, who wishes to make a statement before the voting.

Mr. OKUN (United States of America): Mr. President, allow me at the outset to express the satisfaction of my delegation at seeing you preside over our meetings. Your well-known acumen and diplomatic skill preceded you to the Chair, and you have indeed demonstrated that skill, acumen and wisdom in guiding our deliberations thus far.

I should also like to take this opportunity to express our appreciation to Ambassador Ismail Razali of Malaysia for his considerable efforts on behalf of the Council during the month of January.

My Government believes it incumbent to vote against the draft resolution before us.

In considering this draft resolution the basic question Security Council members should ask themselves is this: would its adoption advance the prospects for peace in the region? Would it contribute to efforts to create confidence and understanding among the concerned parties and bring them together in direct negotiations leading to a settlement, or would it serve only to drive the parties further apart?

As all members of the Council are aware, the United States remains seriously concerned over events in the occupied territories. We remain actively engaged in diplomatic efforts to defuse tensions there and to reduce the disturbing level of violence. We continue to urge restraint on all sides and have denounced acts of violence from whatever quarter.

(Mr. Okun, United States)

Our concerns regarding the human-rights situation in the occupied territories are well known. As the United States has repeatedly stated, it is our position that the Fourth Geneva Convention applies to the occupied territories and that Israel has an obligation to comply with it. We have made clear to the Government of Israel our opposition to certain Israeli practices, for example, expulsion of Palestinian residents, collective punishment and the use of live fire in non-life-threatening situations.

However, as the United States has consistently pointed out, Israeli practices in the territories cannot be viewed in a vacuum. As the occupying Power, Israel has a responsibility recognized under international law to maintain order and security in the territories. That considerable task has been made even more difficult over the past year as the Palestinian uprising or intifadah has heightened tensions and increased confrontations. Acts of violence perpetrated by Palestinians against Israeli soldiers and civilians are commonplace. Israelis in the area have been subject to constant provocations, in some cases involving life-threatening situations.

The draft resolution before the Council is flawed. In severely criticizing Israeli policies and practices it does not take into sufficient account the context in which they occur or the excesses of the other side. Palestinian acts of violence, no more than those committed by Israelis, cannot be condoned. Only by reducing bloodshed can an atmosphere conducive to accommodation and negotiations be achieved.

The status quo in the territories is clearly unacceptable. The situation is inherently unstable and must be addressed. The question is how best to address the problem. A corner-stone of American policy in the Middle East over the years has been our firm conviction that the situation in the occupied territories can only be resolved in the context of an overall negotiated settlement of the Arab-Israeli

(Mr. Okun, United States)

dispute grounded on Security Council resolutions 242 (1967) and 338 (1973). Such a settlement has to take into account both the security of the State of Israel and the legitimate rights of the Palestinian people.

Further resolutions of the kind before us now are not the answer. During our consultations my delegation made clear the position of the United States on this matter and offered suggestions to achieve needed balance. The complex, emotionally charged issues involved cannot be resolved in New York by third parties, but only in the region by the parties themselves. If the Security Council is to play a positive role in this process it will not be through the adoption of unbalanced resolutions criticizing the actions of one side to the dispute.

Instead, this body should lend its prestige and authority to urge reconciliation and mutual understanding while denouncing violence by all sides as unacceptable. This is the way to make a true contribution to peace. My delegation calls on members to meet this challenge.

The PRESIDENT: I thank the representative of the United States for his kind words addressed to me.

I put to the vote the draft resolution contained in document S/20463.

A vote was taken by show of hands.

In favour: Algeria, Brazil, Canada, China, Colombia, Ethiopia, Finland, France, Malaysia, Nepal, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia

Against: United States of America

The PRESIDENT: The result of the voting is as follows: 14 in favour, one against and no abstentions. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Security Council.

I call upon the representative of the United Kingdom, who has asked to make a statement following the voting.

Sir Crispin TICKELL (United Kingdom): The draft resolution which the Council has just been considering makes use of certain language to describe territories occupied by Israel since 1967. I take this opportunity to say that our vote for the draft resolution did not imply any change in our view of the status of those territories.

The PRESIDENT: The representative of Palestine has asked to make a statement, and I call upon him.

Mr. AL-KIDWA (Palestine) (interpretation from Arabic): I must thank all representatives and delegations that participated in the Council's deliberations and expressed clear positions with respect to the practices of the occupying Power and in support of our people in the occupied territories, who have themselves made every attempt to achieve peace in the Middle East. We appreciate those positions and thank those who enunciated them. We consider these positions to be useful ones.

We wish also to thank the non-aligned members of the Council for their praiseworthy efforts to enable the Council to take the necessary measures concerning the situation in the occupied territories, and for having submitted the draft resolution in document S/20463. Moreover, we thank all the members that voted in favour of the draft resolution, and we are grateful for the efforts they made to reach the unanimity that would have been necessary for the adoption of the text.

In co-operation with many members of the Security Council, we made great efforts to reach formulations in the draft resolution that would have been acceptable to all, that would have helped enable the Council to shoulder its responsibility and save the lives of our Palestinian people in the occupied territories, and that would have facilitated the Council's taking steps in an effort to reach a permanent and just political settlement in the Middle East.

(Mr. Al-Kidwa, Palestine)

We therefore participated in the Council's deliberations with the greatest possible sense of responsibility and in a positive spirit. But our position and the clear positions of Member States did not prevent the regrettable decision by the delegation of the United States of America to break with unanimity and use its right of veto against the draft resolution, which made it impossible for the Council to address the grave situation in the occupied Arab territories and to shoulder its important responsibilities.

We regret that we heard no objections, remarks or proposals on the draft resolution from the United States delegation until a few minutes ago. What we heard then reflected what we view as an unbalanced position.

We cannot understand the position taken today by the United States of America in the light of such facts as its declared position with respect to the situation in the occupied territories and the report prepared by its Department of State on human rights violations in the occupied territories. We sincerely hope that the position taken in the Council will not lead to a further deterioration of the grave situation in the Arab territories occupied since 1967, including Jerusalem, and that it will not encourage the occupying Power to adopt further repressive measures against our people in the territories and to defy the principles of international law, in particular the Fourth Geneva Convention of 1949 and numerous Security Council resolutions.

Our respect for the Council and our confidence in it remain high. We hope the Council will be able to address the situation in a more effective way in the future.

We reiterate our gratitude to the members that voted in favour of the draft resolution. We do not want to miss this opportunity, Sir, to thank you personally for your wise and effective efforts as President of the Council during its consideration of the situation in the occupied territories.

The PRESIDENT: There are no further speakers for this meeting. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.40 p.m.