

Chapter IX

Middle East

The search for a peaceful settlement to the conflict in the Middle East and its key issue, the Palestine problem, continued in 1985. The General Assembly, the Security Council and several other United Nations bodies considered various aspects of the situation, including the Palestine question—seen as the core of the conflict—incidents and disputes between individual Arab States and Israel, the situation in Lebanon and in the territories occupied by Israel, and Palestine refugees. The United Nations continued to maintain two major peace-keeping operations in the region, the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights and the United Nations Interim Force in Lebanon (UNIFIL).

The Assembly again endorsed the call for an International Peace Conference on the Middle East, stressing the need to convene it without delay.

The question of Palestine continued in 1985 to be a concern of the Assembly and its Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian rights). The Assembly adopted resolutions asking for the situation relating to the question to be kept under review, inviting co-operation with the Committee and the Secretariat's Division for Palestinian Rights, and requesting the Department of Public Information to continue its special information programme on the question.

The Assembly also again dealt with the status of Jerusalem.

The Middle East situation, with particular emphasis on the Palestine question, was also considered by the Security Council at four meetings in October.

In July, a meeting of various United Nations bodies and funds assessed progress towards a co-ordinated assistance programme for Palestinians. Both the Economic and Social Council and the Assembly requested that the United Nations system intensify its efforts, in co-operation with the Palestine Liberation Organization (PLO), to provide economic and social assistance.

PLO was accused by some Members of being involved in several terrorist attacks that took place during the year. In what it said was a retaliatory action, Israel bombed PLO headquarters in Tunisia on 1 October, killing and wounding many persons. The act was condemned by the Security Council. Palestinians, said to be members of a

PLO faction, on 7 October hijacked the Italian cruise ship *Achille Lauro*, during which incident a passenger was killed and thrown overboard. Council members condemned the hijacking and all acts of terrorism.

Throughout the year, the Secretary-General continued consultations with the Lebanese Government and other parties involved in the ongoing conflict in Lebanon. Despite those efforts, the positions of the parties remained far apart. In January, Israel announced a three-phase plan for unilateral redeployment and withdrawal of its forces. During the third phase in May/June, Israel Defence Forces (IDF) withdrew progressively, handing their positions over to the "South Lebanon Army" (SLA), which was supported by IDF, in an area to be maintained as a "security zone"—a strip of land north of the international border.

During and after the withdrawal, both the number and intensity of attacks by Lebanese resistance groups against Israeli forces and Lebanese irregulars armed and controlled by them increased sharply. In part of its area of deployment, UNIFIL was confronted with many positions which overlapped those manned by IDF and/or local Lebanese forces, mainly SLA, in the security zone. Attacks by Lebanese groups gave rise to countermeasures by Israeli and associated forces and led to frequent and dangerous confrontations between those forces and UNIFIL.

The Security Council considered the situation in Lebanon in February/March and again in May. It called for an end to the violence against civilians and for measures to alleviate their suffering. During the year, the Council extended the mandate of UNIFIL twice, in April and October, each time for six months.

The 1981 bombing by Israeli aircraft of a nuclear research centre near Baghdad, Iraq, was again taken up in 1985. The Assembly requested the International Atomic Energy Agency (IAEA) to consider additional measures to ensure that Israel undertook not to attack or threaten to attack peaceful nuclear facilities, and reaffirmed that Iraq was entitled to compensation. The IAEA General Conference, in September, noted that Israel had committed itself not to attack peaceful nuclear facilities.

The Assembly, as well as the Commission on Human Rights, dealt with the situation in the Syrian Golan Heights since Israel's December 1981

decision to impose its laws, jurisdiction and administration on that territory. The Assembly again declared that decision to be illegal and that the decision and Israel's occupation constituted an act of aggression. UNDOF continued to supervise the observance of the cease-fire between Israel and the Syrian Arab Republic in the Golan Heights area. The Security Council twice in 1985 extended UNDOF's mandate for six months, in May and November.

The Assembly approved appropriations for UNDOF for operations from 1 June 1985 to 31 May 1986 totalling more than \$36 million, and appropriated some \$142 million for UNIFIL's operations from 19 April 1985 to 18 April 1986. It also authorized suspension of certain provisions of the Financial Regulations of the United Nations that would otherwise have required surrender of some funds to States.

The Secretary-General reviewed the rates of reimbursement to troop-contributing States. The Assembly retained the current rates, last revised in 1980, but asked him to review them at least every two years.

The United Nations Truce Supervision Organization continued to assist the two peace-keeping forces in the Middle East—UNDOF and UNIFIL—in the performance of their tasks, and maintained two observation groups of its own in Beirut, Lebanon, and in Egypt.

The situation in the territories occupied by Israel as a result of previous armed conflicts was again considered by the Assembly and its Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (Committee on Israeli practices). The Committee observed that there was a continuing deterioration in the respect for the civil, political, economic, social and cultural rights of the population of the territories.

The Assembly adopted seven resolutions dealing with specific aspects of the Committee's report. It condemned and demanded that Israel desist from a number of policies and practices, among them action that would change the legal status and composition of the Palestinian and other Arab territories occupied since 1967, including the Syrian Golan Heights, and demanded that Israel comply with the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, that it release Ziyad Abu Eain and other Palestinian prisoners, that it rescind the measures taken expelling Palestinians and that it ensure the freedom of educational institutions.

The Security Council considered the situation in the occupied territories during two meetings in September, but did not adopt any formal decisions.

In March, the Secretary-General organized a seminar on remedies for the deterioration of the economic and social conditions of the Palestinians in the territories. Affirming that Israeli occupation was contradictory to the basic requirements for their development, the Assembly requested the Secretary-General to organize by April 1987 a seminar on development projects to improve their living conditions.

In June 1985, the Secretary-General submitted a study on Israeli economic practices in the territories and a progress report on lifting Israeli restrictions and on projects to facilitate the territories' economic development. The Assembly and the Economic and Social Council requested a report on Israeli financial and trade practices in the territories, and called for the lifting of Israeli restrictions and facilitation of the establishment of a seaport and citrus and cement plants.

The Secretary-General reported that in June Israel had ceased all work on a planned canal linking the Mediterranean Sea and the Dead Sea. The Assembly requested that he monitor any new development relating to the project.

Emergency operations in Lebanon dominated relief efforts in 1985 of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In addition, UNRWA continued to assist Palestinian refugees in Jordan, the Syrian Arab Republic, the West Bank and the Gaza Strip, providing education, health and relief services.

UNRWA activities and various aspects of the Palestine refugee problem were addressed by the Assembly, which adopted 11 resolutions on assistance to Palestine refugees, the Working Group on the Financing of UNRWA, assistance to displaced persons, scholarships for higher education and training, Palestine refugees in the Gaza Strip, ration distribution, return of refugees displaced since 1967, revenues derived from refugee properties, refugee protection, refugees in the West Bank, and a proposed University of Jerusalem for Palestine refugees.

Topics related to this chapter. Disarmament: Israeli nuclear armament. International peace and security: review of peace-keeping operations. Mediterranean: other related questions. Institutional machinery: other institutional questions—fortieth anniversary of the United Nations. Economic assistance, disasters and emergency relief: emergency relief and assistance—Lebanon. Human rights: human rights violations—Middle East. Human settlements: political, economic and social issues—human settlements in the territories occupied by Israel. Women: status of women—Palestinian women. Legal aspects of international political relations—prevention of terrorism.

Middle East situation

The situation in the Middle East continued to be unstable and the search for a peaceful settlement of the conflict there remained elusive despite intensive efforts by the United Nations and individual Member States, the Secretary-General stated in an October 1985 report.⁽¹⁾ While the positions of the various parties to the conflict remained far apart, there was wide acceptance of Security Council resolution 242(1967)⁽²⁾ which spelt out two important principles for a settlement: the withdrawal of Israel's forces from territories it occupied, and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries. There was also wide agreement that there must be a satisfactory resolution of the Palestine problem based on recognition of the legitimate rights of the Palestinian people, including self-determination.

Various peace proposals made in 1985 and in previous years contained important elements that could contribute to the formulation of a common approach, the Secretary-General stated. There were also some signs of flexibility with regard to the negotiating process. He believed that a new and determined effort should be made to explore and use United Nations machinery to enhance the search for a settlement in the Middle East.

The convening of an International Peace Conference on the Middle East was widely seen as one of these possibilities. The Secretary-General, in March,⁽³⁾ reported on Security Council consultations on the question. The Committee on Palestinian rights, in its annual report to the General Assembly,⁽⁴⁾ expressed the conviction that a conference would provide an opportunity for all the parties to participate in negotiations which should lead to a just and lasting solution.

By resolution 40/168 A, the Assembly dealt with a variety of issues related to the Middle East situation Reaffirming its conviction that the question of Palestine was the core of the conflict in the region, it declared once more that peace in the Middle East was indivisible and must be based on a comprehensive, just and lasting solution under United Nations auspices and on the basis of United Nations resolutions. By resolution 40/96 D, it again endorsed the call for the convening of a peace conference, stressing the need for additional constructive efforts to convene it without delay.

Communications. In connection with the Middle East situation, communications were addressed during the year to the Presidents of the General

Assembly and of the Security Council and to the Secretary-General. By letters of 10 January⁽⁵⁾ and 2 December,⁽⁶⁾ Israel drew the Secretary-General's attention to what it called some of the extreme examples of anti-Semitic rhetoric in United Nations forums during November and December 1984, among them statements made before the Assembly by Iran, Jordan and Saudi Arabia, and by Bahrain and Iraq in committee. There was a trend emerging at the United Nations, Israel said, allowing such rhetoric to be practised with ever-growing impunity, traceable to the 1975 Assembly resolution⁽⁷⁾ equating Zionism with racism. Israel urged the Secretary-General to condemn the recurrent outbreaks of anti-Semitic rhetoric and consider ways of preventing those breaches of the Charter of the United Nations and of the 1948 Universal Declaration of Human Rights.⁽⁸⁾

On 6 May,⁽⁹⁾ Italy transmitted a declaration on the Arab-Israeli conflict, adopted by the Ministers for Foreign Affairs of the 10 member States of the European Community (EC) at the fifty-seventh Ministerial Meeting on European Political Cooperation (Luxembourg, 29 April). The Ministers stated that they welcomed recent moves towards a reactivation of the negotiation process in the search for a solution to the conflict, notably an agreement reached at Amman on 11 February between Jordan and the Palestinians which contained a commitment to negotiations in accordance with United Nations resolutions. Such initiatives, in their opinion, deserved encouragement and a positive response; no effort should be spared to facilitate a dialogue between all the parties. The Ten reconfirmed their willingness to contribute to a comprehensive settlement on the basis of the principles of recognition of the rights of all States in the region, including Israel, to existence and security, and the right of the Palestinians to self-determination.

On 16 May,⁽¹⁰⁾ the Libyan Arab Jamahiriya transmitted to the Security Council President a letter of 15 May from the Secretary of the People's Committee of the People's Bureau for Foreign Liaison of the Libyan Arab Jamahiriya. It charged Israeli deployment of nuclear missiles in the Syrian Golan and Negev Desert areas. That deployment, the Libyan Arab Jamahiriya stated, was a serious threat to peace and security in the region and the world. It signalled an escalation in aggression against the Arab nation, laid the groundwork for occupation operations and posed the threat of attack against Arab cities and vital installations. The act was a flagrant violation of international treaties and United Nations resolutions, flouted repeated appeals to States to accede to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons,⁽¹¹⁾ heightened tension in the region, and placed the Arab nation in a position obliging it to exercise

its right of self-defence under the United Nations Charter, as long as the Security Council did not take immediate steps to remove the threat of those missiles. The Libyan Arab Jamahiriya reserved the right to request the convening of the Council.

On 19 August,(12) Morocco transmitted to the Secretary-General the Final Communiqué of the Extraordinary Summit Conference of Arab States (Casablanca, 7-9 August), which stressed the need for Arab solidarity and continued collective Arab commitment to the principles of the 1982 Twelfth Arab Summit Conference at Fez, Morocco.(13) By a letter of 28 August,(14) the Syrian Arab Republic pointed out that the Casablanca Communiqué did not express a unanimous Arab position owing to the fact that live Arab States, including itself, had not participated in the Conference and more than half of the Arab heads of State had been absent from it.

On 18 September,(15) Madagascar transmitted a number of resolutions adopted by the Council of Ministers of the Organization of African Unity (OAU) at its forty-second ordinary session (Addis Ababa, Ethiopia, 10-17 July). By one of them, OAU affirmed total support for the Arab countries, victims of Israeli aggression; it recommended that member States renew their firm determination not to establish or re-establish diplomatic ties with Israel and urgently appealed to the international community to exert effective pressure on Israel in all fields to coerce it to comply with OAU decisions.

In a communiqué of the co-ordination meeting of the Ministers for Foreign Affairs of the Organization of the Islamic Conference (New York, 9 October), Israel's rejection of United Nations decisions was condemned. The meeting demanded that the international community take the necessary measures, including sanctions, to ensure that Israel abided by the Charter and international law. The communiqué was transmitted by Yemen on 15 October.(16)

Reports of the Secretary-General. In an October report,(1) the Secretary-General said that in recent contacts with leaders of the parties concerned, he had gained the impression that they were fully conscious of the dangers a further delay in finding an agreed settlement of the Middle East problem could entail for the region and beyond.

While the positions of the various parties to the conflict remained far apart, the Secretary-General noted that there was general acceptance of Security Council resolution 242(1967)(2) and wide agreement that the Palestine problem must be resolved satisfactorily, based on recognition of the legitimate rights of the Palestinian people, including self-determination.

During recent years, a number of peace proposals had been put forward by Governments. They included the proposals made in September

1982 by the United States President,(17) by the USSR,(13) and by the Fez Summit Conference in its Declaration,(13), as well as the proposals of the USSR made in July 1984.(18) In addition, there was the peace initiative of Jordan's King Hussein based on an agreement reached in February 1985 with PLO Chairman Yasser Arafat, under which Jordan and PLO would move together towards a just and peaceful settlement and towards the termination of Israeli occupation of Arab territories. Although those proposals for various reasons were so far unacceptable to one or another of the parties, they all contained important elements that could contribute to the formulation of a common approach.

The Secretary-General also noted signs of flexibility with regard to the negotiating process. To enable the parties to embark on such a process, a generally acceptable procedure had to be found, with the full support of Governments in a position to help. He felt that, despite the existing difficulties, a new and determined effort should be made to explore the various possibilities of the United Nations machinery to promote progress in the Middle East peace process.

In this context, the Secretary-General reported that he had pursued his contacts with the parties and others concerned regarding the search for a peaceful settlement, including the convening of an international conference as recommended by the Assembly (see p. 268). In the evolution of a settlement, the Security Council could play a vital role, but other avenues of the United Nations could also be explored.

The Secretary-General annexed to another report(19) replies from 13 countries, received by 18 October 1985, on their implementation of three 1984 Assembly resolutions: in two of them,(20) the Assembly had called on States to adopt a number of measures concerning military, economic, diplomatic and cultural relations with Israel; by the third,(21) it had called again on States that had transferred their diplomatic missions to Jerusalem to abide by United Nations resolutions.

GENERAL ASSEMBLY ACTION

On 16 December 1985, the General Assembly adopted, by recorded vote, resolution 40/168 A on the situation in the Middle East.

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983 and 39/146 A to C of 14 December 1984,

Recalling Security Council resolutions 425(1978) of 19 March 1978, 497(1981) of 17 December 1981, 508(1982)

of 5 June 1982, 509(1982) of 6 June 1982, 511(1982) of 18 June 1982, 512(1982) of 19 June 1982, 513(1982) of 4 July 1982, 515(1982) of 29 July 1982, 516(1982) of 1 August 1982, 517(1982) of 4 August 1982, 518(1982) of 12 August 1982, 519(1982) of 17 August 1982, 520(1982) of 17 September 1982, 521(1982) of 19 September 1982 and 555(1984) of 12 October 1984,

Taking note of the reports of the Secretary-General of 11 March 1985,(3) 24 September 1985(19) and 22 October 1985,(1)

Reaffirming the need for continued collective support for the resolutions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, reiterating its previous resolutions regarding the Palestinian question and its support for the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people, and considering that the convening of an International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

Welcoming all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly relating to the question of Palestine and to the situation in the Middle East,

Gravely concerned that the Palestinian and other Arab territories occupied since 1967, including Jerusalem, still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to all the occupied Palestinian and other Arab territories, including Jerusalem,

Reaffirming also all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of

international law and endanger international peace and security,

Stressing once again the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from all the Palestinian and other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices and on the basis of the relevant resolutions of the United Nations, which ensures the complete and unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relevant to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983 and 39/49 A to D of 11 December 1984;

4. Considers the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, and reiterated by the Extraordinary Summit Conference of the Arab States held at Casablanca, Morocco, from 7 to 9 August 1985, as well as relevant efforts and action to implement the Fez Plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. Condemns Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. Rejects all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. Deplores Israel's failure to comply with Security Council resolutions 476(1980) of 30 June 1980 and 478(1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A

and B of 17 December 1981; determines that Israel's decision to annex, Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, including expropriation, the establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. Strongly condemns the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Golan Heights, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. Considers that the agreements on strategic co-operation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and matériel to Israel, augmented by substantial economic aid, including the recently concluded Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and threaten the security of the region;

11. Calls once more upon all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. Strongly condemns the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. Reaffirms its call for the convening of an International Peace Conference on the Middle East under the auspices of the United Nations and on the basis of its relevant resolutions—as specified in paragraph 5 of the Geneva Declaration on Palestine and endorsed by General Assembly resolution 38/58 C of 13 December 1983;

14. Requests the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-first session a comprehensive report covering the developments in the Middle East in all their aspects.

General Assembly resolution 40/168 A

16 December 1985 Meeting 118 98-19-31 (recorded vote)

24-nation draft (A/40/L.43 & Add.1); agenda item 38.

Sponsors: Afghanistan, Bahrain, Bangladesh, Cuba, Djibouti, India, Indonesia, Iraq, Kuwait, Malaysia, Mauritania, Mongolia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates, Viet Nam, Yemen, Yugoslavia.

Meeting numbers. GA 40th session: plenary 104-107, 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Costa Rica, Denmark, El Salvador, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, United Kingdom, United States. Abstaining: Antigua and Barbuda, Austria, Bahamas, Barbados, Burma, Cameroon, Chile, Colombia, Dominica, Dominican Republic, Fiji, Finland, Grenada, Guatemala, Haiti, Honduras, Ivory Coast, Jamaica, Japan, Liberia, Malawi, Panama, Paraguay, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Spain, Swaziland, Sweden, Uruguay, Zaire.

Before adopting the text as a whole, the Assembly adopted paragraph 10 by a recorded vote of 64 to 33, with 41 abstentions.

Reservations on that paragraph were voiced by several speakers. The United States found it particularly repugnant and regarded it as unwarranted interference in its internal affairs, totally outside the Assembly's jurisdiction; it rejected the allegation that its co-operation with and assistance to Israel threatened the security of the region and had an adverse effect on peace efforts. Turkey found the reference to the free-trade-area agreement unhelpful and stressed that its positive vote did not mean that it fully agreed with the paragraph's contents. Democratic Yemen, on the other hand, believed that the paragraph merely mentioned facts; among those facts was that the strategic co-operation agreements had encouraged Israel to commit acts of aggression. Democratic Yemen believed that the free-trade-area agreement encouraged Israel not to heed the international will on negotiations.

Strong reservations on paragraph 10, as well as on paragraph 11, were also voiced by Sweden. Peru objected to the interpretation that might be given to those paragraphs and to paragraph 6, none of which, it said, recognized the relevance of all the peace efforts initiated. Reservations on the same three paragraphs were expressed by Argentina.

Mexico reserved its position in particular on paragraph 6, Greece on paragraph 12. Albania had reservations on paragraph 13, as well as on the second and fifth preambular paragraphs. General reservations on some of the wording and provisions of the text were voiced by Ecuador and

the Philippines; the latter added that resolutions on the Middle East situation should be balanced and should not prejudice the sovereign rights of States to conduct their own international affairs as they saw fit.

Nepal felt that elements in the text ran counter to the guiding principles for its Middle East policy, reflected in Security Council resolutions 242(1967)(2) and 338(1973).⁽²²⁾ Austria could not support elements in the text which, it felt, not only aggravated the existing situation but impeded the search for peace.

The Syrian Arab Republic stated that it had not joined the sponsors because it objected to the mention of the August Summit Conference of the Arab States in paragraph 4; at the same time, it emphasized its full support of the decisions taken at the 1982 Fez Summit.⁽¹³⁾

The Libyan Arab Jamahiriya stressed its strong reservations against anything in the text that could be interpreted as recognition of the Zionist entity or of a fait accompli imposed by force in the territories.

Israel said that, rather than address in the resolution the real issues and major conflicts of the Middle East, the sponsors had averted any initiative towards their solution or even discussion and instead repeated false accusations.

Seeking to place the entire blame on one party to the Arab-Israeli conflict, said the United States, tended to widen rather than to reconcile the differences among the parties, thus making any peace process even more difficult.

New Zealand regretted that the text did not reflect the balance of principles embodied in Security Council resolutions and the measured approach essential to secure the co-operation of all parties.

Speaking on behalf of the 10 members of the European Economic Community (EEC), as well as Portugal and Spain, Luxembourg stated their serious reservations on the text, saying it contained aspects which were not in accord with their common stand on the principles for a comprehensive settlement; they could not accept formulations levelling criticisms against a permanent Security Council member for having exercised its rights in accordance with the United Nations Charter. Expressing agreement with that view, Greece declared its attachment to the Charter principle proscribing the threat or use of force, and to the Helsinki Final Act.

Peru would have liked explicit mention of Security Council resolutions 242(1967) and 338(1973), which it considered an acceptable and just basis for an agreement. Mexico believed that a general framework for a Middle East solution might be found in Security Council and Assembly resolutions. It considered it urgent and necessary

for the parties to take positions promoting accord on agreements; the possibility of negotiating an agreement under international auspices would be progress towards normalizing political relations in the area.

Brazil warned that the possibilities of achieving a solution should not be reduced by diplomatic isolation of one of the parties to the conflict, even if that party had been acting in a manner incompatible with international law; Israel should not be offered further excuses to act, because of its isolation, in further disregard for that law.

Singapore said it supported all efforts aimed at restoring the rights of the Palestinians and a return to a just and durable peace in the Middle East; however, it could not support texts that did not recognize the legitimate rights of Israel, were selective and unbalanced in their condemnation or impinged on the sovereign right of third countries having diplomatic relations with Israel.

In Egypt's view, the text included many principles for a settlement to which it adhered, foremost among them the inadmissibility of the occupation of the territory of others by force, the applicability of the 1949 Geneva Convention to the occupied Arab territories and the condemnation of the establishment of Israeli settlements in those territories.

Introducing the draft resolution on behalf of the sponsors, India stated that recent months had witnessed a deterioration in the Middle East situation resulting in further acts of aggression and intimidation by Israel; it was important to find an early solution on the basis of internationally recognized guidelines and principles and to support the early convening of an international peace conference under United Nations auspices.

Also on 16 December, the Assembly adopted under the agenda item on the Middle East resolution 40/168 B dealing mainly with the Israeli-occupied Golan Heights. In that resolution, the Assembly determined once more that Israel's policies and actions confirmed that it was not a peace-loving Member State, that it had persistently violated the Charter principles, and that it had carried out neither its obligations under the Charter nor its commitments as a United Nations Member. The Assembly called on all Member States to refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance to it; to refrain from acquiring weapons or military equipment from Israel; to suspend economic, financial and technological assistance to and co-operation with it; and to cease, individually and collectively, all dealings with Israel in order totally to isolate it. It also urged non-member States to act in accordance with the resolution, and made a similar call

on the specialized agencies and other international organizations.

In resolution 40/5, the Assembly requested the Secretary-General to continue to strengthen co-operation with the General Secretariat of the League of Arab States for the purpose of implementing United Nations resolutions relating to the Palestine question and the Middle East situation, in order to achieve a just, comprehensive and durable solution.

Proposed peace conference

In 1985, the General Assembly stressed the urgent need for constructive efforts by all Governments for the convening of an International Peace Conference on the Middle East, as called for by the 1983 International Conference on the Question of Palestine.⁽²³⁾ The Secretary-General reported on ongoing consultations concerning the proposed conference, including the question of participants, and the Committee on Palestinian rights expressed the conviction that a conference provided an opportunity for all the parties concerned to participate in negotiations.

Communication. On 15 October 1985,⁽¹⁶⁾ Yemen, as Chairman of the Organization of the Islamic Conference, transmitted to the Secretary-General a communiqué of the co-ordination meeting of the Ministers for Foreign Affairs of that organization (New York, 9 October). Among other matters, the communiqué condemned Israel's rejection of the Assembly's decision to hold an International Peace Conference on the Middle East, with the participation of all parties concerned, including PLO.

Reports of the Secretary-General. In March,⁽³⁾ the Secretary-General reported on his continued efforts, in consultation with the Security Council, with regard to the convening of an International Peace Conference on the Middle East, as the General Assembly had requested in 1984.⁽²⁴⁾ He stated that in January 1985 he had asked for the Council's views. The President had replied that he had held bilateral talks with all members, almost all of which were in favour of the principle of holding such a conference. Many felt that it should be convened as early as possible; others considered that the conditions for such a step had not yet been met. The Secretary-General said he intended to pursue consultations, as he had been invited to do by the Council members, and would inform the Assembly and the Council of any new developments.

In his October report⁽¹⁾ on the situation in the Middle East, the Secretary-General stated that he had pursued his contacts with the parties to the Middle East conflict and with others concerned regarding the search for a peaceful settlement, including the convening of an international con-

ference. In commenting on the difficulties encountered, he had suggested on several occasions that the machinery of the Security Council be used to enhance that search. He had been kept informed of efforts made by Jordan's King Hussein to bring about negotiations within the framework of an international conference.

Recommendations of the Committee on Palestinian rights. In its annual report to the Assembly, 4, the Committee on Palestinian rights (see p. 273) expressed its conviction that an international conference would provide a comprehensive opportunity for all the parties concerned to participate in negotiations which should lead to a just and lasting solution of the Palestine question. The Committee was encouraged by the responses it had received in the course of its official visits so far to the capitals of a number of Security Council members. The Committee recommended that the Assembly renew the Secretary-General's mandate for contacts regarding preparations with a sense of urgency, and appealed to all countries to exert their best efforts for a successful outcome.

Also at the seminars and symposia of non-governmental organizations (NGOs) held under United Nations aegis (see p. 273), the view was strongly held that the convening of an international conference was a priority which offered the best and most comprehensive approach to a just and lasting solution to the Palestine question.

GENERAL ASSEMBLY ACTION

On 12 December 1985, under the agenda item on the question of Palestine, the General Assembly adopted resolution 40/96 D by recorded vote.

The General Assembly,

Recalling its resolutions 38/58 C of 13 December 1983 and 39/49 D of 11 December 1984, in which it, *inter alia*, endorsed the convening of an International Peace Conference on the Middle East,

Reaffirming its resolution 39/49 D, in which it, *inter alia*, requested the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference,

Having considered the reply of the President of the Security Council to the Secretary-General, dated 26 February 1985, in which he, *inter alia*, stated on the subject of the Conference: "In this context, members of the Council invite the Secretary-General to continue consultations on the subject in any manner he deems appropriate in the light of General Assembly resolution 39/49 D.",

Having considered again the reports of the Secretary-General of 13 March 1984 and 13 September 1984, in which he stated, *inter alia*, that it was clear from the replies of the Governments of Israel and the United States of America that they were not prepared to participate in the proposed Conference, and regretting the continued negative response of these two Governments and the lack of willingness to reconsider their position towards the Conference,

Having considered the reports of the Secretary-General of 11 March 1985 and 22 October 1985, in which he, *inter alia*, referred to the difficulties experienced in his efforts made the previous year with a view to convening the Conference,

Having heard the constructive statements made by numerous representatives, including that of the Palestine Liberation Organization,

Taking note of the positive positions of the concerned parties, including the Palestine Liberation Organization, and of other States on the convening of the Conference,

Taking note also of the position of the Palestine Liberation Organization which condemns all acts of terrorism, whether committed by States or individuals, including acts of terrorism committed by Israel against the Palestinian people and the Arab nation,

Reiterating once again its conviction that the convening of the Conference would constitute a major contribution by the United Nations towards the achievement of a comprehensive, just and lasting solution to the Arab-Israeli conflict,

1. Takes note with appreciation of the reports of the Secretary-General;

2. Reaffirms again its endorsement of the call for convening the International Peace Conference on the Middle East in conformity with the provisions of its resolution 38/58 C;

3. Stresses the urgent need for additional constructive efforts by all Governments in order to convene the Conference without further delay and for the achievement of its peaceful objectives;

4. Determines that the question of Palestine is the root-cause of the Arab-Israeli conflict in the Middle East;

5. Calls upon the Governments of Israel and the United States of America to reconsider their positions towards the attainment of peace in the Middle East through the convening of the Conference;

6. Requests the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference and to report thereon to the General Assembly not later than 15 March 1986;

7. Decides to consider at its forty-first session the report of the Secretary-General on the implementation of the present resolution.

General Assembly resolution 40/96 D

12 December 1985 Meeting 114 107-3-41 (recorded vote)

14-nation draft (A/40/L.41 & Add.1); agenda item 33.

Sponsors: Afghanistan, Cuba, German Democratic Republic, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Mongolia, Pakistan, Senegal, Ukrainian SSR, Viet Nam, Yugoslavia.

Meeting numbers. GA 40th session: plenary 98, 100-103, 114.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia,

Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Canada, Israel, United States.

Abstaining: Antigua and Barbuda, Australia, Austria, Belgium, Chile, Colombia, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Federal Republic of, Greece, Grenada, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Portugal, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Spain, Swaziland, Sweden, United Kingdom, Zaire.

Before voting on the text as a whole, the Assembly adopted paragraphs 2 and 5 by recorded votes of 111 to 6, with 29 abstentions, and 89 to 22, with 33 abstentions, respectively. Recorded votes were also taken on the fourth and eighth preambular paragraphs: the former was adopted by 84 votes to 22, with 38 abstentions; the latter, by 79 to 33, with 32 abstentions.

The United States found unacceptable the critical references to its opposition to an international conference as being an intrusion on government policy decisions and harmful to peace efforts. A conference as envisaged would neither yield a constructive examination of the Middle East question nor contribute to a lasting solution; instead, it would be an ideological and propagandistic exercise directed against Israel. The parties to the conflict should resolve the issues in direct negotiations among themselves. The United States also categorically rejected the charge in the eighth preambular paragraph which it said equated Israel with the perpetrators of the vicious acts of terrorism that marked the Middle East.

The one sure and tested road to peace, said Israel, was through direct negotiations, and it would welcome a genuine expression of support for that course by the international community; those who were not genuinely concerned with peace and who would like to arrange an international conference were actually defeating their own purposes, because they called for a conference with Israel and at the same time condemned it as a non-peace-loving State.

In Canada's view, a renewed appeal in constructive terms for a conference could have held promise of positive impact. The text, however, contained extraneous and unacceptable language; the inclusion of unsubstantiated controversial accusations and intemperate language would not contribute to an atmosphere propitious for peace talks.

Finland said it could not support the text as a whole because it contained new elements and unacceptable formulations. Similarly, Sweden believed that elements, particularly in the sixth, seventh and eighth preambular paragraphs, had created a bias which limited the constructive role the text might have played otherwise. In addi-

tion, Sweden felt that it could not be the intention of a resolution to force Governments to a conference or to convene one without their agreement. Austria reiterated its support in principle for convening a conference; however, it had difficulties with paragraph 5 and the wording of some preambular paragraphs and objected to the singling out of countries for criticism.

New Zealand was disappointed that the text failed to take cognizance of recent positive developments and did not reflect accurately the balance of principles in resolution 242(1967)(2) or provide a basis for the realistic settlement of the Palestinian problem; although it saw merit in the idea of a conference, it did not consider it timely to convene one until the parties demonstrated the will to resolve the dispute by peaceful means.

Norway said it could support the proposal to convene a conference if that was acceptable to all the parties that were supposed to take part in the negotiations. The text adopted, however, was unconstructive; paragraph 5 and the fourth preambular paragraph did not reflect the constructive steps taken by the United States and Israel during the preceding months, and the eighth preambular paragraph did not mention some of the most serious terrorist activities in the Middle East.

Speaking on behalf of the 10 EC member States, as well as Portugal and Spain, Luxembourg said that, although they had no objection in principle to the holding of an international conference, considerable preparatory work remained. Moreover, the text adopted seemed to lack balance, particularly because of the weight it placed on the views of one of the parties to the conflict. The eighth preambular paragraph was unacceptable as it did not reflect the balanced position adopted by all United Nations Members on terrorism in resolution 40/61 (see *LEGAL QUESTIONS*, Chapter II); the language in the fourth preambular paragraph and in paragraph 5 would isolate and criticize two of the proposed conference participants and was therefore not productive.

Reservations, especially on those provisions, were also expressed by Zaire. Malawi regarded the eighth preambular paragraph as provocative and the insinuation in paragraph 5 as not constructive. It believed that, as one of the parties to the dispute was not prepared to participate, another agreed method should be adopted. Haiti said the holding of a conference presupposed the co-operation of all parties, which meant a halt to rhetoric; the eighth preambular paragraph merely added grist to the mill of those who believed it was not currently appropriate to hold a conference.

Reservations on paragraph 5, as well as on the fourth and eighth preambular paragraphs, were also voiced by several others, among them Bolivia, Malawi, Peru and Venezuela. In Peru's opinion,

they were not conducive to creating the best possible conditions to bring about a conference. Argentina felt that certain ideas in the fourth and eighth preambular paragraphs were not specifically relevant to the substance of the resolution; the former tended to prejudge the future attitude of two sovereign States. With regard to the eighth preambular paragraph, Venezuela felt that one particular State should not be singled out as being solely responsible for the terrorist activities in the region and that a more general statement of the problem was called for. It believed that a conference could contribute to peace, provided a number of conditions were met. Uruguay reiterated reservations previously expressed in connection with the documents adopted by the 1983 International Conference on the Question of Palestine.

Singapore suggested mutual recognition of Israel and PLO and said the international community should urge them to pursue a course of compromise.

Albania, which did not participate in the vote, felt the two super-Powers would try to manipulate the conference for their own interests, in rivalry with each other.

Iran took exception to the use of the term "Government of Israel".

Senegal, as Chairman of the Committee on Palestinian rights, introduced the draft resolution on behalf of the sponsors, stating that the international community acknowledged that an international conference was the best way to achieve a comprehensive, just and lasting solution to the Middle East problem and the Palestine question. In its work, the Committee had given priority to efforts to bring about the conference, and it was strongly encouraged by the positive replies from Governments.

In a statement after the vote, PLO remarked that Israel's terrorist acts against the Palestinians continued. Those who objected to the eighth preambular paragraph refused to take note of PLO's position, and those who were speaking about direct negotiations had it very clear in their minds that the Palestinians did not exist and that they had no right to self-determination.

Other action. Both the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, in resolutions on the Israeli-occupied territories adopted, respectively, on 26 February(25) and 29 August,(26) welcomed the call to convene an international peace conference under United Nations auspices with the participation of all parties on an equal footing and with equal rights.

United Nations Truce Supervision Organization

In his October 1985 report(1) on the Middle East situation, the Secretary-General provided an

overview of the three peace-keeping operations in the Middle East: the two peace-keeping forces—UNDOF and UNIFIL (see below, under “Incidents and disputes between Arab countries and Israel”)—and one observer mission, the United Nations Truce Supervision Organization (UNTSO). Apart from assisting UNDOF and UNIFIL in their tasks, UNTSO maintained two observation groups of its own, the Observer Group in Beirut, set up in 1982(27) (see p. 297), and the Observer Group in Egypt, where about 50 observers have remained since 1979 with the agreement of the Government. In addition to a liaison office at Cairo, the Observer Group in Egypt maintained five observation posts in the Sinai.

Credentials of Israel

By a letter of 15 October 1985 to the General Assembly President,(28) 50 States conveyed their reservations on the credentials of Israel, citing instances where, they charged, Israel was continuing its flagrant and persistent violation of the United Nations Charter and international law, and its defiance of United Nations resolutions. The signatories cited the fact that Israel's credentials had been issued in Jerusalem, although the Assembly had determined that the 1980 proclamation of the city as the capital of Israel, among other Israeli legislative and administrative actions, was null and void (see p. 280). The Assembly had stated in 1982(29) that Israel's measures and actions confirmed that it was not a peace-loving State and that it had fulfilled neither its Charter obligations nor its commitments under the 1949 Assembly resolution(30) admitting it to United Nations membership. The Ministers for Foreign Affairs of the Organization of the Islamic Conference, by a communiqué adopted in New York on 9 October 1985, had requested all Islamic countries to sign the letter.(16)

On 18 October,(31) Israel responded that the attack on its credentials—which had been found in due form and accepted by the Credentials Committee—was an attempt to abuse the credentials procedure. By trying to deny acceptance of Israel's credentials in the Assembly, the signatories persisted in efforts to violate the letter and spirit of the Charter and the Assembly's rules of procedure; Israel was pleased that the overwhelming majority of Member States recognized and rejected that irresponsible action.

Before adopting resolution 40/2 A approving the first report of the Credentials Committee,(32) the Assembly, by a recorded vote of 80 to 41, with 20 abstentions, decided not to act on an amendment to that report by Algeria, Bahrain, Democratic Yemen, Djibouti, Iraq, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Qatar, Saudi Arabia, Somalia, the

Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen(33) to reject the credentials of Israel. The motion to take no action was tabled by Sweden on behalf also of Denmark, Finland, Iceland and Norway (see p. 396).

Voting procedures

Referring to a motion by the United States(34) in connection with the vote on a 1984 General Assembly resolution on the Middle East,(35) the United Arab Emirates, in a letter of 8 January 1985(36) to the Secretary-General, rejected the United States interpretation of the applicability to the resolution of Article 18, paragraph 2, of the United Nations Charter. According to Article 18(2), Assembly decisions on important questions—including those on the maintenance of international peace and security—were to be adopted by a two-thirds majority. On the basis of the two precedents cited by the Legal Counsel of the United Nations, the United Arab Emirates said, the impression might have been created that the Assembly's practice on resolutions dealing with the question of Palestine in all its aspects required a two-thirds majority, since they fell within the purview of Article 18(2). However, it said, there were contrary precedents emphasizing the applicability of paragraph 3 of Article 18, which stipulated that decisions on “other questions, including the determination of additional categories of questions to be decided by a two-thirds majority”, should be made by a simple majority of Members present and voting. The trend of the Assembly's general practice with regard to resolutions on the Palestine question had been adoption by a simple, rather than two-thirds, majority.

Replying on 11 January,(37) the Secretary-General recalled that the opinion given by the Legal Counsel did not contain an explicit or implicit statement to the effect that under Assembly practice all resolutions dealing with the Palestine question required a two-thirds majority. The practice had varied, a note attached to the letter said; many of the resolutions relating to the Middle East situation had received a two-thirds majority, so that the question had not arisen as to whether or not they had been adopted under Article 18(2). In other cases, decisions had been taken that individual resolutions came under that provision.

REFERENCES

- (1)A/40/779-S/17581 & Corr.1. (2)YUN 1967, p. 257, SC res. 242(1967), 22 Nov. 1967. (3)A/40/168-S/17014. (4)A/40/35. (5)A/40/77. (6)A/40/966-S/17665. (7)YUN 1975, p. 599, GA res. 3379(XXX), 10 Nov. 1975. (8)YUN 1948-49, p. 535, GA res. 217 A (III), 10 Dec. 1948. (9)A/40/291-S/17162. (10)S/17195. (11)YUN 1968, p. 17, GA res. 2373(XXII), annex, 12 June 1968. (12)A/40/564 & Corr.1. (13)YUN 1982, p. 388. (14)A/40/584. (15)A/40/666. (16)A/40/758-S/17570. (17)YUN 1982, p. 387. (18)YUN 1984, p. 259. (19)A/40/668 & Add.1. (20)YUN 1984, pp. 260 & 323, GA res. 39/146 A & B,

14 Dec. 1984. (21)*Ibid.*, p. 273, GA res. 39/146 C, 14 Dec. 1984. (22)YUN 1973, p. 213, SC res. 338(1973), 22 Oct. 1973. (23)YUN 1983, p. 274. (24)YUN 1984, p. 266, GA res. 39/49 D, 11 Dec. 1984. (25)E/1985/22 (res. 1985/4). (26)E/CN.4/1986/5 (res. 1985/16). (27)YUN 1982, p. 475, SC res. 516(1982), 1 Aug. 1982. (28)A/40/752/Rev.1 & Rev.1/Corr.1. (29)YUN 1982, p. 515, GA res. ES-9/1, 5 Feb. 1982. (30)YUN 1948-49, p. 405, GA res. 273(III), 11 May 1949. (31)A/40/775. (32)A/40/747, (33)A/40/L.3. (34)YUN 1984 p. 261. (35)*Ibid.*, p. 260, GA res. 39/146 A, 14 Dec. 1984. (36)A/40/73. (37)A/40/85.

Palestine question

The question of Palestine continued in 1985 to be a concern of the General Assembly and its Committee on Palestinian rights. The Assembly, in December, adopted four resolutions on the question. By the first (resolution 40/96 A), it requested the Committee to keep under review the situation relating to the Palestine question as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights, adopted by the 1983 International Conference on the Question of Palestine.⁽¹⁾ By the second resolution (40/96 B), the Assembly invited co-operation with the Committee and the United Nations Secretariat's Division for Palestinian Rights. By the third (40/96 C), it requested the United Nations Department of Public Information (DPI) to continue its special information programme on the Palestine question, and by the fourth (40/96 D), it reaffirmed its endorsement of the call for an International Peace Conference on the Middle East (see p. 268). The Assembly, in resolution 40/168 C, again dealt with the status of Jerusalem, having determined that Israel's 1980 decision to impose its laws, jurisdiction and administration on the Holy City was null and void.

The Middle East situation, with particular emphasis on the Palestine question, was also considered by the Security Council during four meetings in October.

United Nations bodies continued to examine the situation in the Israeli-occupied territories (see p. 326) and to provide and encourage assistance to Palestinians (see p. 281). To assess progress towards a co-ordinated assistance programme and plan future activities in that regard, the Secretary-General convened in July a meeting of various United Nations programmes, organizations, agencies, funds and organs. Both the Economic and Social Council (resolution 1985/57) and the Assembly (resolution 40/170) requested that the United Nations system intensify its efforts, in co-operation with PLO, to provide assistance to the Palestinians, and that the Secretary-General take all necessary steps to finalize a co-ordinated programme.

PLO was charged with being involved in several terrorist attacks that took place during the year. In what it said was in retaliation for the murder of three Israeli citizens in Cyprus, allegedly carried out by PLO, Israel bombed PLO headquarters in Tunisia on 1 October, killing and wounding scores of people. The Security Council, in resolution 573(1985), condemned the bombing as an act of aggression and demanded that Israel refrain from such acts. Four Palestinians, said to be members of a PLO faction, hijacked the Italian cruise ship *Achille Lauro* on 7 October; during the incident, an American citizen, Leon Klinghoffer, was killed and thrown overboard. The members of the Security Council, by a statement of 9 October, condemned the hijacking and all acts of terrorism.

Communications. Throughout the year, Israel, in letters to the Secretary-General, accused PLO of attacks against its citizens. On 26 April,⁽²⁾ it said that, on 19 April, an Israeli naval vessel on patrol had fired warning shots at an unidentified ship approaching Israel's coast. When the ship opened fire and tried to escape, the patrol boat sank it. One body was recovered and 19 apparently drowned. The eight crewmen rescued said they had set out from an Algerian port where they had received special training. They had been ordered by a Fatah deputy commander to attack civilian targets in Israel. The aborted attack was merely one of several recent PLO attacks, Israel said. With these acts, it added, PLO continued to espouse terror as its *modus operandi* and its *raison d'être*.

Charging another PLO attempt to attack Israeli cities from the sea, in a letter of 10 May,⁽³⁾ Israel said that on the night of 8/9 May an Israel Defence Force (IDF) patrol boat had sighted a rubber dinghy painted in camouflage colours approaching Israel's coast from Tyre, Lebanon. Trying to escape, the boat was fired upon and sank. PLO, Israel said, had claimed "credit" for this act. Israel added that it would continue to defend its coast and citizens.

Two similar incidents, reported to have taken place during the night of 25/26 August and on 31 August, were described by Israel on 4 September.⁽⁴⁾

On 17 June,⁽⁵⁾ Israel brought to the Secretary-General's attention a message made public by the PLO Chairman on 25 April at Bandung, Indonesia, in which he had praised two Palestinian leaders whom Israel described as notorious Nazi collaborators.

On 20 May,⁽⁶⁾ Egypt transmitted a letter of 15 May from PLO, annexed to which was a 16 April memorandum by 35 Palestinians to the United States Assistant Secretary of State for Middle Eastern Affairs, calling for a change in the United States position with regard to the Palestine ques-

tion and demanding that all dealings related to that question be conducted through PLO.

On 20 June,(7) Israel transmitted a summary of several PLO statements on activities of PLO constituent groups pertaining to attacks on civilian targets between 31 March and 19 June. The fact that most of those attacks either failed or were never launched was irrelevant, Israel said; what was significant was PLO's boasting of murdering, bombing and rocketing innocents on buses and in cars, hospitals, villages and cities.

The Acting Chairman of the Committee on Palestinian rights, by a letter of 8 August,(8) expressed concern about reports of reinstated Israeli policies of detention without trial, censorship, and new legislation submitted to the Israeli Knesset which reportedly sought to bar any contacts between Israeli citizens and PLO, under penalty of gaol and fine.

On 21 August,(9) Israel drew attention to the murders of three women and the stabbing of five children which had taken place between October 1984 and the end of July 1985—acts for which PLO had boasted of its responsibility, Israel said.

On 9 September(10) and 27 September,(11) Israel charged further attacks by PLO against Israeli citizens in and outside Israel. During the previous 45 days, it said in its 27 September letter, there had been 32 PLO terrorist attacks on Israeli civilians, resulting in the murder of eight persons and the wounding of 25 women and children. One of the examples cited was the murder of three Israelis vacationing aboard a private yacht at Larnaca, Cyprus (see p. 285). In its 9 September letter, Israel charged that recently PLO had escalated its terror campaign by infiltrating terrorists and smuggling weapons and explosives from Jordan.

Jordan, by a letter of 12 September,(12) refuted that allegation; Palestinian resistance-carried out mainly with stones and knives originating in the occupied territories—was escalating as a natural reaction to Israel's occupation practices (see p. 328). The meaning of Israel's allegation was to sow confusion with regard to Jordan's efforts to consolidate with all parties concerned its February agreement with PLO.

On 6 November,(13) under the Assembly's agenda item on terrorism, Israel submitted a document which it called a record of the PLO terror campaign since its expulsion from Lebanon (see *LEGAL QUESTIONS*, Chapter II). On 5 December,(14) Israel submitted what it titled a "Calendar of Middle Eastern violence", listing bombings, kidnappings, assassinations, executions, coups, hijackings and border incursions during 1985, which Israel said had been taken mostly from Arab press reports.

Two further examples of what Israel termed PLO's unrestricted policy of murder were cited in

a 2 December letter,(15) in which Israel also stated that PLO's admitted aim remained the liquidation of Israel, all of which it considered occupied territory.

On 12 December,(16) Yemen transmitted a 1 December statement by its Ministry of Foreign Affairs, rejecting what it called lies and allegations in Israeli information media according to which Palestinians had attacked a number of Yemeni citizens of Jewish faith.

Support for PLO was expressed by some States through protests or expressions of regret that PLO was not invited to address the United Nations fortieth anniversary commemorative ceremonies (see p. 403).

Activities of the Committee on Palestinian rights. The Committee on Palestinian rights continued in 1985 to follow developments in the Israeli-occupied territories and actions by Israel which the Committee regarded as violations of international law or of United Nations resolutions. The Committee brought such actions—including Israeli settlements in the occupied territories, exploitation by Israeli authorities of Arab-owned lands and other matters affecting the rights of the Palestinians (for details, see below, under "Territories occupied by Israel")—to the attention of the General Assembly and the Security Council.

In its annual report to the Assembly,(17) the Committee pointed out that the Palestine question had reached a critical phase; it urged a renewed, concentrated and collective effort to end the plight of the Palestinians and find a just solution under United Nations auspices on the basis of United Nations resolutions. It said its 1976 recommendations,(18) endorsed by the Assembly,(19) were designed to achieve that goal, as were the guidelines adopted by the 1983 Conference on the question of Palestine.(1) The Committee supported the convening of an international peace conference on the Middle East (see p. 268). It believed that it should continue its efforts to increase awareness and understanding of the Palestine question and of its recommendations, and was encouraged by the favourable reaction of non-governmental and other organizations through which public opinion was manifested.

Annexed to the Committee's report were its 1976 recommendations, as well as the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights adopted by the 1983 Conference on Palestine.(1)

With the Committee's participation, the tenth (Beijing, China, 22-26 April 1985), eleventh (Georgetown, Guyana, 17-20 June) and twelfth (New York, 8 and 9 July) United Nations seminars on the question of Palestine were held. Under the Committee's guidance, the Division for Palestinian Rights organized three regional NGO symposia on

the question,—for NGOs in Asia (New Delhi, India, 1-3 May), in North America (New York, 10-12 July) and in Africa (Dakar, Senegal, 5-7 August)—and an international NGO meeting (Geneva, 9-12 September). The reports of the seminars and the declarations of the NGO meetings were annexed to the Committee's report.

SECURITY COUNCIL CONSIDERATION (October)

During four meetings held on 10 and 11 October, the Security Council considered the situation in the Middle East, including the Palestinian question. The Council met in response to a request from India of 30 September,(20) made in accordance with a decision of the Conference of Foreign Ministers of Non-Aligned Countries (Luanda, Angola, 4-8 13 September). Twenty-three speakers participated in the debate. The Council did not take formal action on the question at these meetings.

Meeting numbers. SC: 2619-2622.

The Council invited Afghanistan, Algeria, Bangladesh, Cuba, Czechoslovakia, Democratic Yemen, the German Democratic Republic, Indonesia, Israel, Jordan, Kuwait, Morocco, Pakistan, the Syrian Arab Republic and Yugoslavia, at their request, to participate in the discussion without the right to vote. It also invited the Permanent Observer of the League of Arab States, at Kuwait's request,(21) the Secretary-General of the Organization of the Islamic Conference, at Egypt's request,(22) and the Chairman of the Committee on Palestinian rights, at his request, to participate, under rule 39^a of the Council's provisional rules of procedure.

At Egypt's request in a letter of 9 October,(23) the Council (decided, by 10 votes to 1 (United States), with 4 abstentions (Australia, Denmark, France, United Kingdom), that an invitation to participate be accorded to PLO. The President stated that Egypt's proposal was not made pursuant to rule 37^b or rule 39 of the Council's provisional rules of procedure, but, if approved, the invitation would confer on PLO the same rights as those conferred on Member States when invited to participate pursuant to rule 37.

Before the vote, the United States reiterated its consistent position that the only legal basis on which the Council might grant a hearing to persons speaking on behalf of non-governmental entities was rule 39. It opposed special ad hoc departures from orderly procedure and consequently opposed extending to PLO the same rights as if it represented a Member State. The Council appeared selectively to try to enhance the prestige of those who wished to speak there, through a departure from the rules of procedure, a practice

which the United States considered to be without legal foundation and an abuse of the rules.

Opening the debate, India said the Council meeting should provide an opportunity for an in-depth discussion of all aspects of the Palestine question and the tense situation in the Middle East, with a view to analysing the major obstacles to a comprehensive, just and lasting solution, an essential element of which would be the establishment of an independent Palestinian State in Palestine. Israel's efforts to bring about permanent geopolitical and demographic changes at the expense of the Palestinians must be prevented. Israel should discontinue its settlements policy and withdraw unconditionally from Lebanon, as well as from all Arab and Palestinian territories occupied since 1967. The only viable course to achieve a comprehensive settlement was the early convening of an international peace conference in accordance with well-established guidelines endorsed by the United Nations.

Support for the convening of such a conference (see p. 268) was also expressed by Algeria, Bangladesh, China, the German Democratic Republic, Indonesia, Jordan, Morocco, Pakistan, Peru, the Syrian Arab Republic, Thailand, the USSR and Yugoslavia.

The United States said the serious situation in the Middle East was not improving and grew more violent daily. Terrorism, but one aspect of the situation, dominated all others and made the quest for peace even more elusive. The just and lasting peace in the Middle East that all desired would not be achieved by terrorists or through their actions, but only at the negotiating table.

According to Egypt, the United Nations should support the positions and initiatives taken by King Hussein of Jordan and the PLO Chairman, and continue to encourage any dialogue or negotiation aimed at reaching a just and lasting settlement. Peace required the affirmation of the right of all in the region to live in peace and security, recognition of the Palestinians' national rights, including their right to self-determination, Israel's withdrawal from all occupied territories, and establishment of normal relations between all parties to the conflict on the basis of equality and good-neighbourliness.

^aRule 39 of the Council's provisional rules of procedure states: "The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence."

^bRule 37 of the Council's provisional rules of procedure states: "Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected, or when a Member brings a matter to the attention of the Council in accordance with Article 35(1) of the Charter."

The increase in terrorist acts on the one hand and in legitimate resistance on the other reaffirmed the seriousness of the absence of a comprehensive, just peace, Jordan believed, and made time a critical factor. In its search for the best path to peace, Jordan, in co-operation with its Arab brothers and in particular the Palestinians, had advocated the political option to solve the conflict on the basis of the principle that had become the foundation of international unanimity—that of territory in return for peace, an approach also manifested in the resolutions of the 1982 Fez Summit.⁽²⁴⁾ The 11 February 1985 Palestinian-Jordanian accord was an appropriate mechanism for fulfilling the Arab peace aspirations expressed in those resolutions. It affirmed the wish of the Palestinians to achieve self-determination, while maintaining relations of unity; it also dealt with the way in which the major Powers and the international community would participate in the achievement of peace and called for an international conference to be attended by all parties concerned, in addition to the Council's permanent members.

The situation in the region was developing in an unprecedented manner due to Israel's persistence in escalating its aggression and terrorism against the Arab people, the Syrian Arab Republic charged. Though pretending to advocate peace, Israel rejected true peace efforts and continued to expand at the expense of other peoples. Stressing the need for Arab solidarity and for a just, lasting and comprehensive peace, the Syrian Arab Republic rejected partial solutions, such as the 11 February Jordan-PLO agreement which it felt was tantamount to eliminating Palestinian rights; the renunciation of an independent Palestinian State would make the concept of self-determination devoid of meaning.

In Australia's view, a comprehensive settlement would prove possible only on the basis of a series of compromises, including Israeli withdrawal from the occupied territories, recognition by the States of the region and by PLO of Israel's right to exist, their acceptance of Council resolutions 242(1967)(25) and 338(1973),⁽²⁶⁾ as well as the acknowledgement of the right of self-determination for the Palestinians, including their right to independence and the possibility of their own independent State.

Similar conditions for a settlement were enumerated by other speakers. Peru considered it impossible to envisage a solution that did not take into account the Palestinians' rights and Israel's withdrawal from all occupied territories, and ensure the right of all States to exist within secure and internationally recognized borders. Thailand similarly supported Palestinian rights, including the right to statehood. Without a settlement, it warned, the cycle of violence would continue and might worsen. Resolution

242(1967) remained the agreed basis for achieving a lasting peace.

Pakistan said demand for the recognition of Palestinian rights was seen by Israel as a threat to its expansionist ambitions. Responsibility for Israel's intransigence must be shared by its powerful allies, it added; failure to persuade Israel to accept the conditions for a just and durable peace would intensify the conflict and its attendant violence.

Whatever pretexts Israel might use to justify its acts of murder, aggression and invasion, said Morocco, the logic behind them was to subjugate the Palestinians and create a "Greater Israel" from the Nile to the Euphrates. The doors to peace were still closed because of Israel's flouting of international resolutions and its pursuance of a policy of fait accompli based on power, displacement and military occupation.

Pending a just settlement of the Palestinian issue, and as long as Israel continued its aggression, expansion and occupation of Arab territories by relying on the support and connivance of a certain big Power, there would be no chance for a comprehensive and durable Middle East settlement, China said.

The circle of the crisis continued to widen because of essentially centrifugal Israeli violence, said Algeria; it was a dangerous illusion to believe that the conflict could be kept within limits acceptable in the concept of world peace, when each new Israeli act of aggression was a threatening step towards the conflict's globalization.

It was Israel's incessant aggression against its neighbours, its stepped-up repression of the Palestinians in the occupied territories and its systematic attempts to destroy PLO, in the vain hope of extinguishing Palestinian nationalism and obliterating Palestinian national identity, that had kept the cauldron of enmity stirring, Indonesia believed. Terrorist acts against innocent civilians had grown into a menace of alarming proportions, it added, impeding the search for a just and comprehensive solution.

The Palestinians had been exposed to the most brutal acts of colonization and even annihilation, Yugoslavia stated, but the exercise of their sovereign will could not be thwarted; the right to existence could not be secured by force which denied that same right to others.

In the face of growing international consensus in favour of the Palestinian cause, said Bangladesh, Israel had again resorted to force to heighten tension in the region, with a view to frustrating current international efforts to resolve the Middle East problem peacefully.

Israel's policy of aggression formed the main obstacle to a comprehensive settlement, the German Democratic Republic stated; in defiance of

United Nations resolutions, Israel denied the Palestinians their rights, especially the right to establish a State of their own, and its policy of State terrorism against the Palestinians had been escalating. 'The USSR proposals of July 1984,(27) which coincided with the 1982 Fez peace plan,(24) were the way to a comprehensive, just and durable solution to the Palestinian problem.

Israel was trying to thwart any United Nations decision to create two States in Palestine and was attempting forcibly to remove the Palestine question from the agenda, the USSR alleged; it had raised to the level of State policy terror, violence and the flouting of the rights of other peoples. Attempts to prompt the Arabs to undertake separate agreements with the aggressor was a myopic policy and fraught with the danger of further complicating the situation. It was essential that the Palestinians were guaranteed their rights and that all States in the area, including Israel, were guaranteed a secure and independent existence and development; international safeguards should be provided for settling the problem.

The Chairman of the Committee on Palestinian rights believed that the possibility of a just and lasting Middle East peace would be increased if the Council adopted measures to implement the Committee's 1976 recommendations.(18)

In the opinion of the Permanent Observer of the League of Arab States, the Middle East was at the boiling-point and every incident in any part of the Arab world was used by Israel to gloss over the central issue: the denial of the Palestinians' right to self-determination. If the Middle East conflict were resolved within the United Nations framework, it would no longer feed on an undermining of relations between the two super-Powers.

In the view of the Secretary-General of the Organization of the Islamic Conference, the cycle of violence was a symptom rather than the cause of the conflict; the symptoms could not be removed without touching on the basic cause: the denial of Palestinian rights, including the rights to return, to self-determination and to establish an independent State in Palestine.

Attempts to deny the Palestinians their inalienable rights would never lead to the desired peace, PLO said. PLO's sincere and constructive efforts towards achieving peace had met only with further denial of Palestinian rights and with more suppression, murder and displacement. Allowing Israel's occupation to continue and maintaining the status quo could only worsen the situation; the right path to peace was the convening of an international peace conference. The

Palestinian revolution would continue until the Palestinians—now totalling 5 million—returned to their homeland.

GENERAL ASSEMBLY ACTION (December)

Following consideration of the report of the Committee on Palestinian rights, the General Assembly, in December 1985, adopted four resolutions on the question of Palestine, dealing with the Committee and its recommendations (resolution 40/96 A), the Division for Palestinian Rights (40/96 B), public information activities (40/96 C) and the convening of an International Peace Conference on the Middle East (40/96 D, see p. 268).

Resolution 40/96 A was adopted on 12 December by recorded vote.

The General Assembly,

Recalling its resolutions 3376(XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 of 2 December 1977, 33/28 of 7 December 1978, 34/65 A and B of 29 November 1979 and 34/65 C and D of 12 December 1979, ES-7/2 of 29 July 1980, 35/69 of 15 December 1980, 36/120 of 10 December 1981, ES-7/4 of 28 April 1982, ES-715 of 26 June 1982, ES-7/9 of 24 September 1982, 37/86 A of 10 December 1982, 38/58 A of 13 December 1983 and 39/49 A of 11 December 1984,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

1. Expresses its appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. Endorses the recommendations contained in paragraphs 163 to 172 of the report of the Committee and draws the attention of the Security Council to the fact that action on the Committee's recommendations, as repeatedly endorsed by the General Assembly at its thirty-first session and subsequently, is still awaited;

3. Requests the Committee to continue to keep under review the situation relating to the question of Palestine as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

4. Authorizes the Committee to continue to exert all efforts to promote the implementation of its recommendations, including representation at conferences and meetings and the sending of delegations where such activities would be considered by it to be appropriate, and to report thereon to the General Assembly at its forty-first session and thereafter;

5. Requests the Committee to continue to extend its co-operation to non-governmental organizations in their contribution towards heightening international awareness of the facts relating to the question of Palestine and in creating a more favourable atmosphere for the full implementation of the Committee's recommendations, and to take the necessary steps to expand its contacts with those organizations;

6. Requests the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194(III) of 11 December 1948, as well as other United Nations bodies associated with the question of Palestine, to co-operate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

7. Decides to circulate the report of the Committee to all the competent bodies of the United Nations and urges them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation;

8. Requests the Secretary-General to continue to provide the Committee with all the necessary facilities for the performance of its tasks.

General Assembly resolution 40/96 A

12 December 1985 Meeting 114 128-2-22 (recorded vote)

13-nation draft (A/40/L.23 & Add.1); agenda item 33.

Sponsors: Afghanistan, Cuba, Cyprus, Gambia, India, Indonesia, Leo People's Democratic Republic, Madagascar, Malaysia, Pakistan, Senegal, Viet Nam, Yugoslavia.

Financial implications. ACABQ, A/40/7/Add.18; 5th Committee A/40/1032; S-G, A/C.5/40/81.

Meeting numbers. GA 40th session: 5th Committee 60; plenary 98, 100-103, 114.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Grenada, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Portugal, Solomon Islands, Sweden, United Kingdom.

Israel said that by its calculation more than \$6 million of the United Nations budget was allocated for services involving the issue of Palestine, while for the question of apartheid only about \$1.5 million was allocated. Arab oil producers, which had earned an estimated \$100 billion in 1985, had thereby hijacked United Nations resources that could otherwise have been channelled to end hunger, to combat apartheid or to finance a number of other worthy causes.

The United States opposed the text, saying it endorsed the work of a body which propagated partial, partisan views of the Palestine issue; the United States had consistently opposed the Committee's work because of its inherent and blatant bias.

In Finland's view, the text failed to represent the prerequisite balance for a comprehensive, just and lasting Middle East settlement.

New Zealand deplored that for too long, and unjustly, the Palestinians had been denied their legitimate rights, in particular their right to self-determination and to national independence; at the same time, it recognized Israel's right to live in peace within secure and recognized boundaries. Security Council resolution 242(1967)(25) established the principles for a just and lasting peace that would be achieved only through discussion, negotiation and conciliation.

Singapore appealed to both Israel and PLO to recognize each other's legitimate rights. It considered that Council resolutions 242(1967) and 338(1973)(26) established the fundamental basis for a stable and lasting Middle East peace, a view shared by Norway, which added that it must be up to the parties to the conflict themselves to determine which negotiating formula would serve progress towards such peace. Spain felt that those resolutions, a sound point of departure in the search for a solution, should be supplemented with a formulation expressing clear and unequivocal recognition of the rights of the Palestinians.

Zaire expressed support for the Palestinians' struggle to recover their right to independence and freedom and to have a State, in conformity with those two resolutions and the 1947 General Assembly resolution on the partition of Palestine.(28)

Bolivia believed that in order to achieve the exercise of Palestinian rights, including the right to self-determination, it was important that Israel and the Palestinians pursue steps towards peace through negotiation and without resorting to the use of force.

Uruguay voted in favour in view of its continuing concern for the achievement of a peaceful, just and lasting solution, but reiterated its reservations in connection with the Declaration and the Programme of Action adopted at the 1983 Conference on Palestine(1) which, it said, had essentially inspired the text. Such reservations were also reiterated by Peru.

Also on 12 December, the Assembly adopted resolution 40/96 B by recorded vote.

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Noting the particularly relevant information contained in paragraphs 135 to 150 of that report,

Recalling its resolutions 32/40 B of 2 December 1977, 33/28 C of 7 December 1978, 34/65 D of 12 December 1979, 35/169 D of 15 December 1980, 36/120 B of 10 December 1981, 37/86 B of 10 December 1982, 38/58 B of 13 December 1983 and 39/49 B of 11 December 1984,

1. Takes note with appreciation of the action taken by the Secretary-General in compliance with General Assembly resolution 39/49 B;

2. Requests the Secretary-General to ensure that the Division for Palestinian Rights of the Secretariat continues to discharge the tasks detailed in paragraph 1 of General Assembly resolution 32/40 B, paragraph 2 (b) of resolution 34/65 D, paragraph 3 of resolution 36/120 B and paragraphs 2 and 3 of resolution 38/58 B, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance;

3. Also requests the Secretary-General to provide the Division for Palestinian Rights with the necessary resources to accomplish its tasks and to expand its work programme, particularly through additional meetings for non-governmental organizations, in order to heighten awareness of the facts relating to the question of Palestine and to create a more favourable atmosphere for the full implementation of the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People;

4. Further requests the Secretary-General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Division for Palestinian Rights to perform its tasks and in covering adequately the various aspects of the question of Palestine;

5. Invites all Governments and organizations to lend their co-operation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Division for Palestinian Rights in the performance of their tasks;

6. Takes note with appreciation of the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People and the issuance by them of special postage stamps for the occasion.

General Assembly resolution 40/96 B

12 December 1985 Meeting 114 129-3-20 (recorded vote)

13-nation draft (A/40/L.24 & Add.1); agenda item 33.

Sponsors: Afghanistan, Cuba, Cyprus, Gambia, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Pakistan, Senegal, Viet Nam, Yugoslavia.

Financial implications. ACABQ, A/40/7/Add.18; 5th Committee, A/40/1032; S-G, A/C.5/40/81.

Meeting numbers. GA 40th session: 5th Committee 60; plenary 98, 100-103, 114. Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Canada, Israel, United States.

Abstaining: Australia, Austria, Belgium, Denmark, Finland, France, Germany, Federal Republic of, Grenada, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Solomon Islands, Sweden, United Kingdom.

The United States said it opposed the work of the Division because of its inherent and blatant

biases; the text called for activities which in addition to being costly propagated partial and partisan views of the Palestine issue. Israel objected to what it felt was a misallocation of resources for matters relating to the Palestine question.

Speaking on behalf of the 10 EC member States, Portugal and Spain, Luxembourg said it regretted that the supplementary expenditures were several times the amounts reflected in the draft programme budget; given the difficult financial situation, all efforts should be made not to impose unnecessary burdens on the budget. In Finland's view, the text failed to represent the balance necessary for a comprehensive, just and lasting settlement. According to New Zealand, it did not represent the balance of principles in resolution 242(1967) or provide a basis for a realistic settlement of the Palestinian problem.

Uruguay said the text was essentially inspired by the Declaration and the Programme of Action adopted by the 1983 Conference, on which it had reservations.

In resolution 40/25, the Assembly strongly condemned the constant and deliberate violations of the rights of the Palestinians, as well as Israel's expansionist activities, which it considered an obstacle to the achievement of Palestinian self-determination and independence and a threat to peace and stability in the region. The Assembly called for immediate implementation of the declarations and programmes of action on Palestine adopted by international conferences. It urged States and international organizations to support the Palestinian people through PLO in struggling to regain their right to self-determination and independence.

Other action. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in a resolution of 29 August 1985(29) on the situation in the Israeli-occupied territories (see ECONOMIC AND SOCIAL QUESTIONS, Chapter XVIII), affirmed its support for the Declaration adopted by the 1983 Conference on Palestine(1) and expressed deep concern that, until a just and equitable solution to the Palestine problem had been implemented, the Palestinians would be exposed to grave dangers.

Public information activities

The Committee on Palestinian rights, in its 1985 annual report,(17) examined implementation of a 1984 General Assembly resolution(30) requesting DPI, in co-operation with the Committee, to continue and expand information activities relating to the Palestine question.

The Department's information programme included publications, audio-visual coverage, a fact-finding mission for journalists, and a series of na-

tional and regional journalists' encounters. DPI coverage of the Palestine question included radio news programmes broadcast in all the official United Nations languages, as well as in many others, and preparations for the production of a short film on the subject were under way.

A fact-finding mission to the Middle East, comprising a team of prominent media persons from around the world, visited Tunisia, Egypt, Jordan and the Syrian Arab Republic from 1 to 18 April, meeting with leading personalities and visiting refugee camps.

In 1985, DPI again organized two regional journalists' encounters, bringing together high-level journalists and experts on the Palestine question. An encounter for 15 such journalists from the North American-Caribbean region was held at Bridgetown, Barbados, in February, and another for 15 Asian journalists at Jakarta, Indonesia, in May.

As requested by the Assembly in 1984,(30) DPI began in 1985 to organize national encounters in which a team of expert panelists held in-depth press conferences with national journalists in various countries. Three African journalists' encounters were held between 24 July and 7 August, in Egypt, Madagascar and Senegal. European encounters were held in the United Kingdom, France and Czechoslovakia, between 21 and 29 August. United Nations information centres throughout the world continued to carry out information activities in connection with the question and disseminate United Nations publications; they also helped organize the world-wide observance of the International Day of Solidarity with the Palestinian People on 29 November.

DPI's coverage of policies and practices that frustrated the attainment and exercise of Palestinian rights, submitted pursuant to another 1984 Assembly resolution,(31) was summarized in a Secretariat note submitted to the Committee on Information in April.(32)

GENERAL ASSEMBLY ACTION

On 12 December 1985, the Assembly adopted resolution 40/96 C by recorded vote.

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Noting, in particular, the information contained in paragraphs 151 to 162 of that report,

Recalling its resolutions 38/58 E of 13 December 1983 and 39/49 C of 11 December 1984,

Convinced that the world-wide dissemination of accurate and comprehensive information and the role of non-governmental organizations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people to self-determination and to the establishment of an independent sovereign Palestinian State,

1. Takes note with appreciation of the action taken by the Department of Public Information of the Secretariat in compliance with General Assembly resolutions 38/58 E and 39/49 C;

2. Requests the Department of Public Information, in full co-operation and co-ordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue its special information programme on the question of Palestine for the biennium 1986-1987 and, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine;

(b) To continue to update publications on the facts and developments pertaining to the question of Palestine;

(c) To publish brochures and booklets on the various aspects of the question of Palestine, including Israeli violations of the human rights of the Arab inhabitants of the occupied territories;

(d) To expand its audio-visual material on the question of Palestine, including the production of a new film, special series of radio programmes and television broadcasts;

(e) To organize fact-finding news missions to the area for journalists;

(f) To organize regional and national encounters for journalists.

General Assembly resolution 40/96 C

12 December 1985 Meeting 114 131-3-18 (recorded vote)

13-nation draft (A/40/L.25 & Add.1); agenda item 33.

Sponsors: Afghanistan, Cuba, Cyprus, Gambia, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Pakistan, Senegal, Viet Nam, Yugoslavia.

Financial implications. ACABQ, A/40/7/Add.18; 5th Committee, A/40/1032; S-G, A/C.5/40/81.

Meeting numbers. GA 40th session: 5th Committee 60; plenary 98, 100-103, 114.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Canada, Israel, United States

Abstaining: Australia, Belgium, Denmark, France, Germany, Federal Republic of, Grenada, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Solomon Islands, United Kingdom, Zaire.

In the opinion of the United States, the text called for activities by DPI which—in addition to being costly—invariably propagated partial, partisan views of the Palestine issue which did not advance negotiated solutions.

Israel pointed to what it called the distorted nature of the material, symposia and forums recommended in the text, and deplored what it

felt was a misallocation of resources, including \$1 million for public information on the question.

Luxembourg, on behalf of the 10 EC members, Portugal and Spain, hoped that DPI would continue to base itself on the principle of impartiality and would stick to its usual decision-making process. Luxembourg also objected to the budgetary implications of the resolution.

Zaire had reservations on paragraph 2 (c). Malawi said it realized the importance of disseminating information on Palestine, but hoped that the information would be as objective as possible.

Introducing the draft resolution, the Chairman of the Committee on Palestinian rights said it enumerated the activities DPI had been performing for two years and of which the Committee, in its annual report, took note with satisfaction. The only new parts of the 1985 and 1984 texts were those regarding the production of new films and radio and television broadcasts on the Palestine question.

In resolution 40/164 A, the Assembly requested DPI to cover adequately those policies and practices which frustrated the attainment and exercise of Palestinian rights.

Jerusalem

In an October report(33) on the situation in the Middle East (see p. 264), the Secretary-General informed the General Assembly about implementation by 13 responding States of its 1984 resolution(34) deploring the transfer by some States of their diplomatic missions to Jerusalem and calling on them to abide by the relevant United Nations resolutions. The Assembly, by resolution 40/168 C, again determined that Israel's 1980 decision to impose its laws and administration on the city was illegal and null and void.

The closing of the Medical Facility Hospice in the Old City of Jerusalem, which had provided services to nearly 150,000 Arab patients, was the subject of several communications (see p. 281). The Assembly, in resolution 40/161 D, called on Israel to allow its reopening.

In several communications, Israel charged PLO with attacks on Israeli civilians in Jerusalem.

Communications. On 14 May 1985,(35) Israel brought to the Secretary-General's attention a bomb explosion at a hospital bus stop in Jerusalem on 12 May, adding that another bomb was left at the entrance to a park and two more were found that day at bus stops on busy streets in the town of Beth Shemesh. Two different terrorist groups, Israel said, had claimed respon-

sibility. From whichever faction of PLO the would-be killers were sent, Israel added, their aim was the same—the deliberate murder of innocent civilians.

On 23 July,(36) Israel reported that on 19 July a young Arab man from Hebron had stabbed five children and their day-camp counsellor on their way to a swimming pool in Jerusalem. According to Israeli police, PLO had said that it was part of an "entrance examination" for PLO recruits.

On 27 September,(11) Israel cited a booby-trapped car in the Mea Sharim neighbourhood of Jerusalem and a bomb explosion at a bus station near Hadassah Hospital, injuring two, as further examples of PLO terrorist attacks against innocent Israelis.

GENERAL ASSEMBLY ACTION

On 16 December, under the agenda item on the Middle East, the General Assembly adopted resolution 40/168 C by recorded vote.

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983 and 39/146 C of 14 December 1984, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478(1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General of 22 October 1985,

1. Determines that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478(1980) and their refusal to comply with the provisions of that resolution;

3. Calls once again upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/168 C

16 December 1985 Meeting 118 137-2-10 (recorded vote)

32-nation draft (A/40/L.45 & Add.1); agenda item 38.

Sponsors: Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, Democratic Yemen, Djibouti, Egypt, India, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mongolia, Morocco, Oman, Pakistan, Qatar,

Saudi Arabia, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Viet Nam, Yemen, Yugoslavia.
Meeting numbers. GA 40th session: plenary 104-107, 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Costa Rica, Israel.

Abstaining: Antigua and Barbuda, Dominica, Grenada, Guatemala, Liberia, Malawi, Paraguay, Swaziland, United States, Zaire.

In the view of the United States, the status of Jerusalem could only be determined through negotiations among the concerned parties in the framework of an overall peace settlement; repeated resolutions on the question served no useful purpose.

Luxembourg, speaking for the 10 EEC members, Portugal and Spain, recalled the importance attached to the 1980 Security Council decision⁽³⁷⁾ not to recognize the "Basic Law" enacted by Israel that year proclaiming a change in the character and status of Jerusalem.

New Zealand reaffirmed that it did not recognize the validity of Israel's annexation of East Jerusalem.

Introducing the text, India said that Israel's total and unconditional withdrawal from all Arab territories occupied since 1967, including the Holy City of Jerusalem, should be a part of a just and comprehensive solution to the problems of West Asia.

Closing of the Hospice hospital

Communications. By a letter of 18 July,⁽³⁸⁾ the Acting Chairman of the Committee on Palestinian rights informed the Secretary-General of news reports of action taken by the Israeli authorities to close at the end of the month the Roman Catholic Medical Facility Hospice in occupied East Jerusalem—the only government hospital in the Arab part of Jerusalem caring for the poor. In the Committee's view, this was further evidence of Israel's failure to provide medical services in a manner acceptable to the local population.

The closing of the hospital was cited by the Committee on Israeli practices⁽³⁹⁾ (see p. 328) as an example of Israel's policy to de-Arabize Jerusalem. To protest the closing, all shops in East Jerusalem were closed on 24 July.

The evacuation of the hospital was also the subject of a cablegram from the Minister for Foreign Affairs of Jordan, transmitted to the Secretary-General on 29 July.⁽⁴⁰⁾ The hospital had been caring especially for patients from Jerusalem and the West Bank of Jordan who for financial reasons had not been admitted to other hospitals, Jordan said. Israel had deliberately adopted certain measures against the hospital, including the withholding of funds, which had led to a deterioration of services. Jordan regarded those measures as illegal and called for immediate action by the international community.

Israel, on 2 August,⁽⁴¹⁾ categorically rejected the allegations that the closure of the hospital was the result of a political decision. The reasons for its action, it said, was that the medical equipment was out of date, resulting in inadequate medical care, and the building structure did not allow room for a suitable elevator, so that patients had to be carried to and from the operating room by hand-held stretchers. The decision was in line with the Ministry of Health's policy of closing small hospitals and those with one category of patient (such as women), Israel continued. The assertions that its closure would deprive the residents of proper medical care was unfounded; they would receive care at Jerusalem's other hospitals. At the Hospice building, a first-aid station would continue to operate. Moreover, Israel added, increased medical supervision in Arab schools and municipal assistance to first-aid stations, along with health insurance and hospitalization, enabled Arab residents of Jerusalem to receive medical care on a par with that of the rest of Israel and far superior to that found elsewhere in the Middle East.

GENERAL ASSEMBLY ACTION

In a separately adopted paragraph of resolution 40/161 D on the occupied territories, the General Assembly called on Israel to allow the reopening of the Hospice so that it could continue to provide health and medical services to the Arab population in the city.

Assistance to Palestinians

Report of the Secretary-General. In June 1985,⁽⁴²⁾ the Secretary-General submitted a report on United Nations assistance to the Palestinians currently being carried out by United Nations bodies, as well as planned or proposed activities. As requested by the General Assembly in 1984,⁽⁴³⁾ United Nations efforts to provide economic and social assistance to the Palestinians, in co-operation with PLO and with the consent of Arab host Governments, had been intensified. Also as requested, the Secretary-General had utilized an inter-agency mechanism, the Con-

sultative Committee on Substantive Questions (Programme Matters) (CCSQ (PROG)) of the Administrative Committee on Co-ordination, for consultations with the organizations of the system towards developing a co-ordinated assistance programme. CCSQ(PROG) considered the question in April 1985, agreeing to group future activities into three main categories: development activities; education and training; and health.

The Secretary-General convened a meeting of 21 United Nations programmes, organizations, agencies, funds, organs and Secretariat departments, in which PLO, the Arab host countries and inter- and non-governmental organizations participated (Geneva, 5 and 8 July). The meeting discussed current, future and proposed activities of the United Nations system. It noted that some progress had been made towards a co-ordinated programme and that the Secretary-General's report represented a modest advance in that direction, providing fuller information on proposed activities in a thematic framework. However, it was felt that the proposals before the meeting did not constitute such a programme in its final form as envisaged by the Assembly; given the complexity of the issues and circumstances, it was difficult to provide specific information on all aspects of the activities, with a detailed assessment of financial requirements. The meeting concluded that there was a need to ensure continuing review of the progress made in implementing the various activities and programmes, and that further efforts were needed to finalize the programme of assistance.

UNDP action. The United Nations Development Programme (UNDP) programme of assistance to the Palestinians became operational in 1980. In accordance with 1983 Economic and Social Council(44) and Assembly resolutions,(45) UNDP set up a special programme to help the Palestinians improve their social and economic conditions. The programme was centred in the West Bank and the Gaza Strip, except for one project in the Syrian Arab Republic. It was the only intergovernmental development programme with large-scale, continuing operations in those territories. The UNDP Administrator was directly responsible for the programme.

As of 1 March 1985, UNDP had 20 projects at various stages of implementation; 8 were already completed. Projects included development and strengthening of health institutions, health manpower development and training, agricultural training, and community services for youth.

After considering an April 1985 report on UNDP assistance to the Palestinians,(46) the Governing Council, in June,(47) reaffirmed UNDP's commitment to assist the Palestinians in their economic and social development. Expressing gratitude to

Governments and funds which had made additional special contributions, the Council noted that unless further contributions were received it would not be possible to undertake effectively basic development projects for the West Bank and the Gaza Strip. It authorized an additional \$2 million for assistance to the Palestinians.

UNIDO action. The Industrial Development Board of the United Nations Industrial Development Organization (UNIDO), on 31 May 1985,(48) took note with appreciation of the 1984 report of the UNIDO Executive Director on technical assistance to the Palestinians(49) and of implementation of technical co-operation projects. The Board affirmed that Israel's occupation was detrimental to the basic requirements for the economic development of the Palestinians in the West Bank and Gaza Strip. Additionally, its restrictive policies inhibited the development of the Palestinian industrial sector in those territories. The Board expressed its rejection of the Israeli settlements there and of the exploitation of Palestinian resources by the occupation authorities. It called for urgent repeal of the restrictions impeding the development of the Palestinian national economy, and regretted Israel's refusal to give UNIDO staff and experts access to the territories. The Board requested UNIDO to identify priority industrial development projects and to intensify its efforts, in co-operation with PLO, to provide technical assistance to the Palestinians. A further progress report on such assistance was requested.

UNICEF activities. The programme of the United Nations Children's Fund (UNICEF) to assist Palestinian children and mothers in Jordan, Lebanon, the Syrian Arab Republic and the occupied Arab territories focused on child survival and development, pre-school services, promotion of income-generating activities for women, and water supply and sanitation. A programme co-ordinator, based at Amman, Jordan, was appointed.

In Jordan, the main thrust of the programme related to reducing infant and child mortality and enhancing institutional and non-institutional approaches to child care. UNICEF assisted in establishing live new kindergartens in various camps and in giving refresher courses to 20 kindergarten teachers. It also provided furniture and knitting- and sewing-machines for pre-vocational workshops.

In Lebanon, UNICEF supported the maternal and child health network run by the Palestinian Red Crescent Society and UNRWA by providing vaccines, oral rehydration salts, medical equipment and essential drugs. In co-operation with UNRWA and the Norwegian People's Relief Association, UNICEF had started a field survey to identify disabled Palestinians in the Beirut area,

with a view to establishing small-scale physiotherapy centres and vocational training workshops and developing educational programmes.

A programme for assistance to Palestinian children and mothers in the Syrian Arab Republic, approved in 1984, supported child health, pre-school services, non-formal education, and water supply and sanitation.

A \$1.7 million, three-year project (1984-1987) to be financed by the Federal Republic of Germany sought to enhance the survival, growth and development of Palestinian children, with particular emphasis on those up to 6 years of age. It concentrated on maternal and child health services, oral rehydration therapy, immunization, breast-feeding, early childhood stimulation, prevention and treatment of childhood disabilities, and rehabilitation. In addition, UNICEF supported pre-school activities and teacher training courses in the occupied territories.

Other activities. The Economic Commission for Western Asia (ECWA), on 24 April 1985, adopted a resolution⁽⁵⁰⁾ calling for the updating of a study it had commissioned in 1976⁽⁵¹⁾ on the economic and social situation and potential of the Palestinians. A regional review concerning implementation of the 1979 Vienna Programme of Action on Science and Technology for Development,⁽⁵²⁾ undertaken by ECWA in co-operation with the Secretariat's Centre for Science and Technology for Development (Baghdad, 17-20 February 1985), led to the adoption of recommendations to enhance the ability of the Palestinians in developing their capacity for the application of science and technology.

The Food and Agriculture Organization of the United Nations continued to provide training assistance, including an agricultural training centre project for refugee camps in the Syrian Arab Republic, and fellowships for specialized training in agricultural development. The World Health Organization provided technical advice for the review of existing environmental health facilities and programmes in the West Bank; work was also under way on the first of three planned health centres in the occupied territories, at Ramallah.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 25 July, on the recommendation of its Third (Programme and Co-ordination) Committee, the Economic and Social Council adopted resolution 1985/57 by roll-call vote.

Assistance to the Palestinian people

The Economic and Social Council.

Recalling General Assembly resolution 39/224 of 18 December 1984,

Recalling also Council resolution 1984/56 of 25 July 1984,

Recalling further the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine,

Noting the need to provide economic and social assistance to the Palestinian people,

1. Takes note of the report of the Secretary-General on assistance to the Palestinian people;

2. Notes the meeting on assistance to the Palestinian people which was held at Geneva on 5 and 8 July 1985 in response to General Assembly resolution 39/224;

3. Expresses its thanks to the Secretary-General for convening the meeting on assistance to the Palestinian people;

4. Regards such a meeting as a valuable opportunity to assess progress in economic and social assistance to the Palestinian people and to explore ways and means of enhancing such assistance;

5. Draws the attention of the international community, the United Nations system and intergovernmental and non-governmental organizations to the need to disburse their aid to the occupied Palestinian territories only for the benefit of the Palestinian people;

6. Requests the Secretary-General:

(a) To review the progress made in the implementation of the proposed activities and projects described in the report of the Secretary-General on assistance to the Palestinian people;

(b) To take all necessary steps to finalize the programme of economic and social assistance to the Palestinian people requested in General Assembly resolution 38/145 of 19 December 1983;

(c) To convene in 1986 a meeting of the relevant programmes, organizations, agencies, funds and organs of the United Nations system to consider economic and social assistance to the Palestinian people;

(d) To provide for the participation in the meeting of the Palestine Liberation Organization, the Arab host countries and relevant intergovernmental and non-governmental organizations;

7. Requests the relevant programmes, organizations, agencies, funds and organs of the United Nations system to intensify their efforts, in co-operation with the Palestine Liberation Organization, to provide economic and social assistance to the Palestinian people;

8. Also requests that United Nations assistance to the Palestinians in the Arab host countries should be rendered in co-operation with the Palestine Liberation Organization and with the consent of the Arab host Government concerned;

9. Requests the Secretary-General to report to the General Assembly at its forty-first session, through the Economic and Social Council, on the progress made in the implementation of the present resolution.

Economic and Social Council resolution 1985/57

25 July 1985 Meeting 52 44-1 (roll-call vote)

Approved by Third Committee (E/1985/138) by roll-call vote (43-1), 12 July (meeting 10); 14-nation draft (E/1985/C.3/L.2); agenda item 21.

Sponsors: Algeria, Bangladesh, China, India, Indonesia, Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Saudi Arabia, Somalia, Sri Lanka, Syrian Arab Republic, Yugoslavia.

Roll-call vote in Council as follows:

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Canada, China, Congo, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Iceland, India, Indonesia, Japan, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Suriname, Sweden,

Thailand, Turkey, Uganda, USSR, United Kingdom, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against United States.

If the text's objective was truly to promote the interests and well-being of the Palestinians, the United States said, it would also have been necessary to refer to the attacks committed—and not by Israel—against Palestinian refugees in Lebanon. It did not believe, however, that such an essentially political question should be raised in the Council. The text could not provide a solution to the Palestinian problem but was in fact part of it.

Israel remarked that the text drew attention to the need for assistance to the Palestinians only; it should be noted that UNDP had stated in a 1985 report(46) that mobilization of additional funds was urgent, since the project pipeline approved by all parties concerned contained some \$50 million worth of potential activities.

Jordan considered the text extremely important; it would provide an occasion for assistance particularly to the Palestinians in the Israeli-occupied territories whose authorities would not otherwise allow the channelling of any aid to that people. Canada said it favoured assistance designed to promote the Palestinians' economic and social development.

Speaking on behalf of the EEC members, Luxembourg said they attached great importance to humanitarian assistance to the Palestinians through tried and tested complementary instruments, i.e. food and emergency supplies as well as co-financing in collaboration with NGOs. The EEC members would continue, both directly and through the United Nations system, to provide the best possible response to the Palestinians emergency needs.

GENERAL ASSEMBLY ACTION

On 17 December 1985, on the recommendation of the Second (Economic and Financial) Committee, the General Assembly adopted resolution 40/170 by recorded vote.

Assistance to the Palestinian people

The General Assembly,

Recalling its resolution 39/224 of 18 December 1984, Recalling also Economic and Social Council resolution 1985/57 of 25 July 1985,

Recalling further the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine,

Noting the need to provide economic and social assistance to the Palestinian people,

1. Takes note of the report of the Secretary-General on assistance to the Palestinian people;

2. Notes the meeting on assistance to the Palestinian people that was held at Geneva on 5 and 8 July 1985 in response to General Assembly resolution 39/224;

3. Expresses its thanks to the Secretary-General for convening the meeting on assistance to the Palestinian people;

4. Regards such a meeting as a valuable opportunity to assess progress in economic and social assistance to the Palestinian people and to explore ways and means of enhancing such assistance;

5. Draws the attention of the international community, the United Nations system and intergovernmental and non-governmental organizations to the need to disburse their aid to the occupied Palestinian territories only for the benefit of the Palestinian people;

6. Requests the Secretary-General:

(a) To review the progress made in the implementation of the proposed activities and projects described in his report on assistance to the Palestinian people;

(b) To take all necessary steps to finalize the programme of economic and social assistance to the Palestinian people requested in General Assembly resolution 38/145 of 19 December 1983;

(c) To convene in 1986 a meeting of the relevant programmes, organizations, agencies, funds and organs of the United Nations system to consider economic and social assistance to the Palestinian people;

(d) To provide for the participation in the meeting of the Palestine Liberation Organization, the Arab host countries and relevant intergovernmental and non-governmental organizations;

7. Requests the relevant programmes, organizations, agencies, funds and organs of the United Nations system to intensify their efforts, in co-operation with the Palestine Liberation Organization, to provide economic and social assistance to the Palestinian people;

8. Also requests that United Nations assistance to the Palestinians in the Arab host countries should be rendered in co-operation with the Palestine Liberation Organization and with the consent of the Arab host Government concerned;

9. Requests the Secretary-General to report to the General Assembly at its forty-first session, through the Economic and Social Council, on the progress made in the implementation of the present resolution.

General Assembly resolution 40/170

17 December 1985 Meeting 119 145-2-1 (recorded vote)

Approved by Second Committee (A/40/1009/Add.1) by recorded vote (131-2). 11 November (meeting 30): 10-nation draft (A/C.2/40/L.17); agenda item 12.

Sponsors: Algeria, Bangladesh, Gambia, Indonesia, Madagascar, Pakistan, Senegal, Tunisia, Yemen, Yugoslavia.

Meeting numbers. GA 40th session: 2nd Committee 22, 30; plenary 119.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigerian, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Christopher and Nevis, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel, United States.

Abstaining: Grenada.

Before the Committee vote, Israel said the text was motivated by political rather than humanitarian concerns, was repetitious and was based on false pretences; it ignored the fact that Israel was currently promoting the well-being and socio-economic development of the Palestinian Arabs whose position, under its administration, was better than that of the people in most of the neighbouring countries. The ritual resolutions submitted each year were an effort to present Israel as opposing international assistance to the Palestinians. It opposed assistance to PLO, but welcomed assistance for constructive purposes through the proper channels, co-operated with UNDP and other international organizations and made every effort to assist the Palestinians while the countries that were most vociferous gave them little or no aid.

In the opinion of the United States, the text was not likely to advance the goal of peace or benefit the people of the area; the improvement in the quality of life that Israel had brought to the Palestinians should be acknowledged. The United States was opposed to channelling assistance through PLO, which it did not recognize as the sole legitimate representative of the Palestinians.

Speaking for the EEC members, Luxembourg said they would continue to provide assistance to the Palestinians, including food aid and projects co-financed with NGOs, directly and through United Nations channels. Though voting in favour, Japan reiterated its general position on aid to national liberation movements.

Jordan was convinced that the Palestinians had suffered under Israeli occupation and needed support to help them recover their legitimate rights; however, it had reservations on paragraphs 7 and 8, on the grounds that all activities and operations on Jordanian territory must be undertaken with Jordan's approval.

The USSR, speaking also on behalf of Bulgaria, the Byelorussian SSR, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland and the Ukrainian SSR, reiterated their support for Palestinian rights and stressed that all parties to the conflict, including PLO, should be allowed to participate in efforts to find a solution.

Related questions

Israeli air raid on
PLO headquarters in Tunisia

The murder of three of its citizens in Cyprus, allegedly carried out by a PLO group, was cited by Israel as the reason for its bombing of PLO headquarters in Tunisia on 1 October 1985, killing or wounding a number of Palestinian refugees and Tunisians. The Security Council, by resolution 573(1985) of 4 October, condemned the bomb-

ing as an act of aggression and demanded that Israel refrain from carrying out or threatening such acts.

The Council of the International Civil Aviation Organization, by a resolution of 18 October,(53) condemned the violation of Tunisian airspace by Israel which endangered international civil aviation.

Communications. By a letter of 27 September,(11) Israel charged that during the preceding 45 days PLO had carried out 32 terrorist attacks, among them a 10-hour siege of three Israelis vacationing aboard a yacht moored at Larnaca, Cyprus, who were then murdered on 25 September. Initial reports, Israel said, indicated that the act had been carried out by a personal bodyguard unit of PLO Chairman Yasser Arafat.

On 1 October,(54) Tunisia reported to the President of the Security Council that on that day six Israeli military aircraft had penetrated Tunisian airspace and at 10.07 a.m. had bombed the civilian locality of Borj-Cedria, called Hammam Plage, in the southern suburbs of Tunis, dropping five 1,000-pound bombs. The operation, for which it said Israel had officially claimed responsibility, had resulted in the loss of many lives and material damage and destruction on a wide scale. Contrary to Israel's claims, Tunisia stated, the target was situated in an exclusively residential urban area which traditionally had been home to Tunisian families and a small number of Palestinian civilians who had fled from Lebanon following Israel's invasion of that country.

Tunisia regarded the raid as a blatant act of aggression against its territorial integrity, sovereignty and independence, and a flagrant violation of international law and the principles of the United Nations Charter. It requested an immediate meeting of the Security Council, calling on it to condemn the act in the strongest terms, to require fair and full compensation for all the damage and to take measures to prevent such acts from recurring.

A number of communications sent between 1 October and 20 November to the President of the Council or to the Secretary-General expressed solidarity with the Tunisian Government and people and condemned the air raid.

According to Democratic Yemen,(55) the attack confirmed once again Israel's policy of aggression and terrorism against the Palestinians in particular and the Arab people in general.

A special communiqué adopted by a 1 October Meeting of Ministers and Heads of Delegation of Non-Aligned Countries to the General Assembly at its current session, transmitted by India,(56) expressed grave concern at the act, the target of which, it said, had been the premises of PLO in a vain attempt to destroy Palestinian resistance.

The United Republic of Tanzania(57) charged that the attack had been premeditated to decimate the PLO leadership and to intimidate countries like Tunisia that extended humanitarian assistance and political solidarity to the Palestinians. It called on the international community to respond immediately to the humanitarian needs of the victims and demanded that those countries which had in multiple ways abetted Israel's policy of aggression prevail on it to cease such genocidal acts.

Viet Nam(58) said the criminal act challenged the Arab, African and non-aligned countries and peace-loving forces throughout the world; with the connivance of the United States and other reactionary forces., Israel was further intensifying its terrorism against PLO and its policy of threat and pressure designed to prevent the Arab countries from supporting the just struggle of the Palestinians for their national rights.

In Mongolia's view, (59) the provocative action proved that the United States and Israel were continuing to interfere in the internal affairs of the Arab States, and were attempting to undermine a political settlement in the Middle East and to annihilate PLO.

Spain(60) said the brutal attack on a sovereign State served only to aggravate tension and seriously undermine efforts to bring about a Middle East peace. Similarly, Brazil(61) saw no justification for such acts, which served only to increase tension and make more distant the day when all the nations in the Middle East would coexist peacefully.

A declaration adopted on 1 October by the Ministers for Foreign Affairs of the 10 EC member States, and of Spain and Portugal, transmitted by Luxembourg,(62) characterized the bombing as a new factor in the cycle of violence and counter-violence in the Middle East; terrorist acts committed against Israeli citizens, which they condemned, did not justify the action.

Argentina(63) affirmed that solutions to international problems must be sought through dialogue and negotiation and not through force. Yemen(64) said the international community demanded a halt to Israel's actions and the imposition of a boycott and deterrent sanctions; the attack on PLO headquarters, which threatened all Arab territories designated as targets for Israel's expansionist intentions, made it essential that the Arab States stand together. The United Arab Emirates(65) also believed that the Arab community must confront the aggression with a decisive and united stand.

In a statement of 1 October, transmitted by Kuwait,(66) an Extraordinary Ministerial Meeting of the Arab Group at the United Nations called on the international community to assist Tunisia in facing up to the Israeli aggression and its consequences and, supporting Tunisia's request for a

Council meeting, urged the Council to adopt the necessary resolutions to condemn and curb that aggression.

Oman(67) called on the international community to stand firm against such acts. Peru(68) transmitted a motion of order of its. Senate dated 2 October, protesting the aggression and placing on record its agreement that such aggression should be punished. Burundi(69) called on the Security Council to take measures to prevent such behaviour, and reaffirmed the need to find an equitable solution to the Palestinian problem, in particular through the establishment of a Palestinian State.

A statement by the Deputy Prime Minister and Minister for Foreign Affairs of Yemen, on behalf of the heads of delegation and the Ministers for Foreign Affairs of the members of the Organization of the Islamic Conference participating in the current session of the General Assembly,(70) categorically rejected a statement issued by the United States which, the statement said, justified the bombing as an act of self-defence, and called for international support for Tunisia and for its right to just and equitable compensation.

To Malta,(71) it seemed impossible that the act was carried out by Israel alone from its own territory; everyone should help to apprehend the perpetrators. Malta wished to ensure that similar acts of international piracy were not repeated.

The President of Senegal,(72) as current OAU Chairman, expressed in messages to the Tunisian President and the PLO Chairman Africa's support and solidarity. The Supreme Council of the Gulf Co-operation Council, in the Final Communiqué adopted at its sixth session (Oman, 3-6 November),(73) also affirmed its support and solidarity with Tunisia and PLO.

In a letter of 16 November, transmitted by Yemen on 20 November,(74) the Secretary-General of the Organization of the Islamic Conference noted that the Conference's Governing Board, at its eighth session (Sanaa, 26-28 October), had approved a telegram to the United Nations Secretary-General characterizing Israel's action as a criminal act against Tunisia, against justice and against all mankind. The Board denounced the crime and condemned the Israeli authorities and those that had supported them.

In a statement of 24 October, transmitted to the Secretary-General the next day,(75) the Minister for Foreign Affairs of Tunisia, on the occasion of the fortieth anniversary of the United Nations, said Israel's aggression was an undeserved blow against a country which had been the first to advocate dialogue in the Middle East conflict; the unanimous condemnation of the act by the international community revived Tunisia's hope in the United Nations as the custodian of international

law and morality. Israel's aggression could only strengthen further Tunisia's support for the struggle of the Palestinians.

SECURITY COUNCIL ACTION

The Security Council considered Tunisia's complaint at four meetings between 2 and 4 October. Afghanistan, Algeria, Bangladesh, Cuba, the German Democratic Republic, Greece, Indonesia, Iran, Israel, Jordan, Kuwait, Lesotho, the Libyan Arab Jamahiriya, Malta, Mauritania, Morocco, Nicaragua, Nigeria, Pakistan, Saudi Arabia, Senegal, the Syrian Arab Republic, Tunisia, Turkey, Viet Nam, Yemen and Yugoslavia were invited, at their request, to participate in the discussion without the right to vote. Invitations under rule 39^c of the Council's provisional rules of procedure were extended to the Permanent Observer of the League of Arab States⁽⁷⁶⁾ and to the Under-Secretary-General for Political and International Affairs of that organization,⁽⁷⁷⁾ both at Kuwait's request in its 'capacity as Chairman of the Arab Group, and to the Secretary-General of the Organization of the Islamic Conference, at Egypt's request.⁽⁷⁸⁾

Also at the request of Egypt,⁽⁷⁹⁾ the Council decided, by 10 votes to 1 (United States), with 4 abstentions (Australia, Denmark, France, United Kingdom), that an invitation to participate be accorded to PLO. The President stated that Egypt's proposal was not made pursuant to rule 37^d or rule 39 of the provisional rules of procedure, but, if approved, the invitation would confer on PLO the same rights as those conferred on Member States when invited to participate pursuant to rule 37.

Before the vote on that decision, the United States reiterated its opposition (see p. 274) to conferring such rights on non-governmental entities.

On 4 October, the Council adopted resolution 573(1985).

The Security Council,

Having considered the letter dated 1 October 1985, in which Tunisia made a complaint against Israel following the act of aggression which the latter committed against the sovereignty and territorial integrity of Tunisia,

Having heard the statement by the Minister for Foreign Affairs of Tunisia,

Having noted with concern that the Israeli attack has caused heavy loss of human life and extensive material damage,

Considering that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all States Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations,

Gravely concerned at the threat to peace and security in the Mediterranean region posed by the air raid

perpetrated on 1 October by Israel in the area of Hammam Plage, situation in the southern suburb of Tunis,

Drawing attention to the serious effect which the aggression carried out by Israel and all acts contrary to the Charter cannot but have on any initiative designed to establish an overall, just and lasting peace in the Middle East,

Considering that the Israeli Government claimed responsibility for the attack as soon as it had been carried out,

1. Condemns vigorously the act of armed aggression perpetrated by Israel against Tunisian territory in flagrant violation of the Charter of the United Nations, international law and norms of conduct;

2. Demands that Israel refrain from perpetrating such acts of aggression or from threatening to do so;

3. Urges Member States to take measures to dissuade Israel from resorting to such acts against the sovereignty and territorial integrity of all States;

4. Considers that Tunisia has the right to appropriate reparations as a result of the loss of human life and material damage which it has suffered and for which Israel has claimed responsibility;

5. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution by 30 November 1985 at the latest;

6. Decides to remain seized of the matter.

Security Council resolution 573(1985)

4	October	1985	Meeting	2615	14-0-1
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6-nation draft (S/17535).

Sponsors: Burkina Faso, Egypt, India, Madagascar, Peru, Trinidad and Tobago. Meeting numbers. SC 2610, 2611, 2613, 2615.

Vote in Council as follows:

In favour: Australia, Burkina Faso, China, Denmark, Egypt, France, India, Madagascar, Peru, Thailand, Trinidad and Tobago, Ukrainian SSR, USSR, United Kingdom.

Against: None.

Abstaining: United States.

The real threat all civilized peoples were facing was terrorism, said the United States in explaining its vote; the failure adequately to address the subject prevented it from supporting the text, which placed all the blame for the latest round of the rising spiral of violence in the Middle East on only one set of shoulders, while not also holding at fault those responsible for the terrorist acts which provoked it. The principle that a State subjected to continuing terrorist attacks might respond with appropriate force to defend itself against further attacks was an aspect of the inherent right of self-defence recognized in the Charter. It was the collective responsibility of sovereign States to see that terrorism enjoyed no sanctuary and that those who practised it had no immunity from the responses their acts warranted; moreover, it was the responsibility of each State to take appropriate steps to prevent persons or groups within its sovereign territory from perpetrating such acts. The incident should be an impetus for renewed efforts towards successful completion of the peace process.

^cSee footnote a on p. 274.

^dSee footnote b on p. 274

Despite legal reservations that it felt stemmed from the concept of acts of aggression in the text, France said it had voted in favour not only because of its traditional friendly relations with Tunisia but also because it condemned all acts of violence, whatever their origin, that would compromise the search for a comprehensive, just and lasting Middle East peace.

Thailand remarked that no matter how deplorable and regrettable the situation in Tunisia, there was no state of war between the two countries involved; while the loss suffered by the Tunisian Government and people must be made good by those who had attacked them, the word "compensation" should have been used instead of "reparations" in paragraph 4.

Speaking before the vote, Israel said the resolution would propagate the notion that the victim could not defend itself and that the terrorist deserved sanctuary. The Council had been convened to attack a legitimate act of self-defence, Israel said. The allegation that Israel had engaged in an aggressive act against another country was a perversion of the truth. If anything could be defined as aggression, it was the actions against Israel; for the past year, PLO headquarters in Tunisia had organized and launched hundreds of terrorist attacks against Israel, Israeli targets and Jews everywhere. According to irrefutable evidence, the butchery at Larnaca had been perpetrated by "Force 17": the personal bodyguard unit of Yasser Arafat.

Israel's forces had taken special care to pinpoint the target-three buildings housing PLO headquarters. Any civilian casualties had been inadvertent and were the result of PLO's deliberate tactic of planting its bases among civilians. Israel could not accept the notion that the headquarters of terrorist killers should enjoy immunity anywhere, any time, and Tunisia, which knowingly harboured PLO and allowed it complete freedom of action, bore considerable responsibility. If the Council were to adhere to its true purposes, it would convene to find ways to combat international terrorism as the major threat to the international order.

Tunisia refuted the charge that it had become a terrorist base; no act of terrorism had been perpetrated from its territory and no Tunisian had been implicated in any such act. As for "Force 17": its headquarters were not on Tunisian territory. Contrary to what Israel claimed, Israel had attacked a clearly defined residential urban area, killing 68 civilians and wounding more than 100. Any attempt to justify that act could only set the seal of approval on and encourage aggression. The crime was particularly reprehensible because it was aimed at jeopardizing efforts to bring about a peaceful settlement of the Palestinian problem;

everyone was aware that the hospitality extended by Tunisia to the Palestinian leadership fell within that framework. Tunisia called for firm condemnation of the illegitimate and unwarranted use of force by Israel, a clear affirmation of the firm will of the international community to prevent the repetition of such terrorist acts, and reparations for damage caused.

Virtually every speaker in the debate agreed that Tunisia's sovereignty and territorial integrity had been violated and that the attack was against international law and Charter principles. Israel had blatantly flouted the most fundamental tenets of the Charter, Indonesia said, namely, respect for the territorial integrity and sovereignty of States, the non-use of force, non-intervention and non-interference. In the opinion of the USSR, the events again showed the essence of Israel's policy against Arab States and peoples for almost four decades: a cynical disregard for the fundamental provisions of the Charter, international law and United Nations resolutions; a studied undermining of the recognized bases for inter-State relations; reliance on terror and naked force; and the complete absence of respect for elementary human rights, primarily the right to life. Burkina Faso said that, by violating the Charter once again, Israel had made it clear that it would never be prepared to fulfil its obligations thereunder or abide by United Nations decisions. Israel's flagrant violation of international law and Charter principles was all the more striking in view of the fact that it had struck against a country whose peace-loving nature was universally recognized, Cuba said.

Most speakers did not accept the justification given by Israel that the attack had been carried out in self-defence. It could not be justified as a reprisal raid, Turkey said. The United Kingdom said it could not accept the reasons put forward by Israel for its action. Under the Charter, Members committed themselves to settle their international disputes by peaceful means; arbitrary and disproportionate violence, even in retaliation, was a clear breach of that obligation. Bangladesh also rejected Israel's argument that it had the right to attack any State at any time on the basis of its self-conceived self-defence.

According to Australia, even if one were to accept Israel's version of the events, two wrongs did not make a right. It was a new and disproportionate application of the principle of an eye for an eye, carried out with arrogant disregard of others, Peru said. Denmark also did not believe that acts of terrorism against Israeli citizens justified the raid on Tunisia. Madagascar found it difficult to find a sufficient justification for that aggression, planned and carried out in cold blood. The slaying of Israeli nationals in Cyprus could in no way serve as an excuse for an attack on a

third country, Greece stressed. There could be no justification for any country to take the law into its own hands in such a manner, or for any other to condone or excuse such aggression, Malta stated. The attack was illegal on all counts and could not be legitimized on the basis of any legal or moral criteria, Pakistan said. Wanton reprisals against innocent civilians had always been condemned by the international community since the Second World War, Morocco added; if self-defence consisted of bombing all territories where Palestinians lived, no country would be safe from Israel's destructive folly.

Madagascar rejected the argument that since Tunisia harboured PLO headquarters, it bore a responsibility for all hostile acts against Israel and its citizens, even if they were carried out by individuals and responsibility was not claimed by PLO; according to that reasoning, Israel could arrogate to itself the right to destroy all PLO offices wherever they could be found. Even if one were to entertain Israel's lame justifications, in the opinion of Indonesia, the magnitude of the action was wholly disproportionate to the so-called provocation. Despite one isolated opinion, Viet Nam said, international opinion unanimously viewed the act as criminal aggression and terrorism.

Egypt charged that the Israeli raid had been organized long before the incident in Cyprus. The Under-Secretary-General for Political and International Affairs of the League of Arab States also considered that the attack had been premeditated and carefully planned, in full awareness that it would inflict a heavy toll on innocent Tunisians and Palestinians. The USSR believed that the facts set forth by Tunisia demonstrated convincingly that Israel had carefully planned the action and executed it in cold blood.

Israel's crime fell into the category of official State terrorism, said Kuwait, speaking on behalf of the Group of Arab States. This view was shared by several other speakers, among them Afghanistan, Bangladesh, the German Democratic Republic, Indonesia, Lesotho, Nicaragua and Yugoslavia.

The attack was seen by many as one more link in a chain of repeated acts of Israeli aggression against Arab countries and as part of its expansionist designs. That position was held by the Libyan Arab Jamahiriya, the Syrian Arab Republic, the Ukrainian SSR, Yemen and Yugoslavia, among others. Speaking as Chairman of the Group of African States, Nigeria said the attack did not set a precedent; Israel had previously unleashed violence, terror and naked force not only against the Palestinians but also against its Arab neighbours under the pretext that they provided refuge to individuals and groups opposed to its existence. Malta warned of the dangers of allowing the conflict to spread to North Africa.

India described the attack as yet another glaring entry in the lengthy catalogue of Israel's aggressive policies and as one more manifestation of its desire to eliminate Palestinian resistance. In Indonesia's opinion, the assault on PLO headquarters must be viewed in the context of Israel's avowed war of annihilation against the Palestinians. Zionism, which meant desire for expansion and endless hegemony and the genocide of the Palestinians, had broadened its sphere of aggression, according to Algeria. Israel's expansionist designs could be realized only by destroying the institutions of the Palestinians, said Kuwait, speaking for the Arab Group.

Many speakers expressed the view that Israel's attack was an attempt to sabotage the Middle East peace process. The underlying motive for Israel's attack was undoubtedly to destroy recently improved peace prospects, Pakistan said, timed to take place when important proposals for negotiations involving the Palestinians were taking shape. It was not unreasonable to say that Israel's aggression was a preventive action against peace, Madagascar added.

According to the Secretary-General of the Organization of the Islamic Conference, peace would foreclose Israel's expansionist designs and endanger the massive assistance it currently received; therefore, it systematically rejected and defeated every effort to promote peace in the Middle East. In Jordan's opinion, Israel was trying to delay a solution to the Arab-Israeli conflict as long as possible. In the face of growing international consensus in favour of the Arab and Palestinian cause, said Bangladesh, Israel had once again resorted to force to heighten tension and frustrate current international efforts to resolve the problems in the Middle East peacefully. Similarly, Yugoslavia believed that the attack was calculated to thwart efforts to seek a solution to the Middle East crisis and the Palestine question. A similar view was held by Indonesia, Morocco and Saudi Arabia. Nigeria, speaking for the African Group, believed that the raid reversed fruitful peace prospects that had just begun to glimmer. Trinidad and Tobago, holding a similar view, added that the attack could only militate against attempts to secure a just and lasting peace. By committing such a crime, PLO said, Israel reaffirmed its insistence on undermining international peace efforts; by justifying the attack, the United States revealed its lack of credibility in playing a constructive role in those endeavours.

Madagascar felt only one conclusion was possible, namely, that Israel wished to eliminate PLO physically in order to impose its own peace. The United States and Israel were attempting to impose on the Arabs their military and political diktat and to draw them into separate deals, said the

Ukrainian SSR. Decisive action by the United States, Israel's principal ally, to ensure the fruition of current Arab peace initiatives and promote an international peace conference on the Middle East (see p. 268) was necessary to dispel the shadow cast on peace prospects by Israel's action, said Pakistan.

France expressed concern at the disastrous consequences the action would inevitably have on current efforts to bring about a resumption of the peace process. The United Kingdom called on Israel and all the parties concerned to reaffirm their commitment to seeking a peaceful solution and to abstain completely from violent and provocative actions which imperilled that objective.

Sanctions against Israel and measures under the Charter were called for by many speakers, among them the Libyan Arab Jamahiriya, Nicaragua and the Secretary-General of the Organization of the Islamic Conference. Afghanistan, Cuba and Morocco said the Council should adopt mandatory sanctions under Chapter VII of the Charter, with a view to restraining Israel. The Syrian Arab Republic added that such sanctions were necessary to eliminate the effects of aggression and punish the aggressor. Viet Nam called on the Council to adopt the measures at its disposal to prevent Israel from committing similar crimes in the future, a position also taken by Bangladesh, Mauritania and Pakistan. It was for the Council to make sure that Israel took account of its obligations under international law and the Charter and of United Nations resolutions, said Senegal. The Eastern European States, said the Group's current Chairman, the Ukrainian SSR, favoured the adoption of stern measures in conformity with the Charter. Saudi Arabia also hoped that the Council members would take a firm stand that complied with the Charter.

Madagascar and Burkina Faso wondered whether the time had not come, in view of Israel's repeated use or threat of force and its refusal to comply with its Charter obligation to accept Council decisions, to consider the adoption of measures provided for in the Charter. In line with the call by the non-aligned countries for comprehensive mandatory sanctions under Chapter VII, Yugoslavia said, the Council had to act and bring about respect for Charter principles and see to it that Israel's aggressive acts were met with adequate measures. Israel's perverted sense of immunity from international accountability was related to the Council's inability adequately to enforce its decisions, Indonesia believed; the Council should move beyond mere words to an effective exercise of its authority under the Charter.

China also called on the Council to adopt strong measures under the Charter and to see to it that Tunisia's demands were met: Israel should be con-

demned, should compensate Tunisia for the losses, and pledge not to commit any further similar crimes. It was imperative that Israel be compelled to give up its policy of aggression and expansion. Given the Council's limitations, Pakistan said, the least to be expected was that it condemn the attack, adopt a decision to prevent recurrence of such acts and promote the Arab initiatives for peace, especially those within the United Nations context. The victims also deserved to be fully compensated.

That Israel must pay compensation to Tunisia and the Palestinians for the loss of life and for the damages was a view shared by many, including Burkina Faso, Cuba and Yemen. Jordan said if the Council strongly condemned the raid and held Israel responsible for the losses, its prestige and credibility would be restored. A strong and unanimous condemnation of Israel, according to PLO, could convey the message that the international community would no longer tolerate its crimes and acts of aggression. The representative of the League of Arab States warned that failure to take the necessary measures would mean further disintegration of the Organization. Iran believed that any political action would remain impotent unless all Moslem nations, particularly in the Arab world, joined in a united Islamic front.

Report of the Secretary-General. As called for by the Security Council, the Secretary-General submitted in November, and revised in December, a report⁽⁸⁰⁾ on implementation of resolution 573(1985). He had transmitted the resolution to Israel, Tunisia and all United Nations Member States, drawing particular attention to paragraph 3. As of 30 November, he had received replies from Israel, Oman and Tunisia, substantive parts of which were reproduced in an annex to his report.

Israel, in its reply of 21 November, had categorically rejected all allegations that its action constituted an act of aggression, or that it had been directed against Tunisia's territorial integrity or political independence; it had been directed against PLO. Israel added that the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,⁽⁸¹⁾ reaffirmed in the 1974 Definition of Aggression,⁽⁸²⁾ clearly spelt out that an act of aggression occurred when a country failed to fulfil its duty to refrain from organizing or encouraging the organization of irregular forces or armed bands for incursion into the territory of another State; they also required that States must not acquiesce in organized activities within its territory directed towards the commission of terrorist acts. Tunisia directly violated both instruments. To Israel, the Council resolution was unacceptable in its entirety, and it rejected in particular the

improper use of the terms "acts of aggression" and "act of armed aggression".

Tunisia, by a reply of 27 November, had submitted a governmental commission report investigating the consequences of, and evaluating the damage caused by, Israel's aggression, as a basis for claim for reparations. It stated that the assessment was not complete, either in respect of individuals or corporate losses or in respect of property destroyed. In addition to the material damage, the effects of the feeling of insecurity engendered by the attack were bound to make themselves felt, in particular in the tourism industry and foreign investment. Tunisia reserved its right to return to the question when it had sufficient evidence to claim damages for violation of its sovereignty and impairment of its economic and social development.

Oman, by a reply of 13 November, said it considered that the Council was required to adopt more serious resolutions in order to prevent or halt repeated Israeli acts of aggression against Arab territories. With regard to paragraph 3, Oman believed that certain super-Powers with which Israel had special relationships were the States most qualified to play a greater role.

Hijacking of the Achille Lauro

On 7 October 1985, the Italian cruise ship Achille Lauro, with several hundred persons aboard, was hijacked and one of its passengers, the American citizen Leon Klinghoffer, was killed and thrown overboard. The Secretary-General, in a statement of 8 October, endorsed by the members of the Security Council the next day, condemned all acts of terrorism and noted that the hijacking was another escalation of violence in the Middle East; he urged those responsible to understand that their act was criminal and unjustifiable and should be ended without delay in a manner that would avoid further suffering by the innocent victims.

Communications. By a letter of 8 October,⁽⁸³⁾ Italy requested, following the events which led to the hijacking, that the matter be brought to the attention of the Security Council, with a view to condemning firmly such an act and appealing for prompt liberation of the hostages. On the same date,⁽⁸⁴⁾ Austria appealed to the Council President 'to undertake every effort to contribute to an early end of the tragedy; Greece, on 9 October,⁽⁸⁵⁾ also said it hoped that the act might be resolved as quickly as possible without loss of human life. Both countries understood that some of their citizens were aboard. On the same date,⁽⁸⁶⁾ Italy asked the Council President to inform the Council members that the hijackers had abandoned the Achille Lauro and released the hostages; therefore, no further consideration of the matter appeared necessary.

SECURITY COUNCIL ACTION

On 9 October, the Council President made a statement on behalf of the Council members:⁽⁸⁷⁾

"The members of the Security Council welcome the news of the release of the passengers and the crew of the cruise ship Achille Lauro and deplore the reported death of a passenger.

"They endorse the Secretary-General's statement of 8 October 1985, which condemns all acts of terrorism.

"They resolutely condemn this unjustifiable and criminal hijacking as well as other acts of terrorism, including hostage-taking.

"They also condemn terrorism in all its forms, wherever and by whomever committed."

Meeting numbers. SC 2618-2620, 2622.

During a Council meeting the following day on the Middle East situation, including the Palestine question, Israel gave an account of the killing of Leon Klinghoffer, saying he had been singled out from other passengers on the ship because he was Jewish, there being no Israelis aboard. The facts showed, Israel said, that the hijacking had been carried out by the Abul Abbas faction of PLO's Palestine Liberation Front (PLF), with the full prior approval of the PLO Chairman.

It had not been planned originally as a hijacking, Israel believed; the PLF men were to have travelled on the ship to the Israeli port of Ashdod, to have staged there a hostage-taking and then demanded the release of Al Fatah terrorists held in Israeli jails. However, when the terrorists were discovered, they hijacked the ship, demanded the release of 50 Palestinian terrorists and then shot Klinghoffer. Then, on orders from Arafat, acting through a lieutenant, the hijackers gave themselves up to Egyptian authorities, Israel said.

The Secretary-General of the Organization of the Islamic Conference said the hijacking was an act of terrorism by individuals, which could not be condoned. Since then, he added, the aircraft carrying the four hijackers out of Egypt had been intercepted by the United States Air Force and forced to land at a United States military base in Sicily; they were currently in custody.

PLO contended that there was no proof that Klinghoffer was murdered. PLO had intervened in the hijacking, at the request of the Italian Government, to save the lives of the almost 400 passengers and crew. Its endeavours had helped put an end to the operation and saved the vessel and those on board from dire consequences. The hijackers were on their way to a Palestinian court, PLO went on; Chairman Arafat, who had expressed PLO's condemnation of the operation, had declared that PLO would interrogate them in co-ordination with the Egyptian and Italian authorities. The arrest of the four Palestinians would not put an end to violence and terrorism

in the Middle East, because Israel was its primary source.

The United States said it felt relief-tinged with sadness and anger about the murder of Leon Klinghoffer—that the passengers and crew of the ship had been released and that the latest act of terrorism and violence had ended, and urged all peoples and Governments to renounce terrorism as inimical to the norms of civilization.

Australia considered Klinghoffer yet another innocent victim of the cycle of violence afflicting the Middle East.

Attack against the offices of the American-Arab Anti-Discrimination Committee

During an attack on 11 October against the offices of the American-Arab Anti-Discrimination Committee (ADC) at Santa Ana, California, the west coast Regional Director of ADC, Alex Odeh, an American of Palestinian origin, was killed and six Americans were injured. By a letter of 17 October, @ @ Kuwait, as Chairman of the Arab Group, expressed members' concern over the climate of anti-Arab hostility in the United States which, it believed, had encouraged the attack. The Arab Group hoped that the perpetrators would be identified and brought to justice. Annexed to the letter was a telegram from the Secretary-General of the League of Arab States to the National Chairman of ADC stating that the murder of Mr. Odeh had shocked the Arab world; his work in fighting discrimination and his defence of Palestinian rights in particular had earned him high esteem. The Arab world hoped that the tragic episode would only lead ADC to redouble its endeavours.

The United States, on 18 October,⁽⁸⁹⁾ said its authorities were investigating the incident fully so that all responsible parties would be brought to justice. Annexed to its letter was a White House statement of 12 October deeply deploring the event and condemning in the strongest possible terms the criminal use of violence and terrorism to achieve political ends.

Hijacking of an Egyptian aircraft

On 23 November 1985, an Egyptian airliner bound from Athens to Cairo was hijacked to Malta by four Palestinians; during the incident, 60 people died. By a letter of 25 November, transmitted by Egypt on 27 November,⁽⁹⁰⁾ PLO said its Palestine Central Council, currently meeting at Baghdad, had issued a statement on 24 November expressing strong disapproval of the hijacking and condemning the perpetrators and parties behind it. The Council considered that the act gave the enemies of the Arab nation an opportunity to slander its reputation and damage it in the eyes of world public opinion. PLO announced that it was placing all of its capacities at Egypt's disposal so that it might

take appropriate measures to cope with the situation and protect the lives of the passengers.

A spokesman for the Secretary-General, in a statement of 25 November, expressed deep sadness at the heavy loss of innocent life in the hijacking, adding that such tragedies reinforced the necessity for Governments to make concerted efforts to implement existing international agreements and consider what further measures could be effectively devised.

The hijacking was listed by Israel in its "Calendar of Middle Eastern violence, 1985". annexed to a 5 December letter⁽¹⁴⁾ cataloguing press reports of violence in the area.

Attacks at Rome and Vienna airports

On 27 December 1985, terrorist attacks were carried out in the passenger terminals at the airports of Rome, Italy and Vienna, Austria; the perpetrators were said to be Palestinians.

A spokesman for the Secretary-General, in a statement of the same date, expressed shock at the news of the attacks, which had resulted in the loss of innocent human lives; the Secretary-General hoped that the unanimous position on terrorism adopted by the United Nations membership-General Assembly resolution 40/61 (see LEGAL QUESTIONS, Chapter II)—would be followed up by determined efforts by all Governments and authorities concerned, so that all acts, methods and practices of terrorism might be brought to an end.

SECURITY COUNCIL ACTION

Following consultations with the members of the Security Council, its President, on 30 December, read out a statement on their behalf,⁽⁹¹⁾ strongly condemning the attacks at the Rome and Vienna airports as unjustifiable and criminal; they urged that those responsible for the killings be brought to trial and called on all concerned to exercise restraint and refrain from taking any action inconsistent with their obligations under the Charter and other relevant rules of international law. (For further details, see LEGAL QUESTIONS, Chapter II.)

Communication. Commenting in a letter of 31 December⁽⁹²⁾ on the events which had led to the Security Council President's statement of the day before, Israel said the Palestinian terror, inspired directly by PLO, constantly prided itself on its "armed struggle" against Israel and its citizens; in the most recent atrocities, that terror had resulted in the ruthless and deliberate killing of women, children and babies, intentionally during the holidays in order to maximize civilian casualties. Attacks on civilian air transportation had become PLO's trade mark. There was a blatant contradiction between the stance many countries had adopted against international terrorism and the permission some of them gave to the world's central ter-

rorist organization to operate "missions" in their capitals, Israel stated. The Libyan Arab Jamahiriya had become the world centre of international terrorism, but criminal gangs also found shelter and backing in Iraq and the Syrian Arab Republic, it said. It was imperative that all countries which opposed acts of international terrorism united and took decisive action to fight that cancerous evil.

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Incidents and disputes between Arab countries and Israel

Iraq and Israel

Armed incident involving Iraqi nuclear facilities

The 1981 bombing by Israeli aircraft of a nuclear research centre near Baghdad⁽¹⁾ was the subject of a 1985 report by the Secretary-General

and a General Assembly request (resolution 40/6) that IAEA consider additional measures to ensure that Israel undertook not to attack or threaten peaceful nuclear facilities. The IAEA General Conference, in September, noted that Israel had committed itself not to attack peaceful nuclear facilities.

Communications. On 3 May 1985,⁽²⁾ Iraq transmitted to the Secretary-General a statement made by the Israeli Minister of Industry and Trade, at a press conference at Haifa, Israel, on 26 March, saying that Israel had the right to strike against any nuclear reactor built by Iraq which constituted a danger to Israel's security.

In a letter of 15 May,⁽³⁾ Israel stated that no one but the Prime Minister and the Foreign Minister and their appointed representatives expressed authorized government policy on the issue. It reiterated its position stated in July 1984⁽⁴⁾ declaring its support for international arrangements to ensure the status and inviolability of peaceful nuclear facilities, as restated recently to IAEA.

IAEA action. The General Conference of IAEA, on 27 September,⁽⁵⁾ adopted a resolution taking note of Israel's declaration that it would not attack or threaten to attack peaceful nuclear facilities in Iraq or anywhere else.

Report of the Secretary-General. In October 1985,⁽⁶⁾ the Secretary-General reported to the Assembly on steps taken with regard to implementation of a 1981 Security Council resolution⁽⁷⁾ calling on Israel to refrain from attacks on nuclear facilities devoted to peaceful purposes and to place its nuclear facilities under IAEA safeguards. By a note of 7 February 1985, the Secretary-General had requested Israel to inform him of action it had taken or envisaged in response to the Council's demand, reiterated by the Assembly in 1984.⁽⁸⁾ In reply, Israel transmitted on 24 October a 26 September statement by the Director-General of the Israel Atomic Energy Commission, according to which Israel held that all States must refrain from attacking or threatening to attack peaceful nuclear facilities, and that the IAEA safeguards system brought evidence of the peaceful operation of a facility. Israel reconfirmed that it would not attack or threaten any nuclear facilities devoted to peaceful purposes, in the Middle East or elsewhere, and that it would support action in competent forums convened to work out binding agreements protecting such installations from attack and threat of attack.

GENERAL ASSEMBLY ACTION

On 1 November 1985, the General Assembly adopted resolution 40/6 by recorded vote.

Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security

The General Assembly,

Having considered the item entitled "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security",

Recalling the relevant resolutions of the Security Council and the General Assembly,

Taking note of the relevant resolutions of the International Atomic Energy Agency,

Viewing with deep concern Israel's refusal to comply with Security Council resolution 487(1981) of 19 June 1981,

Noting with deep concern the threatening statement made by an Israeli cabinet member on 26 March 1985, in which he stated, *inter alia*, "We are prepared to strike against any nuclear reactor built by Iraq in the future",

Deeply alarmed by Israel's failure to state without ambiguity its acceptance of the internationally recognized criteria for the definition of a peaceful nuclear facility and to acknowledge the effectiveness of the safeguards system of the International Atomic Energy Agency as a reliable means of verifying the peaceful operation of nuclear facilities,

Concerned that armed attacks against nuclear facilities raise fears about the safety of present and future nuclear installations,

Aware that all States developing nuclear energy for peaceful purposes need assurances against armed attacks on nuclear facilities,

1. Strongly condemns all military attacks on all nuclear installations dedicated to peaceful purposes, including the military attacks by Israel on the nuclear facilities of Iraq;

2. Considers that Israel has not yet committed itself not to attack or threaten to attack nuclear facilities in Iraq or elsewhere, including facilities under International Atomic Energy Agency safeguards;

3. Requests the Security Council to take urgent and effective measures to ensure that Israel complies without further delay with the provisions of resolution 487(1981);

4. Requests the International Atomic Energy Agency to consider additional measures effectively to ensure that Israel undertakes not to attack or threaten to attack peaceful nuclear facilities in Iraq or elsewhere, in violation of the Charter of the United Nations and in disregard of the safeguards system of the International Atomic Energy Agency;

5. Calls upon Israel urgently to place all its nuclear facilities under International Atomic Energy Agency safeguards in accordance with resolution 487(1981) adopted unanimously by the Security Council;

6. Reaffirms that Iraq is entitled to compensation for the damage it has suffered as a result of the Israeli armed attack on 7 June 1981;

7. Urges all Member States to provide necessary technical assistance to Iraq to restore its peaceful nuclear programme and to overcome the damage caused by the Israeli attack;

8. Calls upon all States and organizations that have not yet done so to discontinue co-operating with and giving assistance to Israel in the nuclear field;

9. Requests the Conference on Disarmament to continue negotiations with a view to an immediate conclusion of the agreement on the prohibition of military attacks on nuclear facilities as a contribution to promoting and ensuring the safe development of nuclear energy for peaceful purposes;

10. Decides to include in the provisional agenda of its forty-first session the item entitled "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security".

General Assembly resolution 40/6

1 November 1985 Meeting 59 88-13-39 (recorded vote)

26-nation draft (A/40/L.9/Rev.1), amended by Iran (A/40/L.10); agenda item 29.

Sponsors: Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, Cyprus, Democratic Yemen, Djibouti, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates, Yemen, Yugoslavia.

Meeting numbers. GA 40th session: plenary 58, 59.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Egypt, Gabon, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Seychelles, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Iceland, Israel, Luxembourg, Netherlands, Norway, Sweden, United Kingdom, United States.

Abstaining: Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Bolivia, Cameroon, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Equatorial Guinea, Fiji, France, Greece, Grenada, Guatemala, Haiti, Ireland, Italy, Ivory Coast, Jamaica, Japan, Liberia, Malawi, Mexico, New Zealand, Panama, Papua New Guinea, Paraguay, Portugal, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Spain, Uruguay, Venezuela, Zaire.

The Assembly adopted by a recorded vote of 79 to 2, with 50 abstentions, an amendment by Iran, adding what became paragraph 1.

The United States said it strongly believed that the issue the text purported to address had been decisively resolved by the IAEA General Conference in September, after four years of difficult and painstaking consideration; the attempt to reopen the issue flouted the clear intention of the majority of the IAEA members.

In Canada's view, the IAEA resolution had fully responded to many of the points raised, yet this text did not take account of that and sought to have the issue taken up again in IAEA. Canada also could not support the request in paragraph 3 which, it said, implied the imposition of further restrictive measures against Israel, nor could it support the call in paragraph 7 which would have the effect of preventing organizations such as IAEA from co-operating with all their member States, including Israel.

Canada and Sweden supported the call on Israel to place its nuclear facilities under IAEA safeguards. Nevertheless, Sweden felt that the main thrust of paragraphs 3 and 5 and the sixth preambular paragraph, in particular, was in contradiction of the IAEA resolution.

Though strongly condemning Israel's 1981 attack, Austria said it did not consider the changes in the 1985 resolution made in comparison to the one adopted in 1984⁽⁸⁾ to be conducive to achieving its aims.

Mexico said it regretted that the IAEA resolution was not properly reflected in the text. In Australia's opinion, the text called on IAEA to become involved in matters outside its area of competence. Ecuador believed that the text should not have been silent with regard to Israel's positive statements, such as the one contained in the Secretary-General's report; moreover it would not appear appropriate to reopen the question in IAEA, where it had been closed. Bolivia noted certain technical flaws pertaining to IAEA and no mention of the Secretary-General's report. Argentina said the question of safeguards was not covered to its satisfaction.

Brazil and Peru would have preferred mention of the Secretary-General's report. Peru also reserved its position with respect to certain technical concepts which, it believed, were not in conformity with IAEA resolutions. Brazil doubted whether anyone could tell what the internationally recognized criteria mentioned in the sixth preambular paragraph were. Paragraph 4 seemed to disregard the fact that the matter had been withdrawn from the IAEA agenda; paragraph 8 deserved some examination in connection with IAEA decisions; and paragraph 9 was imprecise.

The item under consideration was Israeli aggression against the Iraqi nuclear installations, Iraq stressed, and what happened in IAEA was a very small part of that. Israel refused to put its nuclear installations under the IAEA safeguards system, while there was never a question about Iraq's compliance with the system. If the United Nations did not make Israel commit itself not to repeat its act of aggression and perhaps submit its own facilities to international inspection, it was driving nails into the coffin of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons⁽⁹⁾ and the safeguards system.

Lebanon situation

Reports of the Secretary-General. As requested by the Security Council in 1984,⁽¹⁰⁾ the Secretary-General reported on activities of the United Nations Interim Force in Lebanon from 10 October 1984 to 11 April 1985.⁽¹¹⁾ He had continued consultations with the Lebanese Government and

other parties involved in the ongoing conflict in Lebanon. Following consultations with the Governments of Lebanon and Israel, their military representatives met, beginning on 8 November 1984,⁽¹²⁾ for a conference which took place at UNIFIL headquarters at Naqoura. From the outset of the conference, Lebanon insisted on the full withdrawal of Israeli forces from Lebanese territory and the subsequent deployment of the Lebanese army together with UNIFIL down to the international boundary, in accordance with Security Council resolution 425(1978) establishing the Force.⁽¹³⁾ Israel took the position that UNIFIL should be deployed in the entire area to be evacuated by the Israeli forces, with the positioning of the main forces of UNIFIL between the Zahrani and Awali rivers up to the border between Lebanon and the Syrian Arab Republic. Israel would accept a limited UNIFIL presence further south, but maintained that local forces should be responsible for security arrangements in the southernmost part of Lebanon. The Secretary-General said there was little change in those basic positions and the Naqoura conference, which lasted into January 1985 and adjourned sine die, had produced no result.

On 14 January, Israel announced a plan, formally presented to the conference on 22 January, for a unilateral redeployment of its forces in southern Lebanon in three phases. During the first phase, the Israel Defence Forces would evacuate the Sidon area and deploy in the Litani-Nabatiyah region in the western sector. In the second phase, IDF would deploy in the Hasbaniya area in the eastern sector, and in the third, they would deploy along the Israel-Lebanon international border while maintaining a zone where local forces, i.e. the South Lebanon Army (SLA), would function with IDF backing. The first phase would be carried out within five weeks of the Israeli Government's decision. The timing of the subsequent phases, tentatively scheduled to be completed in the spring and summer of 1985, would be decided by Israel. Throughout all the phases, efforts to achieve political arrangements would continue.

On 24 January, at the conference, Lebanon announced that the Israeli redeployment plan did not satisfy its demand for a detailed plan and timetable for complete Israeli withdrawal from Lebanese territory.

The Secretary-General observed that, as a result of increasing confrontation between Israeli forces and Lebanese resistance groups, the situation in southern Lebanon deteriorated. Both the number and the intensity of attacks by resistance groups against the Israeli forces and Lebanese irregulars armed and controlled by IDF increased sharply after IDF started preparing for its evacuation from the Sidon area, which was completed on

16 February. IDF carried out frequent cordon-and-search operations in villages in the UNIFIL area-assembling the men in a village for interrogation and searching houses for weapons and ammunition, sometimes demolishing them if they were thought to serve as shelter for members of resistance groups or if weapons were found in them. From February on, 32 such operations had been carried out and the demolition of 33 houses was recorded. Fourteen bodies were found after such operations, a number of persons were injured, and more than 700 persons were arrested.

On 18 February, the report continued, IDF had imposed restrictions on the movement of civilians, including a curfew, restrictions on the movement of vehicles, a ban on motorcycles, and prohibition of parking along major routes. On 4 March, an explosion in a meeting hall at Ma'rakah (south of the Litani River near Tyre) had killed 12 Lebanese and injured more than 30 (see also p. 298). Since then, villagers had frequently asked UNIFIL to search their houses for explosives following Israeli cordon-and-search operations. UNIFIL had reported that the economy of the area also suffered severely owing to the spreading violence as well as restrictions affecting the movement of people and goods.

In a statement of 27 February (see below), the Secretary-General had referred to the new situation that had developed in southern Lebanon since early February as the result of the restrictions imposed on civilians and the increasing number of attacks on the Israeli forces by Lebanese resistance groups, leading to strong countermeasures, including new cordon-and-search operations reported in the UNIFIL area since 6 February.

The Secretary-General noted in his report that in recent weeks, there had been indications that the Israeli withdrawal programme was being speeded up. His efforts and those of his colleagues had been directed to trying to bring together Israel's and Lebanon's positions. The main problem, he concluded, was to reach a situation in Lebanon south of the Litani after the Israeli withdrawal in which peace and security could be assured and normal conditions progressively restored. The best means of achieving that, the Secretary-General believed, would be an orderly take-over from the Israeli forces, perhaps in the first instance by UNIFIL with elements of the Lebanese army, with the ultimate aim of restoring the complete authority of the Lebanese Government and army. Some form of consultative mechanism under United Nations auspices would be essential. If the Naqoura talks or the 1949 Israel-Lebanon General Armistice Agreement⁽¹⁴⁾ were not acceptable to the parties, for one reason or another, he would be prepared to consider convoking a new conference of military representatives of the two Governments.

Lebanon, in a 27 March 1985 letter,⁽¹⁵⁾ stated its understanding of UNIFIL's role; the whole of southern Lebanon should be under the exclusive authority of the Lebanese army, assisted in its task solely by UNIFIL, since Lebanon would not assign any role to any military force which was not a legal force, nor would it accept buffer zones or security zones of any kind. UNIFIL's deployment area should not become a disengagement zone between illegal armed forces on Lebanese territory and UNIFIL posts would be determined by agreement with the Lebanese Government alone.

Israel had stated, according to the Secretary-General's report, that it had two principal objectives-complete withdrawal of its forces from Lebanon and security for Israel's northern border. Those objectives, it believed, could be achieved either by agreement with the Lebanese authorities or, failing that, by unilateral security arrangements made by Israel.

The second phase of redeployment of IDF, carried out gradually during March and April, was described in the Secretary-General's report covering the period from 12 April to 10 October.⁽¹⁶⁾ The Israeli forces withdrew from the Nabatiyah area on 11 March, while the Jezzine area and north-eastern sector, including the Bekaa valley and the strategic position at Jebel Baruk, were evacuated on 14 April. On 29 April, they withdrew from the Tyre pocket and from positions they had established in the western sector of the UNIFIL area. At the end of the second phase, they were redeployed in a strip of land north of the international border extending from the Mediterranean Sea to the Hasbaniya area with a depth varying between about 2 and 10 kilometres. In accordance with the Israeli plan, that strip of land, which extended into part of the UNIFIL area, was to be maintained as a "security zone" where SLA and other local militias armed and controlled by the Israeli forces were to function after completion of the third and last phase of Israeli redeployment.

After the Security Council in April (resolution 561(1985)) asked him to continue consultations, the Secretary-General initiated new efforts through his personal representatives and the Commander of UNIFIL to work out, in consultation with the Lebanese and Israeli authorities, arrangements leading to the full withdrawal of the Israeli forces, the deployment of UNIFIL to the international border and the establishment of peace and security in the area. Those efforts were inconclusive, however, and IDF proceeded with the third phase of its redeployment, without change, in May and early June. During that period, the Israeli forces withdrew progressively from positions in the security zone, handing them over to SLA. By 10 June, Israel announced that the third phase had been completed. It indicated that, while all com-

bat units had been withdrawn from Lebanese territory, some Israeli troops would continue to operate in the security zone for an unspecified period of time and act as advisers to SLA. Part of the security zone overlapped with UNIFIL's area of deployment, which led to frequent and dangerous confrontations between the irregulars and UNIFIL personnel. There were three positions manned by IDF, 16 by SLA and two jointly (SLA withdrew from three positions in July following negotiations with Israel by the UNIFIL Commander). In the remaining part of the security zone, which included the former enclave and the Hasbaniya area, Israeli forces had continued to operate with elements of SLA and other local forces controlled by them.

The situation in the security zone was very tense, the Secretary-General said. Lebanese resistance groups had launched 250 attacks since May on Israeli troops and the Lebanese irregulars associated with them throughout that zone, both within and outside the UNIFIL area of deployment, as well as a number of suicide bomb attacks. IDF and SLA elements carried out a number of cordon-and-search operations against Shiite villages, nine of them in the UNIFIL area, during which 16 houses were demolished and 73 persons arrested. On some occasions, SLA also shelled Shiite villages; following two June attacks, about 2,000 persons sought temporary refuge near Qana where the Fijian battalion of UNIFIL was headquartered. Leaders of Amal—the Shiite organization—and other Lebanese resistance groups had generally co-operated with UNIFIL in the area Israeli forces had evacuated.

The Secretary-General continued his contacts with Israel and Lebanon concerning security arrangements following completion of the Israeli withdrawal and to promote a steady return to normality, pointing out that the security zone manned by SLA assisted by IDF elements contravened Security Council resolutions and violated Lebanon's sovereignty and was certain to give rise to increasing opposition and a new round of violence.

After the Council renewed UNIFIL's mandate for six months in October (resolution 575(1985)), the Secretary-General held discussions with the parties concerned, including the Lebanese President and the Prime Minister and Minister of Defence of Israel. In addition, Jean-Claude Aimé, Director in the Office of the Under-Secretaries-General for Special Political Affairs, undertook a mission to the area for discussions with those concerned.

In spite of those efforts, the Secretary-General noted in a December interim report,⁽¹⁷⁾ the positions of the parties remained far apart. Israel announced that it would continue to rely on the security zone to ensure the security of its northern settlements and that UNIFIL would not be allowed

to deploy to the border. Lebanon was strongly opposed to Israel's continuing presence and the concept of the security zone, and insisted that UNIFIL should deploy to the border and fully implement Security Council resolution 425(1978).⁽¹³⁾ The situation was not acceptable, the Secretary-General continued, and could well deteriorate; he noted that the leader of Amal had recently stated his intention to step up activities against SLA and Israel if there was no change in the situation by the end of the year.

The situation in and around Beirut, with particular emphasis on developments involving Israeli forces and Palestinians, was monitored by the Observer Group in Beirut, with observers from UNTSO, set up in 1982⁽¹⁸⁾ following the first incursion of Israeli troops into West Beirut. The Secretary-General reported in October 1985⁽¹⁹⁾ that, since the withdrawal of the Israeli forces from the Beirut area in September 1983, the Group's strength had been brought down from 50 to 18.

Communications (January-March). By a letter of 16 January 1985, transmitted by Egypt on 17 January,⁽²⁰⁾ PLO characterized Israel's plan to withdraw from Lebanon as a unilateral decision that did not take into consideration the 1978 Security Council resolutions on the establishment of UNIFIL⁽²¹⁾ or its 1982 resolutions calling for immediate cessation of all military activities in Lebanon⁽²²⁾ and withdrawal of Israeli forces to the internationally recognized boundaries of Lebanon⁽²³⁾

On 12 February,⁽²⁴⁾ Lebanon informed the Secretary-General that that morning the Israeli army had attacked the village of Toura, in UNIFIL's area of operation, surrounding it with more than 90 tanks and military vehicles. Lebanon feared that a massacre could take place. The Israeli army had prevented the International Committee of the Red Cross (ICRC) from entering the village and was preventing all citizens from leaving it. Lebanon considered it necessary to intervene quickly.

On 21 February,⁽²⁵⁾ Lebanon protested Israeli practices in southern Lebanon, the western Bekaa and the Rashaya district, which it said included a series of raids, arrests, killings and repression that had resulted in many casualties. Recent information from the area indicated that a great number of Israeli soldiers in military vehicles and bulldozers had made their way to the villages of Deir Kanoun and Tair Dibbah, north-east of Tyre. Annexed to the letter was a listing entitled "Report on the abusive practices of Israel in southern Lebanon: 12 to 20 February 1985". On 25 February,⁽²⁶⁾ Lebanon transmitted two further reports for the periods 21 to 23 February and 23 to 25 February, and, on 26 February,⁽²⁷⁾ another covering 25 and 26 February.

By a letter of 4 March,⁽²⁸⁾ Lebanon informed the Secretary-General of what it charged was a massacre perpetrated by over 800 Israeli soldiers in the village of Ma'rakah on 4 March. On 2 March, 350 citizens had been locked up in the village school after being interrogated, Lebanon said; 17 of them were later taken away to an unknown destination. Before leaving the village, the Israeli forces had planted explosives at the mosque and blew it up when as many as 200 villagers gathered there on 4 March; the number of victims had not yet been determined. Israeli forces had prevented ambulances and other emergency vehicles from entering the village; they surrounded the hospital in Jebel Aamel, the village closest to Ma'rakah, and prevented the wounded from being taken inside. Lebanon condemned the act as criminal and reiterated its call for condemnation of Israel's abusive operations and practices and for an immediate end to them.

Israel rejected those charges on 6 March,⁽²⁹⁾ stating that it had no involvement in the explosion near the mosque and that there were no IDF units in the village at the time of the incident. It appeared that the explosion had taken place when terrorists mishandled the triggering device and caused it to detonate. Also, IDF had not prevented emergency vehicles from entering the hospital; on the contrary, they had cleared a path and assured access by dispersing a violent demonstration in front of it and apprehending some demonstrators who had fled inside. Israel had acted responsibly to prevent further terrorism; IDF had uncovered large caches of weapons and explosives, whose use would have killed many Lebanese civilians in the south as well as Israeli forces. Lebanon not only attacked Israel for defending its own forces as they were leaving the country, but had fallen into the habit of blaming Israel for every outbreak of internal violence, which reflected its inability to enforce law and order.

On 6 March,⁽³⁰⁾ India transmitted a communiqué adopted that day at an urgent session of the Co-ordinating Bureau of the Movement of Non-Aligned Countries regarding the situation in the Israeli-occupied areas in southern Lebanon, the western Bekaa and the Rashaya district. The Bureau condemned Israel's practices and measures against the civilian population there as a violation of international law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Geneva Convention) of 12 August 1949, and demanded that Israel desist from those practices and immediately lift all restrictions and obstacles to the restoration of normal conditions in the areas under its occupation. The Bureau called on the Security Council to ensure Israel's immediate and unconditional withdrawal to the internationally recognized borders.

On 23 March,⁽³¹⁾ Lebanon informed the Secretary-General of what it called further inhuman acts of aggression by Israel against the inhabitants of southern Lebanon, citing, among other operations, an incident of 21 March when Israeli forces bombarded two villages and besieged 10 in the district of Zahrani. Israeli forces advanced to within 7 kilometres of Sidon, besieging, on their way, three Lebanese army posts in areas they had previously evacuated, leaving 22 people killed and several wounded and causing material damage. In other towns, they destroyed houses and police posts and took prisoners. Lebanon emphatically condemned those acts of aggression, drawing the Security Council's attention to their gravity and inhuman character. Because the Council was unable to perform its tasks, Israel was tacitly encouraged to pursue its inhuman policy towards the population of the Lebanese territory it occupied.

In a letter of 28 March,⁽³²⁾ the 10 countries contributing troops to UNIFIL (see p. 305) took note of Israel's declaration that it would fully implement the withdrawal of IDF from Lebanese territory. They called for strict observance of the fourth Geneva Convention and deplored all acts of violence in the area.

SECURITY COUNCIL ACTION (February/March)

Following a request from Lebanon dated 25 February,⁽³³⁾ the Security Council considered the situation in southern Lebanon at four meetings on 28 February and 7, 11 and 12 March.

Meeting numbers. SC 2568, 2570, 2572, 2573.

In addition to Israel and Lebanon, the Council invited Afghanistan, Algeria, Bangladesh, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, the German Democratic Republic, Indonesia, Iran, Jordan, Nicaragua, Nigeria, Pakistan, Poland, Qatar, Saudi Arabia, Senegal, the Sudan, the Syrian Arab Republic, the United Arab Emirates, Viet Nam and Yugoslavia, at their request, to participate in the discussion without the right to vote. The Council also invited the Permanent Observer of the League of Arab States, at Qatar's request,⁽³⁴⁾ to participate under rule 39^e of its provisional rules of procedure.

At the request of Democratic Yemen,⁽³⁵⁾ the Council decided on 11 March, by 10 votes to 1 (United States), with 4 abstentions (Australia, Denmark, France, United Kingdom), that an invitation to participate be accorded to PLO. The President stated that the proposal was not made pursuant to rule 37^f or rule 39 of the provisional rules of procedure, but the invitation would confer on PLO the same rights as those conferred on Member States when invited to participate pursuant to rule 37.

^eSee footnote a on p. 274.

^fSee footnote b on p. 274.

Before the vote, the United States reiterated its opposition (see p. 274) to granting such rights to non-governmental entities.

Denmark said the procedure followed, designed to grant PLO a status similar to that of a Member State, did not reflect PLO's true relationship to the United Nations. In Australia's view, PLO should properly be invited to participate on the same basis as other organizations or bodies which were not States.

On 12 March, the Council voted on a draft resolution by Lebanon.⁽³⁶⁾ The vote was 11 to 1, with 3 abstentions.

In favour: Burkina Faso, China, Egypt, France, India, Madagascar, Peru, Thailand, Trinidad and Tobago, Ukrainian SSR, USSR.

Against: United States.

Abstaining: Australia, Denmark, United Kingdom.

Owing to the negative vote of a permanent member, the draft was not adopted.

By the draft, the Council would have: (1) condemned Israeli practices and measures against the civilian population in southern Lebanon, the western Bekaa and the Rashaya district; (2) reaffirmed the urgent need to implement Council resolutions on Lebanon,⁽³⁷⁾ which demanded that Israel withdraw all its military forces unconditionally to the internationally recognized boundaries; (3) reiterated its call for strict respect for Lebanon's sovereignty, independence, unity and territorial integrity; (4) affirmed that the provisions of the fourth Geneva Convention applied to the Israeli-occupied territories in southern Lebanon, the western Bekaa and the Rashaya district, and that the occupying Power was duty-bound to respect and uphold those provisions and other norms of international law; (5) demanded that Israel as the occupying Power desist from its practices against the civilian population in those territories and immediately lift all restrictions and obstacles to the restoration of normal conditions in the area under its occupation; (6) requested the Secretary-General to establish a fact-finding mission to report to the Council on Israel's practices and measures there; and (7) asked him to keep the situation under review, to consult with the Lebanese Government and, to report to the Council.

The United States said the text was unbalanced, applied double standards and did not accord Israel fair treatment. It would have preferred a consensus resolution committing the Council to a sincere effort to deal with Lebanon's problems while respecting the rights of all United Nations Members; it was ready to join in a statement reflecting the Council's dismay at the escalation of violence in the country, expressing sympathy to the victims, urging restraint on all parties, affirming the application of the fourth Geneva Convention to the

occupied areas, and reaffirming the commitment of all Members to full restoration of Lebanon's sovereignty, independence, territorial integrity and unity. The United States supported the withdrawal of all foreign troops from Lebanon and the enjoyment of full sovereignty by Lebanon, but did not currently believe that a Council resolution was the best way of achieving the common objective of confirming the Lebanese Government's authority.

Despite the draft's positive aspects, such as paragraphs 2 to 4 and 7, the United Kingdom believed that the text took insufficient account of the need to dampen the cycle of violence and to promote the peaceful diplomatic solution so urgently needed. In particular, there was no mention of the role of UNIFIL or of the need to assist the Secretary-General's efforts in pursuance of Council resolution 555(1984)⁽¹⁰⁾ and encourage the immediate return to the Naqoura talks.

Israel said adoption of the text would not stop it from defending its citizens against terrorist attacks, but would encourage the forces of fanaticism and extremism in southern Lebanon.

Lebanon said if some Council members had been true to themselves, they would have condemned the arbitrary and inhumane practices of the occupying army, which were inevitable results of the Israeli invasion they had condemned. By failing to meet its obligations, the Council left the population of Beirut, the Rashaya district and western Bekaa victims of that army and encouraged Israel to proceed with its brutal policies and defiance of the Council. However, that stand would not affect Lebanon's insistence on liberating the parts of the country occupied by Israel.

Trinidad and Tobago, noting that Israel had approved the second phase of its withdrawal, expressed concern over reports of increased violence accompanying that withdrawal. It would have liked to see incorporated in the text an appeal to all parties to exercise restraint and refrain from violence during the withdrawal, as well as an appeal to demonstrate some mutual forbearance. It believed that Israel and Lebanon could usefully engage in consultations aimed at ensuring a peaceful withdrawal-consultations which might also yield insights into requirements for maintaining law and order in the evacuated areas and indicate possibilities for an enhanced role for United Nations peace-keeping operations.

Thailand regretted that the text did not refer to the initiatives of the Secretary-General and his representative, as well as their good offices to have the Naqoura talks resumed, and noted with regret the absence of a reference to UNIFIL. In paragraph 1, all practices and measures against the civilian population which violated international law and the fourth Geneva Convention should have been condemned.

Peru believed that if there had been a specific reference to the objective of finding the minimal machinery to stabilize and systematize the withdrawal of the occupying forces, the text would have been less narrow. Also, it felt that condemnations should be in keeping with facts that were suitably corroborated at the international level.

Algeria, Democratic Yemen, India and the Syrian Arab Republic fully supported Lebanon's demand as outlined in the draft resolution. India said the Council must act decisively to halt Israeli aggression and intransigence and to put an end to the tragedy of Lebanon. Democratic Yemen said the Council would thereby affirm the credibility of its resolutions and its responsibility for the maintenance of international peace and security.

Cyprus said adoption of the draft would demonstrate a clear determination by the international community to ensure respect for Lebanon's sovereignty, independence, territorial integrity and unity and profound solidarity with and sympathy for its much-tormented people.

Saudi Arabia felt that a draft reinforcing the Council's 1982 resolutions on Lebanon represented the minimum the Council could adopt to keep its credibility. Senegal believed that the draft contained all elements to restore peace to Lebanon and enable it to regain its independence and territorial integrity. Pakistan said the least the Council could do was to remind Israel of its demand for immediate and unconditional withdrawal and strict compliance with the 1949 Geneva Conventions; adoption of the text would serve that purpose and send a clear message.

Speaking as Chairman of the Arab Group, Qatar said the Council should reaffirm its 1982 resolutions calling for respect for the rights of the civilian population and an end to acts of violence against them;⁽³⁸⁾ Israel must be compelled to commit itself to respect the Charter, the Universal Declaration of Human Rights⁽³⁹⁾ and other international agreements, especially the fourth Geneva Convention. The Council's resolution must include provisions ending Israel's determination to disregard Council resolutions.

Iran said the draft contained two very important points: condemnation of the Zionist aggressor for its recent crimes and its illegal occupation of Lebanese territory; and immediate and unconditional withdrawal of Israeli forces from all the occupied territories.

Czechoslovakia and the Syrian Arab Republic called on the United States not to stand in opposition to the other Council members and all peace-loving forces. Obstruction of the draft resolution would not protect Israel from rising resistance to its occupation, Pakistan cautioned, but would only deal a blow to the current peace effort.

Opening the debate, Lebanon charged that Israel's military operations and inhuman practices in the areas under its occupation were daily becoming more severe; if Israel had committed itself to comply with the Council's resolutions, the situation would not have deteriorated to such an extent. The third stage of redeployment, in accordance with the decision of the Israeli Government, did not constitute a true withdrawal as long as it set out a security belt in which Israel arrogated to itself the right to maintain nominal forces and re-enter any region from which it had withdrawn. Lebanon declared it had sincerely attempted to bring about a successful outcome to the Naqoura talks; however, despite repeated demands for a detailed timetable for withdrawal, Israel refused to present one or to give any role to the legitimate Lebanese army.

Israel stated that it had agreed to meet at Naqoura to negotiate security arrangements which, among other things, would facilitate its withdrawal, but Lebanon, under Syrian pressure, refused. After that last Lebanese abrogation of responsibility, Israel had chosen to act on its own. It had decided to withdraw its forces in three phases to the international border; now, entering the second phase, it was seeking the widest co-operation to complete it in as orderly and peaceful a manner as possible. The Lebanese Government had not agreed to arrange an orderly transfer of authority as a way of minimizing violence in the areas evacuated by Israel; after unusual restraint in the face of countless provocations during its withdrawal, Israel had taken action necessary to protect its soldiers and prevent terrorists from attacking them and organizing a safe haven for future attacks. The withdrawal was expected to take from six to nine months; specifying a more exact timetable was not practical, since conditions changed with each phase and terrorist attacks might require modifications in timing and procedures.

There was almost unanimous agreement among the countries speaking in the Council that Israel's practices and measures against the civilian population in Lebanon violated international law, in particular the fourth Geneva Convention. Like all States that signed the Convention, France said, Israel must scrupulously implement its provisions. Implementation of Council resolutions on Lebanon-especially those⁽³⁷⁾ mentioned in paragraph 2 of the Lebanese draft, calling for a cessation of all military activity and demanding Israel's unconditional withdrawal to the internationally recognized boundaries-was seen by most as necessary and a pre-condition for normalization of the situation. Poland and the USSR, for example, saw in the immediate and unconditional implementation of the 1982 resolutions the only reliable key to a solution of the Lebanese problem.

The United Arab Emirates believed that the current situation in southern Lebanon was a direct result of their non-implementation. Others, including Algeria, Bangladesh, Egypt, Indonesia, Jordan, Madagascar, Nicaragua and Nigeria, specifically mentioned in this respect the 1978 resolution⁽¹³⁾ establishing UNIFIL, which called for strict respect for Lebanon's territorial integrity, sovereignty and independence.

Egypt regarded as the only option Israel's complete and unconditional withdrawal, in order to enable Lebanon to regain true sovereignty over all its territory, protect its population and restore security and order. China said that under no pretext should Israel continue its occupation, pursue its "iron-fist" policy and bully the local inhabitants. In Yugoslavia's opinion, any other approach but Israel's immediate and unconditional withdrawal undermined the basis of international peace and security envisaged in the Charter. Australia observed that it had consistently called for withdrawal of all foreign forces, except those in Lebanon at the Government's request.

Many other speakers viewed Israel's practices as a threat not only to Lebanon but to the Middle East as a whole, endangering even international peace and security. Among them were Czechoslovakia and Qatar on behalf of the Arab Group. The escalation of Israel's aggression, Cuba said, greatly increased the danger that another war would break out in the region. Considering the Lebanese problem in isolation from the general explosive situation in the region was impossible, according to Bangladesh, the German Democratic Republic, India, Senegal and the Ukrainian SSR. Viet Nam added that the problems in Lebanon could be solved only through a comprehensive Middle East settlement which guaranteed Palestinian rights and respect for the legitimate interests of all countries in the region, including an independent State of Palestine.

The increase in violence in Lebanon made it necessary to ensure that there was a new movement towards peace, said Senegal, which also noted recent diplomatic developments that could make such a movement possible.

The necessity to resume the Naqoura talks was widely recognized. To find practical ways to implement the second and third stages of Israel's withdrawal, the United States urged that both countries return to Naqoura; the violence accompanying the withdrawal and the counter-reaction to it only worked against Lebanon's interest. Burkina Faso said resumption of the talks, under the Secretary-General's auspices, had become necessary. Thailand joined in the appeal for their resumption as soon as possible, hoping for an agreement to enable Israel to withdraw unimpeded, with an expeditious timetable; while

the withdrawal was under way, the civilian population and refugees must be spared from repressive measures. Denmark urged Lebanon and Israel to show flexibility in establishing security arrangements in southern Lebanon. For Peru, it was a matter of greatest priority to make use of the machinery existing for a dialogue between the parties and to work for the speedy resumption of contacts.

A clearly spelt-out timetable had become absolutely necessary for the success of resumed talks, the representative of the League of Arab States said. Israel's refusal to provide a time-frame for its withdrawal to the international borders and its practices against the people in the area were proof that it wanted them to leave their lands so that it might usurp those territories, the Syrian Arab Republic charged. Israel's actions were genocidal and an alarming indication that it was planning to perpetuate its control and create a "buffer State", as originally envisaged in its plans for the 1982 invasion of Lebanon, Cuba stated.

Measures to compel Israel to comply with the Council's resolutions and completely withdraw from Lebanon were called for by many speakers. Among them, the Sudan said it was incumbent on the Council to live up to its duties enshrined in the Charter and to put an end to Israel's persistent aggressive practices. In the search for suitable measures, Czechoslovakia believed, each Council member must be guided by the fact that Israel was an aggressor in the terms of the 1974 Definition of Aggression.⁽⁴⁰⁾ The Syrian Arab Republic called on the Council to take measures to eliminate acts of aggression against Lebanese territory and restore it to its rightful owners.

Communications (April/May). By a letter of 4 April,⁽⁴¹⁾ Lebanon informed the Secretary-General that on 3 April Israel had transferred 1,131 Lebanese and Palestinian prisoners from the Al-Ansar detention camp in Israeli-occupied Lebanese territory to some prisons inside Israel, in violation of the fourth Geneva Convention. At the same time, Israel had released 752 prisoners to palliate the reaction of international public opinion, which was unanimous in condemning the transfer. Information from ICRC indicated, it said, that Israel intended to retransfer the prisoners to a detention camp within Lebanon's borders and inside the security zone. Lebanon vehemently condemned Israel's action, saying that it violated international law and custom and endangered the lives and future of the prisoners; it was incumbent on the international community to bring Israel's persistent violations to an immediate halt.

In its reply of 17 April 1985,⁽⁴²⁾ Israel said Lebanon had totally misrepresented the truth concerning the transfer. The 752 detainees had been released because they no longer represented a

danger to IDF units currently withdrawing from south Lebanon. The temporary transfer to Israel of detainees who still constituted a danger to the security of IDF had become imperative because of the particular circumstances in south Lebanon. That such a temporary transfer violated the fourth Geneva Convention was equally groundless, since the Convention authorized such measures when for material reasons it was impossible to avoid such displacement. Keeping the detainees at Ansar would have complicated and prolonged Israel's ongoing withdrawal; releasing them would have added to the instability and bloodshed and the likelihood of attacks against IDF; and building alternative detention facilities in the area being evacuated had not been possible in the time-frame of the ongoing withdrawal. Efforts were being made to establish a smaller facility at Majidiyah, in south Lebanon, to hold some of the detainees pending withdrawal from the area. The detainees temporarily transferred to Israel were given suitable facilities and medical care, access to ICRC representatives and entitlement to petition an Appeals Board. Several had already been released.

On 12 April⁽⁴³⁾ and 16 April,⁽⁴⁴⁾ the United Arab Emirates, as Chairman of the Group of Arab States, transmitted three letters from PLO, dated 10, 11 and 15 April, charging Israeli occupation forces and their allies with heavy bombing on 10 April of the city and area of Tyre, including three Palestinian refugee camps. Israeli tanks and armoured vehicles had supported what PLO called Fascist isolationist elements in the assaults; hundreds of civilians, including Palestinians, had been arrested and taken to Israel. For the twelfth consecutive day, Israeli occupation forces and their allies had shelled two Palestinian refugee camps; four children and three men had been killed that day and 15 others had been seriously injured. Daily life in Tyre had been brought to a standstill by an endless artillery barrage. PLO believed the objective was to impose a military siege by land and sea against the Palestinian refugee camps at Sidon and Tyre to uproot the Palestinians as a pre-condition for the success of Israel's plan to establish a so-called safe-border zone-the fulfilment of its aspiration to establish a sectarian, Fascist mini-State in south Lebanon. On 11 April, PLO said, Israeli troops in south Lebanon and their allies had resumed heavy artillery bombardment of Palestinian refugee camps in the Sidon area. On 15 April, it said that, for the past few days, Israeli occupation forces in the Tyre area had besieged four Palestinian refugee camps and had conducted house-to-house searches, arresting 270 Palestinian civilians and taking them to unknown destinations. PLO deemed it clear that the Israeli occupation forces were hoping through terror and panic to facilitate the mass exodus of Palestinians from the Tyre area, as they had attempted in the Sidon area. Israel's

strategy aimed at emptying southern Lebanon of all Palestinian presence. PLO reiterated its call on the United Nations for adequate measures to end Israel's crimes immediately and provide protection for the Palestinians in southern Lebanon.

On 3 May,⁽⁴⁵⁾ Italy transmitted a declaration adopted on 29 April by the Ministers for Foreign Affairs of the 10 EC member States, stating that they continued to view with concern the deterioration of the situation in Lebanon, in particular the consequences for the civilians in the south subjected to unjustifiable acts of violence. They looked for the early, orderly and complete withdrawal of Israeli and other forces which were not in Lebanon at the Government's request. They considered it important that appropriate security arrangements be reached between Israel and Lebanon, and appealed to all the parties to facilitate the restoration of Lebanon's sovereignty, unity, territorial integrity and independence. They expressed deep concern for the suffering of the Lebanese and the kidnapping of foreign nationals, and called on all parties to co-operate fully with UNIFIL.

On 8 May,⁽⁴⁶⁾ the Secretary-General submitted to the Security Council a 7 May letter by Pope John Paul II warning that the ever more tragic events in Lebanon could become fatal for the survival of the country, and that a widening gap between the different communities-Christians and Moslems-could lead to a disappearance of all national identity. The Pope was confident that the United Nations would do everything in its power to co-ordinate the initiatives that such a complex crisis demanded; it was a particularly suitable forum for appealing to all nations not to abandon Lebanon and to help its people lay the foundations of a dialogue aimed at building a renewed country.

On 14 May,⁽⁴⁷⁾ Australia transmitted an 8 May statement by its Prime Minister expressing concern at the continued violence in Lebanon, particularly in Beirut, and at the recent events in the southern part of the country where as many as 20,000 Christians were reported to have sought refuge in Jezzine and other towns in the area. The Prime Minister lamented that Lebanon should have become the battleground on which foreign forces conducted their battles openly or by proxy. Australia called for maximum restraint by all parties and for an end to all external interference in the country's affairs; agreement among the warring factions was the only basis on which Lebanon's independence and sovereignty would be respected.

SECURITY COUNCIL ACTION (May)

On 24 May, after consultations with the Council members, the Security Council President issued the following statement on their behalf:⁽⁴⁸⁾

"The members of the Security Council express their serious concern at the heightened violence in certain parts of Lebanon in the past few days.

"They take note of and fully support the statement issued on 22 May 1985 by the Secretary-General, which also refers to the situation in and around the Palestinian refugee camps, and his appeal to all concerned to make every possible effort to put an end to violence involving the civilian population.

"They reaffirm that the sovereignty, independence and territorial integrity of Lebanon must be respected.

"In response to their humanitarian concern, they strongly appeal for restraint, in order to alleviate the sufferings of civilians in Lebanon."

Following Egypt's request of 30 May,⁽⁴⁹⁾ the Council met on 31 May to consider the situation created by the continued escalation of violence involving the civilian population in and around Beirut, affecting the safety and security of the Palestinians in the refugee camps.

The Council invited Lebanon, Malta and the Syrian Arab Republic, at their request, to participate in the discussion without the right to vote. It also decided, by 10 votes to 1 (United States), with 4 abstentions (Australia, Denmark, France, United Kingdom), that an invitation should be accorded to PLO.

The President stated that an Egyptian proposal to invite PLO⁽⁵⁰⁾ was not made pursuant to rule 37^e or rule 39^h of the Council's provisional rules of procedure, but the invitation would confer on PLO the same rights as those conferred on Member States when invited to participate pursuant to rule 37.

Before the vote, the United States reiterated its position of principle (see p. 274) opposing granting such rights to non-governmental entities.

On 31 May, without prior debate, the Council unanimously adopted resolution 564(1985).

The Security Council,

Recalling the statement made by the President on 24 May 1985 on behalf of the members of the Council on the heightened violence in certain parts of Lebanon,

Alarmed at the continued escalation of violence involving the civilian population, including Palestinians in refugee camps, resulting in grievous casualties and material destruction on all sides,

1. Expresses anew its deepest concern at the heavy costs in human lives and material destruction affecting the civilian population in Lebanon, and calls on all concerned to end acts of violence against the civilian population in Lebanon and, in particular, in and around Palestinian refugee camps;

2. Reiterates its calls for respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Calls upon all parties to take necessary measures to alleviate the suffering resulting from acts of violence, in particular by facilitating the work of United Nations agencies, especially the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and non-governmental organizations, including the Inter-

national Committee of the Red Cross, in providing humanitarian assistance to all those affected and emphasizes the need to ensure the safety of all the personnel of these organizations;

4. Appeals to all interested parties to co-operate with the Lebanese Government and the Secretary-General with a view to ensuring the implementation of this resolution, and requests the Secretary-General to report to the Security Council thereon;

5. Reaffirms its intention to continue to follow the situation closely.

Security Council resolution 564(1985)

31 May 1985 Meeting 2582 Adopted unanimously

Draft prepared in consultations among Council members (S/17232).

Egypt said the United Nations bore a clear historical responsibility for the safety and welfare of the Palestinians; there was a need to look for practical means to ensure their protection, security, tranquillity and welfare in the context of full sovereignty of Lebanon. The unanimous adoption of the resolution was evidence of the continued United Nations commitment to the search for a comprehensive and just Middle East settlement, in all its political and humanitarian aspects.

Lebanon opposed the Council's meeting without its consent and on what it considered interference in its internal affairs; the Palestinian camps were on its territory and it could not agree to give up its sovereignty over a single inch. The convening of the Council was a dangerous precedent that could at any time affect any State in whose territory conflicts between local groups took place; the Council's mandate was confined to situations threatening international peace and security and it was not useful for it to consider internal situations that were dealt with on both the regional and internal levels.

Though expressing understanding of Lebanon's concerns, France said the international community had, for humanitarian reasons, a particular responsibility in the light of the human tragedies stemming from the conflict; the victims were again piling up inside and around the Sabra and Shatila camps in Beirut which had been the scene of massacres in 1982.⁽⁵¹⁾ The resolution attested to the determination of the Council and its concern fully to assume its responsibilities.

Proceeding from humanitarian concerns, the USSR stated that it regretted that Lebanon's position was not taken into account by the initiators of the meeting. The situation in Lebanon was an integral part and a direct result of Israeli occupation and the continuing Middle East conflict. Events in Lebanon once again confirmed the urgent need to attain a just and comprehensive Middle East settlement in the context of which the

⁴⁹See footnote b on p. 274.

⁵¹See footnote a on p. 274.

Palestinians would be able to exercise their right to self-determination and establish their own State.

In the opinion of the Syrian Arab Republic, the resolution would not help Lebanon. Instead of maintaining its sovereignty and independence, it would do exactly the opposite and might even lead to an escalation of the fighting in the camps. The Council's consideration of an internal Lebanese question was interference in its affairs and, in the light of Lebanon's objection, in direct contravention of the Charter. Egypt's move to internationalize an internal problem was aimed at thwarting Syrian-Lebanese efforts to restore peace and security and was motivated by a desire to divert attention from surrender agreements imposed by Washington, from Israeli practices in the occupied territories and from the fact that Israel was trying to perpetuate its occupation.

Malta appealed to all to desist from further fighting and hoped that reconciliation would follow. It pledged to assist in any humanitarian way and to continue working to convince all concerned that an overdue solution could be delayed only at the expense of the chances for a lasting Middle East peace.

The urgency of the situation in Beirut demanded no less of the Council than unanimous adoption of the resolution, the United States said; it hoped the Council's humanitarian calls would be heeded as well as its call to honour Lebanon's sovereignty, independence and territorial integrity.

What was happening in Beirut was not strictly a domestic issue, but affected the fate of Palestinian refugees whose safety and welfare were a historic responsibility of the United Nations, PLO said. The vindictive bombardment had the clear aim of eliminating the Palestinian presence in the Beirut area and probably the rest of Lebanon. Expressing appreciation at the adoption of the resolution, PLO added that the immediate task was to rebuild the destroyed houses and buildings; it appealed to the Council members to authorize immediate action to provide shelter for the refugees. The Lebanese Government and PLO could reach an agreement, as they had in the past; the current main concern was the security and safety of the inhabitants, including those in the camps.

Australia believed that the meeting was an appropriate response to the sombre situation in Lebanon which had caused widespread loss of life and property. It hoped that the Council resolution would be respected and adhered to and would contribute to strengthening Lebanon's hand in dealing with its difficulties.

Communications ('June-December). By a letter of 1 July,⁽⁵²⁾ Israel again rejected the assertion that the transfer of detainees from southern Lebanon to Israel in April (see p. 301) violated the fourth Geneva Convention; their detention as well

as their displacement, which had been necessary because they had participated in acts of violence against IDF, were permitted under the Convention's articles 78 and 49, respectively. Since the transfer, several hundred detainees had been released and those remaining would be released as soon as the conditions in southern Lebanon enabled IDF to do so.

On 5 July,⁽⁵³⁾ Lebanon transmitted to the Secretary-General a government note concerning a United States announcement on 2 July that it had decided to take measures to isolate Beirut International Airport, to call on foreign airlines to suspend their flights to Beirut, to prevent Lebanese aircraft from using American airports and to urge other States to take similar measures; the United States Government had justified this action on grounds that it represented a response to the recent hijacking of a Trans 'World Airlines (TWA) aircraft. Lebanon regretted that course of action as a step that would have negative consequences for both countries and that might further complicate matters. The following should be taken into consideration, Lebanon said: the hijacking was only another manifestation of ongoing conflicts in Lebanese territory; for more than 10 years, the Lebanese had been subjected to suffering and hardship which in ferocity and impact went far beyond the seizure of an aircraft or the kidnapping of passengers. Though condemning interference with civil aircraft and the kidnapping of innocent people, Lebanon nevertheless considered that the TWA hijacking had political roots and underpinnings and was not merely a criminal or terrorist act. The most successful way of confronting such acts lay in understanding those roots and dealing with them on that basis. The hijackers' demands stemmed from positions which were part of Lebanese and Middle East political reality; the demand for release of Lebanese civilians detained by Israel without legal cause was a legitimate demand. Isolating Lebanon and preventing its national airlines from operating normally was not proportionate to the damage caused and punished not the perpetrators but a Government that had condemned the hijacking and a people and companies that had not been involved; the kidnapping and the introduction of weapons into the aircraft had not taken place at Beirut airport, and the aircraft landed there in spite of the opposition of the Lebanese authorities. Lebanon stated that it was making efforts to control the security at the airport and was prepared to take part in any international initiative aimed at combating acts contrary to international law. It also considered violation of that law by States to be more serious than by irregular groups. It requested the international community to bolster Lebanon's sovereignty and not to support decisions adverse

to it. It reserved the right, if necessary, to call for a Security Council meeting.

In a letter of 24 July,⁽⁵⁴⁾ the United States said Lebanon's note revealed a serious misunderstanding of United States policies and goals. The aim in bringing the problem to the attention of the world community was not to punish Lebanon. Beirut International Airport had become a haven for hijackers. In 1985 alone, there had been six hijackings involving that airport; in the past 15 years, 36. Nowhere else had air pirates enjoyed such a permissive atmosphere, moving with total freedom to and from hijacked aircraft that landed there. Though encouraged by actions recently announced by Lebanon to meet those deficiencies, the necessary measures went beyond those announced to date. Although Lebanon was party to international conventions setting standards of behaviour towards hijackings, it had not demonstrated that it could enforce its commitments. The United States initiative should be understood as a first step in the corrective process.

The Chairman of the Committee on Palestinian rights, by a letter of 31 July,⁽⁵⁵⁾ brought to the Secretary-General's attention newspaper reports that tanks had been delivered that might affect the rights and lives of the Palestinian refugees living in Lebanon and amplify tension in the area. Lebanon, on 9 August,⁽⁵⁶⁾ stated that the subject dealt with in the Chairman's letter was entirely outside the Committee's competence.

On 5 December,⁽⁵⁷⁾ Lebanon transmitted what it said was a list of Israeli acts of aggression against Lebanese territory since the withdrawal of Israeli forces from Sidon to south of the Litani River, as well as supplementary information on such acts in southern Lebanon between 28 November and 4 December. Lebanon said Israel's expansionist policy and continual arbitrary practices were contributing to the worsening of the situation in southern Lebanon in particular, were hampering peace efforts and were the cause of an explosion of violence which threatened peace and security regionally and internationally.

Israel, on 26 December,⁽⁵⁸⁾ characterized Lebanon's letter as yet another attempt to divert attention from its inability to enforce law and order. It appeared that the fate of the country—which was controlled by the Syrian Arab Republic—was of concern to the Lebanese Government only when southern Lebanon was involved. Israel's activity along the border was carried out entirely in self-defence, it said; its only aim was to guarantee the safety and welfare of its citizens living in northern Israel and it would continue to defend its people. Since June 1985, 790 attacks and attempted attacks had been carried out by terrorist elements in Lebanon against targets in southern Lebanon and Israel. One day's violence in the streets of Beirut or Tripoli

accounted for a considerably higher number of casualties than the total casualties from incidents in the border area since then. Unlike the civilians in Beirut or Tripoli, the people of southern Lebanon lived under normal conditions, free from the endless cycle of violence that was destroying the rest of the country. Israel had consistently attempted to guarantee peace and security to its citizens through mutual arrangements with Lebanon. In November 1985, another attempt had been made to renew contacts through a special emissary of the Secretary-General; Lebanon, initially showing interest, had retracted again under Syrian pressure. Israel continued to be willing to negotiate with any Lebanese element that could guarantee suitable security arrangements for northern Israel.

By a letter of 26 December,⁽⁵⁹⁾ the Syrian Arab Republic stated that overflight of Lebanese territory by Israeli fighter aircraft was not only a violation of the sovereignty of a fraternal United Nations Member but also a direct threat to the Syrian forces in Lebanon at its request and in accordance with a decision of the League of Arab States. Any threat to the security of the Syrian forces in Lebanon also constituted a threat to the security of the Syrian Arab Republic (see also p. 313).

Other action. Both the Commission on Human Rights and the Economic and Social Council asked the Secretary-General to monitor the human rights situation in southern Lebanon (see ECONOMIC AND SOCIAL QUESTIONS, Chapter XVIII).

Peace-keeping operation

In 1985, the Security Council twice extended the mandate of UNIFIL, on 17 April and 17 October, each time for six months. The Force, which was deployed in southern Lebanon, was established by the Council in 1978.⁽¹³⁾ Its terms of reference were to confirm the withdrawal of the Israeli forces as called for by the Council, to restore international peace and security, and to assist the Lebanese Government in ensuring the return of its effective authority in the area.

The authorized strength of UNIFIL was 7,000, but because of its reduced activities it had in October 1985 some 5,700 troops, provided by Fiji, Finland, France, Ghana, Ireland, Italy, Nepal, the Netherlands, Norway and Sweden. A group of UNTSO observers assisted the Force in the performance of its tasks.

Communications. By a letter of 27 March 1985⁽⁶⁰⁾ Lebanon requested the Security Council to extend UNIFIL's mandate, due to expire on 19 April, for another six months, without a change of its mandate as laid down by Council resolutions. In Lebanon's understanding, UNIFIL's area of deployment extended from the Litani River southward to the internationally recognized boundaries of Lebanon; that area should be under the

exclusive authority of the Lebanese army, assisted solely by UNIFIL. In no circumstance would Lebanon accept "buffer zones" or "security cordons" of any kind inside its territory; the area of deployment of UNIFIL should not become a disengagement zone between illegal armed forces within Lebanese territory, and the posts which the United Nations forces were to occupy would be determined by agreement with the Lebanese Government alone. In spite of the difficult conditions in south Lebanon, Lebanon added, UNIFIL's presence continued to be a necessary and important factor of stability and an international commitment to upholding Lebanon's independence, sovereignty and territorial integrity.

On 29 March,⁽³²⁾ the Secretary-General transmitted to the Security Council President a letter of the previous day from the 10 troop-contributing countries, expressing deep concern at the recent events in southern Lebanon which, they said, not only had made it more difficult for UNIFIL to fulfil its mandate but also posed serious security risks to its members. For more than two years, they added, UNIFIL had carried out interim tasks entrusted to it following the 1982 Israeli invasion of Lebanon,⁽⁶¹⁾ when the Force had been unable to carry out its original mandate. In spite of the difficulties under which UNIFIL operated, the troop contributors were convinced that it had had a stabilizing effect on the situation in southern Lebanon and had played a useful humanitarian role.

Recalling the Force's original mandate, approved by the Council in 1978,⁽⁶²⁾ which spoke of three essential conditions⁽⁶³⁾ that must be met for UNIFIL to be effective, the troop contributors considered it incumbent on the Council to insist that all parties respect the Force's integrity, and stressed that UNIFIL could hope to fulfil its mandate only on the basis of an understanding between the parties on the role of the Force in an area that formed an uninterrupted whole up to the international boundary.

The troop-contributing countries urgently called on Israel and Lebanon to meet the requirements necessary to ensure security in the area in the wake of a full Israeli withdrawal and continued to support the Secretary-General's efforts to that end. They indicated their willingness to continue to support UNIFIL on the basis of their expectation that events in the near future would allow UNIFIL to play its originally envisaged role.

Report of the Secretary-General (April). On 11 April,⁽¹¹⁾ the Secretary-General reported on the activities of UNIFIL since 10 October 1984 (see also p. 295). During that period, it had continued to operate check-points and conduct patrols with a view to maintaining order and ensuring the security of the local population. The deteriorating

situation in Lebanon was reflected also in the UNIFIL area of deployment, where attacks were carried out almost daily against IDF fixed positions. Roadside bombs and car-bomb attacks had inflicted heavy casualties on IDF. The activities by the Lebanese resistance against the Israeli forces and Israeli countermeasures had created a difficult situation for UNIFIL.

UNIFIL closely monitored the movements of IDF within its area, the Secretary-General reported. During the cordon-and-search operations carried out by IDF in villages in the UNIFIL area, it was present to prevent, within its means, acts of violence against the population and the destruction of property. The Force also continued its efforts to contain the activities of Lebanese irregulars armed and controlled by IDF. There had been a number of incidents in which such irregulars fired close to UNIFIL positions, and in a few cases fire was returned; there had also been a few incidents, protested to the Israeli authorities, in which Israeli troops fired close to UNIFIL personnel.

During the period under review, UNIFIL had maintained contact with the Lebanese Government, Lebanese regional authorities and Israeli authorities. It co-operated with the Lebanese authorities, UNRWA, UNICEF and ICRC in assisting the local population. A number of Lebanese civilians were treated in UNIFIL medical centres.

In a statement of 27 February on the role of the Force, the Secretary-General had said that, owing to the restrictions imposed on the civilians in southern Lebanon by the Israeli occupation, the increasing number of attacks on Israeli forces and strong Israeli countermeasures, UNIFIL's position was becoming increasingly difficult. For obvious reasons, UNIFIL had no right to impede Lebanese acts of resistance, nor did it have the mandate or means to prevent countermeasures. To withdraw UNIFIL would not be in the interest of Lebanon, while to involve it actively in the current violence would further complicate an already difficult situation. It seemed that the only course for UNIFIL was to maintain its presence and continue within its limited means to carry out its functions, while efforts continued to put an end to the current difficulties.

Following Israel's announcement in January that it intended to withdraw from Lebanon in three phases, the report continued, the Secretary-General's representatives had held extensive discussions with the Lebanese Government, which, however, had not agreed to any role for UNIFIL in the Israeli withdrawal process north of the Litani River. Brian Urquhart, Under-Secretary-General for Special Political Affairs, visited the area and discussed matters relating to UNIFIL's future; he also visited Lebanon and Israel in April, as well as the Syrian Arab

Republic. During the consultations, he stressed the importance of securing a speedy, orderly and complete withdrawal of Israeli forces, of the establishment of peace and security in southern Lebanon, and of a proper context and basis for the future functioning of UNIFIL. The best means of achieving such conditions after Israel's withdrawal would be, in the Secretary-General's opinion, an orderly take-over from the Israeli forces, perhaps in the first instance by UNIFIL with elements of the Lebanese army, with the ultimate aim of restoring the complete authority of the Lebanese Government and army.

It was essential to establish, under the authority of the Security Council, conditions in which UNIFIL could function effectively in co-operation with the Lebanese authorities and army. There had to be a clear understanding that no armed military or paramilitary personnel of any kind could be allowed to operate in the area, other than the Lebanese army and UNIFIL, and that all parties and elements publicly declare their co-operation with the Lebanese authorities and UNIFIL.

The Secretary-General believed that the presence of UNIFIL was essential in the current circumstances and recommended an extension taking into account Lebanon's request;⁽⁶⁰⁾ he stressed again that it was essential to secure at least the minimum conditions for the Force's effective future work.

SECURITY COUNCIL ACTION (April)

The Security Council met on 17 April to consider Lebanon's request and the Secretary-General's report. The Council invited Israel and Lebanon, at their request, to participate in the discussion without the right to vote.

On the same date, the Council adopted resolution 561(1985).

The Security Council,

Recalling its resolutions 425(1978), 426(1978), 501(1982), 508(1982), 509(1982) and 520(1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 11 April 1985, and taking note of the observations expressed therein.

Taking note of the letter of the Permanent Representative of Lebanon addressed to the Secretary-General of 27 March 1985,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 19 October 1985;

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to co-operate fully with the Force for the full implementation of its mandate;

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

5. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Council thereon.

Security Council resolution 561(1985)

17	April	1985	Meeting	2575	13-0-2
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Draft prepared in consultations among Council members (S/17100).

Vote in Council as follows:

In favour: Australia, Burkina Faso, China, Denmark, Egypt, France, India, Madagascar, Peru, Thailand, Trinidad and Tobago, United Kingdom, United states

Against: None

Abstaining: Ukrainian SSR, USSR.

The USSR emphasized that it was the Council's duty to ensure respect for UNIFIL; it would be desirable for the Secretary-General to continue his practice of informing the Council of any instances when the forces could not perform their functions. Though not objecting to the renewal of UNIFIL's mandate, in the light of Lebanon's request, the USSR reiterated its fundamental position with regard to the Force, including the method of its financing.

Australia declared itself to be a strong supporter of the United Nations peace-keeping role. It recognized the dangers and difficulties under which UNIFIL operated, and hoped that the parties involved could create the conditions necessary for the Force's effective operation. Australia would support new consultations between the two parties to consider UNIFIL's future role as Israel withdrew from southern Lebanon, and hoped that they would agree to such discussions.

Denmark believed that UNIFIL should be assigned important tasks during the take-over from the Israeli forces, with the ultimate aim of restoring the Lebanese Government's and army's complete authority, taking into account the security interests of all parties, and thus finally allowing the Force to play the role originally envisaged for it. UNIFIL had demonstrated its ability to reduce considerably the violence in its area of operation, and even to bring about complete quiet when all parties supported and co-operated with it.

The United Kingdom agreed that the best means of achieving peace and security in the area and restoring Lebanon's authority and sovereignty up to the international border was an orderly take-over from the withdrawing Israeli forces by UNIFIL, with units of the Lebanese army. All concerned, particularly the Lebanese and Israeli authorities and the population of the area, had a

duty to support and co-operate with UNIFIL to ensure its effective operation. No armed military or paramilitary personnel other than UNIFIL or the Lebanese army should be allowed to operate in UNIFIL's area. The United Kingdom believed that the Council should be prepared during the next six months to give further thought to UNIFIL's mandate; for the time being, the Force could continue to play a helpful role in the area while a way was sought for it to fulfil its original mandate.

France also agreed that despite the difficulties it had encountered, UNIFIL had been able to limit the scope of incidents; however, it must as soon as possible be put in a position fully to carry out its mandate. France wished by its vote to demonstrate again its commitment to Lebanon's unity, territorial integrity and independence; it hoped that the Secretary-General would continue to study and foster all necessary measures to ensure the full discharge of that mandate.

The United States believed that UNIFIL could help create stable conditions in southern Lebanon if all the parties agreed to co-operate. It strongly supported the Secretary-General's suggestion that a consultative mechanism be created under United Nations auspices such as perhaps renewal of the Naqoura talks--to effect the needed co-operation of the parties. As UNIFIL's current restricted role was both inappropriate and unsatisfactory, a clarification of that role, agreed upon by the parties concerned, must be achieved soon to adapt to the situation after Israel's withdrawal. The United States urged all parties to redouble efforts during the coming mandate period to achieve an agreed role for UNIFIL which utilized its potential and assigned to it an important task in the continuing international effort to restore Lebanon's sovereignty and peaceful conditions in the south.

Trinidad and Tobago firmly believed that UNIFIL's presence could be an essential factor of stability in the region, contributing to the maintenance of Lebanon's sovereignty and political independence and the return of effective State authority. However, to attain the objectives of UNIFIL's original mandate, full implementation of resolution 425(1978)⁽¹³⁾ was necessary. Israel's withdrawal to the international borders, currently under way, was an essential prerequisite to peace. In addition, the security of the peace-keeping forces and all United Nations personnel in the area must be safeguarded, all parties had to co-operate and acts of violence had to cease.

Lebanon reiterated its position on UNIFIL, as expressed in its 27 March letter (see P. 305). It was convinced that the Force's presence was an essential and basic factor for stability in southern Lebanon and that a minimum degree of security for UNIFIL's work was also basic and necessary. Israel, which had consistently refused to assign any

role to UNIFIL, must abide by the Council's resolutions to allow UNIFIL to carry out its mandated tasks.

Israel said it welcomed the Secretary-General's call to reconvene a forum of consultations. With regard to a suggestion that UNIFIL fulfil the police function of stopping cross-border attacks that the Lebanese army was not equipped to do, Israel pointed out that the task of policing a border strip was not merely a peace-keeping function but a peace-enforcing function, which an international force by its very nature and inherent structure was not organized to carry out. Israel did not expect others to take upon them the security of northern Israel and the prevention of terrorist attacks; that function would be assumed by IDF.

Communications (April-October). In a declaration on Lebanon (see p. 302), adopted on 29 April and transmitted on 3 May,⁽⁴⁵⁾ the Ministers for Foreign Affairs of the 10 EC member States reaffirmed their support for UNIFIL and called on all parties to the conflict in Lebanon to respect the Force's role, avoiding all incidents, co-operating fully with it and ensuring the safety of its personnel.

The 10 troop-contributing States, by a letter of 10 June to the Secretary-General,⁽⁶⁴⁾ expressed deepest concern at recent developments in southern Lebanon, in particular the taking as prisoner of members of the Force. They supported the use of the Secretary-General's good offices to arrange their immediate release, and appealed to Governments to exert their influence so that the prisoners would be released without delay and unharmed.

On 3 October,⁽⁶⁵⁾ Lebanon requested that the Security Council extend UNIFIL's mandate, due to expire on 19 October, for another six months. Despite the current circumstances in the southern part of the country, UNIFIL continued to be an important factor in providing stability, Lebanon said; at the same time, increased efforts were needed to allow it fully to implement its mandate.

Report of the Secretary-General (October). On 10 October,⁽¹⁶⁾ the Secretary-General reported on the activities of UNIFIL since 12 April (see also p. 296). He stated that the greater part of the UNIFIL area had been relatively quiet since its evacuation by the Israeli forces. UNIFIL had continued to maintain liaison with the local leaders of Amal and other Lebanese groups, which had generally co-operated with the Force. The leaders, however, had made it clear that the Lebanese resistance would continue to attack the Israeli forces and associated Lebanese irregulars in the security zone where the situation had been very tense. IDF and SLA carried out a number of cordon-and-search operations against Shiite villages in the UNIFIL area. UNIFIL monitored

them closely with a view to preventing acts of violence and destruction of property, and dispensed humanitarian assistance, providing emergency food, supplies and bedding to displaced persons and later facilitating their return. UNIFIL strongly protested demolitions, arrests and other incidents as well as the indiscriminate shelling of population centres.

The activities of SLA and other irregulars armed and controlled by IDF were limited essentially to the security zone. Where that zone extended into the UNIFIL area of deployment, the Force continued its efforts to contain those activities, which led to frequent and dangerous confrontations. Most of the incidents related to firing at or near UNIFIL positions and attempts to break through UNIFIL check-points, at times using tanks and armoured personnel carriers. At check-points controlling entry to the security zone, SLA and other irregulars from time to time imposed on UNIFIL personnel restrictions of movement, which were usually of short duration and lifted after negotiations. The increasing number of attacks by Lebanese resistance groups on those check-points led to their frequent closure to all traffic, including that of UNIFIL, and indiscriminate firing at approaching vehicles, including ambulances. On 1 October, a French officer had been shot and wounded at an SLA check-point. A number of confrontations occurred when UNIFIL denied passage through its check-points to unauthorized armed personnel.

On 7 June, following the defection of 11 SLA personnel, 23 members of the Finnish battalion were detained by SLA. After lengthy negotiations between the Force Commander and the Secretary-General on one side and Israel on the other, they were released unharmed on 15 June.

Following Israel's withdrawal and establishment of a security zone, UNIFIL had not been able to extend its deployment to the border. In the part of its area that overlapped with the zone, it was confronted with 21 positions manned by IDF or SLA or both. After completion of Israel's redeployment in June, the UNIFIL Commander continued negotiations with the Israeli authorities, only partly successful, to get IDF and SLA to evacuate those positions.

During the period under review, the UNIFIL Commander and staff maintained contact with the Government of Lebanon and the Lebanese regional authorities, as well as with Israeli authorities on matters pertaining to the functioning of the Force. Under-Secretary-General Urquhart held discussions with government officials in the region in June and October.

UNIFIL continued to treat Lebanese civilians in UNIFIL medical centres and to co-operate with the Lebanese authorities, UNRWA, UNICEF and ICRC in assisting the local population.

The Secretary-General believed that the level of violence in southern Lebanon had been limited to some extent because of UNIFIL's presence. However, the current situation was not only unsatisfactory but dangerous, as UNIFIL found itself once again between hostile forces and was precluded from deploying right up to the international border in accordance with its mandate. Also, Israel's continued presence in the security zone could lead to escalating and spreading violence. Such a situation could well develop into a new and serious international crisis, he warned.

The Secretary-General hoped that the Israeli authorities would conclude that, of all the options available, the effective implementation of UNIFIL's mandate would in the long run be the least hazardous for all concerned. In the light especially of Lebanon's request, he recommended a further extension of UNIFIL's mandate. However, extending the mandate must not be understood to mean that UNIFIL would be allowed to become an open-ended commitment for the troop-contributing countries and for the United Nations if the requisite conditions for its effective operation continued to be absent.

SECURITY COUNCIL ACTION (October)

The Security Council met on 17 October to consider the Secretary-General's report. It invited Israel and Lebanon, at their request, to participate in the discussion without the right to vote.

On the same date, the Council adopted resolution 575(1985).

The Security Council,

Recalling its resolutions 425(1978), 426(1978), 501(1982), 508(1982), 509(1982) and 520(1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 10 October 1985 and taking note of the observations expressed therein,

Taking note of the letter of the Permanent Representative of Lebanon addressed to the Secretary-General of 3 October 1985,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 19 April 1986;

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to co-operate fully with the Force for the full implementation of its mandate;

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

5. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Council thereon.

Security Council resolution 575(1985)

17 October 1985 Meeting 2623 13-0-2

Draft prepared in consultations among Council members (S/17567).

Vote in Council as follows:

In favour: Australia, Burkina Faso, China, Denmark, Egypt, France, India, Madagascar, Peru, Thailand, Trinidad and Tobago, United Kingdom, United States

Against: None.

Abstaining: Ukrainian SSR, USSR.

The USSR said that if Israel would withdraw and cease its interference in Lebanon's affairs, that would create conditions in which UNIFIL could carry out its mandate; with that in mind and taking into consideration Lebanon's request and the Secretary-General's recommendations, the USSR said it did not object to extending the Force's mandate for a further interim period.

China said it hoped that in the coming six months UNIFIL's situation would be fundamentally improved. The elimination of the aftermath of the Israeli invasion of Lebanon, including the dismantling of the security zone and the total withdrawal of Israeli troops from Lebanese territory, was a prerequisite for the normal functioning of the Force, the recovery of Lebanese sovereignty and the restoration of peace and security. China shared the Secretary-General's position that UNIFIL's extension should not be allowed to become an open-ended commitment, a view also shared by France, which insisted on comprehensive application as soon as possible of resolutions 425(1978)⁽¹³⁾ and 427(1978)⁽⁶⁶⁾ through negotiations with the parties.

The United Kingdom also agreed with the Secretary-General that the balance of advantage lay in renewing the mandate, but that the current situation was both unsatisfactory and dangerous; by maintaining a security zone and preventing UNIFIL from carrying out its mandate, Israel's policy damaged the chances of restoring stable and peaceful conditions in southern Lebanon.

Denmark pointed out that the so-called security zone was contrary to Council resolutions and meant that UNIFIL found itself in the midst of mutually hostile forces. It hoped Israel would conclude that the effective implementation of UNIFIL's mandate would in the long run be the least hazardous for all. The Force should be allowed to carry out its mandate.

Lebanon believed that UNIFIL was an important expression of the Council's commitment to helping it cope with continuing violations of its sovereignty and restore its authority over all its territory.

In Israel's view, the purpose of UNIFIL was to ensure that there was no cross-border violence and

no continuous problem involving international peace and security, namely, the problem of terrorist attacks continuously launched against Israel. UNIFIL could not stop terrorism, because it could only serve as a buffer between two Governments and there was no sufficiently strong Government on one side.

Report of the Secretary-General (December). In an interim report of 16 December on UNIFIL⁽¹⁷⁾ (see also p. 297) the Secretary-General stated that the situation in the UNIFIL area of deployment had remained basically the same since October. The part that the Israeli forces had evacuated in the spring had remained quiet and the Shiite organization, Amal, and other Lebanese resistance groups had generally co-operated with the Force. But the other part, the security zone, had been very tense. That zone overlapped UNIFIL's area and included the whole Norwegian battalion sector in the east, areas adjacent to the border and the Christian enclave around Marjayoun. In those areas, UNIFIL had only isolated positions and was restricted in its freedom of movement. Access to the zone was controlled by fortified positions, road-blocks and check-points, manned by IDF and local Lebanese forces it armed and controlled, mainly SLA.

During the previous two months, the Secretary-General continued, Lebanese resistance groups had launched almost daily attacks, usually at night, against Israeli troops and associated local forces in the security zone. The attacks had been particularly frequent in the southern parts of the Nepalese and Irish battalion. On the night of 14/15 November, a building billeting UNIFIL personnel was seriously damaged by an errant rocket. Military observer teams of UNTSO also received evidence of attacks in the border area south of the UNIFIL deployment area.

IDF and associated local forces carried out a number of search operations in the overlapping security zone. The most important ones took place on 22 and 25 November at Chebaa, where five persons were arrested, and on 28 November, when an IDF unit sealed off and searched Yatar and its vicinity, following reports that two rockets had impacted on Israeli territory.

UNIFIL continued its efforts to contain the activities of SLA and other irregulars in its area, which led to frequent confrontations. The irregulars often attempted to break through UNIFIL check-points. From time to time, SLA and other irregulars restricted the movement of UNIFIL personnel, affecting in particular the Norwegian battalion. Incidents of firing close to UNIFIL positions continued, although their number decreased and all incidents were protested to the Israeli authorities.

Since May 1985, the Secretary-General and his colleagues had been trying to promote agreement

on security arrangements in southern Lebanon which would be in line with UNIFIL's mandate and take into account Lebanon's and Israel's concerns. However, the positions of the parties remained far apart: Israel announced that it would continue to rely on the security zone to safeguard its northern settlements and that UNIFIL would not be allowed to deploy to the border; Lebanon insisted that the Force should deploy to the border and fully implement its mandate.

Despite UNIFIL's stabilizing presence, the current situation was not acceptable and could well deteriorate. In the case of further escalation of violence, UNIFIL would find itself in a difficult position. The Secretary-General shared the concern of the troop-contributing countries at probable developments if conditions were allowed to persist.

The most effective means to minimize risks and preserve the Force's credibility would be a change in Israel's position. Were UNIFIL withdrawn, the Secretary-General had no doubt that there would be a disastrous increase in violence in southern Lebanon and that the concept of United Nations peace-keeping would be weakened. On the other hand, if the Force remained in place in a deteriorating situation, it would become increasingly difficult for it to limit violence, assist and protect the civilians and establish peace and security in the area.

The Secretary-General did not make any recommendations to the Council for future action, but expressed the hope that the Council members would ponder on what action they might take, individually or collectively, to implement resolutions on UNIFIL and bring about peace and normality in southern Lebanon.

Palestinian refugees in Lebanon

While much of the violence in Lebanon affected Palestinians and Lebanese citizens indiscriminately, in many instances Palestinians were the specific target, according to the UNRWA Commissioner-General in reports covering the periods 1 July 1984 to 30 June 1985⁽⁶⁷⁾ and 1 July 1985 to 30 June 1986.⁽⁶⁸⁾

The lives of Palestinian refugees continued to be threatened everywhere in Lebanon. In the year preceding 30 June 1985, the UNRWA field office in Lebanon reported over 800 violent deaths, over 2,500 woundings, 500 arrests, 27 kidnappings and nine disappearances.

Until February 1985, all Palestinian refugee camps in the southern part of the country were subject to searches as the Israeli army reacted to attacks from local groups. After the Israeli withdrawal from Saida on 16 February to the Litani River, the frequency and severity of the searches intensified in the Tyre area. Many

refugees left the camps and sought refuge elsewhere.

Fighting erupted on 18 March, during which the Ein el-Hilweh and Mieh Mieh camps suffered extensive damage from shelling by militias in the surrounding hills; 60 refugees were killed, 314 were wounded and some 40,000 people were displaced.

During fighting in April, almost all shelters at Mieh Mieh camp were destroyed or damaged, as well as many at Ein el-Hilweh.

Fierce fighting in and around Beirut camps rapidly escalated from 19 May. Violent clashes between Amal militiamen and Palestine refugees resulted in heavy loss of life, as did sporadic Israeli air raids. In the Saida area, at Tripoli and at Beirut, the refugee camps of Shatila and Burj el-Barajneh were the targets of repeated attacks, with an estimated toll of 635 dead and 2,500 wounded.

As a result of fighting around and in the Beirut camps in June, some 18,000 refugees fled to other parts of Lebanon. In spite of intensive efforts sponsored by the Lebanese Government, including the formation of a special force to take charge of security in West Beirut, fighting continued in and around the two main Beirut camps. In mid-September, fierce fighting broke out at Tripoli and lasted three weeks. In spite of these difficulties, UNRWA continued to function in Lebanon.

The situation of Palestine refugees in Lebanon was also dealt with in a report of the Secretary-General on refugee protection (see p. 358).

Communications. By a letter of 16 January, transmitted by Egypt the next day,⁽²⁰⁾ PLO reiterated its view that, in view of Israel's planned withdrawal, the United Nations was fully responsible for providing adequate protection and safety to the Palestinians in southern Lebanon and specifically in the refugee camps.

By a letter of 6 February, transmitted by Qatar as Chairman of the Arab Group,⁽⁶⁹⁾ PLO charged that Israeli occupation troops had opened fire on Palestinians near the Burj Ash-Shamali refugee camp on 5 February, wounding several, sealing the camp off, cutting off electricity, imposing a curfew and carrying out mass arrests. On 6 February, PLO alleged, Israeli troops in an armoured vehicle passing through the Tyre area opened fire and seriously wounded six Palestinian civilians in a car. The situation in and around the camps in southern Lebanon was extremely tense, PLO said, with mounting anxiety that it was Israel's aim to liquidate or terrify into flight the remaining Palestinian civilians there. PLO insisted that the United Nations do everything in its power to guarantee their safety and security.

The Chairman of the Committee on Palestinian rights, by a letter of 12 February,⁽⁷⁰⁾ called attention to those and other incidents and expressed utmost concern at the mounting tension in the

refugee camps in southern Lebanon and the West Bank (see also p. 327).

By letters of 1 and 3 April, transmitted by the United Arab Emirates as Chairman of the Arab Group,⁽⁷¹⁾ PLO gave an account of shelling by Israeli artillery and Lebanese elements, beginning on 29 March, of the camps of Ein el-Hilweh and Mieh Mieh, resulting in a number of casualties, and forcing 75,000 Palestinians (25,000 of them from the camps), most of them women and children, to leave the area. Meanwhile, the Israeli navy had imposed a sea blockade on Sidon and Beirut and abducted six Palestinians from a Lebanese ship. PLO called again on the United Nations and specifically the Security Council to take the necessary measures to put an end to such criminal acts.

Heavy artillery bombardment of Palestinian refugee camps in Lebanon was reported in two other letters from PLO, dated 10 and 11 April, also transmitted by the United Arab Emirates.⁽⁴³⁾ In bombarding three camps in the Tyre area on 9 and 10 April, several houses were destroyed and hundreds of civilians, including Palestinians, were arrested and taken to Israel (see p. 302). For the twelfth consecutive day, Israeli forces and their allies had shelled Ein el-Hilweh and Mieh Mieh; on 10 April, seven persons were killed and 15 injured. On 11 April, bombardment of and search-and-arrest operations in camps in the Sidon area were carried out. The aim, PLO believed, was to uproot the Palestinian presence in south Lebanon to establish a so-called "safe border zone" and a sectarian, Fascist mini-State in south Lebanon.

The United Arab Emirates, again for the Arab Group, transmitted another PLO letter, dated 15 April,⁽⁴⁴⁾ informing the Secretary-General that for the past few days Israeli occupation forces in the Tyre area had besieged four camps and arrested 270 Palestinian civilians, taking them to unknown destinations. PLO said it was clear that the Israeli forces were attempting to break the will of the Palestinians, create an atmosphere of terror and panic, and facilitate their mass exodus. PLO called again on the United Nations to take adequate measures to end Israel's crimes and protect the Palestinians.

The Chairman of the Committee on Palestinian rights, on 23 May⁽⁷²⁾ expressed profound concern at the tragic developments in and around the camps of Sabra, Shatila and Burj el-Barajneh in Beirut, the object of armed attacks. He urged the Secretary-General to do all in his power to put an end to the violence against the camps and promote a durable solution of the Palestinian question.

On 31 July,⁽⁵⁵⁾ the Committee Chairman brought to the Secretary-General's attention newspaper reports that tanks had been delivered that might affect the rights and lives of the Palestin-

ian refugees living in Lebanon and that amplified tension in the area. Lebanon, on 9 August,⁽⁵⁶⁾ stated that the subject was outside the Committee's competence, having nothing to do with the Palestinians' exercise of their inalienable rights.

UNRWA activities

Emergency operations

For most of 1985, emergency operations launched in the aftermath of the 1982 invasion of Lebanon⁽⁶¹⁾ continued to predominate in UNRWA's relief efforts. The year brought widespread hardship for tens of thousands of refugee families in Lebanon, the Commissioner-General stated.⁽⁶⁷⁾ Due to the fighting that persisted almost without interruption in one part of Lebanon or another, thousands of refugees were displaced and lost their homes and possessions; many were killed or injured. The programme of reconstruction, begun in previous years, had to be postponed because of continuing hostilities.

Despite the difficulties, the Agency continued to function, distributing food, water, medical supplies and other benefits. Normal education, health and welfare programmes were carried out to the extent that circumstances permitted.

Following the fighting around and in the Beirut camps in June 1985, UNRWA provided food, blankets and household items to the 18,000 refugees who had fled the camps and to those who remained, numbering some 25,000 altogether. Later in the year, the Agency gave some \$1,406,233 in direct cash aid to the residents of those camps to help them repair their shelters.

Due to prevailing security conditions, supplies could be transported from Beirut to south Lebanon only with great difficulty and after much negotiation, despite an agreement that had been reached between UNRWA and Israel.

The chaotic situation in Beirut had an increasingly serious impact on UNRWA's ability to supervise certain operations from its field office. In an effort to ease that problem, the Commissioner-General decided to open a small sub-office at Larnaca, Cyprus, with two international and 12 area staff, to improve the carrying out of basic administrative and financial services for refugees in Lebanon.

Relief measures

Like its emergency measures, UNRWA's relief operations in Lebanon continued with great difficulty. Discontinuation of emergency food rations in March 1984⁽⁷³⁾ still caused consternation among the refugees, many of whom were unable to find steady work and were cut off from other sources of income. In Tyre, refugees refused to accept special-hardship-case assistance in support of

their contention that all refugees should be so classified; they began to accept assistance again in May 1985 after withdrawal of the Israeli forces. Similar protests had been made in the Saida area and part of the Bekaa sub-area in January and February, so rations were issued only in the Beirut and Tripoli areas.

Rations to special hardship families were disrupted in the Beirut camps when fierce fighting broke out on 19 May and continued for three weeks; supplies were finally allowed into the camps the second week of June. UNRWA assisted thousands of refugees to obtain or renew travel documents issued by the host Governments through close co-operation between its staff and government offices.

Economic problems, particularly loss of employment, continued to have particularly severe impact on the refugees, though the economic situation in the south improved marginally after the Israeli withdrawals, which allowed for a precarious restoration of the agricultural economy. UNRWA continued its co-operative efforts with the Young Men's Christian Association and UNESCO to alleviate the unemployment situation.

Restoration of regular services

The difficulty of travel in Lebanon compelled UNRWA to change some of its hospital arrangements, referring to the Syrian Arab Republic some patients who normally would have been referred to the American University Hospital in Beirut, and subsidizing private hospitals in south Lebanon that treated patients who could not be referred out of that area. The Agency and the Norwegian Refugee Council agreed to continue operating jointly a rehabilitation centre in Tyre when the situation permitted.

Agreements effective 1 January 1985 were concluded with the Hammoud Hospital (25 beds) in Saida and the al-Sahel Hospital (20 beds) in Beirut for the hospitalization of refugees, and two with Sidon hospitals were cancelled in February; one centre in Saida became inaccessible after April.

As health services inside the camps were often paralysed by the heavy fighting in March/April in Saida and in May/June in Beirut, UNRWA launched emergency medical services and established mobile medical teams. Due to local clashes, the UNRWA polyclinic at Beirut was closed on 29 April and the staff were relocated to the Mar Elias camp. An agreement between UNRWA and the International Rescue Committee, which had a health care unit in Saida, was extended to the end of June. Two dental units were installed at Ein el-Hilweh. Some 20 refugee patients were receiving haemodialysis in local hospitals at UNRWA expense.

UNRWA schools were able to operate for much of the 1984/85 school year, although their reopen-

ing was delayed in the north and in Beirut. Schools in the Sabra Quarter and Mar Elias and three schools in the Shatila camp remained inoperative for long periods and were unable to complete their curriculum until well into the following school year. From July to November 1985, Agency schools at Beirut were inoperative, seven of them occupied by displaced refugee families. Elsewhere in the country, interruptions in school operations during the second half of 1985 were mainly due to local strikes.

Food and other benefits were distributed to special hardship cases, damaged Agency buildings were repaired, roads relaid, water supply installations repaired or replaced and electricity supplies restored.

SECURITY COUNCIL ACTION

The Security Council met on 31 May to consider the escalation of violence in and around Beirut, affecting also the safety and security of the Palestinians in the refugee camps (see p. 303). By resolution 564(1985), the Council called for an end to acts of violence against the civilian population in Lebanon, in particular in and around Palestinian refugee camps. It also called on all parties to facilitate the work of United Nations agencies, in particular UNRWA.

GENERAL ASSEMBLY ACTION

In resolution 40/165 I on the protection of Palestine refugees, the General Assembly urged the Commissioner-General to provide housing, in consultation with the Lebanese Government, to those refugees whose houses had been demolished or razed by the Israeli forces. It called again on Israel to compensate UNRWA for the damage to its property and facilities resulting from Israel's invasion of Lebanon, without prejudice to its responsibility for all damages resulting from that invasion.

Israel and the Syrian Arab Republic

In 1985, the General Assembly and the Commission on Human Rights dealt with the situation in the Syrian Golan Heights in the light of Israel's 1981 decision⁽⁷⁴⁾ to impose its laws, jurisdiction and administration on the Israeli-occupied territory (see p. 340).

The United Nations Disengagement Observer Force, with some 1,300 troops in October 1985, provided by Austria, Canada, Finland and Poland, was deployed between the Israeli and Syrian forces on the Golan Heights in accordance with the Agreement on Disengagement of Forces between Israel and the Syrian Arab Republic, concluded between the two countries in 1974.⁽⁷⁵⁾ A group of observers from UNTSO assisted UNDOF in its tasks.

The main functions of UNDOF continued to be to supervise the observance of the cease-fire between Israel and the Syrian Arab Republic in the Golan Heights area and ensure that there were no military forces in the area of separation. The Security Council extended UNDOF's mandate twice during the year, in May and November, by resolutions 563(1985) and 576(1985). The Force's headquarters was at Damascus.

In a September report⁽⁷⁶⁾ on the Middle East situation (see p. 264), the Secretary-General transmitted replies from 13 States regarding their implementation of the General Assembly's 1984 resolution⁽⁷⁷⁾ on Israeli policies in the Golan Heights, by which Member States were called on to refrain from supplying Israel with weapons, to refrain from acquiring weapons from Israel, to suspend economic, financial and technological co-operation with Israel and to sever diplomatic, trade and cultural relations with it.

Communications. In a letter of 6 November 1985 to the Secretary-General,⁽⁷⁸⁾ Israel stated that a reporter for a magazine published in the Federal Republic of Germany had interviewed and photographed a Nazi war criminal, Alois Brunner, who, Israel charged, the Syrian Arab Republic had sheltered for 30 years. When asked on 30 October to explain Syria's action, a Syrian representative to the Assembly's Third (Social, Humanitarian and Cultural) Committee had claimed no such person lived in Syria, Israel said. Despite being a party to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide,⁽⁷⁹⁾ the Syrian Arab Republic refused to try or extradite Brunner; if it continued to do so, Israel said, the international community should demand that he be handed over to an impartial international tribunal.

On 20 November,⁽⁸⁰⁾ the Syrian Arab Republic charged that on the previous day two Israeli fighter aircraft had violated Syrian airspace. They clashed with Syrian aircraft before withdrawing. That provocative act, it stated, was one further element in a series of acts of aggression in which Israel persisted in violating international law with serious consequences for international peace and security.

On 26 December,⁽⁵⁹⁾ the Syrian Arab Republic stated that it regarded overflight of Lebanese territory by Israeli fighters as a flagrant violation of the sovereignty of a fraternal United Nations Member and a deliberate threat to the Syrian forces in Lebanon at that country's request and in accordance with a decision of the League of Arab States; any threat to the security of the Syrian forces in Lebanon also constituted a threat to the security of the Syrian Arab Republic. Israel's threats were designed to sabotage Syrian efforts to contribute to national reconciliation and restoration of normal life in Lebanon. The Syrian

Arab Republic reaffirmed its determination to exercise its legitimate right to defend its security and protect its armed forces. The international community must adopt a firmer position in the face of Israel's provocations.

Peace-keeping operation

UNDOF activities

Reports of the Secretary-General. Prior to the expiration of the six-month extensions of the mandate of UNDOF, on 31 May and 30 November 1985, the Secretary-General submitted reports on the activities of the Force for the periods from 17 November 1984 to 13 May 1985⁽⁸¹⁾ and from 14 May to 13 November 1985.⁽⁸²⁾

In both reports, the Secretary-General stated that UNDOF had continued to fulfil its tasks, with the co-operation of the parties and facilitated by the close contact maintained by the Force Commander and his staff with the military liaison staffs of Israel and the Syrian Arab Republic. The cease-fire had been maintained and no complaints concerning the UNDOF area of operation had been lodged by either party.

Supervision of the area of separation was carried out through static positions and observation posts manned 24 hours a day, patrols operating at irregular intervals on predetermined routes, and temporary outposts. Under a Syrian programme, civilians had been returning to the area of separation.

UNDOF continued fortnightly inspections of armament and forces in the area of limitation, assisted by liaison officers from the parties. It received the co-operation of both parties, although restricted in movement and inspection in certain areas by both sides.

Because mines posed a threat to the Force and the growing population, UNDOF continued its efforts, in consultation with the parties, to make the area mine-free. Intensified patrolling and a security fence had helped prevent or reduce incidents involving Syrian shepherds. UNDOF also assisted ICRC with facilities for handing over mail and prisoners of war and for the passage of students across the area.

Despite the quiet in the sector, the Secretary-General stated, the situation in the Middle East as a whole continued to be potentially dangerous. He hoped that determined efforts would be made to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, as called for by the Security Council in 1973.⁽⁸³⁾

In the circumstances, he considered the continued presence of UNDOF to be essential and recommended the Syrian Arab Republic having given its assent and Israel having expressed agreement in each report that the Council extend its mandate for a further six months.

SECURITY COUNCIL ACTION

On 21 May 1985, without debate, the Security Council unanimously adopted resolution 563(1985), extending UNDOF's mandate until 30 November.

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338(1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1985;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338(1973).

Security Council resolution 563(1985)

21 May 1985 Meeting 2581 Adopted unanimously

Draft prepared in consultations among Council members (S/17202).

On 21 November, again without debate, the Council unanimously adopted resolution 576(1985), extending UNDOF's mandate until 31 May 1986.

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338(1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1986;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338(1973).

Security Council resolution 576(1985)

21 November 1985 Meeting 2630 Adopted unanimously

Draft prepared in consultations among Council members (S/17642)

After adoption of each resolution, the President, made the following statement on behalf of the Council:⁽⁸⁴⁾

"As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 26 (25 in the November report): 'Despite the present 'quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached.' That statement of the Secretary-General reflects the view of the Security Council."

Composition

As at 13 November 1985, the composition of UNDOF was as follows:

Austria	533
Canada	226
Finland	411
Poland	153
United Nations military observers (detailed from UNTSO)	8
Total	1,311

In addition, UNTSO observers assigned to the Israel-Syria Mixed Armistice Commission assisted UNDOF as required.

Change of Commander

In April,⁽⁸⁵⁾ the Secretary-General informed the Security Council that the Commander of UNDOF, Major-General Carl-Gustav Stahl (Sweden), was resigning and that he intended, subject to consultations, to appoint Major-General Gustav Hägglund (Finland) as Commander, effective 1 June. Major-General Stahl had assumed command of the Force in June 1982.⁽⁸⁶⁾

The President of the Council responded on 3 May.⁽⁸⁷⁾

"I wish to inform you that your letter dated 29 April 1985 concerning your intention to appoint Major-General Gustav Hägglund of Finland to the post of Commander of the United Nations Disengagement Observer Force has been brought to the attention of the members of the Security Council. They considered the matter in informal consultations on 1 May and agreed with the proposal contained in your letter."

Major-General Hägglund assumed command of the Force on 1 June.

REFERENCES

- (1) YUN 1981, p. 275. (2) A/40/283. (3) A/40/315. (4) YUN 1984, p. 281. (5) GC(XXIX)/RESOLUTIONS(1985) (res. 443). (6) A/40/783. (7) YUN 1981, p. 282, SC res. 487(1981), 19 June 1981. (8) YUN 1984, p. 281, GA res. 39/14, 16 Nov. 1984. (9) YUN 1968, p. 17, GA res. 2373(XXII), annex, 12 June 1968. (10) YUN 1984, 302, SC res. 555(1984), 12 Oct. 1984. (11) S/17093. (12) YUN 1984, p. 283. (13) YUN 1978, p. 312 SC res. 425(1978), 19 Mar. 1978. (14) YUN 1948-49, p. 185. (15) S/17062. (16) S/17557. (17) S/17684. (18) YUN 1982, p. 475, SC res. 516(1982), 1 Aug. 1982. (19) A/40/779-S/17581 & Corr.1. (20) S/16900. (21) YUN 1978, p. 312, SC res. 425(1978) & 426(1978), 19 Mar. 1978. (22) YUN 1982, p. 450, SC res. 508(1982), 5 June 1982. (23) Ibid., SC res. 509(1982), 6 June 1982. (24) A/40/127-S/16953. (25) A/40/148 (S/16974). (26) A/40/178/Add.1 (S/16974/Add.1). (27) A/40/156-S/16990. (28) A/40/158-S/16997. (29) A/40/165 (S/17007). (30) A/40/163-S/17008. (31) A/40/205-S/17055 & Corr.1. (32) S/17067. (33) S/16983. (34) S/16989. (35) S/17011. (36) S/17000. (37) YUN 1978, p. 312, SC res. 425(1978), 19 Mar. 1978; YUN 1982, p. 450, SC res. 508(1982) & 509(1982), 5 & 6 June 1982. (38) YUN 1982, pp. 451 & 452, SC res. 512(1982) & 513(1982), 19 June & 4 July 1982. (39) YUN 1948-49, p. 535, GA res. 217 A (III), 10 Dec. 1948. (40) YUN 1974, p. 847, GA res. 3314(XXIX),

annex, 14 Dec. 1974. ⁽⁴¹⁾A/40/223-S/17080. ⁽⁴²⁾A/40/253-S/17110. ⁽⁴³⁾A/40/236-S/17106. ⁽⁴⁴⁾A/40/254-S/17111. ⁽⁴⁵⁾A/40/286-S/17153. ⁽⁴⁶⁾S/17168. ⁽⁴⁷⁾S/17191. ⁽⁴⁸⁾S/17215. ⁽⁴⁹⁾S/17228. ⁽⁵⁰⁾S/17234. ⁽⁵¹⁾YUN 1982, p. 481. ⁽⁵²⁾A/40/427-S/17320. ⁽⁵³⁾A/40/462-S/17325 & Corr.1. ⁽⁵⁴⁾A/40/504-S/17358. ⁽⁵⁵⁾A/40/523-S/17375. ⁽⁵⁶⁾A/40/537-S/17389. ⁽⁵⁷⁾A/40/986-S/17669. ⁽⁵⁸⁾A/41/65-S/17698. ⁽⁵⁹⁾A/41/61-S/17694. ⁽⁶⁰⁾S/17062. ⁽⁶¹⁾YUN 1982, p. 433. ⁽⁶²⁾YUN 1978, p. 312, SC res. 426(1978), 19 Mar. 1978. ⁽⁶³⁾Ibid., p. 301. ⁽⁶⁴⁾S/17251. ⁽⁶⁵⁾S/17526. ⁽⁶⁶⁾YUN 1978, p. 312, SC res. 427(1978) 3 May 1978. ⁽⁶⁷⁾A/40/13 & Corr.1. ⁽⁶⁸⁾A/41/13. ⁽⁶⁹⁾A/40/123-S/16946. ⁽⁷⁰⁾A/40/128-S/16954. ⁽⁷¹⁾A/40/219-S/17075. ⁽⁷²⁾A/40/225-S/17085. ⁽⁷³⁾A/40/339-S/17219. ⁽⁷⁴⁾YUN 1984, p. 335. ⁽⁷⁵⁾YUN 1981, p. 308. ⁽⁷⁶⁾YUN 1974, p. 198. ⁽⁷⁷⁾A/40/668 & Add. 1. ⁽⁷⁸⁾YUN 1984, 323 GA res. 39/146 B, 14 Dec. 1984. ⁽⁷⁹⁾A/C.3/40/9. ⁽⁸⁰⁾YUN 1948-49 p. 959 'GA res. 260 A (III) annex, 9 Dec. 1948. ⁽⁸¹⁾A/40/909-S/17643. ⁽⁸²⁾S/17177. ⁽⁸³⁾S/17628. ⁽⁸⁴⁾YUN 1973, p. 213, SC res. 338(1973), 22 Oct. 1973. ⁽⁸⁵⁾S/17206, S/17653. ⁽⁸⁶⁾S/17147. ⁽⁸⁷⁾YUN 1982, p. 497. ⁽⁸⁸⁾S/17148.

Financing of peace-keeping forces

United Nations peace-keeping operations in the Middle East comprised two peace-keeping forces—UNDOF and UNIFIL—and one observer mission, UNTSO.

The General Assembly, following the recommendations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Fifth (Administrative and Budgetary) Committee, approved appropriations for UNDOF for operations from 1 June 1985 to 31 May 1986 totalling more than \$36 million (resolution 40/59 A), and for UNIFIL's operations from 19 April 1985 to 18 April 1986, some \$142 million (40/246 A).

In each case, the Assembly apportioned the expenses for the Forces among all Member States in accordance with a special scale used for this purpose⁽¹⁾ since the establishment of the second United Nations Emergency Force (UNEF II) in 1973. According to that arrangement, the permanent members of the Security Council were assessed more than they would have been under the scale of assessments for the United Nations regular budget, while most developing countries were assessed 80 per cent less and the least developed countries 90 per cent less than under the regular scale.

In view of the difficult financial situation of the two Forces, the Assembly authorized suspension of certain provisions of the Financial Regulations of the United Nations to enable UNDOF and UNIFIL to retain a "surplus balance" of about \$3 million and \$9 million, respectively (40/59 B and 40/246 B).

Although the last revision of standard rates of reimbursement to countries which contributed troops to the Forces had taken place in 1980, the

Assembly decided to retain the current rates of reimbursement (40/247).

UNDOF financing

Report of the Secretary-General. In an October 1985 report on the financing of UNDOF,⁽²⁾ the Secretary-General noted that, as at 30 September, \$665.1 million in contributions for UNDOF together with UNEF II had been received since the latter's inception in 1973 to 30 November 1985. The unpaid balance due from Member States was \$73 million, of which \$30.8 million represented amounts apportioned among Member States which had stated that they did not intend to pay, and \$36 million in contributions due from China which had been transferred to a special account in accordance with a 1981 Assembly resolution.⁽³⁾

According to the Secretary-General, there was a shortfall of approximately \$7.2 million in the UNDOF Special Account for the period from 25 October 1979 to 30 November 1985. The shortfall for periods prior to 24 October 1979 together with UNEF II until its liquidation in 1980 was some \$59.6 million. In the circumstances, troop contributors had not been paid on time, nor had they been reimbursed fully in accordance with the rates agreed upon; they had again conveyed to the Secretary-General their serious concern over the situation which, they said, placed a heavy burden on them.

For the operation of UNDOF from 1 December 1985 on, the Secretary-General estimated monthly costs of \$3,047,000 gross (\$2,989,083 net). For the period 1 June to 30 November 1985, an appropriation of \$17,852,496 gross (\$17,592,000 net) would be required.

ACABQ recommendations. ACABQ, in November 1985,⁽⁴⁾ recommended that the Secretary-General's estimates be approved and that he be permitted the usual flexibility to transfer credits between items of expenditure, should it be necessary for good management and efficiency.

ACABQ also recommended acceptance of the Secretary-General's proposal to establish one new Field Service post for property and inventory control which would bring the total UNDOF posts to 155 (8 at the Professional level and above, 10 General Service, 31 Field Service and 106 local level). The Committee noted his statement that the Force continued to explore the possibility of relocating UNDOF headquarters to just outside Damascus; should additional funds be required, the matter would be brought to the Committee's attention for action.

ACABQ also noted information that the 1984-1985 interim accounts indicated a "surplus" balance of \$3,250,131 in the Special Account for

UNEF and UNDOF as at 31 December 1984, representing an excess of income over expenditure due to interest and miscellaneous credits which had accrued. However, "income" included "assessed contributions" irrespective of collectability. In consequence of the withholding of contributions by certain Member States, the "surplus" had in effect been drawn upon to its full extent.

Introducing ACABQ's report in the Fifth Committee, the Chairman of ACABQ added that it also approved UNDOF costs from 1 December 1983 to 30 November 1985, as detailed by the Secretary-General.

GENERAL ASSEMBLY ACTION

In December 1985, the General Assembly, acting on the recommendation of the Fifth Committee, adopted two resolutions—40/59 A and B—dealing with the financing of UNDOF.

On 2 December, it adopted resolution 40/59 A by recorded vote.

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Disengagement Observer Force as well as the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolutions 350(1974) of 31 May 1974, 363(1974) of 29 November 1974, 369(1975) of 28 May 1975, 381(1975) of 30 November 1975, 390(1976) of 28 May 1976, 398(1976) of 30 November 1976, 408(1977) of 26 May 1977, 420(1977) of 30 November 1977, 429(1978) of 31 May 1978, 441(1978) of 30 November 1978, 449(1979) of 30 May 1979, 456(1979) of 30 November 1979, 470(1980) of 30 May 1980, 481(1980) of 26 November 1980, 485(1981) of 22 May 1981, 493(1981) of 23 November 1981, 506(1982) of 26 May 1982, 524(1982) of 29 November 1982, 531(1983) of 26 May 1983, 543(1983) of 29 November 1983, 551(1984) of 30 May 1984, 557(1984) of 28 November 1984, 563(1985) of 21 May 1985 and 576(1985) of 21 November 1985,

Recalling its resolutions 3101(XXVIII) of 11 December 1973, 3211 B (XXIX) of 29 November 1974, 3374 C (XXX) of 2 December 1975, 31/5 D of 22 December 1976, 32/4 C of 2 December 1977, 33/13 D of 8 December 1978, 34/7 C of 3 December 1979, 35/44 of 1 December 1980, 35/45 A of 1 December 1980, 36/66 A of 30 November 1981, 37/38 A of 30 November 1982, 38/35 A of 1 December 1983 and 39/28 A of 30 November 1984,

Reaffirming its previous decisions regarding the fact that, in order to meet the expenditures caused by such operations, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards peace-keeping operations involving heavy expenditures,

Bearing in mind the special responsibilities of the States permanent members of the Security Council in the financing of such operations, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963 and other resolutions of the Assembly,

I

Decides to appropriate to the Special Account referred to in section II, paragraph 1, of General Assembly resolution 3211 B (XXIX) the amount of \$17,852,496 gross (\$17,592,000 net) authorised and apportioned by section III of Assembly resolution 39/28 A for the operation of the United Nations Disengagement Observer Force for the period from 1 June to 30 November 1985, inclusive;

II

1. Decides to appropriate to the Special Account an amount of \$18,282,000 for the operation of the United Nations Disengagement Observer Force for the period from 1 December 1985 to 31 May 1986, inclusive;

2. Decides further, as an ad hoc arrangement, without prejudice to the positions of principle that may be taken by Member States in any consideration by the General Assembly of arrangements for the financing of peace-keeping operations, to apportion the amount of \$18,282,000 among Member States in accordance with the scheme set out in Assembly resolution 3101(XXVIII) and the provisions of section II, paragraphs 2 (b) and 2 (c), and section V, paragraph 1, of resolution 3374 C (XXX), section V, paragraph 1, of resolution 31/5 D, section V, paragraph 1, of resolution 32/4 C, section V, paragraph 1, of resolution 33/13 D, section V, paragraph 1, of resolution 34/7 C, section V, paragraph 1, of resolution 35/45 A, section V, paragraph 1, of resolution 36/66 A, section V, paragraph 1, of resolution 37/38 A and section V, paragraphs 1 and 2, of resolution 39/28 A: the scale of assessments for the years 1983, 1984 and 1985 shall be applied against a portion thereof, that is \$3,047,000, being the amount pertaining on a pro rata basis to the month of December 1985, and the scale of assessments for the years 1986, 1987 and 1988 shall be applied against the balance, that is \$15,235,000, for the period thereafter;

3. Decides that there shall be set off against the apportionment among Member States, as provided in paragraph 2 above, their respective share in the estimated income of \$10,000 other than staff assessment income approved for the period from 1 December 1985 to 31 May 1986, inclusive;

4. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 2 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of \$337,500 approved for the period from 1 December 1985 to 31 May 1986, inclusive;

III

Authorises the Secretary-General to enter into commitments for the United Nations Disengagement Observer Force at a rate not to exceed \$3,047,000 gross (\$2,989,083 net) per month for the period from 1 June to 30 November 1986, inclusive, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 576(1985),

the said amount to be apportioned among Member States in accordance with the scheme set out in the present resolution;

IV

1. Stresses the need for voluntary contributions to the United Nations Disengagement Observer Force, both in cash and in the form of services and supplies acceptable to the Secretary-General;

2. Requests the Secretary-General to take all necessary action to ensure that the United Nations Disengagement Observer Force is conducted with a maximum of efficiency and economy.

General Assembly resolution 40/59 A

2 December 1985 Meeting 99 96-2-13 (recorded vote)

Approved by Fifth Committee (A/40/957) by recorded vote (78-2-18). 2 December (meeting 51): 9-nation draft (A/C.5/40/L.4, part A1: agenda item 126 (a)).

Sponsors: Australia, Austria, Canada, Denmark, Finland, Ireland, New Zealand, Norway, Sweden.

Meeting numbers. GA 40th session: 5th Committee 50, 51; plenary 99.

Recorded vote in Assembly as follows:

In favour: Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Burkina Faso, Burma, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guyana, Honduras, Iceland, India, Indonesia, Ireland, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Madagascar, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela, Viet Nam,^a Zaire, Zambia, Zimbabwe.

Against: Albania, Syrian Arab Republic.

Abstaining: Afghanistan, Algeria, Benin, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Iraq, Morocco, USSR, Yemen.

^aLater advised the Secretariat it had intended to abstain.

Iraq and Yemen said the aggressor alone, not Member States, should pay for UNDOF's operations. Iran did not participate in the vote for similar reasons. Maldives also announced its non-participation. 'The United Arab Emirates, expressing a similar view, said it cast a positive vote out of solidarity with the international community and support for international peace and security. Jordan emphasized that its vote in favour did not mean that it condoned Israel's continuing occupation of Arab territories; peace-keeping operations should play a temporary role only and the United Nations should go beyond that and bring about a lasting peace in the Middle East. Albania said its negative vote was cast not out of financial considerations but out of respect for certain principles.

Since Israel's aggression had been identified clearly in United Nations resolutions, Israel, not Member States, should finance UNDOF; funding should at best be voluntary, Algeria believed. Since UNDOF had proved incapable of halting the Zionist aggression, a more appropriate solution was required.

The USSR said it could not understand why the costs of peace-keeping forces in the Middle East were so high, and agreed with ACABQ on the need

to economize and make expenditures more cost-effective.

Peace-keeping operations could not be a substitute for peaceful settlement, Israel said. The prolongation of such operations in the Middle East reflected the complexity of the problems there.

Introducing the text, Canada said the success of peace-keeping operations was linked to respect for the principle of collective responsibility for their financing, and the permanent members of the Security Council had a special responsibility in that connection.

The Controller, in response to an inquiry by Canada on the approaching end of the authorized expenditure period for UNDOF, said that even if, according to the regulations, financing for UNDOF should cease on 30 November, steps could be taken to ensure uninterrupted financing until the following week.

Also on 2 December, the Assembly adopted resolution 40/59 B by recorded vote.

The General Assembly,

Having regard to the financial position of the Special Account for the United Nations Emergency Force and the United Nations Disengagement Observer Force, as set forth in the report of the Secretary-General, and referring to paragraph 5 of the report of the Advisory Committee on Administrative and Budgetary Questions,

Mindful of the fact that it is essential to provide the United Nations Disengagement Observer Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General is continuing to face growing difficulties in meeting the obligations of the Forces on a current basis, particularly those due to the Governments of troop-contributing States,

Recalling its resolutions 33/13 E of 14 December 1978, 34/7 D of 17 December 1979, 35/45 B of 1 December 1980, 36/66 B of 30 November 1981, 37/38 B of 30 November 1982, 38/35 B of 1 December 1983 and 39/28 B of 30 November 1984,

Recognising that, in consequence of the withholding of contributions by certain Member States, the surplus balances in the Special Account for the United Nations Emergency Force and the United Nations Disengagement Observer Force have, in effect, been drawn upon to the full extent to supplement the income received from contributions for meeting expenses of the Forces,

Concerned that the application of the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations would aggravate the already difficult financial situation of the Forces,

Decides that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations shall be suspended in respect of the amount of 43,250,131, which otherwise would have to be surrendered pursuant to those provisions, this amount to be entered into the account referred to in the operative part of General Assembly resolution 33/13 E and held in suspense until a further decision is taken by the Assembly.

General Assembly resolution 40/59 B

2 December 1985 Meeting 99 93-10-6 (recorded vote)

Approved by Fifth Committee (A/40/957) by recorded vote (75-11-8), 2 December (meeting 51); S-nation draft (A/C.5/40/L.4, part B); agenda item 126 (a).

Sponsors: Australia, Austria, Canada, Denmark, Finland, Ireland, New Zealand, Norway, Sweden.

Meeting numbers. GA 40th session: 5th Committee 50, 51; plenary 99.

Recorded vote in Assembly as follows:

In favour: Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Burkina Faso, Burma, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guyana, Honduras, Iceland, India, Indonesia, Ireland, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Madagascar, Malaysia, Mauritania, Mauritius, Mexico, Nepal,

Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela, Zaire, Zambia, Zimbabwe.

Against: Afghanistan, Albania, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Syrian Arab Republic, USSR.

Abstaining: Algeria, Benin, Iraq, Morocco, Romania, Yemen

Explaining its vote, the USSR said it could not countenance any violation of the Financial Regulations which provided that the balance of unutilized funds should be returned to Member States.

CONTRIBUTIONS TO UNDOF (as at 31 December 1985; in US dollars)

Member State	Assessment in 1985	Paid in 1985	Total contribution outstanding ¹	Member State	Assessment in 1985	Paid in 1985	Total contributions outstanding ¹
Afghanistan	176	-	3,879	Gabon	703	-	11,377
Albania	352	-	22,346	Gambia	352	352	-
Algeria	4,572	-	65,098	German Democratic Republic	244,430	729,045	1,395,170
Angola	176	-	2,293	Germany, Federal Republic of	1,501,757	3,003,464	-
Antigua and Barbuda	176	-	1,360	Ghana	703	1,407	-
Argentina	24,971	39,592	49,963	Greece	14,068	28,148	-
Australia	276,084	581,595	-	Grenada	176	-	1,196
Austria	131,887	263,770	-	Guatemala	703	-	3,470
Bahamas	352	704	-	Guinea	176	176	315
Bahrain	352	704	-	Guinea-Bissau	176	-	868
Bangladesh	528	528	528	Guyana	352	-	1,050
Barbados	352	1,044	6	Haiti	176	-	10,318
Belgium	225,088	450,684	-	Honduras	352	-	352
Belize	176	-	352	Hungary	8,089	60,000	91,392
Benin	176	-	10,982	Iceland	5,276	10,552	-
Bhutan	176	352	-	India	12,661	25,333	-
Bolivia	352	-	14,378	Indonesia	4,572	4,576	4,572
Botswana	176	176	176	Iran	20,399	-	253,210
Brazil	48,885	257,570	97,813	Iraq	4,220	-	116,904
Brunei Darussalam	1,055	2,322	-	Ireland	31,653	63,305	-
Bulgaria	6,331	65,177	73,270	Israel	8,089	16,735	32
Burkina Faso	176	176	3,177	Italy	657,677	1,303,928	657,677
Burma	352	698	352	Ivory coast	1,055	4,183	-
Burundi	176	-	10,982	Jamaica	703	1,470	-
Byelorussian SSR	63,306	233,657	652,986	Japan	1,814,768	3,598,006	1,814,768
Cameroon	352	1,050	-	Jordan	352	1,050	-
Canada	541,617	1,083,216	-	Kenya	352	352	698
Cape Verde	176	5,870	352	Kuwait	8,792	17,592	-
Central African Republic	352	298	21,823	Lao People's Democratic Republic	176	-	2,830
Chad	176	10,806	176	Lebanon	703	21,103	1,407
Chile	2,462	4,926	-	Lesotho	176	-	352
China	188,278	376,543	-	Liberia	352	-	15,200
Colombia	3,869	3,672	3,869	Libyan Arab Jamahiriya	9,144	-	242,205
Comoros	176	-	7,581	Luxembourg	10,551	21,102	-
Congo	352	-	22,346	Madagascar	352	474	2,538
Costa Rica	703	352	351	Malawi	176	175	176
Cuba	3,165	-	24,365	Malaysia	3,165	3,165	-
Cyprus	352	-	-	Maldives	176	-	1,173
Czechoslovakia	133,646	396,298	717,081	Mali	176	-	499
Democratic Kampuchea	352	-	22,346	Malta	352	698	352
Democratic Yemen	176	-	6,062	Mauritania	352	-	12,613
Denmark	131,887	263,770	-	Mauritius	352	-	1,000
Djibouti	176	-	2,037	Mexico	30,949	92,337	-
Dominica	176	-	2,747	Mongolia	352	704	8,441
Dominican Republic	1,055	-	13,719	Morocco	1,758	-	13,881
Ecuador	703	1,347	440	Mozambique	176	-	9,127
Egypt	2,462	4,926	-	Nepal	176	176	176
El Salvador	352	-	7,679	Netherlands	313,012	313,001	313,012
Equatorial Guinea	352	-	16,113	New Zealand	45,721	91,441	-
Ethiopia	176	1,355	-	Nicaragua	352	-	2,390
Fiji	352	352	352	Niger	176	-	1,656
Finland	84,408	168,813	-	Nigeria	6,682	-	27,208
France	1,392,832	1,392,735	1,392,832				

Member State	Assessment in 1985	Paid in 1985	Total contribution outstanding*	Member State	Assessment in 1985	Paid in 1985	Total contribution outstanding*
Norway	89,683	178,808	555	Sudan	176	-	687
Oman	352	704	346	Suriname	176	1,260	176
Pakistan	2,110	4,222	-	Swaziland	352	-	22,346
Panama	703	680	21,099	Sweden	232,122	464,237	-
Papua New Guinea	176	176	176	Syrian Arab Republic	1,055	-	33,361
Paraguay	352	-	22,346	Thailand	2,814	5,630	-
Peru	2,462	-	36,840	Togo	352	-	2,378
Philippines	3,165	6,418	6,092	Trinidad and Tobago	1,055	1,056	1,055
Poland	126,612	253,220	-	Tunisia	1,055	2,112	1,035
Portugal	6,331	6,336	12,291	Turkey	11,254	26,328	456
Qatar	1,055	-	10,615	Uganda	176	-	8,056
Romania	6,682	-	123,679	Ukrainian SSR	232,122	856,744	2,436,645
Rwanda	176	176	349	USSR	2,255,062	8,320,833	21,744,460
Saint Christopher and Nevis	176	176	530	United Arab Emirates	5,627	-	27,754
Saint Lucia	176	606	176	United Kingdom	999,159	1,998,249	-
Saint Vincent and the Grenadines	176	173	352	United Republic of Tanzania	176	-	8,186
Samoa	176	1,482	525	United States	5,424,976	10,841,910	7,666
Sao Tome and Principe	176	-	2,112	Uruguay	1,407	9,048	2,397
Saudi Arabia	30,245	29,720	60,517	Vanuatu	176	-	1,187
Senegal	176	-	176	Venezuela	19,343	141,471	-
Seychelles	176	-	698	Viet Nam	703	-	20,233
Sierra Leone	352	-	13,308	Yemen	176	-	10,582
Singapore	3,165	6,333	-	Yugoslavia	16,178	15,625	79,561
Solomon Islands	176	-	2,577	Zaire	352	-	5,801
Somalia	176	-	1,355	Zambia	352	352	-
South Africa	72,098	-	3,145,478	Zimbabwe	352	686	704
Spain	67,877	270,529	-	Total	17,668,157	38,476,036	36,168,735
Sri Lanka	352	704	-				

*Includes contributions due for UNDOF from its inception on 31 May 1974 through 30 November 1985, as at 31 December 1985, and those due for UNEF II (1973-1979); between 1974 and 1979 there was a single account for the two Forces.

SOURCE: ST/ADM/SER.B/283.

UNIFIL financing

Report of the Secretary-General. In a November 1985 report⁽⁵⁾ on the financing of UNIFIL, the Secretary-General stated that, as at 30 September, he had received \$833.6 million for the operation of UNIFIL, out of \$1,084.8 million apportioned among Member States for the periods from the inception of the Force in March 1978 to 18 October 1985. The balance due—\$251.2 million—included \$204.4 million that Members said they did not intend to pay and \$19.6 million due from China, transferred to a special account in accordance with a 1981 General Assembly resolution.⁽³⁾ Only \$27.2 million of the unpaid balance was considered collectable, leaving a shortfall of \$224 million.

This situation posed a serious problem for the financial management of the Force, the Secretary-General said. Obligations could not be met on a current basis, particularly those due to troop-contributing countries, payments to which had never been made in full in accordance with agreed rates. Voluntary contributions to a Suspense Account established in 1979⁽⁶⁾ to alleviate the financial burden on the troop contributors amounted to only \$18,356.

For UNIFIL operations from 19 April to 18 October 1985, commitments amounted to \$70,446,000 gross (\$69,445,998 net), as authorized in 1984;⁽⁷⁾ the costs for the period 19 October 1985 to 18 April 1986 were estimated at

\$71,745,000 gross (\$70,575,000 net), based on an average Force strength of 5,860. The Secretary-General requested ACABQ concurrence for commitments of \$23,482,000 gross (\$23,148,666 net) for the period 19 October to 18 December 1985. From 19 April to 18 December 1986, should the Security Council renew UNIFIL's mandate, appropriations of \$11,957,500 gross (\$11,762,500 net) a month would be required.

Expressing extreme concern about the shortfall burden on troop-contributing countries, particularly on the less wealthy ones, and which might jeopardize UNIFIL's functioning, the Secretary-General appealed in the strongest terms to all Member States to pay their assessments without delay; he also appealed for voluntary contributions to the UNIFIL Suspense Account.

ACABQ recommendations. ACABQ, also in November 1985,⁽⁸⁾ recommended approval of commitments entered into from 19 April to 18 October 1985. It also recommended appropriations of the amount of the commitments for 19 October to 18 December, and of \$48,263,000 gross (\$47,426,334 net) for the remaining four months of the mandate, 19 December 1985 to 18 April 1986, with the Secretary-General having the usual flexibility to revise apportionments between objects of expenditure.

ACABQ also recommended that, for the period from 19 April to 18 December 1986, the Secretary-General be authorized to enter into commitments

at a rate not to exceed \$11,957,500 gross (\$11,762,500 net) per month.

The Committee said it had been informed that, as a consequence of the increase in estimated average Force strength (5,550 in April 1985; 5,860 for April 1986), with no increase in the authorized commitment, it would be necessary to allocate increased resources for such items as reimbursement to troop contributors, daily allowance to troops and rotation costs, while at the same time, in order to remain within the limits set by the Assembly in 1984,⁽⁷⁾ to reduce and defer expenditures in other areas, particularly construction, adaptation of premises and purchase of transportation equipment. Bearing this in mind, and noting that the estimate for the October 1985-April 1986 period was 1.6 per cent more than that for each of the two previous mandates, ACABQ had no objection to the estimate.

ACABQ said it had been informed that the interim accounts for 1984-1985 indicated a "surplus" balance of \$8,868,174 for the UNIFIL Special Account as at 31 December 1984, representing excess of income over expenditure due to interest and miscellaneous credits. "Income" included assessed contributions irrespective of collectability. In consequence of States' withholding contributions, the "surplus" had, in effect, been drawn upon to its full extent.

GENERAL ASSEMBLY ACTION

In December 1985, the General Assembly adopted two resolutions—40/246 A and B—on the financing of UNIFIL.

On 18 December, it adopted resolution 40/246 A by recorded vote.

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolutions 425(1978) and 426(1978) of 19 March 1978, 427(1978) of 3 May 1978, 434(1978) of 18 September 1978, 444(1979) of 19 January 1979, 450(1979) of 14 June 1979, 459(1979) of 19 December 1979, 474(1980) of 17 June 1980, 483(1980) of 17 December 1980, 488(1981) of 19 June 1981, 498(1981) of 18 December 1981, 501(1982) of 25 February 1982, 511(1982) of 18 June 1982, 519(1982) of 17 August 1982, 523(1982) of 18 October 1982, 529(1983) of 18 January 1983, 536(1983) of 18 July 1983, 538(1983) of 18 October 1983, 549(1984) of 19 April 1984, 555(1984) of 12 October 1984, 561(1985) of 17 April 1985 and 575(1985) of 17 October 1985,

Recalling its resolutions S-812 of 21 April 1978, 33/14 of 3 November 1978, 34/9 B of 17 December 1979, 35/44 of 1 December 1980, 35/115 A of 10 December 1980, 36/138 A of 16 December 1981, 26/138 C of 19 March 1982, 37/127 A of 17 December 1982, 38/38 A of 5 December 1983 and 39/71 A of 13 December 1984,

Reaffirming its previous decisions regarding the fact that, in order to meet the expenditures caused by such

operations, a different procedure from the one applied to meet expenditures of the regular budget of the United Nations is required,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards peace-keeping operations involving heavy expenditures,

Bearing in mind the special responsibilities of the States permanent members of the Security Council in the financing of peace-keeping operations decided upon in accordance with the Charter of the United Nations,

I

Decides to appropriate to the Special Account referred to in section I, paragraph 1, of General Assembly resolution S-812 an amount of \$70,446,000 gross (\$69,446,000 net), being the amount authorized with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and apportioned under the provisions of section IV of Assembly resolution 39/71 A for the operation of the United Nations Interim Force in Lebanon from 19 April to 18 October 1985, inclusive;

II

Decides to appropriate to the Special Account an amount of \$23,482,000 gross (\$23,148,666 net), being the amount authorized with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and apportioned under the provisions of section IV of Assembly resolution 39/71 A for the operation of the United Nations Interim Force in Lebanon from 19 October to 18 December 1985, inclusive;

III

1. Decides to appropriate to the Special Account an amount of \$48,263,000 for the operation of the United Nations Interim Force in Lebanon for the period from 19 December 1985 to 18 April 1986, inclusive;

2. Decides further, as an ad hoc arrangement, without prejudice to the positions of principle that may be taken by Member States in any consideration by the General Assembly of arrangements for the financing of peace-keeping operations, to apportion the amount of \$48,263,000 among Member States in accordance with the scheme set out in Assembly resolution 33/14 and the provisions of section V, paragraph 1, of resolution 34/9 B, section VI, paragraph 1, of resolution 35/115 A, section VI, paragraph 1, of resolution 36/138 A, section IX, paragraph 1, of resolution 37/127 A and section VII, paragraphs 1 and 2, of resolution 39/71 A; the scale of assessments for the years 1983, 1984 and 1985 shall be applied against a portion thereof, that is \$5,185,281, being the amount pertaining on a pro rata basis to the period from 19 to 31 December 1985, inclusive, and the scale of assessments for the years 1986, 1987 and 1988 shall be applied against the balance, that is \$43,077,719, for the period thereafter;

3. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 2 above, their respective share in the estimated income of \$13,333 other than staff assessment income approved for the period from 19 December 1985 to 18 April 1986, inclusive;

4. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall

be set off against the apportionment among Member States, as provided for in paragraph 2 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of \$823,333 approved for the period from 19 December 1985 to 18 April 1986, inclusive;

IV

Authorizes the Secretary-General to enter into commitments for the operation of the United Nations Interim Force in Lebanon at a rate not to exceed \$11,957,500 gross (\$11,762,500 net) per month for the period from 19 April to 18 December 1986, inclusive, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 575(1985), subject to obtaining the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for the actual level of commitments to be entered into for each mandate period that may be approved subsequent to 19 April 1986, the said amount to be apportioned among Member States in accordance with the scale of assessments for the years 1986, 1987 and 1988;

V

1. Renews its invitation to Member States to make voluntary contributions to the United Nations Interim Force in Lebanon both in cash and in the form of services and supplies acceptable to the Secretary-General;

2. Invites Member States to make voluntary contributions in cash to the Suspense Account established in accordance with its resolution 34/9 D of 17 December 1979;

VI

Requests the Secretary-General to take all necessary action to ensure that the United Nations Interim Force in Lebanon shall be administered with a maximum of efficiency and economy.

General Assembly resolution 40/246 A

18 December 1985 Meeting 121 124-15-4 (recorded vote)

Approved by Fifth Committee (A/40/1037) by recorded vote (97-12-4), 12 December (meeting 60): 21-nation draft (A/C.5/40/L.5, part A): agenda item 126 (b).

Sponsors: Austria, Canada, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Iceland, Ireland, Italy, Lebanon, Nepal, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Samoa, Sweden, Thailand.

Recorded vote in Assembly as follows:

In favour: Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Afghanistan, Albania, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Leo People's Democratic Republic, Mongolia, Poland, Syrian Arab Republic, Ukrainian SSR, USSR, Wet Nam.

Abstaining: Democratic Yemen, Iraq, Maldives, Yemen.

Introducing the text, Ireland called on all Member States to look to their responsibilities for

maintaining peace and to support the peace-keeping efforts. No operation could be expected to function efficiently if it was deprived of nearly a quarter of its revenue, regarded as uncollectable. The extent to which the troop-contributing countries could continue to absorb an unacceptable proportion of the cost of UNIFIL was not unlimited; the responsibility for funding rested on all Member States and any shortfall must be shared by all.

Lebanon said it had always regarded as incontrovertible the principle of collective financial responsibility; the withholding of contributions was particularly unfair, both to those developing countries which contributed and to the countries which supplied troops and assumed the financial burden of UNIFIL as well. The Member States which had participated in the vote on Assembly resolution 181 A (II) in 1947,⁽⁹⁾ to which the current tragedy in Lebanon could largely be ascribed, bore a heavy responsibility. UNIFIL's mission was the most urgent and challenging: its function was not merely to observe, but also to assist the Lebanese Government in ensuring the return of its effective authority.

The USSR explained that it did not participate in the financing of UNIFIL because of its position of principle that the consequences of the armed aggression against Lebanon should be borne by the aggressor. The view that the aggressor should bear the financial burden was shared by several others, including Democratic Yemen, Iraq and the Syrian Arab Republic.

Iran did not participate in the vote because it said it believed that the cost of United Nations activities in the Middle East should be borne by the Zionist entity and its supporters. Benin voted in favour for essentially humanitarian reasons, but considered that UNIFIL ought in fact to be financed by those responsible for the situation.

Among those which did not take part in the vote for similar reasons were Algeria and the Libyan Arab Jamahiriya. Algeria added that it hoped that the financial arrangements for all peace-keeping operations could be reviewed in the near future since it had serious doubts as to their usefulness and the propriety of financing them from the regular budget.

Jordan stressed that its vote in favour should not be interpreted as condoning or accepting the continued Israeli occupation of Lebanon.

Also on 18 December, the Assembly adopted resolution 40/246 B by recorded vote.

The General Assembly.

Having regard to the financial position of the Special Account for the United Nations Interim Force in Lebanon, as set forth in the report of the Secretary-General, and referring to paragraph 7 of the report of the Advisory Committee on Administrative and Budgetary Questions,

Mindful of the fact that it is essential to provide the United Nations Interim Force in Lebanon with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General is continuing to face growing difficulties in meeting the obligations of the United Nations Interim Force in Lebanon on a current basis, particularly those due to the Governments of troop-contributing States,

Recalling its resolutions 34/9 E of 17 December 1979, 35/115 B of 10 December 1980, 36/138 B of 16 December 1981, 37/127 B of 17 December 1982, 38/38 B of 5 December 1983 and 39/71 B of 13 December 1984,

Recognizing that, in consequence of the withholding of contributions by certain Member States, the surplus balances in the Special Account for the United Nations Interim Force in Lebanon have, in effect, been drawn upon to the full extent to supplement the income received from contributions for meeting expenses of the Force,

Concerned that the application of the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations would aggravate the already difficult financial situation of the United Nations Interim Force in Lebanon,

Decides that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations shall be suspended in respect of the amount of \$8,868,174, which otherwise would have to be surrendered pursuant to those provisions, this amount to be entered in the account referred to in the operative part of General Assembly resolution 34/9 E and held in suspense until a further decision is taken by the Assembly.

General Assembly resolution 40/246 B

18 December 1985 Meeting 121 122-1 4-5 (recorded vote)

Approved by Fifth Committee (A/40/1037) by recorded vote (97-12-51, 12 December (meeting 60); 21-nation draft (A/C.5/40/L.5, part B); agenda item 126 (b).

Sponsors: Austria, Canada, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Iceland, Italy, Lebanon, Nepal, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Samoa, Sweden, Thailand.

Recorded vote in Assembly as follows:

In favour: Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Afghanistan, Albania, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Lao People's Democratic Republic, Mongolia, Syrian Arab Republic, Ukrainian SSR, USSR, Viet Nam. Abstaining: Democratic Yemen, Iraq, Maldives, Romania, Yemen.

*Later advised the Secretariat it had intended to vote against.

Algeria emphasized that, out of solidarity with Lebanon, it had refrained from participating in the vote instead of voting against the text; it reiterated its reservations regarding the usefulness of UNIFIL.

Cuba also doubted the usefulness of UNIFIL which, it said, was not respected by Israel and its supporters; the cost of the operations should be borne by the aggressor.

Jordan reiterated that its vote in favour should not be interpreted as condoning or accepting the continued Israeli occupation of Lebanon.

CONTRIBUTIONS TO UNIFIL (as at 31 December 1985; in US dollars)

Member State	Assessment in 1985	Paid in 1985	Total contribution outstanding*	Member State	Assessment in 1985	Paid in 1985	Total contribution outstanding*
Afghanistan	680	-	9,440	Burma	1,385	1,389	1,385
Albania	1,385	-	21,620	Burundi	680	-	10,428
Algeria	18,012	-	258,703	Byelorussian SSR	250,006	-	4,139,925
Angola	680	-	9,562	Cameroon	1,385	4,756	5,051
Antigua and Barbuda	680	-	6,002	Canada	2,138,937	4,277,231	-
Argentina	98,372	8,921	475,490	Cape Verde	680	4,746	1,375
Australia	1,090,302	2,260,925	-	Central African Republic	1,385	-	17,907
Austria	520,845	1,041,533	-	Chad	680	9,748	680
Bahamas	1,385	2,774	-	Chile	9,698	19,421	-
Bahrain	1,385	4,164	-	China	743,122	1,486,288	-
Bangladesh	2,040	-	6,210	Colombia	15,241	46,128	390
Barbados	1,385	4,164	3,293	Comoros	680	-	10,428
Belgium	888,909	1,777,551	-	Congo	1,385	-	21,620
Belize	680	-	2,243	Costa Rica	2,771	-	34,673
Benin	680	-	10,428	Cuba	12,469	-	221,570
Bhutan	680	1,375	-	Cyprus	1,385	2,774	-
Bolivia	1,385	-	21,620	Czechoslovakia	527,790	-	8,713,530
Botswana	680	1,375	695	Democratic Kampuchea	1,385	-	21,620
Brazil	192,586	910,117	585,660	Democratic Yemen	680	-	10,428
Brunei Darussalam	4,156	7,827	-	Denmark	520,845	1,341,533	-
Bulgaria	24,940	-	353,296	Djibouti	680	-	7,892
Burkina Faso	680	695	9,733	Dominica	680	-	10,720

Member State	Assessment in 1985	Paid in 1985	Total contribution outstanding*	Member State	Assessment in 1985	Paid in 1985	Total contribution outstanding*
Dominican Republic	4,156	-	46,096	Niger	680	-	8,321
Ecuador	2,771	4,585	2,249	Nigeria	26,325	-	117,039
Egypt	9,698	9,723	9,698	Norway	354,175	708,243	-
El Salvador	1,385	-	20,593	Oman	1,385	2,774	-
Equatorial Guinea	1,385	-	21,620	Pakistan	8,313	17,147	-
Ethiopia	680	8,549	-	Panama	2,771	3,563	32,188
Fiji	1,385	-	2,774	Papua New Guinea	680	2,070	-
Finland	333,341	666,581	-	Paraguay	1,385	-	21,620
France	5,497,410	5,497,742	5,497,410	Peru	9,698	-	131,417
Gabon	2,771	-	35,670	Philippines	12,469	10,541	55,442
Gambia	1,385	-	21,620	Poland	500,011	-	11,630,215
German Democratic Republic	965,299	-	14,898,566	Portugal	24,940	74,958	-
Germany, Federal Republic of	5,930,688	11,859,592	-	Qatar	4,156	-	12,031
Ghana	2,771	5,549	-	Romania	26,325	-	425,229
Greece	55,421	110,981	-	Rwanda	680	-	3,049
Grenada	680	-	5,113	Saint Christopher and Nevis	680	-	2,657
Guatemala	2,771	-	12,319	Saint Lucia	680	-	8,294
Guinea	680	-	4,713	Saint Vincent and the Grenadines	680	695	1,375
Guinea-Bissau	680	-	7,814	Samoa	680	4,463	2,070
Guyana	1,385	-	2,774	Sao Tome and Principe	680	-	8,961
Haiti	680	-	10,428	Saudi Arabia	119,154	-	358,123
Honduras	1,385	-	7,543	Senegal	680	1,651	6,733
Hungary	31,867	-	632,268	Seychelles	680	-	2,915
Iceland	20,834	41,660	-	Sierra Leone	1,385	-	21,424
India	49,880	99,884	-	Singapore	12,469	24,970	-
Indonesia	18,012	36,124	18,012	Solomon Islands	680	-	10,719
Iran	80,360	-	1,194,863	Somalia	680	-	6,125
Iraq	16,627	-	241,742	South Africa	284,729	-	4,501,264
Ireland	125,003	125,003	-	Spain	267,402	834,961	-
Israel	31,867	63,158	656	Sri Lanka	1,385	2,774	-
Italy	2,597,280	6,795,300	-	Sudan	680	-	3,472
Ivory Coast	4,156	36,518	-	Suriname	680	2,373	695
Jamaica	2,771	3,970	2,771	Swaziland	1,385	-	21,620
Japan	7,166,827	14,335,624	7,166,827	Sweden	916,687	1,833,097	-
Jordan	1,385	2,774	-	Syrian Arab Republic	4,156	-	60,438
Kenya	1,385	1,385	10,600	Thailand	11,084	22,196	-
Kuwait	34,638	69,363	-	Togo	1,385	2,622	10,300
Lao People's Democratic Republic	680	-	10,428	Trinidad and Tobago	4,156	4,167	4,156
Lebanon	2,771	-	5,171	Tunisia	4,156	10,155	4,156
Lesotho	680	-	1,375	Turkey	44,337	84,300	34,404
Liberia	1,385	-	21,620	Uganda	680	-	9,647
Libyan Arab Jamahiriya	36,025	-	490,637	Ukrainian SSR	916,687	-	15,374,955
Luxembourg	41,668	83,323	-	USSR	8,900,569	-	142,711,130
Madagascar	1,385	2,005	14,302	United Arab Emirates	22,169	-	98,561
Malawi	680	-	1,375	United Kingdom	3,943,611	7,086,123	4,113,777
Malaysia	12,469	24,970	-	United Republic of Tanzania	680	-	10,428
Maldives	680	-	4,294	United States	21,409,288	42,795,836	23,848
Mali	680	-	4,496	Uruguay	5,542	-	38,280
Malta	1,385	1,389	1,385	Vanuatu	680	-	6,002
Mauritania	1,385	-	21,620	Venezuela	76,203	625,537	-
Mauritius	1,385	-	4,825	Viet Nam	2,771	-	56,742
Mexico	121,925	488,745	-	Yemen	680	-	10,428
Mongolia	1,385	-	21,620	Yugoslavia	63,734	27,877	376,144
Morocco	6,927	-	75,138	Zaire	1,385	-	27,098
Mozambique	680	-	12,493	Zambia	1,385	2,693	-
Nepal	680	1,153	680	Zimbabwe	1,360	3,231	6,523
Netherlands	1,236,139	2,471,905	-				
New Zealand	180,560	361,066	-				
Nicaragua	1,385	-	10,249	Total	69,743,881	110,313,073	225,960,079

*Covers the period from the inception of UNIFIL (19 March 1978) to 18 October 1985, as at 31 December 1985
SOURCE: ST/ADM/SER.B/283.

Review of reimbursement rates to troop contributors

Report of the Secretary-General. In a November 1985 report,⁽¹⁰⁾ the Secretary-General reviewed the rates of reimbursement to troop-contributing States, as requested by the General Assembly in 1984.⁽¹¹⁾ Standard rates had been first established in 1974⁽¹²⁾ and were revised twice in 1977⁽¹³⁾ and 1980.⁽¹⁴⁾

The two main factors that could change the level of compensation based on the reimbursement rates

effective December 1980 were inflation and currency exchange-rate fluctuations. At the end of 1984, the value of the United States dollar-the currency of reimbursement-in relation to the national currencies of the 13 troop contributors had increased by an overall average of 50.4 per cent. With regard to troop costs, the Secretary-General for various reasons considered it not possible to determine their escalation.

Concluding, the Secretary-General stated that the changes in the currency exchange rates had

been such that in most cases they had offset the adverse effects of inflation; it appeared that the current standard rates continued to provide a fair and reasonable compensation to troop contributors for troop costs and that a basis did not exist to warrant for the time being an adjustment to the rates of reimbursement.

At the time of the initial establishment of standard rates, it was recognized that certain States would not be fully reimbursed for their entire expenses of providing troops; all troop contributors, however, should receive at least that portion paid to their troops as actual overseas allowances. Based on the data provided by the 11 troop contributors included in the review, 10 were currently absorbing between 11.7 and 72.2 per cent, for an average of 34.3 per cent, in respect of pay and allowances.

The Secretary-General proposed that a review of the rates be undertaken as and when changes in the currency exchange and/or inflation rates drastically affected compensation for troop costs.

ACABQ consideration. In its November 1985 report⁽⁸⁾ on UNIFIL (see p. 320), ACABQ noted the Secretary-General's conclusion that it would appear that the current standard rates were fair and reasonable and that currently no basis existed to warrant an adjustment. It also noted his statement proposing a review of the rates as and when changes dictated.

GENERAL ASSEMBLY ACTION

On 18 December, the General Assembly adopted resolution 40/247 by recorded vote.

Review of the rates of reimbursement to the Governments of troop-contributing States
The General Assembly,

Having considered the report of the Secretary-General on the review of the rates of reimbursement to the Governments of troop-contributing States, submitted pursuant to General Assembly resolution 39/70 of 13 December 1984, as well as the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling its decision of 29 November 1974, taken at its twenty-ninth session, by which it established, as from 25 October 1973, standard rates of reimbursement to the Governments of troop-contributing States for pay and allowances of their troops serving in the United Nations Emergency Force and the United Nations Disengagement Observer Force, and its decision 32/416 of 2 December 1977, by which it revised those rates of reimbursement as from 25 October 1977,

Recalling also its resolution S-8/2 of 21 April 1978, by which it applied the same standard rates of reimbursement in effect for the United Nations Emergency Force and the United Nations Disengagement Observer Force to those Governments of States contributing troops to the United Nations Interim Force in Lebanon,

Recalling further its resolution 35/44 of 1 December 1980, by which it established new standard rates of reim-

bursement to the Governments of troop-contributing States of \$950 per person per month for all ranks, plus \$280 per person per month for a limited number of specialists (up to 25 per cent of logistics contingents and up to 10 per cent of other contingents), with effect from 1 December 1980 in the case of the United Nations Disengagement Observer Force and from 19 December 1980 in the case of the United Nations Interim Force in Lebanon,

Recalling further its decision of 15 December 1975, taken at its thirtieth session, by which it approved the principle of reimbursing the troop-contributing States for the usage factor for personal clothing, gear and equipment and personal weaponry, including ammunition, issued by Governments to their troops for service in the United Nations peace-keeping forces and in which it requested the Secretary-General to negotiate a settlement thereof, pursuant to which a reimbursement rate of \$70 per person per month was agreed upon,

Recognizing that, in consequence of the shortfall of financial contributions, troop-contributing States are not being reimbursed to the full extent of the established rates and are thus bearing considerably larger portions of the costs for their troops serving in the United Nations peace-keeping forces than those indicated by the Secretary-General in his report,

1. Takes note of the conclusions and recommendations of the Secretary-General as outlined in paragraphs 12 to 15 of his report;

2. Decides to retain the current rates of reimbursement of \$950 per person per month for all ranks, plus the specialists' allowance of \$280 per person per month for 25 per cent of logistics contingents and 10 per cent of other contingents, as well as \$65 per person per month for the usage factor for personal clothing, gear and equipment and \$5 per person per month for personal weaponry, including ammunition;

3. Also decides that the rates of reimbursement to the Governments of troop-contributing States shall be reviewed by the Secretary-General, in consultation with the troop-contributing States, and requests the Secretary-General to report thereon to the General Assembly, at least once every two years, if, in the light of inflation and currency-exchange fluctuations or other factors brought to the attention of the Secretary-General, these rates appreciably affect the absorption factor of two or more of the troop-contributing States.

General Assembly resolution 40/247

18 December 1985 Meeting 121 120-14-7 (recorded vote)

Approved by Fifth Committee A/40/1037 by recorded vote (97-11-7), 12 December (meeting 60); 18-nation draft (A/C.5/40/L.6); agenda item 126 (c).

Sponsors: Austria, Canada, Denmark, Fiji, Finland, France, Ghana, Iceland, Ireland, Italy, Lebanon, Nepal, Netherlands, New Zealand, Norway, Papua New Guinea, Samoa, Sweden.

Recorded vote in Assembly as follows:

In favour: Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guyana, Honduras, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia,

Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States, Uruguay, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Afghanistan, Albania, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Lao People's Democratic Republic, Mongolia, Syrian Arab Republic, Ukrainian SSR, USSR, Viet Nam. Abstaining: Algeria, Benin, Democratic Yemen, Iraq, Maldives, Romania, Yemen.

Explaining its vote, the USSR said it considered that the position in regard to the expenses borne by the United Nations for peace-keeping troops and reimbursement was not clear-cut; there was a considerable element of increase in those expenditures.

Introducing the text, Sweden said the established standard rates of reimbursement consisted of average figures, per person per month for all ranks, used as factors to determine the troop costs, which constituted approximately half of the budgets for UNDOF and UNIFIL. They were also meant to correspond to certain portions of the troop-contributing countries' national costs for maintaining their troops in the service of the United Nations. Since 1980, those costs had increased significantly, in some cases by more than 40 per cent.

REFERENCES

- ⁽¹⁾YUN 1973, p. 222, GA res. 3101(XXVIII), 11 Dec. 1973. ⁽²⁾A/40/754. ⁽³⁾YUN 1981, p. 1299, GA res. 36/116 A, 10 Dec. 1981. ⁽⁴⁾A/40/948. ⁽⁵⁾A/40/844. ⁽⁶⁾YUN 1979, p. 352, GA res. 34/9 D, 17 Dec. 1979. ⁽⁷⁾YUN 1984, p. 310, GA res. 89/71 A, 13 Dec. 1984. ⁽⁸⁾A/40/954. ⁽⁹⁾YUN 1947-48, p. 247, GA res. 181 A (II), 29 Nov. 1947. ⁽¹⁰⁾A/40/845. ⁽¹¹⁾YUN 1984, p. 314, GA res. 39/70, 13 Dec. 1984. ⁽¹²⁾YUN 1974, p. 215. ⁽¹³⁾YUN 1977, p. 281, GA dec. 32/416, 2 Dec. 1977. ⁽¹⁴⁾YUN 1980, p. 369, GA res. 35/44, 1 Dec. 1980.

Territories occupied by Israel

During 1985, the situation in the territories occupied by Israel as a result of previous armed conflicts in the Middle East was again considered by the General Assembly and its Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (Committee on Israeli practices). The Committee observed that there was a continuing deterioration in the respect for the human-civil and political, as well as economic, social and cultural-rights of the civilian population of the territories, which comprised the West Bank of the Jordan River (including East Jerusalem), the Golan Heights and the Gaza Strip.

The Assembly, in December, adopted seven resolutions dealing with specific aspects of the Committee's report: it demanded that Israel desist from certain policies and practices in the territories (40/161 D); that it comply with the 1949 Geneva

Convention relative to the Protection of Civilian Persons in Time of War (fourth Geneva Convention) (40/161 B); that it desist from any action which would change the legal status and composition of the Palestinian and other Arab territories occupied since 1967 (40/161 C), including the Syrian Golan Heights (40/161 F) that it release Ziyad Abu Eain and other Palestinian prisoners (40/161 A); that it rescind the expulsion of Palestinians, some of whom had been in public office (40/161 E); and that it ensure the freedom of educational institutions (40/161 G).

The Security Council considered the situation in the occupied territories at two meetings on 12 and 13 September. It voted on a draft resolution in which it would have called on Israel to stop repressive measures against the civilian Palestinian population and abide by the fourth Geneva Convention. The draft was not adopted owing to the negative vote of a permanent member of the Council.

In March, the Secretary-General organized a seminar on remedies for the deterioration of the economic and social conditions of the Palestinians in the occupied territories. Affirming that Israeli occupation was contradictory to the basic requirements for the social and economic development of the Palestinians, the Assembly, by resolution 40/201, requested the Secretary-General to organize by April 1987 a seminar on priority development projects to improve their living conditions.

In June 1985, the Secretary-General submitted a study on Israeli economic practices in the territories and a report on progress made in the lifting of Israeli restrictions on their economy and on projects to facilitate their economic development. The Assembly (decision 40/432), as earlier the Economic and Social Council had done (decision 1985/177), asked him to report on Israeli financial and trade practices in the territories. The Council (resolution 1985/58) and the Assembly (resolution 40/169) called for the urgent lifting of Israeli restrictions on the territories' economy, and called on all concerned to facilitate the establishment of a seaport and a citrus plant in the Gaza Strip, as well as of a cement plant in the West Bank.

The Secretary-General reported that in June Israel had given instructions to cease all work related to a planned canal linking the Mediterranean and the Dead Sea. The Assembly, by resolution 40/167, requested him to monitor any new development relating to the project.

Communications. By a letter of 5 February,⁽¹⁾ the Chairman of the Committee on Palestinian rights brought to the Secretary-General's attention what he termed another instance of intensification of the planned policy of annexation of

the occupied territories of the West Bank by Israel. According to December 1984 reports in Israeli papers, a plan for the establishment of a national road grid for the entire West Bank had been promulgated, greatly increasing the integration of the West Bank road system into that of Israel. According to a recent study, the road system would serve none of the 20 major Palestinian towns and cities in the West Bank. About 78 million square metres of private Palestinian land would have to be expropriated. The Chairman expressed utmost concern at the plan which, in the Committee's view, had ominous implications for the future of the territories and international peace efforts.

On 12 February,⁽²⁾ the Chairman expressed the Committee's concern at the growing tension in and around Palestinian refugee camps in southern Lebanon (see above, under "Lebanon situation") and in the West Bank. It was reported that at Dheisheh, near Bethlehem, all roads into the camp had been blocked, affecting the provision of services to the camp and aggravating the atmosphere of living under siege caused by almost daily incidents of provocation and harassment against the camp residents by Israeli settlers. On 1 February, the police, reinforced by military troops, had arrested scores of residents in the camp and villages in the vicinity.

By a letter of 6 March, transmitted by Democratic Yemen,⁽³⁾ PLO charged that on 5 March Israeli troops had surrounded the Palestinian town of Saeer in the Al-Khalil (Hebron) area, breaking into several Palestinian homes, razing two of them, and injuring about 30 persons. Those injured could not be transferred to hospitals as a curfew was imposed and the area declared an Israeli military zone. The troops also arrested a number of Palestinians and took them away for interrogation. A request by the Red Cross to visit the area was denied. PLO called on the United Nations to assume its full responsibility, spelt out in General Assembly resolutions calling for adequate protection of Palestinians living under Israeli military occupation and for a guarantee of their safety and security and their human and legal rights.

Renewed acts of Israeli repression against Palestinians in the West Bank were charged by the Chairman of the Committee on Palestinian rights in a letter of 19 March;⁽⁴⁾ the Committee expressed profound concern at news reports of measures against Bir Zeit University, the treatment of student detainees and the continued establishment of Israeli settlements in the occupied territories (for details, see p. 338).

By a letter of 11 April, transmitted by the United Arab Emirates,⁽⁵⁾ PLO accused Israel of implementing exceptional military measures, among them curfews, collective punishments, and attacks

on students and refugee camps. The PLO Chairman called for international condemnation of the continued Zionist aggression, to deter Israel from further crimes against the Palestinians.

The Acting Chairman of the Committee on Palestinian rights, on 2 May,⁽⁶⁾ brought to the Secretary-General's attention further incidents in the territories which, in his view, indicated a continuing pattern of repression by Israel aimed at stifling Palestinian opposition. Demonstrations and strikes between 30 March and 21 April had been met by hundreds of arrests, the forcible reopening of shops, heavy censorship of Arabic language newspapers, the closing of schools, and the shooting of demonstrators. As long as the Palestinians were prevented from exercising their rights and their territory remained illegally occupied, tension and violence would continue, the Acting Chairman stated; the Committee remained convinced that a peaceful solution under United Nations auspices was possible and continued to call on all concerned to co-operate.

On 12 July,⁽⁷⁾ the Acting Chairman called attention to press reports that Israeli forces had demolished on 18 June seven villages in the Hebron area, displacing some 200 families, in order to convert their land into a military training zone. The press also had reported proposed new laws to allow for rapid deportation of Palestinians who took part in "anti-Israeli activity" and for imprisonment without trial or charges for an unlimited period. Such proposed action, the Acting Chairman stated, directly contravened basic human rights principles and could not but aggravate tension; positive action by the Security Council on the Committee's 1976 recommendations(s) and on the proposed international peace conference on the Middle East (see p. 268) would advance peace prospects and help preclude such inequities.

On 8 August,⁽⁹⁾ he quoted further press reports, according to which the Israeli Cabinet on 4 August had decided to reinstate its policies of "administrative detention" (see p. 336) and deportation of those considered security risks, and to authorize the closing down of newspapers which violated censorship regulations or were considered to have incited terrorist attacks. New legislation was also reported to have been submitted to the Knesset to bar contacts between Israeli citizens and PLO, under penalty of gaol and a fine. The Acting Chairman also reported the recent temporary closing of Al-Najah University at Nablus, repeated closings of a theatre in East Jerusalem, and a decision to dismiss all Arab employees of the town of Kiryat and accord preference to businesses employing Jews only. Those measures, he said, were designed to stifle political, economic and cultural activity, and to pressure the Pales-

tinians into emigrating with a view to annexation of their land.

Qatar, as Chairman of the Arab Group, transmitted letters of 6, 9 and 10 September from PLO.⁽¹⁰⁾ PLO reported the arrest of Palestinians under the reimposed administrative detention law and other repressive measures by Israeli forces which, it was charged, had blown up several Palestinian homes at Al-Khalil (Hebron), placed the town under curfew, declared the area a military zone, and fired on Palestinians, injuring several. In the opinion of PLO, such acts and the continued deportation of Palestinians only exacerbated an already explosive situation, and required an immediate practical response from the Secretary-General and the Security Council. Alleging that Israeli repression had intensified in recent days and that additional military forces had been deployed throughout the territories, PLO also charged that Israeli officials had threatened to take military action against PLO offices at Amman and elsewhere if Palestinians continued to challenge the Israeli occupation. Israeli paratroopers, employed instead of the regular border guards who had been withdrawn, had rampaged through Jenin and Nablus, indiscriminately beating up Palestinian men, women and children. At Al-Khalil, they had shot and wounded four children.

The Chairman of the Committee on Palestinian rights, by a letter of 11 September,⁽¹¹⁾ charged that Israel, according to press reports, had engaged in a massive campaign of detention of Palestinians, holding over 50 in the West Bank and several others in Gaza. Curfews were imposed in a number of towns and refugee camps. At least three Palestinians were threatened with deportation from the West Bank. Those and other actions, the Chairman said, were taking place in an atmosphere of growing provocation by Jewish settlers in the territories, clearly aimed at pressuring the local population to emigrate.

On 12 September,⁽¹²⁾ Jordan refuted an allegation made by Israel on 9 September⁽¹³⁾ (see p. 273) that PLO had recently escalated its campaign of terror on innocent civilians by infiltrating terrorists and smuggling weapons and explosives from Jordan. That accusation, Jordan said, was contrary to the truth, as the resistance arose from within the territories and was escalating as a natural reaction to Israeli practices, involving oppression, injustice, suppression of freedoms, detention of innocent people, expulsion and deportation, confiscation of land and property, the establishment of settlements and the bringing in of immigrants.

In a 23 September letter, transmitted by Qatar,⁽¹⁴⁾ PLO reported that Israeli occupation authorities had deported 29 Palestinians, had closed the Palestinian newspaper Al-Darb and had

issued a three-day closure notice for another, Al Sha'b. Israeli demonstrators outside the Jerusalem offices of Al-Fajr had demanded that the paper be immediately closed, and threats had been made against the newspaper's employees.

In a 24 October letter, transmitted by Kuwait,⁽¹⁵⁾ PLO reported an attack on 13 Palestinians by Israeli settlers, increased detentions, destruction of houses, expropriation of land, and closure of the Palestinian weekly Al-Bayader Al-Siyassiya. The PLO Chairman called on the Secretary-General to use his good offices to take immediate measures to end the intolerable and inhuman situation in the territories.

Kuwait transmitted a 30 October letter from PLO,⁽¹⁶⁾ apprising the Secretary-General of the arrest on 28 October and probable deportation of four Palestinians. The alarming number of Palestinians being deported, PLO said, raised the possibility that Israel intended to eliminate forcibly all Palestinian presence from the territories, and required an immediate practical response by the Secretary-General and the Security Council.

On 13 November,⁽¹⁷⁾ the Chairman of the Committee on Palestinian rights quoted press reports that on 25 October Israeli forces had placed the town of Yatta under a 60-hour curfew, conducted searches, destroyed two houses and arrested several people. Also in October, there had been reports of a two-week ban on the distribution of Al-Bayader, the closure of the Al-Manar press office and the newspaper Al-Darb and the administrative detention or town arrest of eight journalists. In the Committee's view, such measures were in violation of human rights instruments and United Nations resolutions, and posed a serious obstacle to international efforts to achieve a just and lasting solution to the Palestinian question. Other charges made in the letter related to the detention of Palestinians (see p. 336).

Referring to reports of PLO's alleged intention to limit terrorist attacks to the occupied territories, Israel said in a letter of 2 December⁽¹⁸⁾ that nothing justified terrorism, and that PLO's definition of "occupied territory" meant all of Israel, the liquidation of which remained PLO's admitted aim.

Several communications dealt with the closing of the Medical Facility Hospice in East Jerusalem, which served the Arab population of the city and the West Bank (see p. 281).

Action by the Commission on Human Rights and its Sub-Commission. Violations of human rights in the occupied territories were the subject of four resolutions⁽¹⁹⁾ adopted by the Commission on Human Rights in February 1985. By the first, it condemned a number of specific practices; by the second, it condemned Israel's failure to acknowledge the applicability the fourth Geneva

Convention; by the third, it called on Israel to rescind its decision to impose its laws and administration on the Syrian Golan Heights and to cease its acts of terrorism against Syrian citizens; and by the fourth, it condemned Israel's occupation of the Palestinian and other Arab territories, and reaffirmed Palestinian rights.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, by a resolution of 29 August,⁽²⁰⁾ also reiterated elements that it considered Palestinian rights should include, and strongly affirmed that the perpetuation of the Israeli occupation of the Palestinian and other Arab territories, including Jerusalem, could only be a source of increasing human rights violations and increasing tension. It also recommended that the Commission adopt a resolution condemning Israel for its continued occupation of the Palestinian and other Arab territories, for its persistence in colonizing them and for its policies against the inhabitants, and calling for immediate withdrawal from those territories. (For details, see ECONOMIC AND SOCIAL QUESTIONS, Chapter XVIII.)

Report of the Committee on Israeli practices. In its annual report to the General Assembly,⁽²¹⁾ approved on 30 August 1985, the Committee on Israeli practices, established in 1968,⁽²²⁾ presented information on Israeli policy in the occupied territories and on various aspects of the situation there, including information on annexation and settlements, treatment of civilians and detainees, prison conditions, and judicial remedies sought by the population.

To examine information on the situation since adoption of its previous report in September 1984,⁽²³⁾ the Committee held three series of meetings: from 21 to 25 January at Geneva to review its mandate, examine communications and decide on its organization of work; between 13 and 31 May at Geneva, Damascus, Amman and Cairo to undertake hearings for recording information or evidence; and from 22 to 30 August at Geneva to examine information on the situation in the territories between May and August.

The Committee had before it a number of communications addressed to it by Governments, organizations and individuals; it also heard testimony from persons living in the West Bank, the Gaza Strip and the Golan Heights. At Damascus, the Committee was presented with an updated report on the human rights situation in occupied Syrian territory by an official of the Syrian Ministry of Foreign Affairs. At Amman, it was presented with ministry reports on the situation in the occupied territories, discussed various aspects of its mandate, and met with PLO Chairman Yasser Arafat. In the Syrian Arab Republic, the Committee observed the occupied village of Majdal Shams and met with a number of persons

from the Golan Heights. At Cairo, it met with PLO officials and the Chairman of the Palestine Red Crescent Society.

On the basis of the information and evidence before it, the Committee concluded that Israel continued to follow the same policy in the territories as in previous years, based on the concept that the territories constituted a part of Israel. Measures affecting the security of person and property and, in general, every aspect of life continued to be taken. New settlements continued to be established and planned, and considerable funds allocated for that purpose. The conditions for some 3,000 Palestinians in overcrowded Israeli prisons gave rise to much suffering.

The Committee observed that there was a continuing deterioration in respect for the human-civil and political, as well as economic, social and cultural-rights of the civilian population. The relevant provisions of the fourth Geneva Convention continued to be disregarded and all sectors of life were constantly pervaded by Israel's relentless annexation and settlements policy. At the same time, hundreds of thousands of Palestinians outside the territories were denied the right to return and their property was taken over for the establishment of Israeli settlements.

Confirming the view that the cycle of violence was bound to continue and that the grave situation would remain explosive, the Committee stated that the international community must adopt measures to reverse the deterioration. The parties must change their attitude in regard to the overall political aspects of the problem and give priority to safeguarding fundamental rights.

Report of the Secretary-General. In August 1985,⁽²⁴⁾ the Secretary-General reported to the General Assembly on the implementation of its 1984 requests⁽²⁵⁾ that he provide the Committee on Israeli practices with necessary facilities and staff, and ensure widest circulation of its reports and of information on its activities and findings. The Secretary-General stated that, as in previous years, he had provided the facilities and additional staff required by the Committee. Its report was given coverage in various United Nations publications, press releases and radio and television programmes and disseminated through United Nations information centres, whose Geneva and Cairo offices provided press coverage and other assistance during the Committee meetings there.

SECURITY COUNCIL ACTION (September)

The Security Council held meetings on 12 and 13 September 1985 to consider the situation in the occupied territories, as requested by Qatar on behalf of the Group of Arab States at the United Nations.⁽²⁶⁾

Meeting numbers. SC 2604, 2605.

The Council invited Iran, Israel, Jordan, Qatar and the Syrian Arab Republic, at their request, to participate in the discussion without the right to vote. Also invited to participate, under rule 39ⁱ of the Council's provisional rules of procedure, were the Chairman of the Committee on Palestinian rights, at his request, and the Permanent Observer of the League of Arab States, at Qatar's request on behalf of the Arab Group.⁽²⁷⁾

Also at Qatar's request in a letter of 12 September,⁽²⁸⁾ the Council decided, by 10 votes to 1 (United States), with 4 abstentions (Australia, Denmark, France, United Kingdom), that an invitation to participate be accorded to a representative of PLO. The invitation, though not made pursuant to rule 37^j or rule 39 of the rules of procedure, conferred on PLO the same rights as those conferred on Member States when invited to participate pursuant to rule 37.

Before the vote, the United States restated its position in opposition to the granting of hearings to persons speaking on behalf of non-governmental entities, except on the basis of rule 39 (see p. 274).

On 13 September, the Council voted on a draft resolution,⁽²⁹⁾ submitted by Burkina Faso, Egypt, India, Madagascar, Peru, and Trinidad and Tobago, by which it would have: (1) deplored Israel's repressive measures since 4 August 1985 against the civilian Palestinian population, especially in the West Bank and Gaza, and expressed concern that persistence in applying such measures would lead to further deterioration of the situation; (2) called on Israel to stop those measures, release all detainees and refrain from further deportations; and (3) abide scrupulously by the provisions of the fourth Geneva Convention. The voting was as follows:

In favour: Burkina Faso, China, Egypt, India, Madagascar, Peru, Thailand, Trinidad and Tobago, Ukrainian SSR, USSR.

Against: United States.

Abstaining: Australia, Denmark, France, United Kingdom.

Owing to the negative vote of a permanent Council member., the draft was not adopted.

The United States said it could not support a text which singled out for condemnation Israeli policies in the West Bank and Gaza without equally condemning and calling for a halt to the terrorist acts against Israeli civilians and officials there which had provoked those policies. One-sided resolutions encouraged the spiral of violence by hardening attitudes; the draft undercut the Council's ability to play a positive role in resolving the problems by exacerbating an already volatile situation.

Australia would have preferred recognition in the draft of the regrettable escalation of violence

in the territories rather than a focus solely on the actions of one party. The draft also contained unbalanced and in some cases less than fully accurate reflections of the situation in its relation to the fourth Geneva Convention.

Denmark feared that the draft might hamper moves towards negotiations on the Arab-Israeli conflict; in its view, it did not take adequately into account that a continuation of the cycle of violence and countermeasures could only undermine the necessary basis of dialogue and trust essential for constructive negotiations.

The United Kingdom indicated that, although it was unhappy about certain aspects of Israel's conduct, it was not satisfied that paragraph 2 conformed with the occupying Power's legal obligations and would have welcomed a balanced reference calling for an end to violence by all parties. Only if calm was restored to the West Bank would it be possible to move the peace process forward; however, suggestions on those lines, it said, were not taken up.

France deplored the constraints which the revived special legislation dating from the time of the British Mandate imposed on the population of the territories; nevertheless, only a cessation of violence, from whatever source, would make it possible to restore the climate of confidence indispensable to dialogue. France also remarked that, according to information at its disposal, some of the recent Israeli measures were not in keeping with the fourth Geneva Convention; the draft, however, suggested that all those measures were contrary to the Convention.

The USSR rejected any attempt to equate the occupiers with the inhabitants of the territories who were resisting occupation; any talk of a cycle of violence was out of place. It was Israel that had established conditions of terror, opening fire on defenceless Palestinians, carrying out mass arrests, imposing curfews and threatening deportation. It was high time that the Council took the strictest measures to put an end to such activities.

Although the draft had failed of adoption, stated Qatar for the Arab Group, it had given support to the Palestinians in the territories and would encourage them.

The Syrian Arab Republic stressed that the right to struggle for liberation was legitimate and enshrined in the Charter; all countries under occupation were obliged to use that right. The draft resolution was not commensurate with the gravity of the situation; it should have explicitly condemned Israel for its acts of individual terrorism, mass punishment and killing of innocent people.

The measures called for in the draft were the least the Council could expect of any State,

ⁱSee footnote a on p. 274.

^jSee footnote b on p. 274.

Burkina Faso and Jordan believed. Adoption of the text should be a reflection of the Council's concern over the worsening of security in the area, Peru said.

PLO said the occupied territories had been witnessing a marked escalation of Israel's "iron list" policy, designed to suppress Palestinian mass resistance since 4 August, when Israel had adopted a set of oppressive laws and procedures. The deportation law gave the military governor absolute authority to deport whomever he wanted and for any reason he deemed fit. Although additions to those laws granted appeal rights before the military courts, they were not binding on the military governor, and invoking them so far had failed to have rescinded any expulsion decisions. Since 28 August, administrative detention had been imposed on dozens of Palestinians, especially trade unionists and university students. Most of the territories were subjected to a curfew and armed settlers intensified their aggression against Palestinians, destroying their homes and property. At Al-Khalil (Hebron) and Gaza, groups of Palestinians had been fired on and large numbers attacked, beaten and arrested. That escalation was preceded by Israeli statements threatening PLO headquarters and offices, including those at Amman and in Tunisia. The occupation authorities also closed down a press office in Jerusalem, and on 12 September the Israeli Supreme Court expelled freedom fighters. A legislative bill was soon introduced to execute Palestinian freedom fighters. Israel's recent oppressive practices called not only for condemnation and denunciation by the Council but for measures to end them and redress their consequences.

In Israel's view, the Council had been convened not merely for an absolutely preposterous and irrelevant reason, but with a distortion, because those very people who had been engaged in mass killings and attacks, in deliberate and systematic murder, were usurping its meaning and purpose. It was not a mighty Israel attacking defenceless Palestinians, but it was defenceless Israeli civilians who were being remorselessly attacked by PLO terrorists, Israel responded. In the past year, PLO murderers had attempted dozens of times to blow up, shoot, stab and mutilate Israeli citizens. Israel had made it clear that it would not tolerate the establishment of new terror bases on its borders; it had taken steps to apprehend the killers and their collaborators and to prevent them from committing further atrocities. The steps included the detention of suspected terrorists and, in a few cases, selective deportation; contrary to the allegations, those actions were fully legal under the fourth Geneva Convention.

Opening the Council debate, Qatar, for the Arab Group, charged that Israel's recent practices- which Israel justified as a response to

Palestinian resistance-were but one link in a chain of crimes against the Palestinians, aimed at emptying their territories in order to create a Jewish State on Palestinian soil.

Several speakers, among them Egypt, India, Madagascar, Qatar for the Arab Group, Thailand, Trinidad and Tobago, and the Ukrainian SSR, believed that Israel's "iron list" policy was responsible for the worsening situation in the territories and that it was not in accordance with international law, in particular the fourth Geneva Convention. They called for Council action to end that policy which, they believed, threatened international peace and security. Persistence in that policy, Egypt, Jordan and others warned, obstructed peace efforts under way and would lead to even more tension and turmoil.

India said the situation could assume tragic proportions unless the international community restrained Israel and made it discharge its obligations under international conventions that dictated civilized behaviour for occupying Powers towards the people of occupied territories.

Rather than implement its avowed intention to respond to the activities of Israeli extremists, Egypt said, Israel expelled, arrested, oppressed and persecuted the peaceful inhabitants of the territories. Israel must punish the settlers for their actions and remove them from the territories. One of the basic conditions for a settlement of the problem was a feeling of trust among the Palestinians; unfortunately, the conduct of the occupying authorities failed to provide the framework for such a settlement.

Recent Israeli actions could frustrate the attainment of a settlement, Trinidad and Tobago feared; if those actions were considered within the context of expropriation of land and the establishment of settlements, that would seem to indicate that the Israeli authorities were instituting a programme to change the very character of the territories and further frustrate the just aspirations of the Palestinians.

Israel's decision to carry out administrative detentions and deportations was in violation of the fourth Geneva Convention and should be repealed immediately, said China. Israel must stop its repression and intimidation against the Palestinians and other Arab peoples and ensure them their right to existence, and the Council should support them in that regard.

The Syrian Arab Republic called on the Council to reaffirm that, under the fourth Geneva Convention, expulsion and deportation, whether individual or collective, were war crimes, as was, under the Convention and its Additional Protocol I, the transfer of foreign settlers to the occupied territories.

With its repressive measures in the territories and threats of military action against countries harbouring PLO offices, Burkina Faso said, Israel was seeking totally to destroy the will of the population to resist.

The escalating provocation against the Palestinians had reached such a level that groups of Israeli fanatics, led by a member of the Knesset, had called publicly for the expulsion of all Palestinians from the West Bank and the Gaza Strip, Jordan stated; the only solution to their suffering was an end to occupation and the establishment of a just and comprehensive peace.

Madagascar said the Israeli authorities, rather than confining themselves to police measures to keep peace and maintain order, chose faithful to their policies of escalation and expansion-military or paramilitary operations. No imperatives of security or public order could legitimize Israel's practices, since the incidents invoked to justify those practices derived from Israel's persistence in intensifying its settlements policy; Palestinian opposition to military occupation could not be described as terrorism except by the occupying Power itself.

Peru urged an end to the measures against the civilian population and called on the occupying forces strictly to observe the fourth Geneva Convention.

In Thailand's opinion, the burden of proof should not rest on the territories' population, but on the occupying authorities; Israel had to prove beyond doubt that no measure prohibited by the fourth Geneva Convention had been taken against the Palestinians. The prolonged occupation was responsible for the actions cited by Israel as the cause for its repressive measures.

Of the adult population in Palestinian refugee camps, 87 per cent had been subject to arrest or detention, the Ukrainian SSR charged; the most recent wave of repression was aimed at creating an atmosphere of terror among the Palestinians, forcing them to leave their ancestral homes to create so-called living space for the Israeli settlers.

Iran called for a united Islamic front to defeat the Zionist enemy.

The Permanent Observer of the League of Arab States said the prospects for a just and comprehensive peace in the area were undermined if there was a certain level of permissiveness for one single settler. Inherent in the situation were incalculable dangers, with crisis-management becoming more and more difficult and ultimately impossible, and with polarization reaching acute dimensions which could threaten not only peace in the region, but the basic rights of peoples everywhere.

Israel's measures were taken in an atmosphere of growing provocation by Jewish settlers, provocation that had even been denounced by some

of the occupying authorities and was clearly aimed at forcing the local population to emigrate, said the Chairman of the Committee on Palestinian rights. Violence would only increase and the situation would continue to deteriorate until the rights of the Palestinians had been fully recognized. The United Nations had the responsibility to ensure the fulfilment of those rights, as well as the physical protection of the Palestinians and other peoples of the region. It was up to the Council to give effect to the Committee's 1976 recommendations(s) and the recommendations adopted at the 1983 International Conference on the Question of Palestine.⁽³⁰⁾

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted, by recorded vote, resolution 40/161 D on the report of the Committee on Israeli practices.

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and by the principles and provisions of the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, as well as of other relevant conventions and regulations,

Recalling all its resolutions on the subject, in particular, resolutions 32/91 B and C of 13 December 1977, 33/113 C of 18 December 1978, 34/90 A of 12 December 1979, 35/122 C of 11 December 1980, 36/147 C of 16 December 1981, 37/88 C of 10 December 1982, 38/79 D of 15 December 1983 and 39/95 D of 14 December 1984,

Recalling also the relevant resolutions adopted by the Security Council, by the Commission on Human Rights, in particular its resolutions 1983/1 of 15 February 1983, 1984/1 of 20 February 1984, 1985/1 A and B of 19 February 1985, and 1985/2 of 19 February 1985, and by other United Nations organs concerned and by the specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which contains, inter alia, self-incriminating public statements made by officials of Israel the occupying Power,

Taking note of the letter dated 29 July 1985 from the Permanent Representative of Jordan addressed to the Secretary-General, concerning the closing down of the Roman Catholic Medical Facility Hospice at Jerusalem,

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its thoroughness and impartiality;

2. Deplores the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. Demands that Israel allow the Special Committee access to the occupied territories;

4. Reaffirms the fact that occupation itself constitutes a grave violation of the human rights of the civilian population of the occupied Arab territories;

5. Condemns the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, and condemns in particular those violations which the Convention designates as "grave breaches" thereof;

6. Declares once more that Israel's grave breaches of that Convention are war crimes and an affront to humanity;

7. Reaffirms, in accordance with the Convention, that the Israeli military occupation of the Palestinian and other Arab territories is of a temporary nature, thus giving no right whatsoever to the occupying Power over the territorial integrity of the occupied territories;

8. Strongly condemns the following Israeli policies and practices:

(a) Annexation of parts of the occupied territories, including Jerusalem;

(b) Imposition of Israeli laws, jurisdiction and administration on the Syrian Golan Heights, which has resulted in the effective annexation of the Syrian Golan Heights;

(c) Illegal imposition and levy of heavy and disproportionate taxes and dues;

(d) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto;

(e) Eviction, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right to return;

(f) Confiscation and expropriation of private and public Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand and the inhabitants or institutions of the occupied territories on the other;

(g) Excavation and transformation of the landscape and the historical, cultural and religious sites, especially at Jerusalem;

(h) Pillaging of archaeological and cultural property;

(i) Destruction and demolition of Arab houses;

(j) Collective punishment, mass arrests, administrative detention and ill-treatment of the Arab population;

(k) Ill-treatment and torture of persons under detention;

(l) Interference with religious freedoms and practices as well as family rights and customs;

(m) Interference with the system of education and with the social and economic and health development of the population in the occupied Palestinian and other Arab territories;

(n) Interference with the freedom of movement of individuals within the occupied Palestinian and other Arab territories;

(o) Illegal exploitation of the natural wealth, resources and population of the occupied territories;

9. Condemns also the Israeli repression against and closing of the educational institutions in the occupied Syrian Golan Heights, particularly the prohibition of Syrian textbooks, Syrian educational system, the deprivation of Syrian students from pursuing their higher education in Syrian universities, the denial of

the right to return to Syrian students receiving their higher education in the Syrian Arab Republic, the forcing of Hebrew on Syrian students, the imposition of courses that promote hatred, prejudice and religious intolerance and the dismissal of teachers, all in clear violation of the Geneva Convention;

10. Strongly condemns the arming of Israeli settlers in the occupied territories to commit acts of violence against Arab civilians and the perpetration of acts of violence by these armed settlers against individuals, causing injury and death and wide-scale damage to Arab property;

11. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or legal status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations;

12. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 8, 9 and 10 above;

13. Calls upon Israel, the occupying Power, to take immediate steps for the return of all displaced Arab and Palestinian inhabitants to their homes or former places of residence in the territories occupied by Israel since 1967, in implementation of Security Council resolution 237(1967) of 14 June 1967;

14. Urges international organizations, including the specialized agencies, in particular the International Labour Organisation, to examine the conditions of Arab workers in the occupied Palestinian and other Arab territories, including Jerusalem;

15. Reiterates its call upon all States, in particular those States parties to the Geneva Convention, in accordance with article 1 of that Convention, and upon international organizations, including the specialized agencies, not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including those in the field of aid, which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

16. Requests the Special Committee, pending early termination of Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

17. Requests the Special Committee to continue to investigate the treatment of civilians in detention in the Arab territories occupied by Israel since 1967;

18. Condemns Israel's refusal to permit persons from the occupied territories to appear as witnesses before the Special Committee and to participate in conferences and meetings held outside the occupied territories;

19. Requests the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, with a view to investigating the

Israeli policies and practices referred to in the present resolution;

(b) To continue to make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(d) To report to the General Assembly at its forty-first session on the tasks entrusted to him in the present paragraph;

20. Requests the Security Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories;

21. Calls upon Israel, the occupying Power, to allow the reopening of the Roman Catholic Medical Facility Hospice at Jerusalem in order to continue to provide needed health and medical services to the Arab population in the city;

22. Decides to include in the provisional agenda of its forty-first session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

General Assembly resolution 40/161 D

16 December 1985 Meeting 118 109-2-34 (recorded vote)

Approved by SPC (A/40/890) by recorded vote (90-3-27), 8 November (meeting 27); draft by Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Kuwait for the Arab Group, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Qatar, Senegal (A/SPC/40/L.11); agenda item 75.

Financial implications. 5th Committee, A/40/972; S-G, A/C.5/40/46, A/SPC/40/L.15.

Meeting numbers. GA 40th session: SPC 16-23, 27; 5th Committee 51; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel. United States.

Abstaining: Australia, Austria, Bahamas, Belgium, Cameroon, Canada, Costa Rica, Denmark, Dominica, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Grenada, Iceland, Ireland, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Portugal, Saint Lucia, Saint Vincent and the Grenadines, Swaziland, Sweden, United Kingdom, Zaire.

Paragraphs 6 and 21 were adopted by separate recorded votes both in plenary meeting and in

Committee. The Assembly adopted paragraph 6 by 85 votes to 19, with 37 abstentions, and paragraph 21 by 136 to 1, with 7 abstentions; the respective Committee votes were 79 to 18, with 23 abstentions, and 117 to 1, with 3 abstentions.

Israel said the charges in the text were unfounded and in certain cases mere figments of imagination. Paragraph 9, for example, gave a wholly distorted picture of the educational system in the Golan Heights. The most shocking aspect of the whole text was paragraph 6; breaches that were war crimes and an affront to humanity might be the proper terms for PLO crimes but to use them against the Israeli people was an abominable offence.

The United States considered that such unbalanced texts served only to widen differences and inflame an already embittered situation. The United States also objected to the expense imposed on the budget as an unwise diversion of scarce resources. Paragraph 21, on, which it had abstained, lacked due regard for the fact that the Hospice was the property of the Austrian Catholic Church, whose wish to return it to its original function as a pilgrims' hostel had been one of the factors in the decision to close it.

Austria supported particularly paragraph 21, but could not accept certain formulations in the text overall, though it agreed with its basic thrust.

Sweden believed that the text went beyond the Assembly's competence, and it was not convinced that all the formulations in paragraph 8 were fully justified by proven facts.

Since Israel had challenged what had been stated in the Special Committee's report, Mexico believed it would be a good idea for it to grant the Committee all the facilities necessary to discharge its duties in an impartial and objective way, and permit it to visit the territories.

Fourth Geneva Convention

The General Assembly and the Commission on Human Rights reaffirmed in 1985 that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (fourth Geneva Convention), was applicable to the Israeli-occupied territories.

Action by the Commission on Human Rights. In a 19 February 1985 resolution on human rights violations in the occupied territories,⁽³¹⁾ the Commission on Human Rights condemned Israel's failure to acknowledge the applicability of the Convention to the occupied territories, including Jerusalem, expressed deep concern at the consequences and urged all States parties to ensure Israel's compliance.

GENERAL ASSEMBLY ACTION

On 16 December, on the recommendation of the Special Political Committee, the General Assembly adopted, by recorded vote, resolution 40/161 B on the report of the Committee on Israeli practices.

The General Assembly,

Recalling Security Council resolution 465(1980) of 1 March 1980, in which, *inter alia*, the Council affirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling also its resolutions 3092 A (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 31/106 B of 16 December 1976, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978, 34/90 B of 12 December 1979, 35/122 A of 11 December 1980, 36/147 A of 16 December 1981, 37/88 A of 10 December 1982, 38/79 B of 15 December 1983 and 39/95 B of 14 December 1984,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention,

Noting that Israel and the Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to the Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Condemns once again the failure of Israel, the occupying Power, to acknowledge the applicability of that Convention to the territories it has occupied since 1967, including Jerusalem;

3. Strongly demands that Israel acknowledge and comply with the provisions of that Convention in the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem;

4. Urgently calls upon all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with its provisions in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

5. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/161 B

16 December 1985 Meeting 118 137-1-6 (recorded vote)

Approved by SPC (A/40/890) by recorded vote (114-1-5), 8 November (meeting 27); draft by Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Kuwait for the Arab Group, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Qatar, Senegal (A/SPC/40/L.9); agenda item 75.

Meeting numbers. GA 40th session: SPC 16-23, 27; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Cameroon, Ivory Coast, Liberia, Malawi, United States, Zaire.

Paragraph 1 was adopted separately in the plenary Assembly and in Committee, by a recorded vote of 139 to 1, with 4 abstentions, and of 117 to 1, with 2 abstentions, respectively.

The United States said it had requested a separate vote to reiterate its view that the Convention, a landmark in ameliorating for civilian populations some of the rigours of war and military occupation, applied to the Israeli-occupied territories; the Convention's provisions must be fairly and consistently applied, without regard to the nature and causes of the underlying conflict that had resulted in the occupation. With regard to the text as a whole, however, the United States believed it to be another instance where condemnation of Israel retarded rather than promoted a solution; in addition, it considered the phrase "Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem", which appeared also in the other texts under the agenda item, as being merely demographically and geographically descriptive, and not indicative of sovereignty.

Israel said its position concerning the applicability of the Convention had been made clear; it abided by its humanitarian provisions and by the Hague Regulations annexed to the Hague Convention of 1907 respecting the laws and customs of war on land.

Sweden expressed the firm conviction that the fourth Geneva Convention was fully applicable to all Israeli-occupied territories.

Iran noted that the text contained certain phrases implying recognition of the Zionist base occupying Palestine which were inconsistent with its official position.

Palestinian detainees

Communications. In a letter of 16 January 1985 mainly dealing with Israel's plan to withdraw from Lebanon (see p. 297), transmitted by Egypt,⁽³²⁾

PLO expressed grave concern for the future of the detainees at the Al-Ansar detention camp in southern Lebanon, where Israeli occupation forces were detaining more than 300 Palestinians.

In a letter of 19 March⁽³³⁾ charging Israel with acts of repression against Palestinians in the occupied territories, the Chairman of the Committee on Palestinian rights expressed concern at reports of the continued detention and treatment of 35 youths arrested on 31 January during a raid on the Dheisheh refugee camp in the West Bank. In addition, some 300 Palestinians from the West Bank had been detained at Fara's prison since January.

By a letter of 1 April⁽³⁴⁾ dealing mainly with attacks on the Palestinian refugee camps Ein el-Hilweh and Mieh Mieh in Lebanon (see p. 312), transmitted by the United Arab Emirates, PLO charged that on 30 March six Palestinians on board a Lebanese ship had been abducted and taken to Israel.

By a letter of 4 April,⁽³⁵⁾ Lebanon condemned the recent transfer of more than 1,000 Lebanese and Palestinian prisoners from the Al-Ansar detention camp to some prisons inside Israel (see p. 301). Concern about the transfer was also expressed by PLO in a letter of 3 April, transmitted by the United Arab Emirates.⁽³⁶⁾ The PLO Chairman stated that he would appreciate hearing from the Secretary-General about the fate of the six Palestinians abducted from the Lebanese vessel.

By a letter of 8 August,⁽⁹⁾ the Acting Chairman of the Committee on Palestinian rights expressed utmost concern at recent Israeli policies affecting the rights of the Palestinians. According to press reports, the Israeli Cabinet had voted on 4 August to reinstate administrative detention without trial and deportation of persons considered "security risks". The Cabinet also had decided to expand prisons in the occupied territories.

Qatar, as Chairman of the Arab Group, transmitted letters of 3, 6 and 10 September from PLO,⁽³⁷⁾ charging that since 28 August Israel had been carrying out a massive campaign of arrests against Palestinians from all areas of the territories. Three of the 56 arrested as of 3 September—two trade unionists and a student leader—had been served with deportation notices. By 6 September, the number of Palestinians arrested under the reimposed detention law was well beyond 100, among them 50 trade unionists, with 15 facing detention, PLO said. On 9 September, 20 more had been detained. If 15 others who had been served with deportation notices were deported, it would be in flagrant violation of the 1948 Universal Declaration of Human Rights,⁽³⁸⁾ the 1949 Geneva Conventions and United Nations resolutions. It was all part of Israel's 4 August decision to reintroduce administrative detention without

trial and deportations to maximize repression of the Palestinians. Such laws were in contravention of international law and civilized behaviour, PLO said.

By a letter of 11 September,⁽¹¹⁾ the Chairman of the Committee on Palestinian rights stated that, according to recent press reports, Israel had engaged in a massive detention campaign, holding over 50 persons in the West Bank and several in the Gaza Strip. At least three were threatened with deportation. Four Arab youths had been shot and wounded by Israeli soldiers at Hebron. Curfews had been imposed in a number of towns and refugee camps. Those developments, the Chairman stated, could not but further exacerbate tensions and obstruct international efforts to achieve a comprehensive, just and lasting solution to the Palestine question.

Qatar for the Arab Group transmitted a PLO letter of 23 September⁽³⁹⁾ listing 29 Palestinians deported by Israel; 11 of them had appealed to the Supreme Court which, however, had upheld a decision of the military governor. The 18 others were deported without recourse.

Further cases of administrative detention and deportation orders for Palestinians were reported by the Chairman of the Committee on Palestinian rights on 13 November.⁽¹⁷⁾ He said an estimated 104 people were being detained without charge. Protesting such detention, all Palestinian administrative detainees had gone on hunger strike on 14 October, according to press reports, and on 25 October their relatives had held sit-in protests at three Red Cross offices in various towns, expressing concern over prison conditions and demanding that the orders be cancelled; those complaints were supported by four Knesset members.

Kuwait transmitted letters of 24 October⁽¹⁵⁾ and 30 October⁽¹⁶⁾ from PLO, reporting that currently there were 186 Palestinians in various Israeli prisons, that Israel had carried out wide-scale arrests in the Bethlehem area and that four more Palestinians had received deportation orders.

Action by the Commission on Human Rights. The Commission on Human Rights, in a 19 February resolution on human rights violations in the occupied territories,⁽⁴⁰⁾ strongly condemned Israeli practices such as annexation, mass arrests, establishing new settlements, collective punishments, administrative detention, deportation, expropriation, torture under detention and the inhuman conditions in prisons. It called on Israel to release all Arabs detained as a result of their struggle for liberation of their territories and, pending their release, to accord them protection under international instruments concerning treatment of prisoners of war, and to cease torture and ill-treatment of Arab detainees and prisoners.

Condemning Israel for its continued detention of Ziyad Abu Eain, the Commission called on Israel to implement fully an agreement concluded in 1983 between ICRC and Israel for the exchange of prisoners between PLO and Israel, and to release Ziyad Abu Eain and others it continued to detain at Al-Ansar camp, which must be closed under the 1983 agreement.

Report of the Secretary-General. In a September 1985 report on Ziyad Abu Eain and other Palestinians detained by Israel,⁽⁴¹⁾ the Secretary-General said that on 29 March he had requested information from Israel concerning implementation of a 1984 General Assembly resolution⁽⁴²⁾ demanding that prisoners registered with ICRC be freed immediately. On 1 July, Israel had replied that in the light of recent developments, it considered any reference to that resolution as not being pertinent to the Special Political Committee's work.

As reported by the international press, the Secretary-General added, Abu Eain was released on 20 May 1985. According to further reports, he was taken into custody on 31 July and issued with an order of administrative detention.

Report of the Committee on Israeli practices. The annual report⁽²¹⁾ of the Committee on Israeli practices also contained information relating to the treatment of detainees, including information on prison conditions and individual prisoners. As an illustration of detention conditions over the entire period of Israeli occupation, the Committee cited the case of Abdul Aziz Shahin from the Gaza Strip who had spent 15 years in Israeli prisons; upon completion of his sentence, he was released but put under house arrest and eventually expelled while proceedings were still under way in an effort to protect his right to live in his homeland.

The Committee also examined the situation resulting from the release of 1,150 prisoners in May 1985, a large number of which were Palestinians held in Israeli prisons. Some 600 of those released remained in the occupied territories, which provoked a concentrated campaign of violence and harassment by Israeli settlers.

Following a series of attacks on Jewish civilians in Israel and in the territories, the Attorney General was asked on 25 July to consider ways of imposing harsher penalties on persons responsible for terrorist acts against civilians. Among the measures considered were increased patrols and road-blocks, searches of suspects' homes and special actions by security services, police and civil defence units. On 29 July, the Israeli Cabinet set up a ministerial team headed by the Defence Minister to examine legal aspects of the possibility of imposing the death penalty on terrorist-murderers, deporting inciters and resorting again to administrative arrests.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/161 A on the report of the Committee on Israeli practices, by recorded vote.

The General Assembly,

Recalling its resolutions 38/79 A of 15 December 1983 and 39/95 A of 14 December 1984,

Taking note of the report of the International Committee of the Red Cross of 13 December 1983,

Taking note also of the report of the Secretary-General of 30 September 1985,

Taking note further of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,

1. Calls upon Israel to release all Arabs arbitrarily detained and/or imprisoned as a result of their struggle for self-determination and for the liberation of their territories;

2. Notes the initial release of Ziyad Abu Eain, among others, from prison on 20 May 1985;

3. Deplores the Israeli subsequent arbitrary detention of Ziyad Abu Eain and others;

4. Demands that the Government of Israel, the occupying Power, rescind its action against Ziyad Abu Eain and others and release them immediately;

5. Requests the Secretary-General to report to the General Assembly as soon as possible and not later than the beginning of its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/161 A

16 December 1985 Meeting 118 95-2-37 (recorded vote)

Approved by SPC (A/40/890) by recorded vote (77-2-29), 8 November (meeting 27); 28-nation draft (A/SPC/40/L.8); agenda item 75.

Sponsors: Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, Democratic Yemen, Djibouti, Egypt, India, Indonesia, Iraq, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nicaragua, Pakistan, Qatar, Saudi Arabia, Senegal, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen.

Meeting numbers, GA 40th session: SPC 16-23, 27; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, German Democratic Republic, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Antigua and Barbuda, Australia, Austria, Bahamas, Belgium, Cameroon, Canada, Costa Rica, Denmark, Dominica, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Iceland, Ireland, Italy, Ivory Coast, Jamaica, Japan, Liberia, Luxembourg, Malawi, Nepal, Netherlands, New Zealand, Norway, Portugal, Saint Lucia, Samoa, Spain, Swaziland, Sweden, United Kingdom, Zaire.

Israel said the text deserved nothing but rejection. Abu Eain was a convicted murderer who, after his release on 20 May within the framework of the 1983 agreement between PLO and ICRC,

had been placed under administrative detention for plotting to commit new criminal acts. Furthermore, under paragraph 1, convicted criminals, even murderers, should be released if they claimed to have fought for self-determination.

Austria also expressed reservations on the wording of paragraph 1, as did Canada and Sweden.

The United States felt that the text appeared implicitly to condone violence; though opposing practices such as administrative detention, it could not support the effort made in the text to excuse acts of terrorism.

Greece and Spain believed that the wording of paragraphs 1 and 4 was vague and could lead to misinterpretation incompatible with international law.

Iran remarked that certain paragraphs contained phrases which implied recognition of the Zionist philosophy on recognition of Israel and, therefore, was inconsistent with its position.

The Libyan Arab Jamahiriya had reservations about any reference that could be interpreted as implying a willingness to recognize Israel or its occupation of the territories.

Argentina expressed concern that some references could give rise to erroneous interpretations. Mexico also believed some paragraphs might have been better worded.

Introducing the text, the Sudan said the increased number of detainees, a large number of whom were held in custody for long periods without charge or arraignment in court, and the circumstances under which they lived made it imperative that the international community attach due importance to the issue.

Israeli settlements policy

Israel's policy of establishing settlements in the occupied territories and incidents involving Israeli settlers were the subject of several communications. According to information before the Committee on Israeli practices, Israelis continued to establish settlements, expropriate Palestinian property and encourage directly or indirectly the Palestinian population to leave the territories. A number of speakers during the Security Council's consideration in September of the situation in the occupied territories (see p. 329) held the settlements policy, among other Israeli practices, to a large degree responsible for the escalation of violence.

Communications. On 15 January 1985,⁽⁴³⁾ the Chairman of the Committee on Palestinian rights brought to the Secretary-General's attention reports of action taken by Israel aimed at annexing the occupied territories of the West Bank. On 10 January, Israel had approved sites for six new Jewish settlements, each said to cost \$1 million,

in the northern part of the West Bank, the Hebron area, the Jordan Valley and the Jerusalem area. As on previous occasions, the Committee noted, there had been public and parliamentary questioning of the decision within Israel itself. In December 1984, the Deputy Prime Minister and Foreign Minister of Israel reportedly had requested the establishment of 20 others. During the previous six years, the Committee noted, some 100 new settlements had been established in the territories notwithstanding their illegality and the censure of numerous United Nations resolutions.

By a letter of 15 March,⁽⁴⁴⁾ Jordan informed the Secretary-General of Israeli settlement activity, including confiscation of Arab lands, in the occupied territories during the last three months of 1984. Jordan reported such activity from January to May 1985 in a 9 July letter;⁽⁴⁵⁾ during that period, nine settlements were established in the West Bank and the Gaza Strip and some 40.3 million square metres of land were confiscated. According to published information, settlers in the West Bank amounted to 42,600 by the end of 1984, distributed over 114 settlements.

By a letter of 19 March charging Israel with renewed acts of repression against Palestinians,⁽⁴⁾ the Chairman of the Committee on Palestinian rights also expressed grave concern at the continued establishment of Israeli settlements in the occupied territories. According to a press report, the Israeli Housing Ministry had begun the construction of three permanent settlements: Azmona, on the Gaza shore; Kaddim, in the northern West Bank; and Na'an, in the Jordan Rift Valley. Settlers were already living in all three.

By a letter of 29 March,⁽⁴⁶⁾ the Committee Chairman drew attention to statements by Israeli officials concerning settlements in the West Bank and Gaza, as reported in the Israeli press. On 21 March, the Defence Minister had assured Jewish settlers in the Katif area in the Gaza Strip that the area must remain an inseparable part of Israel, having been always part of the biblical Land of Israel. A similar statement with regard to the Jordan Valley was attributed to the Israeli Prime Minister. Such statements, the Committee said, were yet a further confirmation of Israel's annexation policy which violated its Charter obligations and the fourth Geneva Convention, endangered peace and security, and undermined international peace efforts.

Kuwait transmitted a letter of 24 October from PLO,⁽¹⁵⁾ charging that Israeli settlers on 22 October had attacked 13 Palestinian motorists between the Gaza Strip and the West Bank. In the Gaza Strip, 16 Palestinian homes were destroyed under the pretext of having been built without planning permission and 20 acres of agricultural land belonging to Palestinians had been ex-

propriated in Khan Younis to establish a new settlement; a government decision disclosed plans to do the same with lands from the village of Bidya in the West Bank.

Report of the Committee on Israeli practices. Israel's settlements policy and the activities of its settlers in the occupied territories were also dealt with by the Committee on Israeli practices.⁽²¹⁾ According to information before the Committee, measures continued to be taken to establish settlements, expropriate Palestinian property and encourage directly or indirectly the Palestinian population to leave the territories. Among those actions, the Committee cited the occupation during August 1985 by Israeli government members of a Palestinian house at Hebron, with the express purpose of asserting the pretended Israeli right to settle and take over the occupied territory. Considerable amounts continued to be allocated: in May, the Finance Committee of the Knesset set aside approximately \$146 million for the creation of two new settlements in the West Bank and about \$375 million to strengthen the infrastructure of existing ones in the West Bank and the Gaza Strip. The Israeli trade union, Histadrut, up to May, had invested \$100 million for construction and infrastructure in West Bank settlements. It had been reported that, by April 1985, Israeli authorities had gained control over 52 per cent of the land in the West Bank.

GENERAL ASSEMBLY ACTION

On 16 December, on the recommendation of the Special Political Committee, the General Assembly adopted, by recorded vote, resolution 40/161 C on the report of the Committee on Israeli practices.

The General Assembly,

Recalling Security Council resolution 465(1980) of 1 March 1980,

Recalling also its resolutions 32/5 of 28 October 1977, 33/113 B of 18 December 1978, 34/90 C of 12 December 1979, 35/122 B of 11 December 1980, 36/147 B of 16 December 1981, 37/88 B of 10 December 1982, 38/79 C of 15 December 1983 and 39/95 C of 14 December 1984,

Expressing grave anxiety and concern at the present serious situation in the occupied Palestinian and other Arab territories, including Jerusalem, as a result of the continued Israeli occupation and the measures and actions taken by Israel, the occupying Power, designed to change the legal status, geographical nature and demographic composition of those territories,

Confirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all Arab territories occupied since June 1967, including Jerusalem,

1. Determines that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, are in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and constitute a serious

obstacle to the efforts to achieve a comprehensive, just and lasting peace in the Middle East and therefore have no legal validity;

2. Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories, including Jerusalem;

3. Demands that Israel comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention;

4. Demands once more that Israel, the occupying Power, desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;

5. Urgently calls upon all States parties to the Geneva Convention to respect and to exert all efforts in order to ensure respect for and compliance with its provisions in all Arab territories occupied by Israel since 1967, including Jerusalem;

6. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/161 C

16 December 1985 Meeting 118 138-1-6 (recorded vote)

Approved by SPC (A/40/890) by recorded vote (118-1-2), 8 November (meeting 27); draft by Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Kuwait for the Arab Group, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Qatar, Senegal (A/SPC/40/L.10); agenda item 75.

Meeting numbers. GA 40th session: SPC 16-23, 27: plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Costa Rica, Grenada, Ivory Coast, Malawi, Saint Lucia, United States

In Israel's view, it was fully entitled to enhance the security of the territories through the establishment of agricultural and urban centres; there was no legal justification for prohibiting Jews from living in the territories of the former British Mandate or in other areas.

The United States believed that the text diverted attention from the basic question of whether the settlements advanced or hindered a just and lasting peace.

Sweden believed that Israel could improve peace prospects by dismantling the settlements.

Iran had reservations about certain phrases in the text, which, it felt, implied recognition of Israel.

Golan Heights

In 1985, developments in the Golan Heights—a part of the Syrian Arab Republic occupied by Israel since 1967—brought action by the General Assembly and the Commission on Human Rights.

Action by the Commission on Human Rights. By a resolution of 19 February 1985,⁽⁴⁷⁾ the Commission on Human Rights declared that Israel's 1981 decision⁽⁴⁸⁾ to impose its laws, jurisdiction and administration on the occupied Golan Heights, which had resulted in effective annexation, was null and void and gravely violated international law and the United Nations Charter, and called on Israel to rescind it. The Commission strongly deplored the negative vote and pro-Israeli position of a permanent Security Council member which had prevented the Council from adopting appropriate measures against Israel. It deplored the practices against Syrian citizens in the Golan Heights and called on Israel to cease its acts of terrorism against them in order to impose Israeli citizenship on them and force them to carry Israeli identity cards. The Commission reaffirmed its request to Member States not to recognize any jurisdiction, laws or measures by Israel in respect of occupied Syrian and other Arab territories. It emphasized the necessity of total and unconditional Israeli withdrawal from all Palestinian and Syrian territories as an essential prerequisite for the establishment of a Middle East peace.

Report of the Secretary-General. In September,⁽⁴⁹⁾ the Secretary-General reported on action taken pursuant to a 1984 Assembly resolution⁽⁵⁰⁾ calling on Israel to desist from repressive measures against the population of the Syrian Arab Golan Heights. In a 1 July reply to a note verbale he had sent on 29 March asking Israel what steps it had taken or envisaged to implement the resolution, Israel referred to its stated position as set out in a letter of 29 December 1981.⁽⁵¹⁾ In addition, replies to a note verbale of 9 April 1985 to other Member States asking for information on measures they might have taken in implementation of the 1984 resolution, received from Czechoslovakia, Gabon, Poland, the Ukrainian SSR and the USSR, were annexed to the Secretary-General's report.

GENERAL ASSEMBLY ACTION

On 16 December, on the recommendation of the Special Political Committee, the General Assembly adopted, by recorded vote, resolution 40/161 F on the report of the Committee on Israeli practices.

The General Assembly,

Deeply concerned that the Arab territories occupied since 1967 have been under continued Israeli military occupation,

Recalling Security Council resolution 497(1981) of 17 December 1981,

Recalling also its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983 and 39/95 F of 14 December 1984,

Having considered the report of the Secretary-General of 18 September 1985,

Recalling its previous resolutions, in particular resolutions 3414(XXX) of 5 December 1975, 31/61 of 9 December 1976, 32/20 of 25 November 1977, 33/28 and 33/29 of 7 December 1978, 34/70 of 6 December 1979 and 35/122 E of 11 December 1980, in which it, *inter alia*, called upon Israel to put an end to its occupation of the Arab territories and to withdraw from all those territories,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Golan Heights, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the Charter of the United Nations and that all territories thus occupied by Israel must be returned,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly Council resolution 497(1981), in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian "Golan Heights was null and void and without international legal effect and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Golan Heights are null and void and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Strongly condemns Israel for its attempts and measures to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Arab Golan Heights and calls upon it to desist from its repressive measures against the population of the Syrian Arab Golan Heights;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. Requests the Secretary-General to submit to the General Assembly at its forty-first session a report on the implementation of the present resolution.

General Assembly resolution 40/161 F

16 December 1985 Meeting 118 136-1-10 (recorded vote)

Approved by SPC (A/40/890) by recorded vote (114-1-6), 8 November (meeting 27); draft by Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Kuwait for the Arab Group, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Qatar, Senegal (A/SPC/40/L.13); agenda item 75.

Meeting numbers. GA 40th session: SPC 16-23, 27: plenary 118.

Recorded vote in Assembly as follow:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia; Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao people's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique Nepal, Netherlands New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Cameroon, Come Rica, Grenada, Ivory Coast, Liberia, Malawi, Saint Lucia, Swaziland, United States, Zaire.

Israel found the text unacceptable, adding that under Syrian administration the Golan area had been a peripheral region with no local judicial system; the application of Israeli laws endowed the area with normal legal guarantees and due process, thus favouring its development.

The United States felt that the text went beyond the 1981 Security Council resolution,⁽⁵²⁾ which was the authoritative United Nations action on Israel's decision to impose its laws, jurisdiction and administration in the Golan Heights.

Sweden pointed out that its support of the text did not alter its negative stand on the 1982 Assembly resolution on the Golan Heights and other Israeli-occupied territories.⁽⁵³⁾

Also on 16 December, under the agenda item on the Middle East, the General Assembly adopted resolution 40/168 B by recorded vote.

The General Assembly,

Having discussed the item entitled "The situation in the Middle East",

Eking note of the report of the Secretary-General of 22 October 1985.

Recalling Security Council resolution 497(1981) of 17 December 1981,

Reaffirming its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19 December 1983 and 39/146 B of 14 December 1984,

Recalling its resolution 3314(XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian and other Arab territories, including Jerusalem,

Noting that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting further that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497(1981), thus failing to carry out its obligations under the Charter,

1. Strongly condemns Israel for its failure to comply with Security Council resolution 497(1981) and General Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A and 39/146 B;

2. Declares once more that Israel's continued occupation of the Golan Heights and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314(XXIX);

3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights is illegal and therefore null and void and has no validity whatsoever;

4. Declares all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Golan Heights are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. Determines once more that the continued occupation of the Syrian Golan Heights since 1967 and their annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. Strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497(1981) unanimously adopted by the Council;

9. Further deplores any political, economic, financial, military and technological support to Israel that encourages Israel to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of occupied Arab territories;

10. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdic-

tion and administration on the Syrian Golan Heights, which resulted in the effective annexation of that territory;

11. Reaffirms once more the overriding necessity of the total and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. Determines once more that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273(III) of 11 May 1949;

13. Calls once more upon all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) To sever diplomatic, trade and cultural relations with Israel;

14. Reiterates its call to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. Urges non-member States to act in accordance with the provisions of the present resolution;

16. Calls upon the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/168 B

16 December 1985 Meeting 118 86-23-37 (recorded vote)

30-nation draft (A/40/L.44 & Add.1); agenda item 38.

Sponsors: Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, Democratic Yemen, Djibouti, India, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mongolia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Viet Nam, Yemen, Yugoslavia.

Meeting numbers. GA 40th session: plenary 104-107, 118.

Recorded vote in Assembly as follow?:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Barbados,⁴ Benin, Bhutan, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian SSR, Cape Verde, Chad, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Costa Rica, Denmark, El Salvador, Finland, France, Germany, Federal Republic of, Haiti, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom, United States

Abstaining: Antigua and Barbuda, Austria, Bahamas, Bolivia, Brazil, Burma, Cameroon, Colombia, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Fiji, Grenada, Guatemala, Honduras, Ivory Coast, Jamaica, Liberia, Malawi, Nepal, Panama, Paraguay, Peru, Philippines, Saint Lucia, Saint

Vincent and the Grenadines, Samoa, Sierra Leone, Singapore, Spain, Swaziland, Thailand, Uruguay, Venezuela, Zaire.

⁴Later advised the Secretariat it had intended to abstain.

In the opinion of the United States, the declaration that Israel was not a peace-loving Member State and accusing it of an act of aggression was another polemic which did not advance peace and was not consistent with Security Council resolutions 242(1967)⁽⁵⁴⁾ and 338(1973);⁽⁵⁵⁾ the charges purported to engage the Assembly in matters which under the Charter were expressly reserved to the Council.

Sweden had strong objections in particular to paragraphs 12 to 16, with regard to their substantive content as well as to the fact that they could not be reconciled with the division of responsibilities between the Assembly and the Council. New Zealand regretted the absence in the text of the balance of principles embodied in Council resolutions and of a measured approach essential for securing the co-operation of all parties.

Nepal believed that the diplomatic isolation and economic boycott of Israel, as called for in paragraph 13, could be counter-productive. The Philippines and Singapore said they were unable to support a text that was unbalanced in its condemnation or impinged on the sovereign right of third countries to conduct their own international affairs as they saw fit. In Ecuador's opinion, certain paragraphs affected the principle of the universality of the United Nations and decisions flowing from State sovereignty, which in no circumstances should be subordinated to any decision or urgings of third countries or international organizations.

Bolivia did not agree with certain provisions which, it felt, did not contribute to a Middle East solution. Egypt also found certain elements which it could not approve. The measures proposed in the text, Peru believed, were not liable to prejudice efforts for achieving a solution within the United Nations framework. Implicit in the text was the danger of infringing some of the principles of international law and of an increasing erosion of the Organization's authority and effectiveness. Brazil and Austria did not believe that measures aimed at breaking relations with Israel and leading to its isolation would bring a solution any closer. Brazil added that Israel should not be offered excuses because of its isolation to disregard further the rules of international law.

Turkey found it difficult to reconcile paragraphs 13 and 14 with efforts under way to initiate a long-overdue negotiating process aimed at working out a solution. Argentina and Mexico had serious reservations on paragraphs 12 to 14; paragraph 9 and the eighth preambular paragraph as well, Argentina said, were not

compatible with its foreign policy or with the objective of a comprehensive negotiated solution. Greece, although voting in favour, dissociated itself from paragraphs 8, 13(c), 13(d) and 14.

In resolution 40/161 D, the Assembly condemned Israeli repression against and closing of the educational institutions in the Golan Heights, particularly the prohibition of Syrian textbooks, Syrian educational system, the deprivation of Syrian students from pursuing their higher education in Syrian universities, the denial of the right to return to Syrian students receiving their higher education in the Syrian Arab Republic, the forcing of Hebrew on Syrian students, the imposition of courses promoting hatred, prejudice and religious intolerance, and the dismissal of teachers.

Palestinian officials

Expulsion of Palestinian leaders

In 1985, the General Assembly and the Commission on Human Rights again called on Israel to allow the return of three West Bank officials so that they could resume their functions. Israel had deported the three Palestinian officials in 1980,⁽⁵⁶⁾ on the ground that they had systematically engaged in inciting the local Arab population to acts of violence and subversion, abusing their public offices.

Report of the Secretary-General. In August 1985⁽⁵⁷⁾ the Secretary-General reported on implementation of a 1984 Assembly resolution⁽⁵⁸⁾ demanding that Israel rescind the expulsion of and release from imprisonment the Mayors of Hebron and Halhul, rescind the expulsion of the Sharia Judge of Hebron and facilitate their immediate return.

In its 1 July reply to his note verbale of 29 March 1985, the Secretary-General stated, Israel had reiterated its previously stated position.⁽⁵⁹⁾

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee and in connection with the report of the Committee on Israeli practices, the General Assembly adopted resolution 40/161 E by recorded vote.

The General Assembly,

Recalling Security Council resolutions 468(1980) of 8 May 1980, 469(1980) of 20 May 1980 and 484(1980) of 19 December 1980,

Recalling also its resolutions 36/147 D of 16 December 1981, 37/88 D of 10 December 1982, 38/79 E of 15 December 1983 and 39/95 E of 14 December 1984,

Taking note of the report of the Secretary-General of 14 August 1985,

Deeply concerned at the expulsion by the Israeli military occupation authorities of the Mayor of Halhul, the

Mayor of Hebron who has since died, the Sharia Judge of Hebron and, in 1985, other Palestinians,

Alarmed by the decision of the Israeli military occupation authorities on 26 October 1985 to expel four Palestinian leaders,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in particular article 1 and the first paragraph of article 49, which read as follows:

"Article 1

"The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances."

'Article 49

"Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive . . .",

Reaffirming the applicability of the Geneva Convention to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

1. Strongly condemns Israel, the occupying Power, for its persistent refusal to comply with the relevant resolutions of the Security Council and the General Assembly;

2. Demands that the Government of Israel, the occupying Power, rescind the illegal measures taken by the Israeli military occupation authorities in expelling the Mayor of Halhul, the Sharia Judge of Hebron and, in 1985, other Palestinians and that it facilitate the immediate return of the expelled Palestinians so that they can, inter alia, resume the functions for which they were elected and appointed;

3. Calls upon Israel, the occupying Power, to rescind its illegal decision taken on 26 October 1985 and refrain from deporting the four Palestinian leaders;

4. Further calls upon Israel, the occupying Power, to cease forthwith the expulsion of Palestinians and to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

5. Requests the Secretary-General to report to the General Assembly as soon as possible and not later than the beginning of its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/161 E

16 December 1985 Meeting 118 126-1-19 (recorded vote)

Approved by SPC (A/40/890) by recorded vote (106-1-14), 8 November (meeting 27); draft by Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Kuwait for the Arab Group, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Qatar, Senegal (A/SPC/40/L.12/Rev.1); agenda item 75.

Meeting numbers. GA 40th session: SPC 16-23, 27; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic,

Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel,

Abstaining: Belgium, Cameroon, Canada, Costa Rica, Denmark, Germany, Federal Republic of, Grenada, Iceland, Ivory Coast, Liberia, Luxembourg, Malawi, Netherlands, Norway, Saint Lucia, Swaziland, United Kingdom, United States, Zaire.

Before voting on the text as a whole, the Assembly and the Committee adopted paragraph 1, by recorded votes of 110 to 2, with 33 abstentions, and 98 to 2, with 22 abstentions, respectively.

In Israel's view, the text was unjustified and unacceptable. The authority for expulsion orders flowed from the Defence (Emergency) Regulations of 1945, which had been in force under the British and Jordanian administrations. The expulsions had taken place to protect public order and safety.

The United States faulted the text for not containing a reference to the factors that had contributed to the deportation of the individuals in question; however, it believed that the deportations were contrary to the 1949 fourth Geneva Convention and the deportees should be allowed to return.

Canada said it could not support the language used in paragraph 1.

Prosecution in assassination attempts

In August 1985,⁽⁶⁰⁾ the Secretary-General reported to the General Assembly on implementation of a 1984 Assembly demand⁽⁶¹⁾ that Israel inform him of the results of the investigations and prosecution relative to the 1980 assassination attempts against the Mayors of Nablus, Ramallah and Al Bireh.⁽⁶²⁾

In reply to the Secretary-General's request of 29 March 1985 for relevant information, Israel stated on 1 July that its position concerning the attempts on the lives of the three officials had been fully set out in various statements; recent developments had made any further consideration of the subject inappropriate. On 22 August, Israel had transmitted a summary of an Israeli press bulletin dated 22 July noting that, on 10 July, 15 men had been convicted of terrorism and that the sentences were handed down on 22 July; of those 15 men, 10 were charged with activities leading to the attacks against the mayors. Of the 10, one received life imprisonment and nine received terms from 3 to 10 years, the varying lengths due to charges of additional violations.

Living conditions of the Palestinians

In June 1985,⁽⁶³⁾ the Secretary-General reported on a seminar on remedies for the deterioration of the economic and social conditions of the Palestinian people in the occupied territories (Vienna, 25-29 March), which he had organized pursuant

to a 1984 General Assembly request.⁽⁶⁴⁾ The seminar examined, among other topics, agriculture, industry, trade, the monetary situation, fiscal policies, housing and basic facilities, higher education and welfare. Among the participants were 12 experts, and representatives of PLO, United Nations bodies and the World Health Organization (WHO).

The Economic and Social Council, by decision 1985/174 of 25 July, took note of the Secretary-General's report.

ECWA action. On 24 April, the Economic Commission for Western Asia (ECWA) adopted a resolution⁽⁶⁵⁾ on the economic and social conditions of the Palestinian people under occupation, calling on the Executive Secretary to ensure that all available data on the occupied territories were included in all ECWA studies and statistical abstracts. It also called on him to include studies on economic and social conditions in the territories in the 1986-1987 work programme, and to prepare studies on the population situation, on Israel's settlements policy and on support for the industrial sector, particularly existing industries and the solution of problems from which they suffered, such as those of marketing, finance, manpower and raw materials. ECWA appealed to international and Arab organizations to assist in their preparation and execution.

GENERAL ASSEMBLY ACTION

On 17 December, on the recommendation of the Second Committee, the General Assembly adopted resolution 40/201 by recorded vote.

Living conditions of the Palestinian people in the occupied Palestinian territories

The General Assembly,

Recalling the Vancouver Declaration on Human Settlements, 1976, and the relevant recommendations for national action adopted by Habitat: United Nations Conference on Human Settlements,

Recalling also its resolution 39/169 of 17 December 1984,

Taking note of Commission on Human Settlements resolution 8/3 of 10 May 1985,

Gravely alarmed by the continuation of the Israeli settlement policies, which have been declared null and void and a major obstacle to peace,

Recognizing the need to identify priority development projects needed for improving the living conditions of the Palestinian people in the occupied Palestinian territories,

1. Takes note with concern of the report of the Secretary-General on the living conditions of the Palestinian people in the occupied Palestinian territories;

2. Takes note also of the statement made on 25 October 1985 by the observer of the Palestine Liberation Organization;

3. Rejects the Israeli plans and actions intended to change the demographic composition- of the occupied Palestinian territories, particularly the increase and expansion of the Israeli settlements, and other plans and actions creating conditions leading to the displacement

and exodus of Palestinians from the occupied Palestinian territories;

4. Expresses its alarm at the deterioration, as a result of the Israeli occupation, in the living conditions of the Palestinian people in the Palestinian territories occupied since 1967;

5. Affirms that the Israeli occupation is contradictory to the basic requirements for the social and economic development of the Palestinian people in the occupied Palestinian territories;

6. Requests the Secretary-General:

(a) To organize, by April 1987, a seminar on priority development projects needed for improving the living conditions of the Palestinian people in the occupied Palestinian territories, including a comprehensive general housing programme, as recommended in resolution 8/3 of the Commission on Human Settlements;

(b) To make the necessary preparations for the seminar, providing for the participation of the Palestine Liberation Organization;

(c) To invite experts to present papers to the seminar;

(d) To invite also relevant intergovernmental and non-governmental organizations;

(e) To report to the General Assembly at its forty-first session, through the Economic and Social Council, on the preparations for the seminar;

(f) To report to the General Assembly at its forty-second session, through the Economic and Social Council, on the seminar.

General Assembly resolution 40/201

17 December 1985 Meeting 119 153-2-1 (recorded vote)

Approved by Second Committee (A/40/989/Add.7) by recorded vote (133-2), 11 November (meeting 30); 5-nation draft (A/C.2/40/L.13), orally amended by Vice-Chairman based on informal consultations end by Luxembourg, for EEC; agenda item 84(g).

Sponsors: Bangladesh, Democratic Yemen, Madagascar, Morocco, Tunisia. Financial implications. 5th Committee, A/40/973; S-G, A/C.2/40/L.26, A/C.5/40/47 & Add.1.

Meeting numbers. GA 40th session: 2nd Committee 17, 22, 30; 5th Committee 51; plenary 119.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Grenada.

The United States believed that the text would perpetuate unproductive, if not counter-productive, activities which would in no way resolve the problems or improve the well-being of the Palestinians. It also felt the Secretary-General's

report was slanted. Further, the United States expressed concern about the financial implications of the text which, it felt, would be better spent on helping the Palestinians directly.

Australia also had some misgivings concerning the financial implications; it hoped that the seminar would be held at a time when conference-servicing costs could be kept to a minimum.

Speaking for the EEC member States, Luxembourg said that the budget implications should have been more specific and, as far as possible, the funds should be drawn from existing resources; initiatives to hold seminars should be carefully coordinated in order to avoid multiplication and efforts must be made to have United Nations bodies meet at their headquarters.

The USSR, in explanation of vote also on behalf of Bulgaria, the Byelorussian SSR, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland and the Ukrainian SSR, said they strongly condemned any Israeli action which hindered the attainment of Palestinian rights. Those who gave the Israelis protection were also obstructing peace. All parties to the conflict, including PLO, should be allowed to participate in efforts to find a solution to the Middle East problem.

Iraq stated that the United Nations had been responsible for the partitioning of Palestine; as a result, the Palestinians were living under alien occupation and were threatened with genocide.

Introducing the draft, Democratic Yemen said the living conditions of the Palestinians continued to deteriorate because Israel had been changing the demographic composition of the territories, thus increasing Palestinian emigration. The Palestinians not only lacked full control over land and water, but were subject to constraints on self-generating development.

If Israel was indeed helping the Palestinians and living conditions had improved, PLO remarked, it was not clear why Palestinians were demonstrating and being killed. Progress and development would not be possible until Palestine had been liberated.

PLO said the Secretary-General's report was based partly on Israeli statistics that did not show the real level of deterioration of the Palestinians' living conditions. The occupying authorities had been destroying the Palestinian national economy and making it dependent on Israel. Despite a high birth rate, the population in the West Bank and the Gaza Strip had declined. Expulsion, imprisonment, the suppression of human rights and the denial of permits for the reunification of families, against a background of economic decline, prompted the young and educated to leave.

Israel had appropriated more than 60 per cent of the land and monopolized 90 per cent of the

water resources. Restrictions on Palestinian farming, the dumping of subsidized Israeli agricultural products on the Palestinian market, restrictions on imports and the blocking of several industrial development projects had caused further damage to both the agricultural and industrial sectors. Industrial employment opportunities were quite limited and many Palestinians had to seek employment in the Israeli economy or emigrate.

External trade was also subject to Israeli domination. The territories were a captive market, with 92 per cent of their imports originating in Israel. Israel refused to allow the establishment of Palestinian financial institutions. Inflation had diminished the real value of earnings, discouraged investment and increased unemployment. Taxes imposed by Israel amounted to approximately 33 per cent of the territories' income, and external aid was restricted or prevented, PLO said.

The Secretary-General's report, Israel said, had been prepared in implementation of a resolution referring to the deterioration of the economic and social conditions of the Palestinians, which was tantamount to condemning Israel in advance of any investigation. It was based on the wilful suppression and misuse of statistical data, presenting Israel's policy of socio-economic promotion as cruel oppression. The statistics that it purported to quote revealed that, unlike the rest of the Middle East, the areas under consideration had undergone unparalleled economic and social development.

Israel's comments refuting a number of statements in the report were reproduced in the annex to a 5 November 1985 letter to the Secretary-General.⁽⁶⁶⁾

Israeli economic practices

Report of the Secretary-General. In June 1985,⁽⁶⁷⁾ the Secretary-General submitted a comparative study on Israeli economic practices in the occupied territories and its obligations under international law, as requested by the General Assembly in 1984,⁽⁶⁸⁾ when it had asked him to elaborate on a 1983 report by a legal expert.⁽⁶⁹⁾ In particular, he had been asked to cover in detail the resources exploited by the Israeli settlements and the Israeli-imposed regulations and policies hampering the territories' economic development, including a comparison between Israel's practices and its obligations under international law. As it had not been possible to send a fact-finding mission to the territories, the report had to rely on information from other United Nations reports and available sources. The report covered in particular the land and water resources exploited by Israeli settlements.

With regard to land resources, up to January 1984 Israel had appropriated 40 per cent of the

land in the West Bank and 31 per cent of that of the Gaza Strip; 26 per cent of the West Bank area had been used for Israeli settlements. International law would seem to require that Israel as the occupying Power should not hinder the right of the local population to use freely, control and dispose of their land resources. Israel was also prohibited from taking any lands in the territories for establishing Israeli settlements.

Similar rules applied to water resources, the report stated. Water supply and water resources management in the territories had been under the direct control of the Israeli Water Commission through its Department of Water Allocation and Certification. Israel's policy included measures based on claims of national security requirements, restrictive measures aimed at controlling the search for, and the development and use of, water by the Arab population, and practices resulting in quantitative reduction of and qualitative damage to the water made available to that population. Drilling new artesian wells or deepening existing ones was forbidden without special permits; on no account were Arab inhabitants permitted to drill wells near Israel's borders. In many areas of the West Bank, Arab wells had run dry because Israeli wells had been dug too close to them; similar problems had occurred in the Golan Heights and the Gaza Strip.

ECONOMIC AND SOCIAL COUNCIL ACTION

In July 1985, the Economic and Social Council adopted decision 1985/177 by roll-call vote.

Israeli economic practices in the occupied Palestinian and other Arab territories

At its 52nd plenary meeting, on 25 July 1985, the Council:

(a) Took note, with concern, of the report of the Secretary-General prepared in pursuance of General Assembly decision 39/442 of 18 December 1984;

(b) Requested the Secretary-General to prepare a report on the financial and trade practices of the Israeli occupation authorities in the occupied Palestinian and other Arab territories;

(c) Invited the Secretary-General to, utilize the services of competent United Nations bodies in preparing the report requested in paragraph (b) above;

(d) Requested the Secretary-General to submit the report to the General Assembly at its forty-first session, through the Economic and Social Council.

Economic and Social Council decision 1985/177

49-1 (roll-call vote)

10-nation draft (E/1985/L.50): agenda item 6.

Sponsors: Bangladesh, India, Indonesia, Jordan, Libyan Arab Jamahiriya, Malaysia.

Pakistan, Saudi Arabia, Syrian Arab Republic, Yugoslavia.

Meeting numbers. ESC 43-45, 52.

Roll-call vote in Council as follows:

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Congo, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Guinea, Haiti, Iceland, India, Indonesia, Japan, Lebanon, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia,

Spain, Sri Lanka, Suriname, Sweden, Thailand, Turkey, Uganda, USSR, United Kingdom, Venezuela, Yugoslavia, Zaire, Zimbabwe.
Against: United States.

The United States would have liked to have had a balanced and impartial report, submitted to the competent authority, on the financial and trade practices of the Israeli occupation authorities. Unfortunately, the mandate given to the Secretary-General in the decision would not allow him to prepare such a report.

Jordan considered that the practices of the occupying Power called for the study requested; there were abundant instances in which that Power sought to choke off all economic activity in the territories.

The reason for the decision, said Saudi Arabia in introducing it, was the lack of information in the Secretary-General's report on Israel's financial and trade practices in the territories.

Israel wondered whether it was useful to ask for another report which could be as repetitive as the preceding ones. With regard to its obligations under international law, it stated that the only principle recognized and binding in the circumstances was set out in article 55 of the Hague Regulations annexed to the Hague Convention of 1907 respecting the laws and customs of war on land, under which the occupying State would be regarded as usufructuary of the properties situated in the occupied country.

PLO said that article 55 of the Hague Regulations expressly stated that the occupying State should be regarded only as administrator of the occupied territories, and article 53 of the fourth Geneva Convention prohibited the occupying Power from destroying real or personal property belonging to private persons in the territories. Under no circumstances did international law authorize the occupying Power to arrogate to itself the right to dispose as it pleased of those territories.

UNCTAD report. In July 1985, the Special Economic Unit of the United Nations Conference on Trade and Development (UNCTAD), set up in 1983,⁽⁷⁰⁾ submitted to the Trade and Development Board a report⁽⁷¹⁾ reviewing the economic conditions of the Palestinians in the occupied territories and the effects of policies by the occupying authorities which appeared to hinder their economic development. The report gave an overview of population movements in the territories, water resources, agriculture, industrial development, the labour market and tourism since 1967.

GENERAL ASSEMBLY ACTION

In December 1985, on the recommendation of the Second Committee, the Assembly adopted decision 40/432 by recorded vote.

Israeli economic practices in the occupied Palestinian and other Arab territories

At its 119th plenary meeting, on 17 December 1985, the General Assembly, on the recommendation of the Second Committee:

(a) Took note, with concern, of the report of the Secretary-General prepared in pursuance of Assembly decision 39/442;

(b) Requested the Secretary-General to prepare a report on the financial and trade practices of the Israeli occupation authorities in the occupied Palestinian and other Arab territories;

(c) Invited the Secretary-General to utilize the services of competent United Nations bodies in preparing the report;

(d) Requested the Secretary-General to submit the report to the General Assembly at its forty-first session, through the Economic and Social Council.

General Assembly decision 40/432

147-2-2 (recorded vote)

Approved by Second Committee (A/40/1009/Add.1) by recorded vote (126-2), 11

November (meeting 30): 11-nation draft (A/C.2/40/L.14); agenda item 12.
Sponsors: Bangladesh, Gambia, Indonesia, Madagascar, Malaysia, Pakistan, Saudi Arabia, Senegal, Syrian Arab Republic, Tunisia, Yemen.

Meeting numbers. GA 40th session: 2nd Committee 22, 30; plenary 119.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, 'Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel, United States.

Abstaining: Grenada, Saint Christopher and Nevis.

Israel said it was evident that the motives behind the text were political and that the main purpose was to advance the cause of the so-called PLO rather than improve the well-being of the Palestinians.

Iraq stated that it was fitting that the United Nations, which had created the Palestinian problem by deciding to partition the land without the right to do so, should be responsible for taking care of the Palestinians.

Introducing the text, Pakistan explained that a fact-finding mission had not been able to make an in-depth analysis because of Israel's attitude. Israel had systematically tried to dismantle any indigenous economic institutions; it had closed Palestinian banking institutions, forcing Palestinians and other Arab residents to conduct

business exclusively through Israeli banks and in Hebrew. A report such as the one requested, combined with the information already available, would provide a true picture of Israeli policies.

Economic development projects

Report of the Secretary-General. In June 1985⁽⁷²⁾ the Secretary-General reported on progress made in implementing the General Assembly's 1984 resolution⁽⁷³⁾ calling for the urgent lifting of Israeli restrictions on the economy of the occupied territories and for the carrying out of projects to facilitate economic development there. In reply to his note verbale of 2 May 1985 requesting information from Israel, Israel had stated by a letter of 24 May (annexed to the Secretary-General's report) that it considered the resolution biased and politically motivated, falsely accusing Israel of imposing arbitrary restrictions and deliberately disregarding the improved economic and social welfare of the inhabitants of the territories, as well as Israel's actions to foster economic growth there. The ports of Ashdod and Haifa were fully open to the inhabitants of the territories and products from there thus had free access to external markets. All development projects, Israel added, were considered solely on the basis of their economic merit.

The Secretary-General also drew attention to information on projects carried out by UNIDO, contained in his report⁽⁷⁴⁾ on assistance to the Palestinians (see p. 281). UNIDO was carrying out for the Palestinians a project to identify problems of the plastics industry and make recommendations with particular emphasis on capacity utilization, and a feasibility study on a canning plant for citrus fruits.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July 1985, by decision 1985/187, the Economic and Social Council took note of the Secretary-General's report.

On 25 July, on the recommendation of its Third Committee, the Council adopted resolution 1985/58 by roll-call vote.

Economic development projects in the occupied Palestinian territories

The Economic and Social Council,

Aware of the Israeli restrictions imposed on the foreign trade of the occupied Palestinian territories,

Aware also of the imposed domination of the Palestinian market by Israel,

Taking into account the need to give Palestinian firms and products direct access to external markets without Israeli interference,

Noting the lack of progress in the implementation of General Assembly resolution 39/223 of 18 December 1984, as reflected in the report of the Secretary-General on economic development projects in the occupied Palestinian territories,

1. Calls for the urgent lifting of the Israeli restrictions imposed on the economy of the occupied Palestinian territories;

2. Recognizes the Palestinian interest in establishing a seaport in the occupied Gaza Strip to give Palestinian firms and products direct access to external markets;

3. Calls upon all concerned to facilitate the establishment of a seaport in the occupied Gaza Strip;

4. Also calls upon all concerned to facilitate the establishment of a cement plant in the occupied West Bank and a citrus plant in the occupied Gaza Strip;

5. Requests the Secretary-General to continue his efforts to facilitate the establishment of the above-mentioned projects and to report to the General Assembly at its forty-first session, through the Economic and Social Council, on the progress made in the implementation of the present resolution.

Economic and Social Council resolution 1985/58

25 July 1985 Meeting 52 41-1-4 (roll-call vote)

Approved by Third Committee (E/1985/138) by roll-call vote (40-1-4), July (meeting 10): 10-nation draft (E/1985/C.3/L.3), orally revised: agenda item 21.

Sponsors: Algeria, Bangladesh, Djibouti, India, Morocco, Pakistan, Saudi Arabia, Somalia, Syrian Arab Republic, Yugoslavia.

Roll-call vote in Council as follows:

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Congo, Ecuador, France, German Democratic Republic, Germany, Federal Republic of, Haiti, India, Indonesia, Japan, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Suriname, Thailand, Turkey, Uganda, USSR, United Kingdom, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against: United States

Abstaining: Canada, Finland, Iceland, Sweden.

In the view of the United States, the text could not provide a solution to the Palestinian problem but was part of it. The Council had been established to discuss questions of international co-operation and promote economic and social development, not to lose time in making political statements.

Canada considered that the Council was not an appropriate place to discuss such projects; it would have been sufficient to indicate to the competent organizations that emphasis should be placed on the economic and social development of the Palestinians.

Luxembourg, speaking also for France, the Federal Republic of Germany, the Netherlands and the United Kingdom, said their positive votes implied no commitment on their part; economic development projects should be economically and technically viable so that they could contribute to the region's economic prosperity, in the interest of all.

Israel said the text was based on false premises, particularly in regard to the call for a seaport in the Gaza Strip. Trade in the occupied territories was being restricted not by Israel but by its Arab neighbours. The Director-General of the International Labour Organisation (ILO), reporting on his mission to the territories, had stated that the situation in the Gaza Strip, where 40 per cent of agricultural production consisted of citrus fruits, faced permanent difficulties because of the closures

of the Egyptian markets and intermittent closures of Jordanian markets. The establishment of a citrus plant had in fact been approved, and a cement plant in the West Bank depended on fuel-supply security, which would be no problem if the Arab States lifted the oil boycott imposed on the territory.

PLO remarked that the Israeli authorities had stated that the citrus plant could be established on condition that it was obtained from Israel, that the produce was not marketed in Israel and that Israel's produce should have access to Arab markets. Consultants from the Federal Republic of Germany had undertaken a feasibility study on the cement plant and had concluded that it was viable. With regard to port outlets, Israel controlled 90 per cent of the occupied territories' foreign trade; world public opinion had reiterated that Palestinian trade should be completely free from Israeli restrictions. Since 1979, UNDP—which could provide only what Israel allowed—had spent less than \$4 million there, PLO added.

GENERAL ASSEMBLY ACTION

On 17 December 1985, on the recommendation of the Second Committee, the General Assembly adopted resolution 40/169 by recorded vote.

Economic development projects in the occupied Palestinian territories

The General Assembly,

Aware of the Israeli restrictions imposed on the foreign trade of the occupied Palestinian territories,

Aware also of the imposed domination of the Palestinian market by Israel,

Taking into account the need to give Palestinian firms and products direct access to external markets without Israeli interference,

Noting with regret the lack of progress in the implementation of General Assembly resolution 39/223 of 18 December 1984, as reflected in the report of the Secretary-General on economic development projects in the occupied Palestinian territories,

1. Calls for the urgent lifting of the Israeli restrictions imposed on the economy of the occupied Palestinian territories;

2. Recognizes the Palestinian interest in establishing a seaport in the occupied Gaza Strip to give Palestinian firms and products direct access to external markets;

3. Calls upon all concerned to facilitate the establishment of a seaport in the occupied Gaza Strip;

4. Also calls upon all concerned to facilitate the establishment of a cement plant in the occupied West Bank and a citrus plant in the occupied Gaza Strip;

5. Requests the Secretary-General to continue his efforts to facilitate the establishment of the above-mentioned projects and to report to the General Assembly at its forty-first session, through the Economic and Social Council, on the progress made in the implementation of the present resolution.

General Assembly resolution 40/169

17 December 1985 Meeting 119 138-2-7 (recorded vote)

Approved by Second Committee (A/40/1009/Add.1) by recorded vote (125-2-6), 11 November (meeting 30): IO-nation draft (A/C.2/40/L.15); agenda item 12.

Sponsors: Bangladesh, Gambia, Lebanon, Madagascar, Malaysia, Pakistan, Somalia, Sudan, Tunisia, Yemen.

Meeting numbers. GA 40th session: 2nd Committee 22, 30; plenary 119.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaïre, Zambia.

Against: Israel, United States.

Abstaining: Australia, Canada, Finland, Grenada, Iceland, Norway, Sweden.

Israel said the ports of Ashdod and Haifa were entirely at the disposal of the inhabitants of Judea, Samaria and the Gaza district. Products originating there had free access to external markets, and development projects were considered solely on their merits.

Though agreeing on the desirability of ensuring the territories' economic development, Sweden, speaking also on behalf of Finland, Iceland and Norway, said the text implied that the Assembly would have to pronounce itself in favour of specific proposals which had not been discussed or scrutinized by any relevant United Nations body and had no assurance of their technical and financial viability. The same reasons were cited by Australia and Canada for their abstentions.

Speaking for the EC members, Luxembourg reiterated their positions on the need for projects to be economically and technically sound, and observed that their positive votes implied no specific commitment.

Introducing the draft, Bangladesh said it had the full support of the Group of 77 and sought to ensure that the necessary facilities and opportunities were made available for development projects; in view of the overwhelming support the resolution had received in the Economic and Social Council, it hoped that the Committee would adopt it by consensus.

Israeli measures against educational institutions

Communications. By a letter of 5 March 1985, transmitted by Democratic Yemen as Chairman of the Arab Group,⁽⁷⁵⁾ PLO brought to the Secretary-General's attention charges that on 1 March several students were badly injured when

units from the occupation army and border guards stormed both campuses of Bir Zeit University in the West Bank to stop the opening of a Palestinian cultural exhibit. Israel then declared the University a military zone, suspended classes, stormed student houses and arrested scores of students and faculty members. On 3 March, Israeli reinforcements were sent to the University to crush a student protest demanding their immediate release; it remained closed and under siege. Also in the West Bank, Al-Najah University was surrounded by Israeli army units on 2 March. PLO called on the United Nations to end such Fascist and inhuman acts.

Grave concern at the raids on Bir Zeit University was also expressed by the Chairman of the Committee on Palestinian rights in a letter of 19 March.⁽⁴⁾ According to press reports, he said, 53 students and their guests had been detained and further detentions were expected.

UNESCO action. The Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO), at its May/June 1985 session,⁽⁷⁶⁾ noting with grave apprehension that Israel continued to obstruct the functioning of educational, cultural and training institutions, deplored any obstruction and harassment of such institutions in the occupied territories, which, it said, could imperil their existence. It called on the occupying authority to comply with the 1949 fourth Geneva Convention and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict by rescinding all measures and military orders against educational and cultural institutions, and to safeguard their academic freedoms. The Board invited the UNESCO Director-General to appoint a mission of academics to study the conditions in which academic freedoms were guaranteed and exercised in the territories.

Report of the Secretary-General. In August 1985,⁽⁷⁷⁾ the Secretary-General reported on Israeli policies and practices against Palestinian students and faculties in schools, universities and other educational institutions in the territories. He stated that, by a note verbale of 29 March, he had requested Israel to inform him of any steps taken or envisaged to implement the Assembly's 1984 resolution⁽⁷⁸⁾ demanding that Israel rescind all actions and measures against educational institutions.

By a note verbale of 1 July 1985, annexed to the report, Israel had categorically rejected the accusations made against it in the 1984 resolution. The school system in the occupied territories had grown considerably during the years of Israeli administration, it stated; in Judaea and Samaria, the number of pupils and classes in 1984/85 had doubled since 1967/68, and in the Gaza district it had increased

by over 209 per cent. With regard to higher education, there had been no university in Judaea and Samaria in June 1967; the Israeli administration had enabled the establishment of five universities. Teachers' seminars, agricultural, technical and paramedical institutions, mostly operating since 1967, also provided higher education and their students had increased to 4,680 in 1984/85 from 2,599 in 1980/81.

Academic activity on the campuses was conducted without its interference, Israel went on. The curricula were, in Judaea and Samaria, those of the Jordanian educational system and, in the Gaza district, those of the Egyptian educational system. Academic freedom, however, did not subsume disruption of public order by incitement, threats or violence, Israel added.

The March 1985 seminar⁽⁶³⁾ on the living conditions of the Palestinians (see p. 344) also examined the question of higher education in the territories. In its view, the establishment of a Palestinian system of higher education, which included six universities serving more than 10,000 students, was a singular achievement in a society under occupation, all the more remarkable in that it was an indigenous effort that had received no encouragement from the occupying authorities. However, owing to military occupation and the practices of the occupying Power, the further development of the Palestinian system of higher education was severely hindered and suffered from three serious problems: constraints on the autonomy and freedom of academic institutions; absence of an effective local Palestinian authority to plan, co-ordinate and support higher education; and scarcity of resources.

The seminar's working group on the topic proposed that all measures of collective punishment imposed on academic institutions should cease, as should those curtailing their autonomy and restricting their academic functions and freedoms. Restrictions imposed on the work of the Council for Higher Education should be removed and it should be recognized as the local Palestinian authority. Israeli restrictions on the entry of funds to Palestinian higher education should be lifted; universities and higher-education bodies abroad should be encouraged to establish links with Palestinian institutions. International assistance was of the utmost importance for further progress in higher education in the territories. Various United Nations organizations and bodies as well as other international and non-governmental organizations could provide such assistance and co-operation.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General

Assembly adopted resolution 40/161 G, on the report of the Committee on Israeli practices, by recorded vote.

The General Assembly,

Bearing in mind the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Deeply concerned at the continued harassment by Israel, the occupying Power, against educational institutions in the occupied Palestinian territories,

Recalling its resolutions 38/79 G of 15 December 1983 and 39/95 G of 14 December 1984,

Taking note of the report of the Secretary-General of 14 August 1985,

Taking note of the relevant decisions adopted by the Executive Board of the United Nations Educational, Scientific and Cultural Organization concerning the educational and cultural situation in the occupied territories,

1. Reaffirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Condemns Israeli policies and practices against Palestinian students and faculties in schools, universities and other educational institutions in the occupied Palestinian territories, especially the policy of opening fire on defenceless students, causing many casualties;

3. Condemns the systematic Israeli campaign of repression against and closing of universities and other educational and vocational institutions in the occupied Palestinian territories, restricting and impeding the academic activities of Palestinian universities by subjecting the selection of courses, textbooks and educational programmes, the admission of students and the appointment of faculty members to the control and supervision of the military occupation authorities, in clear contravention of the Geneva Convention;

4. Demands that Israel, the occupying Power, comply with the provisions of that Convention, rescind all actions and measures against all educational institutions, ensure the freedom of those institutions and refrain forthwith from hindering the effective operation of the universities and other educational institutions;

5. Requests the Secretary-General to report to the General Assembly as soon as possible and not later than the beginning of its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/161 G

16 December 1985 Meeting 118 112-2-32 (recorded vote)

Approved by SPC (A/40/890) by recorded vote (92-2-26), 8 November (meeting 271: draft by Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Kuwait for the Arab Group, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Qatar, Senegal (A/SPC/40/L.14); agenda item 75.

Meeting numbers. GA 40th session: SPC 16-23, 27; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Austria, Bahamas Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Demo&tic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico,

Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Belgium, Cameroon, Canada, Chile, Costa Rica, Denmark, Dominica, El Salvador, Finland, France, Germany, Federal Republic of, Grenada, Guatemala, Iceland, Ireland, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Panama, Portugal, Saint Lucia, Saint Vincent and the Grenadines, Swaziland, United Kingdom, Zaire.

Before voting on the text as a whole, the Assembly and the Committee adopted paragraph 2 by recorded vote, by 96 to 2, with 45 abstentions, and 84 to 2, with 34 abstentions, respectively.

Israel said although it did not subscribe to many of the observations in the Secretary-General's report on the Vienna seminar, the picture presented there was totally different from that portrayed by the resolution, which spoke of a systematic Israeli campaign of repression against and closing of universities; the truth was that the six Palestinian universities functioned normally and satisfactorily as long as foreign elements did not stir up the student body to disturbance and violence.

The United States said it strongly defended academic freedom and had made its views known when Israeli practices towards academic institutions were open to criticism, but it could not support broad condemnatory and inflammatory language seeking to condemn indiscriminately without regard to the facts or actual policies.

Though supporting the text as a whole with some hesitation, Sweden abstained on paragraph 2 because of what it felt were very categorical and sweeping formulations not totally borne out by the facts.

Mediterranean-Dead Sea canal project

Israel's 1981 plan⁽⁷⁹⁾ to build a 67-mile canal linking the Mediterranean Sea to the Dead Sea for electric power generation was the subject of a 1985 General Assembly resolution (40/167) and a decision of the United Nations Environment Programme (UNEP). The Secretary-General reported that, in June, Israel had given instruction to cease all work on the project.

UNEP Council action. On 23 May,⁽⁸⁰⁾ the UNEP Governing Council deplored Israel's non-compliance with Assembly resolutions on the subject and requested the UNEP Executive Director to facilitate the Secretary-General's work in monitoring and assessing all aspects, especially ecological ones, of the adverse effects on Jordan and on the occupied territories arising from the implementation of the Israeli decision, and to report on the matter in 1987.

Report of the Secretary-General. Pursuant to a 1984 General Assembly request,⁽⁸¹⁾ the

Secretary-General submitted in November 1985 a report⁽⁸²⁾ on the adverse-including juridical, political, economic, ecological and demographic-effects of Israel's decision to construct a canal linking the Mediterranean and Dead Seas. By letters of 10 May, the Under-Secretary-General for Technical Co-operation for Development had requested Israel and Jordan to make available relevant information, give a small team of experts access to sites and arrange contacts with officials concerned.

Jordan replied on 21 May that it would be glad to receive the experts, facilitate their work and forward any information available. Israel, on 29 May, stated that it believed that the canal project would benefit the population of the entire area and had repeatedly sought to discuss and co-ordinate the matter with Jordan. Jordan had not responded to those offers. As the report to be prepared was on the "adverse" effects of the canal project, the report's outcome would thus be predetermined and Israel believed that no useful purpose would be served by an additional visit of experts. On 1 July, Israel informed the Secretary-General that on 11 June its Minister of Energy and Industry had instructed the Mediterranean-Dead Sea Corporation to cease all work related to the canal.

A United Nations mission visited Jordan from 19 to 25 September 1985; its report annexed to the Secretary-General's report, assessed effects of a canal on agricultural development, mineral production, tourism and recreation, and the environment, along the lines of the 1984 report.⁽⁸³⁾

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/167 by recorded vote:

Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea

The General Assembly,

Recalling its resolutions 36/150 of 16 December 1981, 37/122 of 16 December 1982, 38/85 of 15 December 1983 and 39/101 of 14 December 1984,

Taking note of the report of the Secretary-General,

1. Requests the Secretary-General to monitor on a continuing basis any new development relating to the proposed canal linking the Mediterranean Sea to the Dead Sea and to report all findings in this regard to the General Assembly;

2. Decides to resume consideration of this item in case activities by Israel relating to the said canal are resumed.

General Assembly resolution 40/167

16 December 1985 Meeting 118 150-1 (recorded vote)

Approved by SPC (A/40/1025) by recorded vote (118-1), 6 December (meeting 46); Z-nation draft (A/SPC/40/L.31); agenda item 81.

Sponsors: Algeria, Bahrain, Bangladesh, Democratic Yemen, Djibouti, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates Yemen.

Meeting numbers. GA 40th session: SPC 45, 46: plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland; Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates United Kingdom, United Republic of Tanzania, United States Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Israel saw no valid reason for the United Nations to take a stand on a plan which was still at the stage of feasibility studies. Israel had stopped all work related to the canal in June; it had not been resumed. In addition to maligning Israel and distorting the nature of a bona fide development blueprint, the text dealt with an irrelevant inquiry after all work had been terminated and asked the Secretary-General to monitor hypothetical future activities, putting a purposeless strain on personnel and finances. Israel also considered that its territory and operations should not be subject to any United Nations surveillance and objected to such monitoring as a matter of principle.

The United States regarded the text as a positive step towards solving a difficult problem, but did not alter its opposition to previous resolutions on the subject.

Introducing the text, Jordan emphasized that work on the canal could be resumed when the reasons which had led Israel to suspend that work no longer existed.

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 p. 555, GA res. 2443(XXIII), 19 Dec. 1968. (23) YUN 1984,
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Palestine refugees

UN Agency for Palestine refugees

In 1985, the United Nations Relief and Works Agency for Palestine Refugees in the Near East continued to assist 2,093,545 refugees in Jordan, Lebanon (see p. 311), the Syrian Arab Republic and the Israeli-occupied territories of the West Bank and the Gaza Strip, providing quasi-governmental education, health and relief services to refugees living in and outside camps. Less than a third of the refugees were registered as living in camps. The Agency maintained its own schools, training institutions, clinics and health centres, and procured and distributed food rations to needy refugees. It employed more than 16,500 schoolteachers, doctors, nurses, sanitation labourers, relief workers and others. Its operations were administered from its headquarters at Vienna and Amman and from five field offices in Jordan, Lebanon, the Syrian Arab Republic, the West Bank and the Gaza Strip, with liaison offices in New York and Cairo.

UNRWA activities and various aspects of the Palestine refugee problem were addressed by the General Assembly, which in December adopted 11 resolutions on: assistance to Palestine refugees (40/165 A); the Working Group on the Financing of UNRWA (40/165 B); assistance to displaced persons (40/165 C); scholarships for higher education and vocational training (40/165 D); Palestine refugees in the Gaza Strip (40/165 E); ration distribution to Palestine refugees (40/165 F); refugees displaced since 1967 (40/165 G); revenues derived from refugee properties (40/165 H); refugee protection (40/165 I); Palestine refugees in

the West Bank (40/165 J); and a proposed University of Jerusalem for Palestine refugees (40/165 K).

The Agency's activities and its staff were particularly affected by the events in Lebanon (see p. 295). Following the kidnapping of two British subjects in mid-March, the United Kingdom Embassy at Beirut advised all British citizens to leave; three of the live British staff members of the Lebanon field office were transferred to duties outside Beirut. On 25 March, Alec Collett, a British journalist working under contract with UNRWA, was kidnapped by unidentified gunmen south of Beirut. The Commissioner-General ordered the remaining British nationals working for UNRWA, including the field office Director, to leave Lebanon. On 15 May, the UNRWA Deputy Director in Lebanon, an Irish citizen, was abducted by armed men, to be released 37 hours later. During two incidents in April/May, armed militiamen intruded into UNRWA's central warehouse in Beirut and searched the premises. On 7 June, the Director of UNRWA Affairs, Lebanon, who was leading a relief convoy to Burj el-Barajneh camp, was forced with others to leave his vehicle but was released on the intervention of the Lebanese Minister for Justice. In the West Bank and the Gaza Strip, Israeli authorities continued to summon Agency staff for interrogation during office hours without adequate notice, causing disruption especially of UNRWA school programmes.

In the Gaza Strip, there was a marked deterioration of the security situation resulting in an increasing number of incidents. Numerous incidents also characterized the situation of refugees in the West Bank, including confrontations with Israeli settlers (see p. 338). No solution was reached to the problem of the Palestinian refugees, numbering approximately 5,000, on the Egyptian side of the border between the Gaza Strip and the Sinai, to whom UNRWA continued to provide limited assistance.

The process of issuing individual registration cards for all Palestine refugees-intended to facilitate provision of services and to reassure the refugees that certain rights acknowledged by the General Assembly would not be affected because UNRWA had suspended the basic ration-as requested by the Assembly in 1982,⁽¹⁾ was stopped in March 1985 in the Gaza Strip at the request of the Israeli authorities, although most of the refugees there had received them. The Syrian and Jordanian Governments also prevailed upon UNRWA to stop issuing them in the Syrian Arab Republic, Jordan and the West Bank; no attempt was made to issue cards in Lebanon because of the security situation there. Instead of individual cards, family registration cards were again being issued in all fields.

UNRWA activities and its financial situation in 1985 were described by the Commissioner-General

in reports covering the periods 1 July 1984 to 30 June 1985⁽²⁾ and 1 July 1985 to 30 June 1986.⁽³⁾ Introducing in the General Assembly's Special Political Committee the 1984/85 report, the Commissioner-General stated that it described one of the most difficult years in the Agency's 35-year history.

On 1 November 1985, Giorgio Giacomelli (Italy) succeeded Olof Rydbeck (Sweden) as Commissioner-General.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 A, by recorded vote.

Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 39/99 A of 14 December 1984 and all its previous resolutions on the question, including resolution 194(III) of 11 December 1948,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,

1. Notes with deep regret that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194(III) has not been effected, that no substantial progress has been made in the programme endorsed by the Assembly in paragraph 2 of its resolution 513(VI) of 26 January 1952 for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern;

2. Expresses its thanks to the Commissioner-General and to all the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, recognizing that the Agency is doing all it can within the limits of available resources, and also expresses its thanks to the specialised agencies and private organizations for their valuable work in assisting the refugees;

3. Expresses its deep appreciation to the former Commissioner-General, Mr. Olof Rydbeck, for his many years of effective service to the Agency and his dedication to the welfare of the refugees;

4. Reiterates its request that the headquarters of the Agency should be relocated to its former site within its area of operations as soon as practicable;

5. Notes with regret that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194(III), and requests the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 1986;

6. Directs attention to the continuing seriousness of the financial position of the Agency, as outlined in the report of the Commissioner-General;

7. Notes with profound concern that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions, this increased level of income to the Agency is still insufficient to cover

essential budget requirements in the present year and that, at currently foreseen levels of giving, deficits will recur each year;

8. Calls upon all Governments, as a matter of urgency, to make the most generous efforts possible to meet the anticipated needs of the Agency, particularly in the light of the budgetary deficit projected in the report of the Commissioner-General, and therefore urges non-contributing Governments to contribute regularly and contributing Governments to consider increasing their regular contributions.

General Assembly resolution 40/165 A

16 December 1985 Meeting 118 149-0-1 (recorded vote)

Approved by SPC (A/40/921) by recorded vote (123-0-1), 15 November (meeting 34); draft by United States (A/SPC/40/L.16); agenda item 79.

Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaïre, Zambia, Zimbabwe.

Against: None

Abstaining: Israel.

Israel said the ritual expression of deep regret for non-implementation of the Assembly's stipulation in paragraph 11 of the 1948 resolution on the partition of Palestine⁽⁴⁾—that the refugees should be permitted to return to their homes and live at peace with their neighbours and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property—which had been adopted in entirely different historical circumstances, was unacceptable.

The Libyan Arab Jamahiriya emphasized that, though voting in favour of the texts under the agenda item, that did not imply its recognition of Israel or its practices in the occupied territories.

Iran had reservations concerning all references to the Zionist régime as "Israel". It also stressed that the relief programmes should not be considered a permanent solution to the Palestinian question.

UNRWA financing

Total income received by UNRWA for all funds, in cash and in kind, in 1985 was \$182 million, including about \$16 million received in response to an appeal by the Commissioner-General. Expenditure in 1985 by all funds was \$187.4 million, \$3.9

million less than in 1984. The excess of expenditure over income was reduced from \$10.1 million in 1984 to \$5.4 million in 1985, \$1.2 million of which was in respect of the General Fund.

In a special report, annexed to a May 1985 note by the Secretary-General,⁽⁵⁾ the Commissioner-General drew attention to the critical state of the Agency's finances and outlined the efforts he had made to overcome the difficulties as well as the measures that would have to be taken-including major cuts in services to refugees-unless additional funding could be obtained at an early date; those measures, he pointed out, could adversely affect stability in the Middle East and be harmful to the search for a just and lasting peace.

In his report for the period ended 30 June 1985,⁽²⁾ the Commissioner-General again stressed UNRWA's grave financial situation, in spite of strenuous efforts to reduce expenditure while avoiding major cuts in services, and to raise additional funds. He warned that the Agency still faced a shortfall of several million dollars which, if not covered by additional contributions or programme reductions, would lead to a further drawdown of UNRWA's already low capital. The minimum budget for 1986 would require some \$20 million more than Governments had pledged as their regular contributions; there was no way to reduce projected expenses without depriving refugees of basic education and health services. In the light of those potentially serious consequences, the Commissioner-General urged Governments to discuss a rational approach to the Agency's financial problems.

In 1985, by cancelling all construction, slashing maintenance deeply, denying area staff pay raises and making other reductions, the budget gap was reduced from \$67 million to \$27 million. At that point, the Commissioner-General again addressed Governments stating that he had reduced the budget as far as possible without mass reductions in staff or directly cutting vital services. Although several countries-Australia, Canada, Japan, the United States and the Nordic countries-responded generously, he said, the overall response from Member States was disappointing and further cuts had to be made, which had a direct impact on services to refugees. On the positive side, UNRWA benefited from some reduced costs because of exchange rate gains. With those savings and with continuing austerity measures, the Agency was still \$8 million short of the estimated needed income to cover 1985's already reduced programme.

The Commissioner-General's decision to implement austerity measures was a matter of great concern to the refugees and to host Governments. Although continuing to press their view that UNRWA should do more for the refugees and

should restore the basic ration programme suspended in 1982 due to financial constraints, those Governments were helpful in assisting UNRWA to overcome its difficulties. For example, when the Agency experienced a critical shortage of flour in late 1985, Jordan loaned it sufficient stocks to maintain distribution to special hardship cases in the country until new supplies could be obtained.

Working Group on UNRWA financing

Report of the Working Group (March). At the end of February 1985, the Commissioner-General urgently requested the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to hold a meeting as soon as possible so that it could be informed about UNRWA's alarming financial situation. The Group met on 1 March and discussed an oral report of the UNRWA Comptroller on the acute budgetary crisis. On 26 March, it adopted a special report⁽⁶⁾ and authorized its Chairman to take whatever steps he might find possible to assist the Commissioner-General and the Secretary-General in their fund-raising efforts.

The Comptroller reported that contributions had declined from \$190.6 million in 1980 to an estimated \$177.9 million in 1984, while pledged and expected contributions for 1985 amounted to only \$164.4 million, of which \$138.3 million was in cash for the General Fund. As expenditure to maintain the programmes in 1985 amounted to \$231.6 million, including a \$205.1 million cash expenditure, there was a shortfall of some \$67 million.

Austerity measures introduced by the Commissioner-General-reductions in personnel costs (\$13.9 million), postponement of construction, maintenance and replacement of equipment (\$19.4 million), reductions in provisions for administrative services, supplies and reserves (\$6.4 million)-totalled some \$40 million, leaving an unfunded balance of some \$27 million.

The \$27 million represented the minimum needed to maintain education, health and relief programmes until the end of 1985. By a letter of 19 February, the Commissioner-General appealed to Governments and selected intergovernmental organizations for additional pledges by the end of May.

Concluding, the Working Group expressed deep concern at UNRWA's financial outlook. It expressed its appreciation to the Commissioner-General for his efforts to reduce expenditure, but noted that a major portion of his austerity measures related to the deferral of payments due to area staff for salary increases and cost-of-living adjustments which would have to be met in the future; also,

deferred construction and maintenance would probably be more costly in the long run. Nevertheless, the Group agreed that in the circumstances he had had no other alternative.

The Group reiterated its conviction that the international community should not allow UNRWA to collapse for want of funds. Noting that many Governments which supported UNRWA in their votes in the General Assembly did not contribute to it, the Group urged them to do so and invited those that were contributing to make additional special contributions.

As an initial step, the Group authorized its Chairman to address a letter to the Secretary-General underlining the critical financial situation, endorsing the Commissioner-General's appeal and emphasizing the need for Governments to respond generously. The Chairman did so on 27 March,⁽⁷⁾ warning that services would have to be reduced, inevitably affecting the education programme, and that the continued employment of many of the 17,000 locally recruited Palestinian staff would be jeopardized.

Report of the Working Group (October). At a meeting on 1 October, the Working Group examined a report with up-to-date information on UNRWA's financial situation in 1985 and on the outlook for 1986.⁽⁸⁾ Since March 1985, estimated income had increased by some \$13 million as a result of additional contributions pledged by Australia (\$260,000), Canada (\$2.2 million), Denmark (\$451,000), Finland (\$170,000), Norway (\$562,000), Sweden (\$1.2 million) and the United States (\$8 million), reducing the shortfall from \$27 million to \$14 million. Additional austerity measures could further reduce the estimated shortfall to about \$5 million by the end of the year.

Based on those projections and the possibility that further additional contributions would be pledged, the Commissioner-General expected to be able to maintain Agency services at the current levels until the end of 1985; he warned, however, that the shortfall would have to be met by drawing on UNRWA's precariously low working capital, thus seriously affecting the Agency's ability to finance its operations until contributions were paid in 1986.

The outlook for 1986 was not encouraging; even if the level of expenditures did not exceed that of the severely reduced 1985 budget, some \$20 million more than the 1985 regular contributions would be required.

In the concluding remarks of its October report,⁽⁹⁾ the Working Group paid tribute to the Commissioner-General for his efforts to raise income and again underlined that his austerity measures involved deferrals providing only temporary relief; postponed items would have to be funded in the future. It also noted that, despite

strenuous efforts, income in 1985 was not expected to exceed that of 1984.

The Group shared the Commissioner-General's concern about the magnitude of the task of soliciting an additional \$20 million to fund the programme in 1986. It continued to believe that a solution to UNRWA's chronic financial problems lay not so much in economy, postponement and reduction as in finding ways to assure required resources.

As UNRWA services for refugees remained indispensable until a Middle East settlement was reached, it was incumbent on the international community to ensure that the Agency was provided with the means to continue its work. The Group welcomed the Commissioner-General's suggestion for a meeting to discuss ways of placing UNRWA's finances on a more rational footing; it encouraged him to pursue that matter with a view to holding the meeting as soon as possible in 1986. The Group also welcomed a suggestion by the Advisory Commission (see below) for special fund-raising missions to current and prospective donor countries to solicit greater 1986 contributions.

The Group urged all Governments to recognize the seriousness of UNRWA's financial difficulties and match their political support with financial support, and urged payment of contributions as early as possible.

UNRWA Advisory Commission

The UNRWA Advisory Commission met on 30 May 1985 at Vienna to consider the critical financial situation and its implications for the Agency's ability to maintain services if the shortfall was not overcome. In a statement to the Commissioner-General, transmitted to the Secretary-General on the same date,⁽¹⁰⁾ the Commission members unanimously commended and declared support for the Commissioner-General's efforts to obtain additional contributions. They shared his disappointment that responses had been inadequate and noted with deep concern his statement that UNRWA faced the imminent prospect of having to reduce services already at a minimum level. They urged UNRWA to take steps to avoid such action. They endorsed the view that the Member States which expressed support for UNRWA should help provide it with needed funds. More programme cut-backs, the Advisory Commission believed, would have profoundly disturbing consequences for stability in the area and for prospects of reaching a peaceful settlement of the Middle East conflict.

The Commission called on all Member States to contribute to ensure UNRWA's survival and ability to carry out its mandate.

At a regular meeting on 29 August, the Commission endorsed the suggestion for a gathering

of concerned Governments early in 1986 for informal consultations on the Agency's financial plight.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 B, without vote.

Working Group on the Financing of the United Nation; Relief and Works Agency for Palestine Refugees in the Near East The General Assembly,

Recalling its resolutions 2656(XXV) of 7 December 1970, 2728(XXV) of 15 December 1970, 2791(XXVI) of 6 December 1971, 2964(XXVII) of 13 December 1972, 3090(XXVIII) of 7 December 1973, 3330(XXIX) of 17 December 1974, 3419 D (XXX) of 8 December 1975, 31/15 C of 23 November 1976, 32/90 D of 13 December 1977, 33/112 D of 18 December 1978, 34/52 D of 23 November 1979, 35/13 D of 3 November 1980, 36/146 E of 16 December 1981, 37/120 A of 16 December 1982, 38/83 B of 15 December 1983 and 39/99 B of 14 December 1984,

Recalling also its decision 36/462 of 16 March 1982, whereby it took note of the special report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and adopted the recommendations contained therein,

Having considered the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Taking into account the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,

Gravely concerned at the critical financial situation of the Agency, which has already reduced the essential minimum services being provided to the Palestine refugees and which threatens even greater reductions in the future,

Emphasizing the urgent need for extraordinary efforts in order to maintain, at least at their present minimum level, the activities of the Agency,

1. Commends the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for its efforts to assist in ensuring the Agency's financial security;

2. Takes note with approval of the report of the Working Group;

3. Requests the Working Group to continue its efforts, in co-operation with the Secretary-General and the Commissioner-General, for the financing of the Agency for a further period of one year;

4. Requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work.

General Assembly resolution 40/165 B

16 December 1985 Meeting 118 Adopted without vote

Approved by SPC (A/40/921) without vote, 15 November (meeting 34); 16-nation draft (A/SPC/40/L.17); agenda item 79.

Sponsors: Austria, Canada, Denmark, Germany, Federal Republic of, India, Indonesia, Liberia, Malaysia, Netherlands, New Zealand, Nigeria, Pakistan, Philippines, Spain, Sweden, Yugoslavia.
Financial implications. S-G, A/SPC/40/L.27.
Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Claims for compensation

According to the Commissioner-General, UNRWA had received no response to a 1984 claim against Israel for \$4,381,867 as compensation for loss and damage caused to Agency property and facilities as a result of the invasion of Lebanon in 1982. The General Assembly had called for such compensation in 1983⁽¹¹⁾ and 1984.⁽¹²⁾ A separate claim had also been made for \$194,901 for loss and damage caused by Israeli military action in Lebanon before June 1982. There had also been no response from Israel or any indication as to when it expected to complete its examination of UNRWA's claims, lodged in 1969, arising out of the 1967 hostilities.

No progress had been made over claims amounting to \$675,000 against Jordan, despite an understanding reached in October 1984 that it would nominate representatives to a joint UNRWA/Government committee to study the claims, which included those arising out of the 1967 hostilities and the disturbances of 1970 and 1971.

Other aspects

Displaced persons

Humanitarian assistance

In addition to relief services, which included the provision of basic food commodities, blankets, clothing, shelter repair and cash grants, UNRWA continued to provide in 1985 a small measure of humanitarian assistance for persons displaced as a result of the June 1967 and subsequent hostilities in the Middle East but who were not registered with UNRWA as refugees.

In Jordan, UNRWA continued to distribute rations on the Government's behalf to some 193,000 persons, and to provide schooling, supplementary feeding, milk, medical, sanitation and other camp services to people living in the post-1967 refugee camps; the Government reimbursed the Agency for the cost of supplies used in the supplementary feeding and milk programmes and the cost of distributing basic rations to displaced persons.

In Egypt, UNRWA provided elementary and preparatory schooling and basic health care to 1,200 refugee children. With the co-operation of the Israeli and Egyptian Governments, UNRWA distributed food, blankets and clothing to 4,350 refugees left stranded in the Egyptian sector of Rafah as a result of the withdrawal of Israeli

forces in April 1982 to the international border between the Sinai and the Gaza Strip.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 C, without vote.

Assistance to persons displaced as a result of the June 1967 and subsequent hostilities
The General Assembly,

Recalling its resolution 39/99 C of 14 December 1984 and all its previous resolutions on the question,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985.

Concerned about the continued human suffering resulting from the hostilities in the Middle East,

1. Reaffirms its resolution 39/99 C and all its previous resolutions on the question;

2. Endorses, bearing in mind the objectives of those resolutions, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and in a serious need of continued assistance as a result of the June 1967 and subsequent hostilities;

3. Strongly appeals to all Governments and to organizations and individuals to contribute generously for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and to the other intergovernmental and non-governmental organizations concerned.

General Assembly resolution 40/165 C

16 December 1985 Meeting 118 Adopted without vote

Approved by SPC (A/40/921) without vote, 15 November (meeting 34); 22-nation draft (A/SPC/40/L.18); agenda item 79.

Sponsors: Australia, Austria, Belgium, Canada, Cyprus, Denmark, Finland, Germany, Federal Republic of, Greece, India, Indonesia, Ireland, Italy, Japan, Malaysia, Mali, Netherlands, Norway, Pakistan, Philippines Sri Lanka, Sweden.

Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Repatriation of refugees

Report of the Secretary-General. In accordance with a 1984 General Assembly resolution,⁽¹³⁾ the Secretary-General submitted in September 1985 a report⁽¹⁴⁾ on population and refugees displaced since 1967. In response to his request in a note verbale of 22 March 1985 for information on Israeli steps to facilitate the return of displaced inhabitants, Israel on 12 August had referred to its position as set out in successive annual replies in recent years, most recently in June 1984.⁽¹⁵⁾ The total number of persons who had returned since 1967 stood at approximately 65,000, Israel added.

The Secretary-General also had obtained information from the UNRWA Commissioner-General on the return of refugees registered with the Agency; since UNRWA was not involved in arrangements for

return, the data was based on requests by returning refugees for transfer of their entitlements for services to the areas to which they had returned. Between 1 July 1984 and 30 June 1985, 234 registered refugees (including family members') had returned to the West Bank and 70 to the Gaza Strip. The number of displaced registered refugees known to have returned to the occupied territories since June 1967 was some 10,725.

Report of the Commissioner-General. The Commissioner-General stated⁽²⁾ that in the Agency's understanding, Israel and Egypt had reached an agreement in principle on the return of refugees to the Gaza Strip, following the withdrawal of Israeli forces in April 1982 to the international border between the Sinai and Gaza. He had been informed by Israel that, in recent discussions between the two Governments, it had been agreed that the refugees would return, perhaps commencing at an early date. The Commissioner-General said UNRWA would welcome the implementation of such an agreement and would facilitate the refugees' relocation and provide schooling, health care and welfare services, similar to its assistance prior to April 1982.

Report of the Conciliation Commission. The thirty-ninth report of the United Nations Conciliation Commission for Palestine covering the period from 1 September 1984 to 31 August 1985⁽¹⁶⁾ was transmitted to the General Assembly by the Secretary-General in September 1985. In 1984,⁽¹⁷⁾ the Assembly had requested the Commission to continue efforts towards implementation of paragraph 11 of its 1948 resolution⁽⁴⁾ on the partition of Palestine, stipulating that the Palestine refugees should be permitted to return to their homes and live at peace with their neighbours and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property. The Commission stated that events in the region had further complicated the situation and the circumstances which limited its possibilities of action had remained essentially unchanged. Nevertheless, it continued to hope that the situation would improve towards achievement of a comprehensive, just and lasting peace in the Middle East, thus enabling it to carry forward its work.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 4/165 G by recorded vote.

Population and refugees displaced since 1967

The General Assembly,

Recalling Security Council resolution 237(1967) of 14 June 1967,

Recalling also General Assembly resolutions 2252(ES-V) of 4 July 1967, 2452 A (XXIII) of 19 December 1968,

2535 B (XXIV) of 10 December 1969, 2672 D (XXV) of 8 December 1970, 2792 E (XXVI) of 6 December 1971, 2963 C and D (XXVII) of 13 December 1972, 3089 C (XXVIII) of 7 December 1973, 3331 D (XXIX) of 17 December 1974, 3419 C (XXX) of 8 December 1975, 31/15 D of 23 November 1976, 32/90 E of 13 December 1977, 33/112 F of 18 December 1978, 34/52 E of 23 November 1979, ES-7/2 of 29 July 1980, 35/13 E of 3 November 1980, 36/146 B of 16 December 1981, 37/120 G of 16 December 1982, 38/83 G of 15 December 1983 and 39/99 G of 14 December 1984.

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985, and the report of the Secretary-General,

1. Reaffirms the inalienable right of all displaced inhabitants to return to their homes or former places of residence in the territories occupied by Israel since 1967, and declares once more that any attempt to restrict, or to attach conditions to, the free exercise of the right to return by any displaced person is inconsistent with that inalienable right and inadmissible;

2. Considers any and all agreements embodying any restriction on, or condition for, the return of the displaced inhabitants as null and void;

3. Strongly deplores the continued refusal of the Israeli authorities to take steps for the return of the displaced inhabitants;

4. Calls once more upon Israel:

(a) To take immediate steps for the return of all displaced inhabitants;

(b) To desist from all measures that obstruct the return of the displaced inhabitants, including measures affecting the physical and demographic structure of the occupied territories;

5. Requests the Secretary-General, after consulting with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report to the General Assembly before the opening of its forty-first session on Israel's compliance with paragraph 4 above.

General Assembly resolution 40/165 G

16 December 1985 Meeting 118 127-2-23 (recorded vote)

Approved by SPC (A/40/921) by recorded vote (106-2-19), 15 November (meeting 34): 9-nation draft (A/SPC/40/L.22); agenda item 79.

Sponsors: Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Malaysia, Pakistan, Yugoslavia.

Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe
against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Grenada, Iceland, Ireland, Italy, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Paraguay, Swaziland, Sweden, United Kingdom, Zaire.

The United States regarded the text as highly polemical, one-sided and harshly condemnatory. In stating that inhabitants of the occupied territories had an inalienable right to return, Israel said, the text was based not on consideration of the interests of those inhabitants but on the policy of rejection.

In Sweden's opinion, the text appeared to rule out negotiations or discussions on the means by which the displaced Palestinians might return to their homes.

Iran said all practices which prevented the Palestine refugees from exercising their right to voluntary repatriation to their homeland should be condemned.

In resolution 40/165 A, the Assembly, noting with regret that the Conciliation Commission had been unable to achieve progress in implementing paragraph 11 of the 1948 resolution on Palestine,⁽⁴⁾ requested the Commission to exert continued efforts in that direction and to report by 1 September 1986. That paragraph was unacceptable to Israel (see p. 354).

Food aid

The General Assembly, in December 1985, again called for resumption of the general ration distribution to Palestine refugees which had been suspended in September 1982,⁽¹⁸⁾ except in Lebanon! where it had ceased in March 1984.⁽¹⁹⁾ Distribution of food rations was currently confined to special hardship cases which comprised about 5 per cent of the refugee population. Particularly in the Gaza Strip and the West Bank, where unemployment and underemployment were on the rise, UNRWA faced increasing pressure from refugees applying for special hardship assistance; many did not qualify because the criteria for granting such assistance was based on a family's capacity for employment rather than on actual employment. As a result, refugee community leaders had been pressing for more flexibility, which would require a substantial increase in resources. In the West Bank, refugees in some camps refused to allow rations to be distributed to hardship cases on the ground that all refugees were in need of food aid and unless they all received it, none would be permitted to do so.

By the end of June 1985, according to the Commissioner-General,⁽²⁾ assistance to hardship cases was benefiting 103,857 persons: 25,044 in Gaza; 23,693 in the West Bank; 22,717 in Lebanon; 19,686 in Jordan; and 12,717 in the Syrian Arab Republic.

Given the lack of sufficient resources and of responses from Governments, it had not been possible to comply with the Assembly's 1984 request to resume the general ration distribution.⁽²⁰⁾

Report of the Secretary-General. In October 1985,⁽²¹⁾ the Secretary-General reported that the response to the Assembly's repeated appeals for contributions had not been encouraging; contributions had declined from \$154 million in 1982 to \$136 million in 1984. It was clear that income for 1985 was insufficient to maintain existing programmes at desired levels. Without additional resources, it had not been possible to resume the general distribution of basic food rations.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 F by recorded vote.

Resumption of the ration distribution to Palestine refugees

The General Assembly,

Recalling its resolutions 36/146 F of 16 December 1981, 27/120 F of 16 December 1982, 38/83 F of 15 December 1983, 39/99 F of 14 December 1984 and all its previous resolutions on the question, including resolution 302(IV) of 8 December 1949,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985, and the report of the Secretary-General,

Deeply concerned at the interruption by the Agency, owing to financial difficulties, of the general ration distribution to Palestine refugees in all fields,

1. Regrets that its resolutions 37/120 F, 38/83 F and 39/99 F have not been implemented;

2. Calls once again upon all Governments, as a matter of urgency, to make the most generous efforts possible and to offer the necessary resources to meet the needs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, particularly in the light of the interruption by the Agency of the general ration distribution to Palestine refugees in all fields, and therefore urges non-contributing Governments to contribute regularly and contributing Governments to consider increasing their regular contributions;

3. Requests the Commissioner-General to resume on a continuing basis the interrupted general ration distribution to Palestine refugees in all fields;

4. Requests the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly at its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/165 F

16 December 1985 Meeting 118 127-20-4 (recorded vote)

Approved by SPC (A/40/921) by recorded vote (105-19-3), 15 November (meeting 34); 7-nation draft (A/SPC/40/L.21); agenda item 79.

Sponsors: Afghanistan, Bangladesh, Egypt, Indonesia, Malaysia, Pakistan, Yugoslavia.

Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom, United States.

Abstaining: Austria, Costa Rica, Grenada, Spain.

Israel remarked that the wealthy Arab States which had sponsored the text had reduced their contributions to UNRWA. Without sufficient financial resources, said Sweden, the resumption of the general ration distribution would endanger the most important activities of the Agency. The United States strongly supported the Commissioner-General's efforts to make the most efficient use of UNRWA's scarce resources, and said the text was aimed at narrowing his discretionary powers in that regard.

Education and training services

Schools and teacher training centres

UNRWA activities. Under an agreement between UNRWA and UNESCO, the latter provided technical and professional advice to the Commissioner-General on aspects of the UNRWA education programme which included schooling for some 350,000 Palestine refugee children. Nine grades of elementary and preparatory (lower secondary) education were provided in some 635 Agency schools.

The curriculum followed that of the host country, and that of Jordan and Egypt for the West Bank and the Gaza Strip, respectively. With some UNRWA assistance, many refugee children were able to continue at the upper secondary level in government or private schools.

In addition, UNRWA provided vocational and pre-service teacher training at Agency centres, in-service teacher training and a university scholarship programme (see below). Pre-service training was given to some 1,000 trainees at three training centres in Jordan and at Ramallah in the West Bank, and a variety of in-service training courses was conducted through education development centres located in the five field office areas of UNRWA operations. The number of places available to refugees in vocational and technical courses conducted in eight UNRWA training cen-

tres was 3,812; in addition, the Agency sponsored the vocational training of 40 refugees in private institutions. It also organized pre-school education programmes, youth activities, adult training in crafts, and medical and paramedical education and training.

The general education programme continued as the largest single Agency activity in 1984/85. Seven school buildings were constructed during that period and work began on another six.

Of the 16,500 UNRWA employees, over 12,000 were in education, and over 90 per cent of those were schoolteachers. UNRWA's teacher training programme aimed primarily at providing qualified teachers for the Agency's schools.

Proposed University of Jerusalem "Al-Quds"

Report of the Secretary-General. As requested by the General Assembly in 1984,⁽²²⁾ the Secretary-General reported in August 1985⁽²³⁾ on the latest efforts to establish a university for Palestine refugees at Jerusalem, first considered by the Assembly in 1980.⁽²⁴⁾ In order to complete the feasibility study requested of him, he had contacted the Rector of the United Nations University, who designated an expert to carry out the study. The expert was to meet with Israeli officials, bearing in mind that the co-operation of Israel, which was in effective control of Jerusalem, was a prerequisite for establishing the university.

In a note verbale of 1 April 1985, the Secretary-General requested that Israel facilitate the visit of the expert at a mutually convenient date. In its reply of 2 May, Israel referred to its statements made in 1983⁽²⁵⁾ and 1984;⁽²⁶⁾ the 1984 resolution⁽²²⁾ was an attempt to use the field of higher education for transparent political ends, totally extraneous to genuine academic pursuits. Israel also pointed out that higher academic institutions in Judaea and Samaria were meeting the requirements in the area while continuing to improve education standards; until substantive clarifications were provided, it was unable to help in taking the matter further.

In view of Israel's position, the Secretary-General concluded, it had not been possible to complete the feasibility study as planned.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 K by recorded vote.

University of Jerusalem "Al-Quds" for Palestine refugees

The General Assembly,

Recalling its resolutions 36/146 G of 16 December 1981, 37/120 C of 16 December 1982, 38/83 K of 15 December 1983 and 39/99 K of 14 December 1984,

Having examined the report of the Secretary-General on the question of the establishment of a university at Jerusalem,

Having also examined the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,

1. Commends the constructive efforts made by the Secretary-General, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Council of the United Nations University and the United Nations Educational, Scientific and Cultural Organization, which worked diligently towards the implementation of General Assembly resolution 38/83 D of 15 December 1983 and other relevant resolutions;

2. Further commends the close co-operation of the competent educational authorities concerned;

3. Emphasises the need for strengthening the educational system in the Arab territories occupied since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;

4. Requests the Secretary-General to continue to take all necessary measures for establishing the University of Jerusalem, "Al-Quds", in accordance with General Assembly resolution 35/13 B of 3 November 1980, giving due consideration to the recommendations consistent with the provisions of that resolution;

5. Calls upon Israel, the occupying Power, to co-operate in the implementation of the present resolution and to remove the hindrances which it has put in the way of establishing the University of Jerusalem;

6. Requests the Secretary-General to report to the General Assembly at its forty-first session on the progress made in the implementation of the present resolution.

General Assembly resolution 40/165 K

16 December 1985 Meeting 118 149-2-1 (recorded vote)

Approved by SPC (A/40/921) by recorded vote 126-2, 15 November (meeting 34): 9-nation draft (A/SPC/40/L.26); agenda item 79.

Sponsors: Afghanistan, Bangladesh, Egypt, India, Indonesia, Jordan, Malaysia, Pakistan, Yugoslavia.

financial implications. 5th Committee. A/40/975; S-G. A/C.5/40/51, A/SPC/40/L.28. Meeting numbers, GA 40th session: 5th Committee 51; SPC 22-28, 31, 34; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius Mexico, Mongolia, Morocco Mozambique Nepal, Netherlands New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines Samoa Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Two, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States

Abstaining: Grenada.

The United States considered the university a purely political project which would not meet the

educational needs of the refugees. Israel said the request for its establishment was absurd, in view of the existence of a large number of renowned educational institutions, both Jewish and Arab, in Jerusalem.

In resolution 40/165 D, the Assembly appealed for generous contributions to Palestinian universities in the occupied territories, including, in due course, the proposed University of Jerusalem.

Scholarships

UNRWA activities. During the 1984/85 academic year, UNRWA awarded 353 scholarships to Palestine refugees for study at Arab universities, 271 of them continuing and 82 new. Scholarships, partly funded from special contributions, were awarded for one year, but were renewable from year to year for the duration of a course of study. In addition, UNESCO annually provided fellowships for short training courses for UNRWA's senior education staff.

Report of the Secretary-General. In a September 1985 report,⁽²⁷⁾ submitted in accordance with a 1984 General Assembly resolution,⁽²⁸⁾ the Secretary-General provided information on responses to the Assembly's numerous appeals for special allocations for grants and scholarships to Palestine refugees, for which UNRWA acted as recipient and trustee.

In 1985, the Federal Republic of Germany granted six fellowships to Palestine refugee graduates from UNRWA vocational training centres, all from Jordan. Japan offered five training scholarships for UNRWA's vocational training instructors in the West Bank and Gaza.

Among United Nations organizations and agencies, the Food and Agriculture Organization of the United Nations had two programmes for Palestinians, one providing specialized training in agricultural development and awarding three fellowships to university graduates, the other helping Palestine families of the Giline and Ramadan refugee camps in the Syrian Arab Republic to improve production and efficiency in crop and livestock farming. On the invitation of the World Intellectual Property Organization (WIPO), UNRWA proposed eight candidates for WIPO training fellowships. ILO was involved in two UNDP-sponsored projects: one to increase facilities for vocational training by UNRWA centres, governmental services and private institutions; the other, implemented in the second half of 1984, to provide vocational and technical refresher courses for 19 Palestinians. An ILO expert assisted a project to help Palestinian women's institutions promote vocational training. UNESCO granted four fellowships for overseas training of UNRWA education staff. During the 1985/86 academic year, EC agreed to finance 5 to 10 scholarships for Palestinians from Gaza for studies in Europe, the West Bank or Arab countries.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 D by recorded vote.

Offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees

The General Assembly,

Recalling its resolution 212(III) of 19 November 1948 on assistance to Palestine refugees,

Recalling also its resolutions 35/13 B of 3 November 1980, 36/146 H of 16 December 1981, 37/120 D of 16 December 1982, 38/83 D of 15 December 1983 and 39/99 D of 14 December 1984,

Cognizant of the fact that the Palestine refugees have, for the last three decades, lost their lands and means of livelihood,

Having examined the report of the Secretary-General,

Having also examined the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,

1. Urges all States to respond to the appeal contained in General Assembly resolution 32/90 F of 13 December 1977 in a manner commensurate with the needs of Palestine refugees for higher education and vocational training;

2. Strongly appeals to all States, specialized agencies and non-governmental organizations to augment the special allocations for grants and scholarships to Palestine refugees in addition to their contributions to the regular budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

3. Expresses its appreciation to all Governments, specialized agencies and non-governmental organizations that responded favourably to General Assembly resolution 39/99 D;

4. Invites the relevant specialized agencies and other organizations of the United Nations system to continue, within their respective spheres of competence, to extend assistance for higher education to Palestine refugee students;

5. Appeals to all States, specialized agencies and the United Nations University to contribute generously to the Palestinian universities in the territories occupied by Israel since 1967, including, in due course, the proposed University of Jerusalem "Al-Quds" for Palestine refugees;

6. Also appeals to all States, specialized agencies and other international bodies to contribute towards the establishment of vocational training centres for Palestine refugees;

7. Requests the United Nations Relief and Works Agency for Palestine Refugees in the Near East to act as the recipient and trustee for such special allocations and scholarships and to award them to qualified Palestine refugee candidates;

8. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/165 D

16 December 1985 Meeting 118 147-0-1 (recorded vote)

Approved by SPC (A/40/921) by recorded vote (126-0-1), 15 November (meeting 34); 8-nation draft (A/SPC/40/L.19); agenda item 79.

Sponsors: Afghanistan, Bangladesh, Egypt, Indonesia, Jordan, Malaysia, Pakistan, Yugoslavia.

Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Israel.

In the opinion of the United States, the text provided a practical way of meeting some of the needs of the refugees. Israel said it was unable to support it because it contained a reference to the proposed university of Jerusalem for Palestine refugees.

Property rights

Report of the Secretary-General. In September 1985,⁽²⁹⁾ the Secretary-General reported on revenues derived from Palestine refugee properties, as requested in a 1984 Assembly resolution⁽³⁰⁾ which he had brought to Israel's attention, asking for any information regarding its implementation, preferably by 30 June 1985. In a reply of 12 August, Israel stated that its position had been set out in 1981 before the Special Political Committee.⁽³¹⁾ With regard to the resolution's request for information from other States on Arab property, assets and property rights in Israel, no replies had been received.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 H by recorded vote.

Revenues derived from Palestine refugee properties The General Assembly,

Recalling its resolutions 35/13 A to F of 3 November 1980, 36/146 C of 16 December 1981, 37/120 H of 16 December 1982, 38/83 H of 15 December 1983, 39/99 H of 14 December 1984 and all its previous resolutions on the question, including resolution 194(III) of 11 December 1948,

Taking note of the report of the Secretary-General,

Taking note also of the report of the United Nations Conciliation Commission for Palestine, covering the period from 1 September 1984 to 31 August 1985,

Recalling that the Universal Declaration of Human Rights and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her private property,

Considering that the Palestine Arab refugees are entitled to their property and to the income derived from their property, in conformity with the principles of justice and equity,

Recalling, in particular, its resolution 394(V) of 14 December 1950, in which it directed the United Nations Conciliation Commission for Palestine, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine Arab refugees,

Eking note of the completion of the programme of identification and evaluation of Arab property, as announced by the United Nations Conciliation Commission for Palestine in its twenty-second progress report, and of the fact that the Land Office had a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

1. Requests the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection and administration of Arab property, assets and property rights in Israel, and to establish a fund for the receipt of income derived therefrom, on behalf of the rightful owners;

2. Calls once again upon Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

3. Culls upon all other Governments of Member States concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel, which would assist the Secretary-General in the implementation of the present resolution;

4. Deplores Israel's refusal to co-operate with the Secretary-General in the implementation of the resolutions on the question;

5. Requests the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

General Assembly resolution 40/165 H

16 December 1985 Meeting 118 122-2-26 (recorded vote)

Approved by SPC (A/40/921) by recorded vote (103-2-23), 15 November (meeting 34); 8-nation draft (A/SPC/40/L.23); agenda item 79.

Sponsors: Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Malaysia, Pakistan.

Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States

Abstaining: Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Grenada, Iceland, Ireland, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Paraguay, Swaziland, Sweden, United Kingdom, Zaire.

In the opinion of the United States, the text prejudged the issues of refugee repatriation and compensation which, it felt, could be best settled through direct negotiations among the parties. In Israel's view, the text ran counter to the basic tenets of international law, since property rights within the borders of a sovereign State were exclusively subject to domestic law. Sweden believed that claims by Palestine refugees in respect of property or compensation should be dealt with in the context of a comprehensive Middle East solution.

Refugee protection

Protection of Palestine refugees, especially those in southern Lebanon, was again the subject in 1985 of a General Assembly resolution. The Secretary-General reported on steps taken to ensure their protection, as did the Commissioner-General in his annual report. When introducing his report⁽²⁾ in the Assembly's Special Political Committee, the Commissioner-General stated that the refugees in Lebanon had been affected by almost uninterrupted fighting (see above, under "Lebanon situation"), and the living conditions for refugees in the West Bank and the Gaza Strip had deteriorated.

Report of the Secretary-General. In October 1985,⁽³²⁾ the Secretary-General reported on the implementation of a 1984 General Assembly resolution⁽¹²⁾ calling for protection of Palestine refugees, especially those in refugee camps in Lebanon. Responding on 12 August 1985 to the Secretary-General's request for information on steps taken or envisaged in compliance with the resolution, Israel stated that it deemed the resolution not relevant, since its troops had completed their withdrawal from southern Lebanon in June and were currently deployed along the international border.

The UNRWA Commissioner-General continued his efforts in consultation with the Secretary-General to do all that was feasible to contribute to the safety and security of the refugees in all the territories under occupation.

Palestine refugees in southern Lebanon resided in the vicinity of Saida and Tyre. The Israeli forces withdrew from those areas in February and April 1985, respectively. Up to the dates of their withdrawal, the UNRWA field office in Lebanon reported the following incidents involving Palestine refugees: in southern Lebanon as a whole from July 1984 to the end of February 1985, there were 51 violent deaths, 27 explosions and 2 kidnappings; in the Tyre area in March and April, there were 6 violent deaths and 5 explosions. UNRWA

officials drew the attention of the Israeli military authorities to such incidents and, when necessary, lodged protests, with a view to having them investigated and to reminding Israel of its responsibility for the safety and security of the civilian population.

By a note verbale of 28 February to Israel, UNRWA had expressed deep concern about the security of Palestine refugees in southern Lebanon, pointing out that it had been obliged at times to close its schools in the Tyre area to avoid possible injury from stray bullets and requesting adequate and urgent steps to prevent further such incidents. UNRWA had also referred to difficulties in moving personnel and supplies through Israeli check-points and in obtaining access to Israeli military officials in a position to deal with such problems.

UNRWA continued to provide education, health and relief services to Palestine refugees in southern Lebanon. Continuing disturbances throughout the area and delays at IDF check-points and those of local forces armed and controlled by IDF adversely affected access to UNRWA clinics and subsidized hospitals.

GENERAL ASSEMBLY ACTION

On 16 December, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 I by recorded vote.

Protection of Palestine refugees

The General Assembly,

Recalling Security Council resolutions 508(1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511(1982) of 18 June 1982, 512(1982) of 19 June 1982, 513(1982) of 4 July 1982, 515(1982) of 29 July 1982, 517(1982) of 4 August 1982, 518(1982) of 12 August 1982, 519(1982) of 17 August 1982, 520(1982) of 17 September 1982 and 523(1982) of 18 October 1982,

Recalling General Assembly resolutions ES-7/5 of 26 June 1982, ES-7/6 and ES-7/8 of 19 August 1982, ES-7/9 of 24 September 1982, 37/120 J of 16 December 1982, 38/83 I of 15 December 1983 and 39/99 I of 14 December 1984,

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,

Referring to the humanitarian principles of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to the obligations arising from the Regulations annexed to the Hague Convention IV of 1907.

Taking into consideration the marked deterioration in the security situation experienced by the refugees living in the Gaza Strip as reported by the Commissioner-General in his statement of 4 November 1985,

Deeply concerned at the lack of security for the Palestine refugees in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, resulting in

scores of violent deaths, woundings, kidnappings, disappearances, evictions in the face of threats, explosions and arsons,

Deeply distressed at the sufferings of the Palestinians resulting from the Israeli invasion of Lebanon,

Reaffirming its support for the sovereignty, unity and territorial integrity of Lebanon, within its internationally recognized boundaries,

1. Urges the Secretary-General, in consultation with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestine refugees in all the territories under Israeli occupation in 1967 and thereafter;

2. Holds Israel responsible for the security of the Palestine refugees in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and calls upon it to fulfil its obligations as the occupying Power in this regard, in accordance with the pertinent provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

3. Calls once again upon Israel, the occupying Power, to release forthwith all detained Palestine refugees, including the employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

4. Urges the Commissioner-General to provide housing, in consultation with the Government of Lebanon, to the Palestine refugees whose houses were demolished or razed by the Israeli forces;

5. Calls once again upon Israel to compensate the Agency for the damage to its property and facilities resulting from the Israeli invasion of Lebanon, without prejudice to Israel's responsibility for all damages resulting from that invasion;

6. Requests the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly, before the opening of its forty-first session, on the implementation of the present resolution.

General Assembly resolution 40/165 I

16 December 1985 Meeting 118 116-2-33 (recorded vote)

Approved by SPC (A/40/921) by recorded vote (96-2-28), 15 November (meeting 341; 8-nation draft (A/SPC/40/L.24); agenda item 79.

Sponsors: Afghanistan, Bangladesh, Cuba, Egypt, Indonesia, Malaysia, Pakistan, Yugoslavia.

Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Costa Rica, Denmark, El Salvador, Finland, France, Germany, Federal Republic of, Greece, Grenada, Guatemala, Haiti, Iceland, Ireland, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Malawi, Netherlands New Zealand, Norway, Panama, Paraguay, Portugal, Spain, Swaziland, Sweden, United Kingdom, Zaïre.

The seventh preambular paragraph was adopted, by recorded votes of 101 to 16, with 29 abstentions, in plenary and 91 to 17, with 18 abstentions, in Committee.

In the opinion of the United States, the text included an unacceptable, one-sided condemnation of Israel in complete disregard of the truth; such exercises in empty polemics only aggravated the problems facing UNRWA. Also, charging the Secretary-General with guaranteeing the safety, security and rights of the Palestine refugees in the occupied territories would raise practical and legal problems with the possibility of conflicting jurisdictional authorities.

Israel said the text contained identical opening paragraphs to the previous year's unjustified and unwarranted resolution, and despite the fact that Israeli forces had meanwhile left Lebanon. The subsequent paragraphs referred not to the situation in Lebanon, but to that in Palestine and other occupied territories. Both the Chairman of the Committee on Palestinian rights and the Security Council had expressed concern over tragic developments in and around the camps at Beirut after Israel's withdrawal from the area, Israel said. There was little doubt that the principal cause of such concern was action by the Syrian Arab Republic, whose forces, in conjunction with Lebanese forces, had killed some 2,000 refugees and wounded over 6,000 in camps in Lebanon. However, the seventh preambular paragraph merely substituted the phrase "in the Palestinian and other Arab territories occupied since 1967, including Jerusalem", for "in occupied southern Lebanon", used in the 1984 text. It was clear to the many visitors to Judaea, Samaria and Gaza that the outrages which had allegedly occurred in southern Lebanon during the previous year were not being re-enacted in exactly the same way in those territories.

Lebanon responded that the Palestinian civilian and military presence in Lebanon and the violence which had involved Palestinians and Lebanese together had resulted from Israeli acts of aggression. Lebanon hoped that the talks currently being held under Syrian sponsorship would lead to a stable and lasting peace in Lebanon and make it possible to restore the rule of law throughout the country. Despite Israel's claim to have withdrawn its forces from southern Lebanon, United Nations forces and the Lebanese Government continued to consider that no such withdrawal had taken place.

In Sweden's view, the language of several paragraphs was sweeping and contradictory and the text did not appear to address the security situation of the refugees most in need of protection; Sweden and Finland felt it was inappropriate to demand that the Secretary-General should

guarantee the safety of refugees when he had no means to do so. Finland said the seventh preambular paragraph and paragraph 3 were inaccurate and overlooked the serious security problems of Palestine refugees in parts of Lebanon that were not occupied. It was Finland's understanding that the damage referred to in paragraph 5 was that specified in UNRWA's claim of approximately \$4.4 million submitted to Israel.

Speaking for the 10 EC member States, Luxembourg said they had difficulty in understanding why a text which had been traditionally related to the specific situation of Palestine refugees in Lebanon now appeared to have a more general application. The impression given was that their situation was less grave than that in other occupied territories, although reports demonstrated that the opposite was true. With regard to paragraph 1, the EC members felt that it was important not to detract from Israel's responsibility, as the occupying Power, to provide protection to the civilian population; they also had difficulty in supporting certain other passages in the text which in their view contained extreme generalizations.

In a similar vein, Austria remarked that previous resolutions on the subject had referred to the situation of refugees in Lebanon; the new text, however, applied in general to the territories occupied by Israel since 1967.

Turkey reserved its position on paragraph 1 and on the seventh preambular paragraph.

Palestine refugees in the Gaza Strip

The living conditions of refugees and the security situation in the Gaza Strip had deteriorated, the Commissioner-General stated when introducing his annual report⁽²⁾ in the General Assembly's Special Political Committee. There was a serious shortage of adequate housing and increasing numbers of refugees were finding it difficult to obtain employment, which added to other hardships. As a consequence, there was heightened demand for special hardship assistance and help in finding employment. Unhealthy environmental conditions and continued settlement activity further compounded unsatisfactory living conditions, by reducing the amount of land available for agriculture and by increasing the pressure on already insufficient water supply and waste disposal facilities. In addition, no solution had been reached to the problem of the approximately 5,000 Palestinian refugees on the Egyptian side of the border between the Gaza Strip and the Sinai, to whom UNRWA continued to provide limited assistance, the Commissioner-General said.

Report of the Secretary-General. In September 1985,⁽³³⁾ the Secretary-General submitted a report on Palestine refugees in the Gaza Strip, in accordance with a 1984 General Assembly resolution⁽³⁴⁾ demanding that Israel desist from removing and

resettling Palestine refugees in the Gaza Strip and destroying their shelters. In reply to a note verbale of 22 March 1985 by the Secretary-General, Israel stated on 12 August that its position on the matter had been set out in successive annual replies, the latest in June 1984.⁽³⁵⁾ To date, Israel said, it had provided housing for more than 9,500 families and, during 1985, another 620 families were to be housed under the refugee voluntary rehabilitation programme.

The Secretary-General reported that, following a shooting incident in Gaza town on 17 April when an Israeli soldier was wounded by a Palestine refugee, Israeli authorities had partially demolished the refugee's father's shelter in Bureij camp. In response to UNRWA's protest that the demolition amounted to collective punishment contrary to the fourth Geneva Convention, the authorities stated that the demolition had been limited to extensions that contravened building regulations.

UNRWA was following up with the Israeli authorities the rehousing of refugees who remained affected by the demolitions in 1971 in the Gaza Strip.⁽³⁶⁾ Of 87 families previously categorized as living in hardship conditions, 19 were still in hardship, 18 were inadequately and 37 adequately housed, and 13 had purchased houses in Israeli-sponsored projects. The authorities stated that the 19 families living in hardship conditions were being rehoused.

Several refugee families living on the northern perimeter of Jabalia camp had been told by Israeli authorities to remove some of their shelter extensions on the ground that they had been built without proper authority on State land outside camp boundaries; the families had taken the matter to the High Court of Israel where proceedings were continuing. Some of the families concerned were understood to have accepted an Israeli offer to move to a housing project at Beit Lahiya, demolishing their shelters at Jabalia as a pre-condition. Israeli authorities had also levelled boundary walls and gardens at that camp on the grounds that they were in contravention of building regulations.

The 35 families whose shelters on the perimeter of Beach camp had been demolished in 1983⁽³⁷⁾ had still not been rehoused; 28 of them were living in temporary shelters on or near the same site, 2 had moved in with relatives and 5 had left. Israel had stated that arrangements were being made to provide alternative accommodation.

In the year under review, according to information available, 326 refugee families, comprising 2,075 persons, moved to 194 plots of land in Israeli-sponsored housing projects; in addition, three refugee families comprising 14 persons moved to completed housing units. As a pre-condition, 501 shelter rooms had to be demolished, of which 245 had been built by UNRWA and 27 had been assisted by it. In requiring such demolitions,

Israel maintained that it was to relieve congestion in the camps and that material from demolished shelters was used in new construction. UNRWA believed such demolitions added to the acute housing crisis in the Gaza Strip.

The Israeli authorities had to date allocated a total of 3,714 plots of land in the Gaza Strip for housing projects. Houses had been built by 2,816 refugee families of 17,316 persons on 2,067 plots, and construction was continuing on 361 plots. The remaining plots were either vacant or belonged to non-refugee families. In addition, 2,809 refugee families consisting of 17,649 persons and 14 non-refugee families comprising 65 persons had moved into 2,665 completed housing units.

Refugee families were continuing to purchase plots of land at subsidized rates for constructing houses in projects developed by Israel in the Beit Lahiyah, Naslah and Tel el-Sultan areas. Israel had also started recently to expand the al-Amal and Sheikh Radwan housing projects.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 E by recorded vote.

Palestine refugees in the Gaza Strip

The General Assembly,

Recalling Security Council resolution 237(1967) of 14 June 1967,

Recalling also General Assembly resolutions 2792 C (XXVI) of 6 December 1971, 2963 C (XXVII) of 13 December 1972, 3089 C (XXVIII) of 7 December 1973, 3331 D (XXIX) of 17 December 1974, 3419 C (XXX) of 8 December 1975, 31/15 E of 23 November 1976, 32/90 C of 13 December 1977, 33/112 E of 18 December 1978, 34/52 F of 23 November 1979, 35/13 F of 3 November 1980, 36/146 A of 16 December 1981, 37/120 E of 16 December 1982, 38/83 E of 15 December 1983 and 39/99 E of 14 December 1984,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985, and the report of the Secretary-General,

Recalling the provisions of paragraph 11 of its resolution 194(III) of 11 December 1948 and considering that measures to resettle Palestine refugees in the Gaza Strip away from the homes and property from which they were displaced constitute a violation of their inalienable right of return,

Alarmed by the reports received from the Commissioner-General that the Israeli occupying authorities, in contravention of Israel's obligation under international law, persist in their policy of demolishing shelters occupied by refugee families,

1. Reiterates strongly its demand that Israel desist from the removal and resettlement of Palestine refugees in the Gaza Strip and from the destruction of their shelters;

2. Requests the Secretary-General, after consulting with the Commissioner-General of the United Nations

Relief and Works Agency for Palestine Refugees in the Near East, to report to the General Assembly, before the opening of its forty-first session, on Israel's compliance with paragraph 1 above.

General Assembly resolution 40/165 E

16 December 1985 Meeting 118 146-2-2 (recorded vote)

Approved by SPC (A/40/921) by recorded vote (126-2), 15 November (meeting 34); O-nation draft (A/SPC/40/L.20); agenda item 79.

Sponsors: Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Malaysia, Pakistan, Yugoslavia.

Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States

Abstaining: Grenada, Zaire.

Israel declared that it would continue to provide better-quality accommodation to refugees in the Gaza Strip, despite the demand in the text that it should abandon its efforts to do so. The United States regarded the text as highly polemical, one-sided and harshly condemnatory.

Palestine refugees in the West Bank

The living conditions of refugees in the West Bank had deteriorated, the UNRWA Commissioner-General stated when introducing his annual report in the Special Political Committee. The situation had been characterized by numerous incidents, including confrontations between Israeli settlers and the local population; occasional curfews had been decreed in the camps and there had been disruptions in schools.

Communications. By a letter of 12 February 1985,⁽³⁸⁾ the Chairman of the Committee on Palestinian rights brought to the Secretary-General's attention the grave situation and growing tension in and around Palestinian refugee camps, both in southern Lebanon (see p. 311) and in the West Bank. At Dheisheh, near Bethlehem, all roads into the camp had been blocked, the Chairman said; only one narrow pedestrian entrance had remained open, affecting services to the camp and aggravating the atmosphere of living under siege. On 1 February, he added, police reinforced by military troops had

arrested scores of residents in the camp and villages in the vicinity.

In a letter of 19 March,⁽³⁹⁾ the Chairman expressed the Committee's profound concern that, on 12 March, the press had reported that 35 youths from the Dheisheh camp, arrested during a night raid on the camp on 31 January, were still being detained for interrogation without charges.

Report of the Secretary-General. Of the 357,704 Palestine refugees in the West Bank registered with UNRWA, 266,473 lived outside camps, the Secretary-General noted in a September 1985 report.⁽⁴⁰⁾ He also reported that, in reply to a note verbale of 22 March requesting Israel to inform him of any steps taken to implement the General Assembly's 1984 resolution⁽⁴¹⁾ calling on Israel to refrain from removing and resettling refugees in the West Bank, Israel had stated on 12 August 1985 that its position had been set out in 1984.⁽⁴²⁾ The views of the UNRWA Commissioner-General remained also as stated in 1984.⁽⁴²⁾ The Agency did not envisage being involved in removing and resettling refugees; while it did not oppose measures voluntarily accepted by them to improve their living conditions, it would strongly object to any attempt to force them to comply with any particular scheme. The mere fact of relocation did not affect eligibility for UNRWA services, the Secretary-General added.

GENERAL ASSEMBLY ACTION

On 16 December 1985, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 40/165 J, by recorded vote.

Palestine refugees in the West Bank

The General Assembly,

Recalling Security Council resolution 237(1967) of 14 June 1967,

Recalling also General Assembly resolutions 38/83 J of 15 December 1983 and 39/99 J of 14 December 1984,

Having considered the report of the Secretary-General, Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,

Alarmed by Israel's plans to remove and resettle the Palestine refugees of the West Bank and to destroy their camps,

Recalling the provisions of paragraph 11 of its resolution 194(III) of 11 December 1948 and considering that measures to resettle Palestine refugees in the West Bank away from the homes and property from which they were displaced constitute a violation of their inalienable right of return,

1. Calls once again upon Israel to abandon its plans and to refrain from the removal, and from any action that may lead to the removal and resettlement, of Palestine refugees in the West Bank and from the destruction of their camps;

2. Requests the Secretary-General, in co-operation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to keep the matter under close supervision and to report to the General Assembly, before the opening of its forty-first session, on any developments regarding this matter.

General Assembly resolution 40/165 J

16 December 1985 Meeting 118 146-2-2 (recorded vote)

Approved by SPC (A/40/921) by recorded vote (126-2), 15 November (meeting 34): S-nation draft (A/SPC/40/L.25); agenda item 79.

Sponsors: Afghanistan, Bangladesh, Cuba, Egypt, India, Indonesia, Malaysia, Pakistan, Yugoslavia.

Meeting numbers. GA 40th session: SPC 22-28, 31, 34; plenary 118.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, 'Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Grenada, Malawi.

The United States said it could not support paragraph 1 of the text as it would exclude any programmes which might seek to improve the refugees' quality of life pending an overall political settlement; such programmes might include the construction of new housing outside existing camps, undertaken voluntarily by the refugees themselves and in co-ordination with UNRWA.

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 (7) A/40/216-S/17072. (8) A/40/13/Add.1 & Add.1/Corr.1.
 (9) A/40/736. (10) A/40/350. (11) YUN 1983, p. 354, GA res. 38/83 I, 15 Dec. 1983. (12) YUN 1984, p. 344, GA res. 39/99 I, 14 Dec. 1984. (13) Ibid., p. 347, GA res. 39/99 G, 14 Dec. 1984. (14) A/40/614. (15) YUN 1984, p. 346.
 (16) A/40/580. (17) YUN 1984, p. 336, GA res. 39/99 A, 14 Dec. 1984. (18) YUN 1982, p. 560. (19) YUN 1984, p. 335.
 (20) Ibid., p. 343, GA res. 39/99 F, 14 Dec. 1984. (21) A/40/766.
 (22) YUN 1984, p. 341, GA res. 39/99 K, 14 Dec. 1984.
 (23) A/40/543. (24) YUN 1980, p. 443, GA res. 35/13 B, 3 Nov. 1980. (25) YUN 1983, p. 351. (26) YUN 1984, p. 341.
 (27) A/40/612. (28) YUN 1984, p. 342, GA res. 39/99 D, 14 Dec. 1984. (29) A/40/616. (30) YUN 1984, p. 346, GA res. 39/99 H, 14 Dec. 1984. (31) YUN 1981, p. 336.
 (32) A/40/756. (33) A/40/613. (34) YUN 1984, p. 348, GA res. 39/99 E, 14 Dec. 1984. (35) Ibid., p. 347. (36) YUN 1971, p. 198. (37) YUN 1983, p. 358. (38) A/40/128-S/16954.
 (39) A/40/183-S/17043. (40) A/40/615. (41) YUN 1984, p. 349, GA res. 39/99 J, 14 Dec. 1984. (42) Ibid., p. 349.