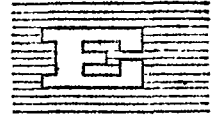


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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 11th MEETING

held at the Palais des Nations, Geneva,
on Monday, 8 February 1982, at 4.30 p.m.

Chairman: Mr. GARVALOV (Bulgaria)

CONTENTS

Question of the violation of human rights in the occupied Arab territories,
including Palestine (continued)

The right of peoples to self-determination and its application to peoples under
colonial or alien domination or foreign occupation (continued)

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (Agenda item 4) (continued) (E/CN.4/1481, 1482, 1483 and Add.1; A/36/706-S/14762; E/CN.4/1982/L.3)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (Agenda item 9) (continued) (E/CN.4/1477 and Add.1, 1487, 1490, 1491, 1498; E/CN.4/1982/3 and 6; E/CN.4/1982/L.2 and L.4)

1. Mr. POUYOUROS (Cyprus) said that the illegal foreign occupation of the territories of the Palestinian people and the continued gross violation of their fundamental human rights, including the right to self-determination and sovereign statehood, together with the annexation of territory, establishment of settlements and expropriation of property, were acts in flagrant violation of the Charter, United Nations resolutions and the basic precepts of international law, as well as a threat to international peace. Attempts to change the legal status and the demographic composition of illegally occupied territories by such means, whether in Palestine, other occupied Arab territories, southern Africa or elsewhere, tarnished the pages of history.
2. The tragic case of the Palestinian and other peoples in various parts of the world, and the continuance of foreign domination and illegal occupation despite numerous resolutions by the General Assembly, the Economic and Social Council and the Commission, would seem to indicate that the world contained three categories of States and peoples; those with the power and privilege to enjoy basic human rights without external intervention; those who had the power and authority systematically to deny other peoples those rights by the use of force; and those who suffered continuous deprivation of their human rights through foreign domination, occupation or intervention. It was abundantly clear that the fundamental human rights of all peoples, including the rights to independence, sovereignty and self-determination enshrined in the Charter and other international instruments, could not, under any pretext, be disregarded. To believe otherwise would be to invite international anarchy and disorder; no power or excuse could ever justify the violation of those human rights. Every State Member of the United Nations had the indisputable right to demand respect for its national independence, sovereignty and self-determination; but those States had the even weightier responsibility of respecting the same rights of other peoples. His delegation therefore believed that the Commission should bear in mind the gravity of the situation and consider what decisions and action would promote the speedy realization of the Palestinian people's human rights and fundamental freedoms, thus restoring peace and order to the region.
3. Mr. JANI (Zimbabwe) said that the presence of Zimbabwe, which had recently been a nation of enslaved people, as an equal partner in the community of nations symbolized the untiring efforts of the United Nations to achieve justice and peace everywhere. His delegation was grateful to the international community for its concern for human dignity and rights and its efforts to ensure that they were exercised in an independent Zimbabwe. His country would continue to uphold the right of peoples everywhere to self-determination.

4. Zimbabwe had recognized the Sahrawi Republic and the Polisario Front as the sole and authentic representative of the Sahrawi people. That position was in line with the advisory opinion of the International Court of Justice of 1974 concerning the legal consequences for States of Morocco's continued presence in Western Sahara; it was also consonant with General Assembly resolution 2627 (XXV). Morocco's continued presence in the region violated the provisions of the Charter and the Universal Declaration of Human Rights, which Morocco had endorsed, as well as resolution 1514 (XV) and other resolutions of the General Assembly. It also violated the teachings of the Koran, and contravened the principle, also reflected in General Assembly and Commission resolutions, that the right to self-determination included permanent sovereignty over natural wealth and resources. Attempts to justify that presence by labelling the Polisario Front an unlawful and unrepresentative secessionist movement were rejected by Zimbabwe, which also opposed the supply of arms to Morocco by one of the super-Powers. The use of such arms against an oppressed people constituted a violation of the Charter since there was no threat to Morocco's integrity and sovereignty.

5. Zimbabwe strongly supported the initiative of the African Heads of State in urging Morocco and the Polisario Front to begin immediate negotiations. The action called for in General Assembly resolution 36/46 was the only way to end the bloodshed and threat to peace in Western Sahara while respecting the political aspirations of all peoples and the development of friendly relations. It was essential to attach no undue preconditions to negotiations or to the terms of a referendum. Zimbabwe appealed to Morocco to observe the provisions of paragraph 5 of General Assembly resolution 1514 (XV), and hoped that the expressions of concern about the continued occupation would not be used by either party as a pretext for withdrawing from the current efforts. It was to be hoped that relations between the two nations would be based essentially on the Charter and not on Morocco's national Constitution, since the current situation was at variance with international principles.

6. With regard to the situation in Kampuchea, there was a need for an immediate consensus on the fundamental elements constituting the basis for the legitimacy of a Government. The right of self-determination implied that Governments owed their existence and powers to the assent of the peoples they governed. Accordingly, Governments must ensure the promotion and protection of the human rights and fundamental freedoms essential to self-determination. The exercise of that right was reflected in a form of self-government commanding due international respect and the consequent independence from external threats or acts contradictory to the Declaration of 24 October 1970 concerning friendly relations among States. Successive Governments in Kampuchea had failed to observe those principles. The Pol Pot régime, because of the genocidal outrages it had committed, could be granted no claim to legitimacy. Its misdeeds, and the resultant refugee problem, had betrayed the trust placed in it by the Kampuchean people during their just struggle against foreign control; they also constituted a violation of the principles enshrined in the Charter and the Universal Declaration of Human Rights. The destiny of that people could not again be entrusted to that régime. In Zimbabwe's view, peace and security in the region would be impossible without a disinterested effort to establish an acceptable and responsible Government which would lead the way to a return to stability.

7. The current Government likewise lacked the requisite elements of legitimacy. The right of a people to choose their political status had never been tested; nor could it be in the current circumstances, which included the presence of a large external military contingent. If the intention was indeed to protect the Kampuchean people from further mass liquidation, tangible efforts would surely have been made to enable the people to make a political choice. Since that had not been done, the military presence must be deemed incompatible with the exercise of the right to self-determination and aimed at undermining Kampuchea's national unity. It also violated the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, and other relevant international instruments. If the current Government was sure that it enjoyed broad support, it should be willing to allow the people to exercise their political choice.

8. Moreover, the needs of international security could not be ignored. A conference should be convened, preceded by the withdrawal of all foreign troops from Kampuchea and attended by all parties to the conflict. Humanitarian concerns must be paramount: such a conference could not, of course, predetermine the foreign policy of a democratically endorsed Kampuchean Government. Nor should the value of the efforts of bodies such as UNHCR and UNICEF be overlooked, although such efforts were no substitute for a comprehensive and lasting solution.

9. The situation in Afghanistan, characterized by a growing outflow of refugees, had serious implications for international peace and reflected a misuse of ideology as a mask for policy. The presence of foreign troops violated the principle of self-determination, contradicted the purposes and principles of the Charter, and offended the principle of non-alignment to which Afghanistan was a declared adherent. In the interests of peace in the region, concern for which had been voiced in United Nations resolutions and at conferences of Islamic and non-aligned nations, Zimbabwe urged a speedy end to occupation by a super-Power to which the Charter had entrusted the task of maintaining international peace and security. Only a comprehensive solution, preceded by the withdrawal of all foreign troops, would enable peace and security to be restored to Afghanistan and the whole region, and allow the thousands of refugees to return home.

10. Mr. LOPATKA (Poland) said that Poland was one of the States Members of the United Nations which had roundly condemned the Pol Pot criminal régime and denied the right of its representative to speak on behalf of Kampuchea in the United Nations or anywhere else. Democratic Kampuchea did not exist, but the Kampuchean People's Republic did exist and was growing in strength, although its representatives had not yet been admitted to the United Nations - a state of affairs which discredited the Organization and did not help the Kampuchean people.

11. The democratically-held general elections of May 1981, as well as the vote on the Constitution and other legislative measures, testified to that people's will to rebuild the country and consolidate its political structures. The fraternal assistance being given by its socialist neighbour, Viet Nam, had saved the Kampuchean people from extermination and was essential to its rebuilding efforts. The presence of Vietnamese troops stemmed from a legitimate agreement between the Kampuchean People's Republic and the Socialist Republic of Viet Nam, two independent sovereign countries. Those troops would be withdrawn as soon as peace and security were restored to the frontier region between Kampuchea and Thailand.

12. His delegation did not agree with most of the opinions and recommendations set forth in document E/CN.4/1419, but it did share the opinion, also expressed in that document, that it was impossible, on the basis of the available information, to judge the truth of allegations relating to the human rights situation in Kampuchea. It had voted against Commission resolution 11 (XXXVII) on the grounds that the constitutional authorities of the Kampuchean People's Republic, in peaceful collaboration with neighbouring countries, were competent to seek solutions to the outstanding issues.

13. Poland would continue to support the legitimate authorities in Afghanistan. It commended the progress they had made in strengthening the country's security and development, and believed that it was up to the Afghan people itself, directed by its constitutional authorities, to decide on its destiny and its political and social system, to choose with which States it would co-operate and to determine the manner and terms of such co-operation. For those reasons, Poland maintained the stance which had led it to vote against Commission resolution 13 (XXXVII).

14. Mr. ROUCOUNAS (Greece) said that the worsening situation in the Middle East was of serious concern to his Government. The continuing foreign occupation infringed fundamental international law and prevented the free expression of the will of the peoples living under foreign occupation. The Palestinian people must be free to exercise fully its inalienable rights. The role of the United Nations should be to provide a mechanism through which the Palestinian people could give genuine expression to its wishes concerning its future.

15. In connection with the human rights situation in the occupied Arab territories, including Palestine, the General Assembly had recently reaffirmed that the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War applied to the Arab territories occupied by Israel, as did the general provisions of international law relating to armed conflicts. Therefore, any measures aimed at changing the legal status, geographical nature or demographic composition of the occupied Arab territories, including Jerusalem, and at the colonization of the occupied territories by Israeli settlers, the expulsion of the local inhabitants or the refusal to allow them to return to their homes were illegal. His Government had supported the majority view in the General Assembly and the Security Council condemning recent Israeli attempts to annex occupied Syrian territory. The Commission had a duty to work for the protection and restoration of human rights in the occupied territories.

16. Mr. SENE (Senegal), referring to numerous documents on the human rights situation in the occupied Arab territories and various resolutions adopted by the Commission, the General Assembly and the Security Council condemning Israeli practices and specific acts in violation of the human rights of the people living in the occupied territories, including Palestine, drew attention to the growing isolation of Israel from the international community, a fact to which Israel seemed quite indifferent. Israel's defiance of international law and public opinion would not have been possible without the constant support of its friends.

17. The Commission was not an international court or a miniature General Assembly or Security Council, but its discussions could have an impact on the moral conscience of the international community if it confined itself to human rights considerations and to gathering facts, information and other evidence of human rights violations in the occupied Arab territories. Only in that manner could the

Commission contribute to the achievement of a just peace based on the universal principles of the Charter. It was quite clear that any solution would have to dissipate the anger, the hatred, the urge to dominate, the sense of superiority and all the prejudice that provoked aggression among the antagonists. Originally the Israeli-Arab conflict had involved the exercise of the right to self-determination of both the Jewish and the Palestinian peoples, whereas now the Palestinian people, confronted with an existing Israeli State, found itself unable to exercise its right to self-determination and was forced to live under foreign occupation, in refugee camps or as temporary residents in foreign countries. The Israeli policy of settler colonies allowed Jews to enter the occupied territories but placed political, demographic and cultural barriers in the way of the return of the original inhabitants, by annexing territory, implanting settlements, and expropriating land. Israel's attempts to justify its policies on the basis of references to the Bible and the security of the State were somewhat out of date and irksome. Given the present interdependence of peoples, human rights such as peace and security were indivisible.

18. The numerous reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories presented a consistent picture of Israeli policy and actions aimed at changing the geographic and cultural character of the occupied territories and at annexation and settlement, all of which was contrary to articles 47 and 49 of the 1949 Geneva Convention and a flagrant violation of the right to self-determination of the population of the occupied Arab territories. Despite Israel's attempts to criticize the Special Committee's work as lacking in objectivity, he could assure the Commission, as a member of the Special Committee, that every effort was made to maintain the highest level of objectivity in the gathering of information and the search for truth. One undeniable fact had emerged from the Special Committee's investigations, namely, that the Israeli authorities did not allow the former inhabitants of the occupied territories to return to their homes, whereas Israeli citizens and companies were allowed to buy land and establish themselves in those territories. Unfortunately, not even the courts established in the territories could provide remedies against the violations, as they generally refused to hear appeals from Palestinians. The Israeli authorities seem to be doing everything in their power to force the Palestinians to resort to desperate acts of violence in order to discredit the Palestinians in the eyes of world opinion.

19. The human rights violations in the occupied territories, including Palestine, posed a serious threat to international peace and security. Israel, as the occupying Power, must cease aggravating tension in the Middle East and must promote a climate of peace by ceasing its violations of the human rights of the Arab population and its military adventures, such as the bombing of the Iraqi nuclear reactor, the unilateral annexation of the Golan Heights and its ferocious reprisals in the occupied territories and Lebanon. The Jewish people had long suffered from weakness and injustice, but they must now act with the wisdom of Solomon and put aside the temptation of military power in order to return to the path of humanism, tolerance and justice. The contribution of the Jewish people to world civilization, despite the exodus, pogroms, genocide and the holocaust, was justly famous; that heritage should not be tarnished by a sinister succession of human rights violations and systematic refusals to apply the principles of the Charter and the rules of international law.

20. The Palestinian people also had the right to life, security, freedom and culture. The international community must support the Palestinian people and refugees, both materially and morally, and for that reason his delegation had decided to join the sponsors of draft resolution E/CN.4/1982/L.3. It was his hope that those members of the Commission that had some influence on Israel could persuade it to respect the rights of the populations of the occupied territories and to co-operate with the Special Committee. The Commission must also make public opinion aware of the plight of the Palestinian people. His delegation was convinced that justice would prevail and that international co-operation and respect for the rule of law would make it possible to establish a just peace in the Middle East and to bring about a reconciliation of the peoples in conflict.

21. Mr. TERREFE (Ethiopia) said that the suffering of the people living in the occupied Arab territories, including Palestine, and their struggle for self-determination and the liberation of their territories were continuing on a greatly intensified scale. His delegation had therefore decided to join the sponsors of draft resolutions E/CN.4/L.3 and L.4 relating to the question of violations of human rights in the occupied Arab territories, including Palestine, and the question of self-determination. The international community had already pronounced itself on the question during the recent emergency session of the General Assembly, condemning Israel's extreme practices, its aggression against neighbouring States and its repeated flagrant violations of human rights in the occupied Arab territories. His delegation strongly urged the major Power behind Israel and the primary instigator of Israel's arrogant policy to listen to reason and to international public opinion, and to work towards a just and lasting peace in the region.

22. In Africa, the continued menace of the last vestiges of colonialism, neocolonialism, racism, apartheid and all forms of discrimination constituted a particularly serious security problem. South Africa's wanton acts of criminal aggression and flagrant violation of the territorial integrity of Angola and the front-line States, its illegal occupation of Namibia and the Bantustanization of South Africa should be condemned by the international community and should be a matter of high priority on the Commission's agenda. The racist régime in South Africa, with the support and encouragement of certain countries known to all, had adamantly refused to abandon its abhorrent policy aimed at enslaving the African majority.

23. The realization of human rights and fundamental freedoms, not only in southern Africa but elsewhere in the world, was seriously affected by the present international situation, which was characterized by all forms of racial discrimination, colonialism, neocolonialism, imperialism, policies tending to divide the world into spheres of influence, the arms race, the use or threat of the use of force against the sovereignty, national unity and territorial integrity of other States, and the refusal to recognize the fundamental rights of peoples to self-determination. His delegation urged those Western Powers with influence over South Africa to induce that country to comply with all United Nations resolutions, in particular Security Council resolutions 435 (1978) and 439 (1978), which established the United Nations plan for the independence of Namibia based on free and fair elections in the territory under the supervision of the United Nations. The political and legal dimensions of the right to self-determination were fully spelled out in paragraphs 6 and 7 of General Assembly resolution 1514 (XV).

24. As pointed out by the Director of the Division of Human Rights, the present international situation in southern Africa, the Middle East and other regions of the world posed serious threats to the maintenance of world peace and security. He would add to the Director's remarks concerning the somewhat abstract nature of the

Commission's debates that they were also often politically motivated. South Africa, for instance, often continued its brutal policies of oppression and genocide with impunity, while the Commission engaged in politically motivated polemics. His delegation therefore suggested that the Commission's deliberations in the future should focus attention on self-determination in southern Africa, Western Sahara and the occupied Arab territories, including Palestine, so that the people of those countries would soon be able to enjoy full freedom and independence. In that connection, article 1 of the International Covenant on Economic, Social and Cultural Rights was important in that it established self-determination as a prerequisite for the realization of all basic human rights, including the right to development.

25. Mr. SCHIFTER (United States of America) said that there might have been some misunderstanding about the statement he had made when speaking on a point of order at the 6th meeting. His remarks should not be construed as implying a change in the position of the United States on any issue involving Lebanon, including his country's views of the status of Syrian troops now stationed in Lebanon. His statement had referred only to the practice followed by the Commission in allowing a certain breadth in the discussion and his delegation's commitment to the equal application of the rules to all.

26. Mr. ZAFERA (Observer for Madagascar) said that the various documents before the Commission provided overwhelming evidence of the numerous violations of human rights which the Israeli régime continued to commit in the occupied Arab territories, including Palestine.

27. Far from complying with the provisions of the many resolutions adopted by the United Nations and other international organizations, the Israeli régime was perpetuating its policy of terror in order to deprive the Palestinian people of the enjoyment of their inalienable rights, including the right to self-determination and independence. Israel persisted in its policy of establishing settlements, expelling the Arab population, transforming the natural, cultural and religious character of the occupied territories, and confiscating Arab lands. It continued to refuse to apply the Fourth Geneva Convention. And in spite of all the efforts of the international community, it maintained an attitude of defiance, arrogance and cynicism in adopting an increasingly violent policy, annexing Jerusalem, committing repeated acts of aggression against Lebanon, bombarding the Iraqi nuclear installations designed for peaceful purposes and intensifying its persecution of Palestinians. Its recent annexation of the Golan Heights constituted a further illustration of its arrogance.

28. Despite the Commission's successive resolutions condemning all those acts, Israel continued to carry out its policy of aggression and expansionism with impunity, and the United Nations seemed to be helpless in the face of the increasingly serious violations of international law and human rights.

29. The Commission must take urgent steps to put an end to the criminal acts of Israel. The current debate provided an opportunity once again to condemn the policy of the Zionist régime and to reaffirm support for the just struggle of the Palestinian people under the leadership of its legitimate representative, the PLO.

30. In his opinion, the Palestinian issue was the crux of the problem of the Middle East. There could be no question of a separate peace such as that advocated in the Camp David accords. It should be a global peace, based on respect for the inalienable rights of the Palestinian people, including their right to create an independent State, and on the evacuation of all the occupied Arab and Palestinian territories, including Jerusalem.
31. In another area of the world, southern Africa, human rights continued to be violated. The racist régime in Pretoria was consolidating its policy of apartheid and intensifying its oppression of the black population, while in Namibia the illegal occupation continued to be accompanied by numerous violations of the most elementary human rights and by a renewal of acts of armed aggression against the neighbouring States.
32. On the question of Western Sahara, the international community had noted with satisfaction the decisions adopted in June 1981 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU) concerning the holding of a general and free referendum on self-determination in Western Sahara. Members would recall the solemn undertaking given by King Hassan II of Morocco at the Assembly to accept the results of the referendum.
33. The OAU Implementation Committee had adopted a number of measures to facilitate the referendum: the establishment of a cease-fire through negotiations between the parties to the conflict, i.e. Morocco and the Polisario Front; restriction to their respective bases of the troops belonging to the parties to the conflict in order to ensure the proper conduct of the referendum and strict observance of the cease-fire; and establishment of a provisional administration to be assisted by a sufficient number of troops from a peace force of OAU and/or the United Nations.
34. Those decisions were reflected in General Assembly resolution 36/46, which reaffirmed the inalienable right of the people of Western Sahara to self-determination and independence. Paragraphs 4, 5 and 6 of that resolution were particularly important, but in spite of the appeals they contained, serious clashes continued to occur in Western Sahara and the Sahrawi people continued to suffer the dramatic consequences of the unjust war that had been imposed on it.
35. While the Polisario Front had demonstrated its willingness to negotiate an immediate cease-fire, the same could not be said of the Moroccan side. From press reports it would seem that Morocco would never negotiate with the Polisario Front. It would be useful if the delegation of Morocco could enlighten the Commission on that point.
36. Given the fact that both OAU and the United Nations had specifically identified Morocco and the Polisario Front as the two parties to the conflict, and that Morocco refused to negotiate with the Polisario Front, matters seemed to have reached an impasse. One might well wonder, therefore, whether Morocco really wanted a general and free referendum for the people of Western Sahara. He hoped he was mistaken, however, and called on Morocco to agree to negotiate with the Polisario Front. In conclusion, he expressed the conviction that the Commission would take the necessary measures to ensure that the long-suffering Sahrawi people could live in peace.

37. Mr. KHERAD (Observer for Afghanistan) said that ever since its establishment, Israel had pursued a policy of aggression against the defenceless people of Palestine and other Arab countries and had occupied part of their territories since 1967.

38. Israel's violation of the Charter and the Universal Declaration of Human Rights, its persistent policy of annexation, establishment of settlements, expropriation and expulsion, and its denial of the right of the Palestinians to self-determination, national sovereignty and independence constituted a challenge to world public opinion and the relevant resolutions of the United Nations and other international bodies. Pursuing their expansionist policy, the Zionist authorities persisted in applying measures aimed at changing the legal status, geographical nature and demographic composition of the occupied territories.

39. The occupying Zionists, seeking to consolidate the results of their aggression, to annex Palestinian lands and other Arab territories, and to prevent the creation of an Arab State in Palestine, were intensifying their expropriation and settlement of Arab lands. The prime victim of that expansionist policy was the Palestinian population. It was well known that the Palestinian people, who had a centuries-old history and had been deprived of their homeland and national rights following a joint conspiracy of imperialists, colonialists and Zionists, had been obliged to live as refugees under foreign occupation for more than a quarter of a century. It would be difficult to find a similar example of brutality and inhuman treatment inflicted on an entire nation. One of the fundamental characteristics of the ideology, policy and practice of the Zionists, was to deprive other peoples of their lands and homes in order to acquire "living space".

40. The Palestinian people, like all peoples of the world, had rights which were clearly defined in the Charter, various conventions, declarations, international commitments and relevant documents and resolutions of the United Nations. Those rights could not be granted to others or usurped.

41. Because of the intrigues of the imperialists, the Palestinian question had for 20 years been regarded essentially as a refugee problem. That unrealistic and unjust approach was contrary to the right of the Palestinian people to self-determination and its inalienable right to return to its homeland. However, the first link in the Zionist conspiracy had been broken in 1969 with the adoption of General Assembly resolution 2535 (XXIV), which had, inter alia, recognized that the problem of the Palestine Arab refugees had arisen from the denial of their inalienable rights under the Charter and the Universal Declaration of Human Rights, and reaffirmed the inalienable rights of the people of Palestine. Those rights had been reaffirmed in a number of resolutions adopted since 1970.

42. Other links in the Zionist conspiracy had been broken by successive resolutions of the General Assembly, including resolutions 3236 (XXIX) and 3237 (XXIX), which had, respectively, emphasized that the realization of the inalienable rights of the Palestinian people was indispensable for the solution of the question of Palestine and granted observer status to the PLO in the General Assembly and all international conferences convened under United Nations auspices.

43. The right of the Palestinian people to self-determination, sovereignty and independence had been officially recognized by the United Nations, the various conferences of the non-aligned countries and the Islamic States. In spite of that universal recognition, however, United States imperialism and the Zionists were seeking to eliminate the Palestine liberation movement, legalize the Israeli occupation of Palestinian territory and other Arab lands, prevent the participation in a settlement of the Palestinian problem by the PLO - the sole legitimate representative of the Palestinian people, and condemn the Arab people of Palestine to permanent exile.
44. The Zionist entity was intensifying its warlike activities against the people of Palestine and other Arab countries by refusing to implement the resolutions of the Security Council and the General Assembly, continuing to deny the Palestinian people the exercise of its national rights, and pursuing its policy of expansion and repression.
45. The unlimited support of the United States which Israel enjoyed and the implementation of the Camp David accords had encouraged Israel to continue its racist policy and practices. The most revolting and unacceptable act of the Zionist State was its decision to annex Jerusalem and to make it the capital of Israel, a measure contrary to all the resolutions which the General Assembly and the Security Council had adopted on Jerusalem and which called on the occupying State not to take any measure aimed at modifying the character of the city, which was sacred for all Muslims and persons of other faiths.
46. The illegal annexation of the Syrian Golan Heights, which had been declared null and void and without international legal effect, was a further serious act of aggression by the Zionist entity and a violation of the relevant resolutions of the United Nations, the Fourth Geneva Convention and the universally recognized principles of contemporary international law.
47. Israel had become an effective instrument in the service of the United States policy of aggression and expansion, thus seriously threatening the independence and sovereignty of the Palestinian and Arab peoples and international peace. The United States provided the Zionist aggressors with the most sophisticated weapons and endeavoured to thwart the will of the international community whenever the question of the Zionist entity's acts of provocation against the Arabs was examined in the United Nations. Indeed, without United States support, Israel would be unable to persist in its policy of aggression and expansion against Palestine or in its arrogant attitude towards the international community. His Government and people firmly supported the legitimate struggle of the Palestinian and Arab peoples against Zionist aggression and resolutely called for an end to the policy of Zionist oppression and terrorism. To meet the legitimate demands of the Syrian Government, the Security Council should as a matter of urgency adopt effective measures and sanctions against those responsible for the annexation of the Syrian Golan Heights under Chapter VII of the Charter.

48. It was high time the international community took specific measures that would compel the Zionist entity to comply with the numerous United Nations resolutions concerning a just and equitable solution to the Palestinian question. Such a solution should be based on the following principles: complete and unconditional withdrawal of all Israeli troops from all the Arab territories occupied by Israel, including Jerusalem; removal of the vestiges of Israeli aggression; realization of the legitimate national and inalienable rights of the Arab people of Palestine; recognition of the PLO as the sole legitimate representative of the Palestinian people, with the right to participate on an equal basis with the other parties in any settlement of the Middle East question.

49. Mr. TABIBI (Observer for the World Muslim Congress) said that the right to life and freedom was more important than any other right and that a nation could not remain in bondage without the right to self-determination. The League of Nations and the United Nations had been established mainly to safeguard those basic rights, but unfortunately human rights were being violated throughout the world. Many of those violations occurred in the Islamic world, which happened to be a follower of a religion dedicated to the dignity and prosperity of the human race. However, while human rights were being denied in many parts of the world, the violation of justice, self-determination and fundamental freedoms and the colonization of Islamic people and nations by non-Muslim and atheist States had occurred with greater momentum in the Islamic world. Not only had the Palestinian people lost its lands, property and country to the Jewish settlers, but the people of Lebanon, Syria and Iraq were now being subjected to the threat of annexation, bombardment and expulsion because of the dream of a greater Israel.

50. The people of the free, non-aligned and Muslim State of Afghanistan, which throughout its history had fought for the preservation of independence and liberty, were subjected to systematic genocide, bombardment, imprisonment and terrorization. As a result, millions of Afghans had left their homeland to take refuge in Pakistan and Iran because a super-Power, which was supposed to be a guardian of peace and security under the Charter, had caused all those hardships in the name of friendship.

51. He also drew attention to the plight of one third of the world's Muslim population who were living as minorities and second-class citizens and numbered more than 300 million. However, the tragedy of Palestine and Afghanistan was the most shocking story of modern times. The one was subjected to the wishes of a small community who called themselves the chosen people of God, imposed a discriminatory philosophy of zionism, and seized the land and property of others. The other, which was powerful, wished to impose an alien rule and philosophy on a proud and independent people who wished to remain free yet in friendship with all nations. Afghanistan had done nothing to deviate from that policy of friendship and non-alignment, and wished to be left alone and in peace.

52. His organization condemned the violations of the various General Assembly and Security Council resolutions on Palestine, and Israel's refusal to co-operate with the Palestinian people. Unfortunately, Israel was continuing its colonizing activities at a time when the world was witnessing a process of rapid decolonization and independence. His organization believed that the community of nations, on the basis of its obligations under the Charter and the Geneva Conventions, as well as the Universal Declaration of Human Rights, should bring pressure to bear on Israel to stop its vandalism of the Holy Land, its terrorization of the Arab population, its usurpation of their lands and property, and the establishment of settlements in

Arab lands. Furthermore, all Members of the United Nations should refrain from encouraging the systematic violation by Israel of human rights in the Arab lands. They should heed the call of the community of nations to recognize the right of the Palestinian people to a State of their own and call on Israel to withdraw from the occupied Arab lands, including Jerusalem and the Golan Heights.

53. Since its establishment by the United Nations, Israel had committed atrocities of all kinds against the indigenous Arab population of Palestine. History showed, however, that during the 14-century rule of the Arabs and Muslims in Palestine, the Jews and Christians, as minorities, had enjoyed full protection because Islam did not recognize compulsion in religious matters and gave special consideration to the people of the Book. What was needed was reason, justice and realism to bring peace to the Holy Land and to create an atmosphere of trust and confidence. The time had come for the world community and the United Nations to put an end to the 30 years of bloodshed and affliction suffered by the Palestinian people.

54. In order to ensure peace and justice in the Holy Land, the following principles must be recognized: there could be no solution to the Middle East problem which did not take full account of the legitimate aspirations of the Palestinian people; the legitimate and inalienable rights of the Palestinian people to return to their homes and to achieve self-determination, national independence and sovereignty must be respected; the inadmissibility of the acquisition of territory by force and the consequent obligation for complete and speedy evacuation of any Arab, Palestinian or other territory so occupied; affirmation of the duty and responsibility of all concerned to enable the Palestinians to exercise their inalienable rights; and the need for an expanded and more influential role by the United Nations and its organs in promoting a just solution to the question of the Palestinians. In implementing such a solution, the Security Council, in particular, should take appropriate action to facilitate the exercise by the Palestinians of their right to return to their homes, lands and property.

55. Mr. SOFFER (Observer for Israel), speaking in exercise of the right of reply, said that some speakers from Arab countries and their allies had attacked his country with sordid and improbable lies which served only selfish political ends. The territories administered by Israel were open to all, unlike the territories of those countries attacking Israel; those same countries sought only to impede a just solution of the situation, which had been caused by the persistent Arab refusal to recognize Israel.

56. Some Arab speakers had gone to great lengths to hide the violations of human rights in their own countries. The representative of Iraq seemed to have forgotten the war of aggression waged by his country against Iran, a conflict which had created more than 2 million refugees. Iraq was the only country to which Amnesty International had devoted a special report on the institutionalized use of torture. Iraq had established as a matter of dogma the persecution of its ethnic and religious minorities. The Iraqi representative had failed to mention the four wars of extermination waged by his country against Israel or his Government's expansionist and murderous plans, which had been openly stated in the Iraqi President's official declarations.

57. The Libyan representative had failed to mention his country's illegal invasion of Chad and his President's hegemonistic dreams of an Islamic empire on the African continent. Libya had become one of the main supporters of international terrorism and devoted an enormous budget to the global dissemination of hatred, destruction and terror. Libya also had figured in Amnesty International reports on torture, bloody repression and daily human rights violations.

58. The representative of Syria, who had continually interrupted the Israeli statement in the Commission by resorting to points of order, was apparently quite concerned lest new revelations be made about the crimes committed by the Syrian Government against opponents of the present régime and the genocide committed by the Syrian army in Lebanon during its illegal occupation of that country. There again the regular reports of such respected organizations as Amnesty International sufficed to corroborate his assertions. The Syrian representative had drawn attention to the works of Professor Shahak, Mrs. Felicia Langer and Meir Kahana. The first two were notorious for their support for certain Arab causes, while Meir Kahana had been imprisoned for his activities. He for his part was happy to live in a democracy where everyone had the right to freedom of expression, even if that led to the publication of aberrant views that served to provide Israel's enemies with fallacious arguments. One could not blame the Syrian representative for attempting to hide the truth, when the truth in his country was full of such sordid phenomena as the systematic and brutal torture of countless political detainees, arbitrary arrests, mock trials, summary executions, the assassination of opponents of the régime, and the oppression of ethnic and religious minorities.

59. It was scandalous that the Commission was now being exploited by some Arab representatives who, while extolling the principle of self-determination, attacked zionism and the right of the Jewish people to self-determination in the most racist and disgusting manner. Such hate-filled propaganda reminded one only of the most terrible pages of anti-Semitic Nazi propaganda and must be vigorously and indignantly rejected.

60. Mr. SOLA VILA (Cuba), speaking in exercise of the right of reply, referred to the threats made by the United States representative at a previous meeting and said that Cuba had for 23 years been threatened with aggression, attempted murder and economic blockade by the United States. During those years, Cuba had never been afraid and was even less so at the present time. It rejected the threat of blackmail, loved peace and wished to maintain good relations with all States in accordance with the principles of international law.

61. His Government had expressed its willingness to discuss its differences with the United States, but principles were not negotiable. Cuba would never negotiate its support for the Palestinian people, the people of Namibia, the oppressed population of South Africa or peoples struggling for their liberation. Cuba would never betray its principles and had demonstrated that fact through its actions over the past 23 years.

62. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking in exercise of the right of reply, said that recent events relating to Puerto Rico had confirmed the disquiet felt by the international community. The President of the United States had made an official statement about the desire to annex Puerto Rico to that country - an attitude which was contrary to resolutions of the United Nations Special Committee on decolonization. In a decision taken in August 1981 (A/AC.109/674), that Committee had again called on the United States Government

to take all possible measures to transfer full powers to the people of Puerto Rico. The Sixth Conference of Non-Aligned States in Havana had also called for the implementation of General Assembly resolution 1514 (XV), as had the foreign ministers of the non-aligned countries meeting in February 1981. The representative of the United States was well aware of those decisions.

63. With regard to Micronesia, events had shown that the island Territory was in danger of being swallowed up by the administering Power, which was persisting in its policy of fragmentation and changing the status of the Micronesian people into one of dependence, in violation of the Charter. It was clear that, after 34 years, the United States was not acting in the way prescribed in the Charter with regard to trusteeship.

64. His delegation repeated that a solution to the question of Micronesia formed part of the over-all decolonization process. Any change in the status of Micronesia as a Trust Territory pursuant to the Charter could be effected only by a decision of the Security Council. Unilateral action by the administering Power was illegal and void.

65. The aim of the referendum in Puerto Rico, mentioned by the United States representative, was too well known to speak about. With regard to his own country, it was now the practice for the citizens to appraise legislation and the most important decisions of State and local significance in nationwide polls, all such decisions being fully discussed and decided upon by the workers, peasants and intellectuals. In matters relating to national development, draft decisions and laws were given the widest publication and all practical means were provided for the expression of views.

66. For example, the draft constitution of the USSR in 1977 and the draft constitution of the Byelorussian SSR in 1978 had been discussed by over four fifths of the entire population. Each Republic of the USSR had its individual Constitution and citizenship; each one could conduct foreign relations and had the right to leave the Union if it so chose. Lenin had often stressed that the right to self-determination was first and foremost **the** right to create an independent State. In his work "The socialist revolution and the right of nations to self-determination", for example, he had said that the right to national self-determination signified exclusively the right to independence in the political sense and to break free from an oppressor nation.

67. Incidentally, it was typical that the United States representative was unable to quote any facts to justify Israel's expansionist policy or the support for that policy, against the Arab nations, given by the United States - a matter raised by the delegation of the Byelorussian SSR in its statement on 4 February 1982.

68. Mr. TE SUN HOA (Democratic Kampuchea), speaking in exercise of the right of reply, said that three years previously, with the active support of the Government of Poland, the Vietnamese army had invaded and occupied Kampuchea, inflicting indescribable suffering on its people. It was common knowledge that with the active support of the same parties chemical weapons were at present being intensively used against the Kampuchean people. His delegation would provide further information on that subject under agenda item 9. In spite of such assistance from the Government of Poland and other Warsaw Pact countries, the Vietnamese army was encountering increasing resistance from the Kampuchean people who wished to live in freedom and independence.

69. The stage-managed election, to which the Polish representative had referred, could not conceal the fact that the current administration in Phnom Penh would not last a day without the presence of 250,000 Vietnamese soldiers. He ventured to suggest that the Polish representative would have done better to confine himself to the issue of self-determination in Poland rather than attempt to uphold an act of aggression which had been universally condemned.

70. Mr. BENHIMA (Observer for Morocco), speaking in exercise of the right of reply, pointed out that the OAU Implementation Committee had met that very morning at Nairobi and that the President of Kenya and the Chairman of OAU had drawn attention to the agreement reached at the Committee's previous meeting on the steps to be taken with a view to the holding of a referendum and establishment of a cease-fire. The parties to the conflict should therefore allow the Committee to accomplish its task in accordance with its conscience and abstain from any action likely to interfere with its work.

71. Delegations would realize the contradiction inherent in statements that the African solution was acceptable, on the one hand, and calls for the same question to be considered by other bodies on different bases, on the other. There were many delegations which did not wish to take up the question of Western Sahara in view of the fact that OAU had been seeking ways and means of reaching a settlement that would put an end to the tension reigning in the north-western part of Africa. It was regrettable that some delegations were trying to block the efforts of the Implementation Committee by making demands which were unrelated and none of which had been accepted by the African Heads of State. His delegation wished to draw the attention of the delegation of Madagascar to the fact that OAU had never recognized the representative nature of the Polisario Front and could not, therefore, oblige Morocco to deal with a party which it did not itself recognize. His delegation called upon the delegation of Madagascar to desist from its efforts to deceive the Commission by making emotional appeals the better to conceal its own hypocrisy.

72. Mr. YOUSEF (Iraq), speaking in exercise of the right of reply, said that the representative of the Zionist entity had violated rule 43 of the rules of procedure in that his remarks on human rights in Iraq and other Arab countries were not germane to the two agenda items under discussion, which related to Israeli human rights violations in the occupied territories. The Israelis falsified all the facts of history in portraying themselves as the victims of four wars of aggression. However, he was confident that the Commission would be able to distinguish between the wolf and the lamb. The Amnesty International reports to which reference had been made were unofficial and could not be exploited by Israel to defend itself against the trustworthy reports of the Special Committee set up to investigate Israeli practices.

73. Israel invariably disregarded the views of the international community. In Tel Aviv, the reaction to the General Assembly resolution on the annexation of the Golan Heights had been that such declarations had no binding force and that, as the saying went, "the dogs bark, but the caravan passes".
74. With regard to the reference to the President of Iraq, he was proud that his country was headed by a man who was ready to liberate the inhabitants of the occupied territories by the technical means at his disposal.
75. In conclusion, he had been interested to note that the representative of the Zionist entity had confirmed Israel's alliance with Iran.
76. Mr. DAUDY (Syrian Arab Republic), speaking in exercise of the right of reply, said that the accusations levelled against it had not pleased the racist Zionist entity, which claimed they were all figments of the imagination. It claimed that the occupied territories were open to inspection. If such was the case, why were the territories not open to the Special Committee, all of whose communications had remained unanswered? Furthermore, the imaginary accusations appeared to have gained universal currency, since they had been confirmed in the Security Council, the General Assembly, WHO, ILO and, indeed, Amnesty International, which the representative of the Zionist entity had so freely mentioned. He too would quote Amnesty International's findings, namely, the report and recommendations of a mission to the Government of the State of Israel, dated September 1980, which concentrated on the lack of administrative and legal safeguards for security suspects. Persons could be detained without charge or trial, and need not be informed either of the reason for detention or of the evidence against them. One such administrative detainee had been held since May 1975. Furthermore, in July 1980, public expression of sympathy for illegal organizations had been made an offence punishable by up to three years' imprisonment. Opponents of that measure had asserted that it was designed to stifle legitimate expression of opinion.
77. Quoting a work by Adam Taylor, L'esprit sioniste, he said that the Israeli Government had clearly indicated its intention of incorporating at least part of the occupied territories. As early as 1940, an official of the Jewish Agency had considered that there was no place in Palestine for the two peoples and that the only solution was to transfer all the Arabs without exception to the neighbouring countries. The Guardian of 8 February 1982, under the title "Israel just grows and grows", had stated that there were still countries on which Israel could rely, even at the height of an expansionist movement which was eliminating the last traces of Palestinian rights. Europe and the United States were conniving at annexations by Israel; it might be wondered whether it would be the turn of southern Lebanon next. General Assembly resolution 36/22 had correctly described Israel as "not a peace-loving State" and declared that it had "not carried out its obligations under the Charter".
78. Mr. FELDMAN (United States), speaking in exercise of the right of reply, said that in 1952, Puerto Rico had held the constitutional referendum which had established its commonwealth relationship with the United States: 374,000 persons had voted in favour and 83,000 against. Two subsequent referenda had been held, giving a similar overwhelming majority in favour of the relationship. He was interested to note that the USSR Constitution did not contain any provision for a

procedure whereby a Soviet Socialist Republic might either secede from the Union or even initiate discussion on the subject. Such a provision was missing even from the 1922 Constitution. Turning to the question of Micronesia, he assured the Byelorussian representative that there would be action to change the trusteeship status only under the relevant procedure for termination of strategic trusteeships.

79. He was puzzled to hear the Cuban representative refer to United States threats; he was not aware that his delegation had made any threats.

80. Mr. ZAFERA (Madagascar), speaking in exercise of the right of reply, said that the Moroccan representative had endeavoured to divert attention from the important issue of Western Sahara. Violations of human rights had occurred and the Commission was competent to consider them. In what way could that hamper the political work of OAU? Perhaps Morocco had something to hide. With regard to the representativeness of the Polisario Front, he would recommend the Moroccan representative to consult the records of the United Nations and OAU.

81. Mr. SERGIWA (Libyan Arab Jamahiriya), speaking in exercise of the right of reply, said that Libyan troops had entered Chad at the invitation of the Head of Government of that country in order to put an end to the civil war. They had withdrawn at the request of the Government after they had acted to end the war in which thousands had been killed.

82. With regard to the Israeli charge of terrorism, he would ask the Commission to decide whether the terrorists were those who supported the right of the Palestinian people to self-determination or those who annexed occupied territories and created refugee problems. Libya was being accused of terrorism because it assisted liberation movements struggling against the Zionist entity, South Africa and the United States.

83. Mr. SOFFER (Israel), speaking for the second time in exercise of the right of reply, said that if the Syrian representative was proud of the President of Syria's threat to bomb Tel Aviv with all the means at his disposal, he must leave it to the Commission to decide who was the victim and who the aggressor. The Syrian representative had quoted excerpts from Amnesty International's report on Israel wholly out of context.

84. Mr. DAUDY (Syrian Arab Republic), speaking for the second time in exercise of the right of reply, said that the statement by the representative of the Zionist entity was not worthy of a response.

85. Mr. YOUSEF (Iraq), speaking for the second time in exercise of the right of reply, said he wished to reaffirm that all Arab nations, including Iraq, were convinced that they had the right to liberate the occupied territories by all means, including armed struggle, as recognized by the United Nations. The Organization's resolutions did not constitute an alternative to armed struggle when the appropriate time came.

86. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), speaking for the second time in exercise of the right of reply, said he could provide further information to the United States representative about the expression of opinion in his country. Byelorussian citizens discussed legislation on labour and housing - not familiar subjects in the United States - pensions and nature conservation. The All-Union Council of Soviets, which had proclaimed the foundation of the Soviet Union in 1922, had enshrined in its Constitution the principle of a single multinational State based on the sovereign equality of the partners. Each Soviet Socialist Republic retained autonomy over matters of a political, social and cultural nature, each had its own Constitution - adapted to local requirements, and each retained the right to enter into relationships with foreign States. The constitutional rights of the Soviet socialist republics were inalienable.

87. Turning to the question of Puerto Rico, he said that the President of the United States had recently spoken about the desirability of unification between the United States and Puerto Rico in breach of the United Nations principle of decolonization. That move was hardly surprising: Puerto Rico constituted an unsinkable aircraft carrier and 16 United States bases were located there. He need add no comment on the subject of Puerto Rican referenda since the value of referenda held by the United States was common knowledge.

88. Mr. BENHIMA (Morocco), speaking for the second time in exercise of the right of reply, said that the Malagasy representative had been guilty of bad faith. He challenged him to produce a single OAU document which recognized the Polisario Front. The Commission might find it hard to understand the presence at its meetings of members of that Front, who were nationals of Mauritania, wearing badges supplied by some other delegation.

89. Mr. SCHIFTER (United States), speaking for the second time in exercise of the right of reply, said that what the President of the United States had actually said was that if Puerto Rico so desired, it could become a State. However, the Byelorussian representative had been right about elections held by the United States; it was indeed common knowledge that they were free.

90. Mr. ZAFERA (Madagascar) speaking for the second time in exercise of the right of reply, said that pleasant-sounding words did nothing to solve the real problem of the inhabitants of Western Sahara.

91. The CHAIRMAN said that discussion of agenda item 4 had been concluded.

The meeting rose at 8 p.m.