

## Chapter VIII

# Middle East

In 1981, the situation in the Middle East continued to occupy the attention of the Security Council, the General Assembly and several other United Nations bodies. Aside from the annual debate on the Middle East situation as a whole (p. 257), the major aspects considered were the Palestine question (p. 263), the situation between individual Arab States and Israel (p. 275), the situation in the territories occu-

ped by Israel (p. 300) and Palestine refugees (p. 325). The United Nations continued to maintain two major peace-keeping operations in the region financed by special assessments on Member States (p. 294).

By a resolution of 17 December,<sup>(38)</sup> arising from its consideration of the Middle East situation, the Assembly declared once more that peace in the Middle East must be based on a

comprehensive, just and lasting solution under United Nations auspices, and rejected all partial agreements and separate treaties.

In connection with its consideration of disarmament items, the Assembly, on 9 December, adopted three resolutions relating to the proposed establishment of a nuclear-weapon-free zone in the Middle East (p. 49). It decided to include the subject in the provisional agenda of its 1982 regular session,<sup>(10)</sup> declared it imperative that Israel place its nuclear facilities under International Atomic Energy Agency (IAEA) safeguards,<sup>(11)</sup> and requested the Security Council to prohibit all nuclear co-operation with Israel.<sup>(12)</sup>

On 10 December, the Assembly adopted six resolutions on the Palestine question. It reaffirmed the inalienable rights of the Palestinians, including the right to their own State, and demanded that Israel withdraw from the Arab territories occupied since 1967.<sup>(16)</sup> It expressed strong opposition to all partial agreements and treaties which violated Palestinian rights,<sup>(18)</sup> and determined once more that Israeli measures to alter the character and status of Jerusalem were null and void and a threat to international peace and security.<sup>(17)</sup> The Assembly decided to convene an International Conference on the Question of Palestine not later than 1984,<sup>(15)</sup> and authorized continuing work by the Committee on the Exercise of the Inalienable Rights of the Palestinian People<sup>(13)</sup> and the United Nations Secretariat's Special Unit on Palestinian Rights.<sup>(14)</sup>

The Committee on Palestinian rights, in its 1981 report to the Assembly,<sup>(2)</sup> reiterated the validity of its 1976 recommendations, which included a call for Israeli withdrawal from the occupied territories according to a timetable to be fixed by the Security Council and the establishment of an independent Palestinian entity.<sup>(47)</sup>

The United Nations continued to assist Palestinians in the West Bank, the Gaza Strip and neighbouring Arab States. Aside from refugee assistance, much of this aid was rendered by the United Nations Development Programme and the United Nations Children's Fund. The General Assembly requested the continuation of such assistance on 4 December.<sup>(8)</sup>

The Israeli aerial bombing on 7 June of a nuclear research centre near Baghdad, Iraq, was condemned by the Security Council on 19 June<sup>(41)</sup> and by the Assembly on 13 November.<sup>(5)</sup>

In southern Lebanon along the border with Israel, where the United Nations Interim Force in Lebanon (UNIFIL) was stationed, the cease-fire was broken a number of times. Lebanon complained several times to the Security Council that Israeli forces had attacked civilian targets and repeatedly bombarded cities and villages,

while Israel charged that armed elements of the Palestine Liberation Organization (PLO) had attempted to cross into Israel through UNIFIL lines.

On 20 March, through a statement by its President, the Security Council condemned attacks on UNIFIL which had caused the death and injury of Force personnel, and addressed a serious warning to all the forces responsible for acts violating the sovereignty and territorial integrity of Lebanon and preventing the full deployment of the Force. The Council extended the UNIFIL mandate twice—first until 19 December<sup>(42)</sup> and then for another six months, until 19 June 1982.<sup>(46)</sup> On 21 July, the Council unanimously called for an immediate cessation of all armed attacks and reaffirmed its commitment to Lebanon's sovereignty, territorial integrity and independence.<sup>(43)</sup>

The United Nations Disengagement Observer Force (UNDOF) continued to supervise the observance of the cease-fire in the area of separation between the forces of Israel and the Syrian Arab Republic in the Golan Heights. Twice during the year, the Council extended the UNDOF mandate for six months: first until 30 November 1981<sup>(40)</sup> and the second time until 31 May 1982.<sup>(44)</sup>

The General Assembly in 1981 appropriated a total of \$177,099,248 for the two United Nations peace-keeping forces in the Middle East. Of this sum, \$146,166,000 was for UNIFIL for the period 19 December 1980 to 18 December 1981<sup>(19)</sup> and \$30,933,248 for UNDOF from 1 June 1981 to 31 May 1982.<sup>(6)</sup> The Assembly also continued an arrangement under which certain unexpended appropriations for UNIFIL<sup>(20)</sup> and UNDOF<sup>(7)</sup> were retained rather than returned to Member States.

The situation in the territories occupied by Israel was again considered by United Nations bodies. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, in a report to the Assembly,<sup>(1)</sup> stated that Israel's annexation and settlements policy continued unabated, with Israeli settlers playing a considerably increased role in implementing that policy. It added that Israel continued to follow a policy of extreme provocation of civilians and severe repression of any reaction to that provocation.

On 16 December, the General Assembly adopted seven resolutions on this subject. One of them<sup>(31)</sup> contained the Assembly's strong condemnation of a series of Israeli policies and practices, including annexation, establishment and expansion of Israeli settlements, expulsion and transfer of Arabs, confiscation of property, transformation and pillaging of cultural property, destruction of houses, mass arrests, ill-treatment of detainees, interference with religious freedoms,

family customs, education, development and freedom of movement, and illegal exploitation of natural resources and population. The Assembly demanded that Israel desist from those policies and practices and, by another resolution,<sup>(30)</sup> determined that Israeli measures designed to change the legal status, geographical nature and demographic composition of the occupied territories, including Jerusalem, had no legal validity. By four other resolutions, the Assembly demanded that Israel facilitate the immediate return of the Mayors of Hebron and Halhul and the Islamic Judge of Hebron,<sup>(32)</sup> report on assassination attempts against three other mayors,<sup>(35)</sup> rescind orders for the closure of three universities<sup>(34)</sup> and desist from repressive measures against Syrians in the Golan Heights.<sup>(33)</sup> The Assembly also reaffirmed that the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable to the occupied territories and demanded that Israel comply with its provisions.<sup>(29)</sup>

In separate resolutions relating to the occupied territories, the Assembly demanded that Israel cease implementing its project for a Mediterranean-Dead Sea canal<sup>(36)</sup> and desist from excavations and transformations of the historical, cultural and religious sites of Jerusalem<sup>(4)</sup> It called on States and institutions not to assist Israel in exploiting the territories' resources.<sup>(37)</sup> It condemned Israel for the Palestinians' deteriorating living conditions and requested a report on the matter from the Secretary-General.<sup>(9)</sup>

Following the Israeli Parliament's decision on 14 December to apply Israeli laws, jurisdiction and administration to the Golan Heights, both the Security Council<sup>(45)</sup> and the Assembly<sup>(39)</sup> demanded on 17 December that Israel rescind its decision, which many countries characterized in the debate as tantamount to annexation.

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) continued to provide education, health and relief services to Palestine refugees in Jordan, Lebanon, the Syrian Arab Republic and the Israeli-occupied territories of the West Bank and the Gaza Strip (p. 325). The UNRWA Commissioner-General reported to the General Assembly<sup>(3)</sup> that an acute financial crisis early in the year threatened a major part of the Agency's education programme; but later in the year, the receipt of additional pledges, together with cut-backs in both recurrent and non-recurrent expenditure, made it possible to continue this programme through the end of 1981. The Assembly decided to keep its regular 1981 session open until early 1982 to await proposals on ways of

meeting the deficit forecast for the Agency's 1982 budget.

On 16 December, the Assembly adopted eight resolutions on Palestine refugees. It called on all Governments as a matter of urgency to make the most generous efforts to meet UNRWA's anticipated needs,<sup>(26)</sup> requested the Working Group on the Financing of UNRWA to continue its efforts for another year<sup>(25)</sup> and endorsed the Agency's efforts to continue providing humanitarian assistance to other persons displaced as a result of the 1967 hostilities and in serious need of continued assistance.<sup>(24)</sup> It called on Israel to take immediate steps for the return of all displaced inhabitants of the territories occupied since 1967,<sup>(22)</sup> demanded that it desist from removing and resettling Palestine refugees in the Gaza Strip and from destroying their shelters,<sup>(21)</sup> and requested the Secretary-General to take all appropriate steps for the protection and administration of Arab property, assets and property rights in Israel.<sup>(23)</sup> It called on Israel to remove obstacles to the establishment of a university at Jerusalem for Palestine refugees,<sup>(27)</sup> and appealed for additional special governmental and non-governmental contributions for scholarships and grants to them.<sup>(28)</sup>

Reports: <sup>(1)</sup>Committee on Israeli practices in occupied territories, A/36/579; <sup>(2)</sup>Committee on Palestinian rights, A/36/35; <sup>(3)</sup>UNRWA Commissioner-General, A/36/13 & Corr.1.

Resolutions:

General Assembly: <sup>(4)</sup>36/15, 28 Oct. (p. 317); <sup>(5)</sup>36/27, 13 Nov. (p. 282); <sup>(6)</sup>36/66 A (p. 296), <sup>(7)</sup>36/66 B (p. 297), 30 Nov.; <sup>(8)</sup>36/70 (p. 274), <sup>(9)</sup>36/73 (p. 322), 4 Dec.; <sup>(10)</sup>36/87 A (p. 50), <sup>(11)</sup>36/87 B (p. 54) <sup>(12)</sup>36/98 (p. 52), 9 Dec.; <sup>(13)</sup>36/120 A (p. 272), <sup>(14)</sup>36/120 B (p. 273), <sup>(15)</sup>36/120 C (p. 271), <sup>(16)</sup>36/120 D (p. 268), <sup>(17)</sup>36/120 E (p. 270), <sup>(18)</sup>36/120 F (p. 268), 10 Dec.; <sup>(19)</sup>36/138 A (p. 299), <sup>(20)</sup>36/138 B (p. 299), <sup>(21)</sup>36/146 A (p. 335), <sup>(22)</sup>36/146 B (p. 334), <sup>(23)</sup>36/146 C (p. 336), <sup>(24)</sup>36/146 D (p. 334), <sup>(25)</sup>36/146 E (p. 330), <sup>(26)</sup>36/146 F (p. 330), <sup>(27)</sup>36/146 G (p. 339), <sup>(28)</sup>36/146 H (p. 338), <sup>(29)</sup>36/147 A (p. 307), <sup>(30)</sup>36/147 B (p. 305), <sup>(31)</sup>36/147 C (p. 305), <sup>(32)</sup>36/147 D (p. 314), <sup>(33)</sup>36/147 E (p. 308), <sup>(34)</sup>36/147 F (p. 316), <sup>(35)</sup>36/147 G (p. 315), <sup>(36)</sup>36/150 (p. 320), 16 Dec.; <sup>(37)</sup>36/173 (p. 324), <sup>(38)</sup>36/226 A (p. 262), <sup>(39)</sup>36/226 B (p. 313), 17 Dec.

Security Council: <sup>(40)</sup>485(1981), 22 May (p. 294); <sup>(41)</sup>487(1981) (p. 282), <sup>(42)</sup>488(1981) (p. 292), 19 June; <sup>(43)</sup>490(1981), 21 July (p. 292); <sup>(44)</sup>493(1981), 23 Nov. (p. 294); <sup>(45)</sup>497(1981), 17 Dec. (p. 312); <sup>(46)</sup>498(1981), 18 Dec. (p. 292).

Yearbook references: <sup>(47)</sup>1976, p. 235; text, 1980, p. 394.

## General aspects

### Middle East situation

The situation in the Middle East was again considered in 1981 as an item on the General Assembly's agenda. Two resolutions were adopted under this item in December, one of them on

general aspects of the situation (p. 259) and the other on the Golan Heights (p. 311).

COMMUNICATIONS (JANUARY-DECEMBER). In 1981, the President of the Security Council and the Secretary-General received a number of letters concerning the situation in the Middle East, dealing with general policy matters as well as individual incidents.

Israel, by a letter of 14 September,<sup>(15)</sup> complained that a number of attempts had been made at the United Nations to inject the Arab-Israel conflict into discussions having no bearing on, or relevance to, that conflict.

By a letter of 13 October,<sup>(23)</sup> the USSR transmitted a government statement addressed to the United States, condemning what it described as attempts by the United States to interfere in the internal affairs of Egypt by dispatching warships to the Egyptian coasts, placing marine units in the Mediterranean region in a high state of military readiness and setting up the so-called rapid deployment force. In reply, Egypt, on 23 October,<sup>(22)</sup> transmitted a government statement describing the USSR statement as an infringement of Egyptian sovereignty and adding that relations between Egypt and the United States were characterized by the full liberty of peoples to decide for themselves.

Iraq, by a letter of 14 October,<sup>(2)</sup> transmitted the final communique of a 3 October meeting in New York by the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, in which they stated that the strategic agreements concluded or to be concluded between the United States and Israel were aimed at liquidating the Palestinian cause and impeding the implementation of a just and lasting peace in the Middle East.

By a letter dated 25 November,<sup>(19)</sup> Israel, referring to the resolutions adopted by the Twelfth Islamic Conference of Foreign Ministers (Baghdad, 1-5 June), stated that it was difficult to see how the call for "Holy War" against Israel could be reconciled with the Charter of the United Nations or Security Council resolutions on the Middle East. The resolutions in question were transmitted to the United Nations by Iraq on 5 August.<sup>(1)</sup>

In a letter of 2 December,<sup>(21)</sup> Israel expressed its strong protest at what it called the renewed misuse of United Nations premises by allowing PLO to mount an exhibition in the context of the International Year of Disabled Persons (1981).

The Secretary-General and the President of the Security Council received a number of letters from Israel concerning specific incidents said to have been perpetrated by PLO.

A letter of 14 January<sup>(3)</sup> cited what were described as PLO terrorist acts against citizens, kill-

ing one Israeli and wounding 12 between 25 December 1980 and 11 January 1981. Letters of 11 March<sup>(4)</sup> and 16 March<sup>(5)</sup> reported attacks on 9 and 14 March against two civilian buses near Jerusalem.

In letters dated 3 April<sup>(6)</sup> and 17 April,<sup>(8)</sup> Israel charged that, on the evenings of 30 March and 13 April, a number of Katyusha rockets had been fired from Jordanian territory in the direction of villages and towns in the upper Jordan valley.

Israeli letters of 10 April,<sup>(7)</sup> 6 May,<sup>(9)</sup> 28 May,<sup>(10)</sup> 30 July,<sup>(11)</sup> 17 August,<sup>(12)</sup> 28 August,<sup>(13)</sup> 17 September,<sup>(16)</sup> 2 October<sup>(17)</sup> and 30 November<sup>(20)</sup> contained accounts of what were described as terrorist incidents for which PLO had claimed responsibility, in which bombs, hand grenades and other explosive devices had been detonated or discovered in bus stations, markets, parks and other public places in Jerusalem, cities and villages in the West Bank and the Gaza Strip, and Israeli facilities in other countries. Some 28 incidents were reported, resulting in five deaths and the wounding of 45 persons. An attack on a synagogue at Vienna, Austria, on 29 August, resulting in two deaths and injury to 19 persons, was ascribed to PLO terrorists in an Israeli letter of 31 August.<sup>(14)</sup>

By a letter of 18 November,<sup>(18)</sup> Israel charged PLO with a campaign of political assassinations against Arabs who favoured living in peace with Israel in Judea, Samaria and the Gaza District, as evidenced by an ambush on 17 November in which the head of a village association in the Ramallah area had been injured and his son killed.

There were also communications regarding Israel and Lebanon (p. 283), the situation in the Golan Heights (p. 308) and the situation in the territories occupied by Israel (p. 300).

REPORT OF THE SECRETARY-GENERAL. On 11 November 1981, the Secretary-General submitted to the General Assembly and the Security Council a report on the situation in the Middle East,<sup>(24)</sup> as called for by the Assembly in December 1980.<sup>(25)</sup>

After an account of various aspects of the situation as described in other United Nations documents, the report stated that the situation in the Middle East continued to be of central concern to the entire international community, containing an explosive potential of conflict endangering world peace. The heightening of tension between Israel and the Syrian Arab Republic, the Israeli attack on the nuclear facility in Iraq and the continuing cycle of violence in and around Lebanon had underlined the dangers inherent in the absence of progress towards a settlement that ultimately could ensure a peaceful and just

future for all the nations and peoples of the region. The Secretary-General expressed his continued belief that the United Nations provided a universal forum in the framework of which efforts to evolve a peaceful settlement might best be pursued.

GENERAL ASSEMBLY ACTION. On 17 December, the General Assembly adopted a resolution on the Middle East situation<sup>(25)</sup> by a recorded vote of 94 to 16, with 28 abstentions. The resolution was sponsored by Cuba, India, Madagascar, Viet Nam and Yugoslavia.

By this resolution, the Assembly reaffirmed that a just and comprehensive Middle East settlement could not be achieved without the participation on an equal footing of all the parties to the conflict, including PLO as the representative of the Palestinian people. It declared once more that Middle East peace must be based on a comprehensive, just and lasting solution, under United Nations auspices. It rejected all partial agreements and separate treaties in so far as they violated the recognized rights of the Palestinians and contradicted just and comprehensive solutions. It considered that the agreements on strategic co-operation between the United States and Israel signed on 30 November would encourage Israel to pursue its aggressive and expansionist policies and practices in the occupied territories, have adverse effects on peace efforts and threaten the region's security. It called on all States to end the flow to Israel of any military, economic and financial resources that would encourage it to pursue its aggressive policies. The Secretary-General was requested to report again to the Assembly and the Security Council.

Other provisions of the resolution dealt with particular aspects of the situation. The Assembly demanded Israel's withdrawal from the occupied territories, condemned its aggression and practices against Palestinians, and demanded that its 1980 decision to annex Jerusalem be rescinded (p. 302). The Assembly reaffirmed that peace could not be achieved without the full exercise by the Palestinians of their national rights (p. 265). It condemned Israel's annexationist policies in the Golan Heights—in a paragraph adopted by a separate vote (p. 311)—and its aggression against Lebanon (p. 291).

On 9 December, the Assembly adopted three resolutions concerning the Middle East in connection with its consideration of disarmament items. By the first,<sup>(26)</sup> it decided to include in the provisional agenda of its 1982 session the item on establishment of a nuclear-weapon-free zone in the Middle East. By the second,<sup>(27)</sup> the Assembly declared it imperative that Israel place all its nuclear facilities under IAEA safeguards. By the

third,<sup>(28)</sup> the Assembly demanded that Israel renounce any possession of nuclear weapons.

The resolution on the Middle East situation was introduced by Cuba, which stated that it had been prepared in the Arab Group and in a working group of States belonging to the Movement of Non-Aligned Countries.

Among those voting against the resolution, Israel maintained that its purpose was to impede a peaceful solution of the Arab-Israel conflict, that it contradicted the Security Council's 1967 resolution on principles for a Middle East peace<sup>(30)</sup>—the only basis for a negotiated settlement—and that it was in flagrant violation of the United Nations Charter. The United States said it rejected the Assembly's challenge to its sovereign right to enter into its recent agreement on strategic co-operation with Israel; also, it believed that rejection of the Camp David peace process was irresponsible, that a call for sanctions was beyond the Assembly's competence and that the resolution failed to recognize Israel's right to live in peace.

Chile, El Salvador, the Philippines, Spain and Turkey, which voted for the resolution, expressed reservations on the paragraph on strategic co-operation agreements. Similar reservations were voiced by Ecuador, which abstained on the text as a whole, stating that the agreements cited had been freely contracted by sovereign countries.

The Bahamas, Chile, the Dominican Republic, Ecuador, El Salvador, Mexico and the Philippines also had reservations on the paragraph by which the Assembly rejected partial agreements and separate treaties. Chile considered that States had the sovereign right to conclude whatever agreements they deemed necessary; the Dominican Republic, which abstained in the vote on the resolution, considered that the agreements in question constituted true contributions to the search for peace. The Philippines voiced reservations also on the paragraph by which the Assembly called on States to end the flow of resources that would encourage Israel to pursue its aggressive policies.

Among those which abstained, Austria said a number of elements were missing in the text, including reference to the Security Council's 1967 resolution and to the right of all States in the area to exist within secure and safe boundaries. Peru thought the resolution contained provocative language and did not include basic elements included in Security Council resolutions. Sweden said that, in addition to the general lack of balance, the resolution included elements it could not accept.

Brazil and Trinidad and Tobago, though voting in favour, voiced doubts on some elements

of the resolution. The Libyan Arab Jamahiriya said its positive vote did not mean that it agreed with all United Nations resolutions cited therein.

Canada and the United States expressed reservations regarding the paragraph on Israeli policies and practices in the occupied Golan Heights (p. 311).

In the debate preceding adoption of this resolution, most speakers listed recognition of Palestinian rights to self-determination and independence and Israeli withdrawal from the occupied territories, including Jerusalem, as essential to a Middle East peace. The Palestine question was viewed as the core of the problem. Among those taking this position were Bangladesh, Djibouti, the German Democratic Republic, Indonesia, Mauritania, Pakistan, Qatar, Romania, Sri Lanka, Turkey, the USSR and Yugoslavia. In Tunisia's view, true security for Israel meant living in peace with its neighbours, giving up its role as the Prussia of the Middle East, and recognizing the existence of the Palestinian people and their inalienable right to self-determination.

Egypt, which described its 1979 peace treaty with Israel as a glimmer of hope in the area, said peace in the Middle East should be based on twin elements: the right of the Palestinian people to exist as an independent national entity and to security, and Israel's right to existence and security; the conflict could not be resolved without Israel's withdrawal from all the occupied territories.

Israel said the Assembly, in examining the Middle East situation, should not focus exclusively on the Arab-Israel conflict. Tensions in the area were the product of the domestic political situations of Arab régimes and their external behaviour. The framework of the Camp David accords, which had already yielded spectacular results in the form of the peace treaty between Egypt and Israel, carried the potential for an overall solution.

Stating the position of the European Community members, the United Kingdom restated two principles first set out by them in June 1980: the right of all States in the region, including Israel, to existence and security, and justice for all the peoples, including recognition of the legitimate rights of the Palestinians. Austria saw three elements as necessary to peace: first, recognition of the right of all States in the area, including Israel, to exist within secure and recognized boundaries, and recognition of the national rights of the Palestinians, including the right to have a State of their own; second, the right of the Palestinians to participate in the search for a solution, through representatives of their choice;

and third, Israeli withdrawal from the territories occupied in 1967, including Jerusalem.

Finland, Japan, Portugal and Sweden stated that both the Palestinians' right to self-determination and Israel's right to exist must be mutually recognized. Sweden specified that Palestinian rights included the right to an independent State. These countries also urged negotiations between the parties to achieve those goals, with Japan and Sweden adding that PLO must participate. Brazil, Nepal and Senegal stressed four elements: withdrawal of Israel's occupation forces, Palestinian self-determination, PLO participation in peace negotiations, and recognition of the right of all States to live in peace within recognized borders.

Peace could not be achieved, the United States said, without recognizing the legitimate rights of the Palestinians and the right of all States, including Israel, to live in peace within secure and recognized boundaries; the only path to peace was through negotiations among those sincerely committed to peace.

The Eastern European States expressed support for a USSR proposal to convene an international conference on the Middle East with the participation of all parties and other nations, including the USSR and the United States. Endorsing this proposal, Bulgaria said its great merit lay in the fact that it provided for a settlement of the whole problem by collective effort, to the benefit of all. Romania also favoured such a conference, stating that it should be convened by the Assembly and that the United Nations should be an active participant.

Oman voiced support for principles for a Middle East settlement suggested earlier in the year by Crown Prince Fahd Ibn Abdul Aziz of Saudi Arabia. Austria, Brazil, Morocco and Turkey also welcomed this initiative.

In the view of Lebanon, any solution of the Middle East crisis that was not based on a solution of the Lebanese problem would lead to a deterioration of the crisis and threaten international peace.

If the Palestine question was not resolved, said the PLO observer, the Middle East question would not be resolved and the situation would deteriorate, leading to a crisis that would reach beyond the Middle East.

Arab States generally were of the view, as expressed by Kuwait, that Israel bore the primary responsibility for the Middle East crisis. The United Arab Emirates spoke of Israeli aggression against the Lebanese and Palestinian peoples as well as its violation of the airspace of Iraq, Lebanon and Saudi Arabia, and propaganda against the Libyan Arab Jamahiriya and the Syrian Arab Republic. Eastern European countries

took a similar view: Poland, for example, remarked that for years Israel's policy of adventurism had made it impossible to find a lasting and just solution. Sri Lanka said Israel's policies were designed not so much to seek a lasting settlement but rather to establish a State of Israel whose boundaries were visualized in the Biblical context of an undefined greater Israel.

Some countries urged stronger action to ensure implementation of United Nations resolutions by Israel. Djibouti urged that comprehensive mandatory sanctions be applied against Israel to ensure that it abandoned its acts of war against the Arab nation. The German Democratic Republic felt that it was high time to adopt decisive measures against the aggressor, Israel. Indonesia said it was prepared to support any effective measures sanctioned by the United Nations Charter to ensure that resolutions were carried out. Pakistan believed that, if Israel was so impervious to the will of the world community, the Security Council must take firm and decisive action. Mauritania thought the United Nations should multiply all instruments of investigation to ensure that world public opinion knew all aspects of Israeli practices against the Palestinians and other Arabs. Norway, however, stated that any attempt to adopt sanctions against Israel or to deprive it of its right to participate in international organizations would be totally unacceptable and counter-productive.

United States support for Israel, and the signing in November of a strategic agreement between the two countries, were criticized by a number of speakers, including Arab States and socialist States of Eastern Europe. Iran viewed such support as part of an assault on the great Islamic culture. Jordan described it as tantamount to acquiescence in Israeli aggression and called it a hostile act against the entire Middle East, particularly the Palestinians. In Qatar's view, Israel would not have been able to defy United Nations resolutions without the unlimited political, military and economic support of the United States. The Syrian Arab Republic said a balance of forces between the parties was a prerequisite to peace, but the United States and the parties to the Camp David accords had, through their alliance and collaboration, caused an imbalance of forces in the interests of settler and expansionist imperialism. For the Ukrainian SSR, exercises by the United States rapid deployment force, plans to establish a bridgehead in the Middle East in the guise of a so-called multinational force and the conclusion of a strategic agreement—essentially a military pact between the United States and Israel—were means of establishing political, military and

economic domination over the region's people and natural resources. Yemen described United States vetoes in the Security Council as a new Israeli weapon brandished before the Arabs.

In Albania's view, both the USSR and the United States were benefiting from Israel's aggressive policies by finding pretexts for their political and military presence in the area and their manoeuvres to control oil deposits and strategic positions, while turning the region into an outlet for their weapons. Algeria criticized the so-called strategic consensus doctrine, stating that it viewed the Middle East in terms of super-Power rivalry as if there were no Israeli-Arab or Israeli-Palestinian problem. Yemen saw this doctrine as a smoke-screen behind which the United States was creating the spectre of a bogus enemy only to shield Israel.

Many Arab States, the socialist countries of Eastern Europe and a number of others were critical of the 1978 Camp David accords between Egypt and Israel, particularly in so far as they dealt with the Palestine question. In Cuba's view, any initiative which disregarded Palestinian rights or attempted to turn the Middle East into a sphere of influence of imperialism would be null and void. Iraq stated that the accords were bound to fail because they did not meet Arab aspirations and did not restore Arab rights or land to the legitimate owners.

The Byelorussian SSR saw the Camp David agreements as contradicting fundamental Arab interests and as designed to split the Arabs and consolidate Israeli colonialism. Speaking of the multinational force which was to be sent to the Sinai peninsula in 1982 under the peace treaty between Egypt and Israel, Czechoslovakia stated that the presence of United States forces would be a new source of tension. In Hungary's view, separate deals based on a partial approach could not fundamentally change the situation, could not eliminate the root cause of the conflict and could never result in a just and lasting settlement. In the view of the USSR, Camp David had exacerbated the Middle East problem, allowing Israel to step up its aggressive acts against the Arabs; with the help of the Camp David collusion, the United States sought to increase its presence in the Middle East and militarize countries there. Yugoslavia considered that separate, partial solutions introduced additional elements of exacerbation; additional efforts must be exerted in the United Nations framework to create conditions for a peaceful solution, with the active and equal participation of all parties.

On the other hand, Egypt said it saw no alternative to its path to peace, and the United States said it was dedicated to the successful comple-

tion of the negotiations begun by Egypt and Israel.

During the debate, most speakers also touched on specific aspects of Arab-Israeli relations, considered in greater detail in discussions on other agenda items. These included the Palestine question (p. 266), Israel's policy in the occupied territories (p. 303), the Israeli attack against Iraqi nuclear installations (p. 280), the Golan Heights (p. 311) and the situation in southern Lebanon (p. 283).

Letters:

Iraq: <sup>(1)</sup>5 Aug., annexing res. and communiqué of Islamic Conference of Foreign Ministers, A/36/421-S/14626 & Corr.1; <sup>(2)</sup>14 Oct., annexing communiqué of Organization of Islamic Conference, A/36/603 & Add.1.

Israel: <sup>(3)</sup>14 Jan., A/36/72-S/14328; <sup>(4)</sup>11 Mar., A/36/127-S/14403; <sup>(5)</sup>16 Mar., A/36/132-S/14409; <sup>(6)</sup>3 Apr., A/36/169-S/14427; <sup>(7)</sup>10 Apr., A/36/186-S/14438; <sup>(8)</sup>17 Apr., A/36/211-S/14448; <sup>(9)</sup>6 May, A/36/235-S/14476; <sup>(10)</sup>28 May, A/36/292-S/14492; <sup>(11)</sup>30 July, A/36/413 (S/14622); <sup>(12)</sup>17 Aug., A/36/437-S/14631; <sup>(13)</sup>28 Aug., A/36/464-S/14668; <sup>(14)</sup>31 Aug., A/36/468 (S/14670); <sup>(15)</sup>14 Sep., A/36/507-S/14691; <sup>(16)</sup>17 Sep., A/36/520-S/14696; <sup>(17)</sup>2 Oct., A/36/574-S/14714; <sup>(18)</sup>18 Nov., A/36/700-S/14760; <sup>(19)</sup>25 Nov., A/36/722; <sup>(20)</sup>30 Nov., A/36/736-S/14776; <sup>(21)</sup>2 Dec., A/36/763 & Corr.1.

Others: <sup>(22)</sup>Egypt: 23 Oct., A/36/627-S/14736.

<sup>(23)</sup>USSR: 13 Oct., A/36/595-S/14727.

Report: <sup>(24)</sup>S-G, A/36/655-S/14746.

Resolutions: GA: <sup>(25)</sup>35/207, 16 Dec. 1980 (YUN 1980, p. 376); <sup>(26)</sup>36/87 A, 9 Dec. 1981 (p. 50); <sup>(27)</sup>36/87 B, 9 Dec. (p. 54); <sup>(28)</sup>36/98, 9 Dec. (p. 52); <sup>(29)</sup>36/226 A, 17 Dec., text following. <sup>(30)</sup>SC: 242(1967), 22 Nov. 1967 (YUN 1967, p. 257).

Meeting records: GA, A/36/PV.95-97, 99, 103 (11-17 Dec.).

General Assembly resolution 36/226 A

94-16-28 (recorded vote) Meeting 103 17 December 1981

5-nation draft (A/36/L.59 and Add.1): agenda item 33.

Sponsors: Cuba, India, Madagascar, Viet Nam, Yugoslavia.

The General Assembly,

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

Taking note of the report of the Secretary-General of 11 November 1981.

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 the situation in the Middle East,

Gravely concerned that the Arab and Palestinian 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,

Reiterating all relevant United Nations resolutions which emphasize that the acquisition of territory by force is inad-

missible under the Charter of the United Nations and the Principles of international law and that Israel must withdraw unconditionally from all the occupied Palestinian and other Arab territories, 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 recent Israeli actions 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,

1. 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 these occupied territories;

2. 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;

3. 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 as the representative of the Palestinian people;

4. 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 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 and 38/120 A to F of 10 December 1981;

5. Rejects all partial agreements and separate treaties in so far as they violate the recognized rights of the Palestinian people and contradict the principles of just and comprehensive solutions to the Middle East problem to ensure the establishment of a just peace in the area;

6. 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 resolution 35/207 of 16 December 1980, determines that Israel's decision to annex Jerusalem and to declare it 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, including Assembly resolution 38/120 E;

7. Condemns Israel's aggression and practices against the Palestinian people in the occupied Palestinian territories and outside these territories, particularly in the Palestinian refugee camps in Lebanon, including the expropriation and annexation of territory, the establishment of settlements, assassination attempts and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the pertinent international conventions;

8. Strongly condemns Israeli annexationist policies and practices in the occupied Syrian Golan Heights, the establishment of settlements, the confiscation of lands, the diversion of water resources, the intensification of repressive measures against the Syrian citizens therein and the forcible



imposition of Israeli citizenship on Syrian nationals, and declares all these measures null and void as they constitute violations of the Geneva Convention relative to the Protection of Civilian Persons In Time of War, of 12 August 1949;

9. Strongly condemns the Israeli aggression against Lebanon and the continuous bombardment and destruction of its cities and villages, and all acts that constitute a violation of its sovereignty, independence and territorial integrity and the security of its people and prevent the full implementation of Security Council resolution 425(1978) of 19 March 1978, including the full deployment of the United Nations Interim Force in Lebanon up to the internationally recognized borders;

10. Calls for strict respect of the territorial integrity, sovereignty and political independence of Lebanon and supports the efforts of the Government of Lebanon, with regional and international endorsement, to restore the exclusive authority of the Lebanese State over all of its territory up to the internationally recognized boundaries;

11. Deplores Israeli violations of the airspace of various Arab countries and demands their immediate cessation;

12. Considers that the agreements on strategic co-operation between the United States of America and Israel signed on 30 November 1981 would encourage Israel to pursue its aggressive and expansionist policies and practices in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region;

13. Calls upon all States to put an end to the flow to Israel of any military, economic and financial resources that would encourage it to pursue its aggressive policies against the Arab countries and the Palestinian people;

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 thirty-seventh session a comprehensive report covering the developments in the Middle East in all their aspects.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burundi, Byelorussian SSR, Cape Verde, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, El Salvador, Ethiopia, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, 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, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, 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 Cameroon, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, United Kingdom, United States.

Abstaining: Argentina, Austria, Bahamas, Barbados, Bolivia, Burma, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt,<sup>a</sup> Fiji, Finland, Gabon, Guatemala, Haiti, Honduras, Ivory Coast, Jamaica, Japan, Liberia, Papua New Guinea, Peru, Portugal, Sweden, Upper Volta, Venezuela, Zaire.

<sup>a</sup> Later advised the Secretariat it had intended to vote in favour.

#### Credentials of Israel in the General Assembly

In a letter dated 17 September 1981,<sup>(4)</sup> the Sudan, as Chairman of the Arab Group for September, conveyed the Group's reservations on the credentials of Israel to the 1981 regular session of the General Assembly and its non-recognition of those credentials. The Arab Group based its reservations on what it consid-

ered Israel's violation of the United Nations Charter, its defiance of United Nations resolutions on Palestine and the Middle East, its policy of aggression against the Arab peoples and States, and its proclamation of Jerusalem as its capital. Similar reservations by the Islamic Group were conveyed on 18 September by Iraq, Chairman of the Group for September.<sup>(1)</sup>

In letters of 18 September<sup>(2)</sup> and 22 September,<sup>(3)</sup> Israel stated that its credentials had been accepted by the Credentials Committee and that the reservations were attempts to abuse the credentials procedure in order to introduce extraneous matters. The first letter added that such an approach was liable to affect adversely the ability of the United Nations to perform its primary functions for the maintenance of international peace and security.

Letters: <sup>(1)</sup> Iraq, for Islamic Group: 18 Sep., A/36/523.

Israel: <sup>(2)</sup> 18 Sep., A/36/527; <sup>(3)</sup> 22 Sep., A/36/550.

<sup>(4)</sup> Sudan, for Arab Group: 17 Sep., A/36/516.

#### Palestine question

The Palestine question continued in 1981 to be a concern of the General Assembly and of its Committee on the Exercise of the Inalienable Rights of the Palestinian People. In addition to their consideration of the political aspects of the problem, United Nations bodies continued to examine the situation in the territories occupied by Israel (p. 300) and to provide and encourage assistance to Palestinians (p. 273).

Also, the Commission on Human Rights, on 11 February, reaffirmed the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State in Palestine (p. 956).

ACTIVITIES OF THE COMMITTEE ON PALESTINIAN RIGHTS. The Committee on the Exercise of the Inalienable Rights of the Palestinian People continued to follow developments in the territories occupied by Israel 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, expropriation by Israeli authorities of Arab-owned lands and other matters affecting the rights of the Palestinians, to the attention of the Secretary-General and the President of the Security Council.

In its report,<sup>(2)</sup> submitted to the Assembly under a covering letter dated 15 September, the Committee expressed again its conviction that positive action by the Security Council on the Committee's recommendations would create the necessary conditions for a just and lasting peace. It, therefore, unanimously decided to reiterate

the validity of the recommendations it had first made in 1976<sup>(15)</sup> and which had been repeatedly endorsed by the General Assembly. These called, among other things, for the establishment by the Council of a timetable for Israeli withdrawal, a United Nations take-over of the evacuated territories, handing the territories over to the Palestine Liberation Organization (PLO) as representative of the Palestinian people, and establishment of an independent Palestinian entity.

The Committee also recommended four principles to guide the Council: (1) the Palestine question was at the heart of the Middle East problem and no solution could be envisaged without taking into account the rights of the Palestinian people; (2) the realization of the inalienable rights of the Palestinians to return to their homes and to self-determination, independence and national sovereignty would contribute to resolving the Middle East crisis; (3) the participation of PLO, the representative of the Palestinian people, on an equal footing, was indispensable in all efforts, deliberations and conferences on the Middle East under United Nations auspices; and (4) the acquisition of territory by force was inadmissible and Israel must withdraw completely from all occupied territory.

The Committee again declared that all agreements and treaties that could affect the Palestinians' future, their inalienable rights and the status of the occupied Palestinian territories, and which ignored, infringed, violated or denied those rights or were negotiated without PLO participation, contravened Assembly resolutions and had no validity.

During the year, the Committee Chairman sent several letters to the Secretary-General and the President of the Security Council on developments in the territories occupied by Israel and in Lebanon. These dealt with the confiscation of Arab lands (p. 300), excavations affecting historic Islamic buildings in Jerusalem (p. 316), the Israeli project for a canal linking the Mediterranean and Dead Seas (p. 319) and the effects of Israeli attacks in Lebanon (pp. 285 and 289).

By a letter of 23 October to the Security Council President,<sup>(1)</sup> the Committee Chairman said the Committee would be grateful if the Council acted on a December 1980 resolution<sup>(4)</sup> by which the Assembly requested the Council to consider adopting effective measures under Chapter VII of the United Nations Charter (covering enforcement action) in the light of Israel's non-compliance with relevant United Nations resolutions.

The Committee met at United Nations Headquarters on 30 November in observance of the International Day of Solidarity with the Palestin-

ian People. Addressing the meeting, the Chairman said it was part of a campaign to end the injustice foisted on the Palestinian people and a way of drawing attention to a situation which threatened peace. The New York meeting and a similar one at Geneva were addressed by a number of United Nations officials and government representatives.

With the Committee's participation, two seminars on Palestinian rights were organized by the United Nations Secretariat's Special Unit on Palestinian Rights, the first at Colombo, Sri Lanka, from 10 to 14 August, and the second at Havana, Cuba, from 31 August to 4 September. The reports of the seminars were annexed to the Committee's report to the Assembly.

GENERAL ASSEMBLY ACTION. On 10 December, the General Assembly adopted six resolutions on the Palestine question. Two of these dealt with general aspects and the rest with specific aspects of the question—the status of Jerusalem,<sup>(16)</sup> the convening of an International Conference on the Question of Palestine,<sup>(8)</sup> the work programme of the Committee on Palestinian rights,<sup>(6)</sup> and the strengthening of the Special Unit on Palestinian Rights.<sup>(7)</sup> All of these resolutions were introduced by Senegal on behalf of their sponsors, which included members of the Committee on Palestinian rights.

By the first of its general resolutions,<sup>(9)</sup> the Assembly reaffirmed the inalienable rights of the Palestinian people to self-determination and a sovereign State, and reaffirmed that just and lasting peace could not be established without Israeli withdrawal from all occupied territories and a just solution to the Palestine problem. It expressed opposition to all policies and plans to resettle the Palestinians outside their homeland, and demanded Israel's complete and unconditional withdrawal from all occupied territories, including Jerusalem. It called for PLO participation on an equal footing in all efforts, deliberations and conferences on the Palestine question and the Middle East situation under United Nations auspices. It endorsed the recommendations of the Committee on Palestinian rights and requested the Security Council to consider adopting effective measures to implement them.

The Assembly also called for the early return of the Palestinians to their homes and property in Palestine (p. 333) and demanded Israel's compliance with United Nations resolutions on Jerusalem (p. 269).

This 18-nation resolution was adopted, as revised by its sponsors, by a recorded vote of 111 to 13, with 20 abstentions. Paragraph 9, by which the Assembly endorsed the Committee's recommendations and drew the Security Council's attention to the fact that action on them was

long overdue, was adopted by a recorded vote of 96 to 16, with 26 abstentions.

By the second of its two general resolutions on the Palestine question,<sup>(11)</sup> the Assembly expressed strong opposition to all partial agreements and separate treaties which flagrantly violated the rights of the Palestinian people, and declared that agreements and separate treaties had no validity in so far as they purported to determine the future of the Palestinians and of the occupied Palestinian territories. It declared that no State had the right to undertake any actions, measures or negotiations that could affect the future of the Palestinian people, its inalienable rights and the occupied Palestinian territories, without PLO participation on an equal footing; and decided that all actions, measures and negotiations to implement such accords and agreements were null and void in so far as they purported to determine the future of the Palestinians and the Palestinian territories occupied by Israel.

This 14-nation resolution,<sup>(11)</sup> revised by its sponsors, was adopted by a recorded vote of 88 to 21, with 36 abstentions.

The Assembly, by a resolution of 17 December on the Middle East situation,<sup>(12)</sup> reaffirmed its conviction that the Palestine question was the core of the Middle East conflict and that no comprehensive, just and lasting peace in the region would be achieved without the full exercise by the Palestinian people of its inalienable national rights.

By a resolution of 28 October on the right of peoples to self-determination,<sup>(5)</sup> the Assembly strongly condemned the expansionist activities of Israel in the Middle East and the continuous bombing of Palestinian civilians as a serious obstacle to the realization of the self-determination and independence of the Palestinian people. This paragraph, and another condemning Israeli aggression against Lebanon (p. 291), was orally revised by its sponsor (Angola, on behalf of the African Group); the original paragraph would have had the Assembly condemn Israel's expansionist activities in the Middle East, such as constant violations of the territorial integrity of Lebanon and the continuous bombing of civilian, and in particular Palestinian, population and the destruction of their villages and encampments, as a serious obstacle to the realization of self-determination and independence of the Palestinian people. By the same resolution, the Assembly also urged States and international organizations to support the Palestinian people through its representative, PLO, in its struggle to restore its right to self-determination and independence.

Canada, Israel, Norway and the United

States, which voted against the 18-nation resolution on the Palestine question, and Costa Rica, which abstained, argued that it lacked balance, prejudged elements which should be resolved by negotiation and did not reflect the principles for a Middle East settlement contained in Security Council resolutions of 1967<sup>(13)</sup> and 1973.<sup>(14)</sup> Chile voted for the resolution but objected to two of its provisions; in its view, the Assembly had exceeded its powers in requesting the Council to consider adopting measures to implement the recommendations of the Committee on Palestinian rights, and the Assembly should not grant exclusive representation to PLO until the Palestinians exercised their right to self-determination.

Also voting for the resolution, Iraq said the mention in its preamble of the Assembly's 1947 resolution on the partition of Palestine<sup>(5)</sup> did not prevent the Palestinian people from determining their own fate and establishing a State. The Libyan Arab Jamahiriya said its vote did not alter its position towards the 1947 resolution.

Reservations to paragraph 9, on the Committee's recommendations, were voiced by Argentina, Egypt, New Zealand, Peru, Portugal, Spain and Sweden. Argentina said the paragraph made critical judgements on partial efforts already made towards peace and security. Egypt could not agree with what it called the insinuations in the Committee's statement about the invalidity of agreements that violated Palestinian rights. New Zealand, speaking of this paragraph and the one on Israeli withdrawal, said account must also be taken of the principles on termination of belligerency and respect for the right of every State to live in peace within secure and recognized boundaries. Spain did not want to prejudice its position in the Security Council.

Explaining its vote against the resolution on partial agreements, Canada said it was short-sighted to dismiss by implication the efforts being made within the framework of the Camp David accords to lay the groundwork for a comprehensive settlement. Israel said the resolution sought to hamper the only constructive peace process that had emerged with regard to the Arab-Israel conflict; the Assembly had no authority to question the validity of those accords. The United States considered it wrong for the Assembly to attack a treaty designed to lead to a just and lasting peace, or to attempt to undermine a process aimed at settling the Palestine problem in the absence of a realistic alternative.

Among those abstaining on this resolution, Chile challenged the Assembly's competence to question the validity of international agreements and said it would support all peace initiatives based on the use of peaceful settlement pro-

cedures envisaged by the United Nations Charter. Ecuador thought the United Nations should aim to promote peace and not foment tensions or criticize steps that could lead to a settlement. In Egypt's view, the resolution tended to restrict the right of States to work for a just solution to the Palestine problem and a lasting Middle East peace; moreover, Egypt rejected the simplistic and prejudicial insertion in Assembly resolutions of notions about the invalidity of certain international agreements. Peru thought the resolution limited the right of States to enter into treaties and seek peaceful solutions to the Palestine question.

Among those voting for the resolution, Costa Rica said any agreement which claimed to dispose of the Palestinians' future without their participation lacked validity and effectiveness; however, Costa Rica endorsed any peace agreement, and specifically the Camp David accords, which tended to consolidate peace between Egypt and Israel. Thailand said it would have abstained if there had been a separate vote on the paragraph by which the Assembly reaffirmed its rejection of provisions of the accords which ignored, infringed, violated or denied the inalienable rights of the Palestinian people.

In the Assembly's debate on the Palestine question, Israel stated that the Palestinian Arabs already had their own independent State—Jordan—and there was no justification for the creation of a second one. As to the call for the return to the territorial status quo prevailing before June 1967, no responsible Government would agree to return to those totally insecure lines; to do so would be suicidal for Israel. PLO had advocated a two-stage policy to do away with Israel: establishment of a second Palestinian Arab State, and the use of that State as a launching pad for the attempted overthrow of Israel. If the United Nations had a contribution to make, it was to encourage the Arab States to negotiate with Israel directly, without pre-conditions.

Jordan stated that Israel could not solve the problem of the Palestinian people's dispersal and exile by dumping them on Jordan, Lebanon or any other Arab country; the Palestinians would accept no place other than their ancestral homeland. Lebanon said Israel would have no peace as long as the Palestinians sought their homeland while Israel drove them out, thus spreading the war to all the other Arab countries. Israel and its collaborators might think the Palestinian people would yield to force, repression and terrorism, said Bahrain, but the new generation was no less enthusiastic than past generations in its desire to regain its rights.

In the view of the Libyan Arab Jamahiriya, peace would not come to the Arab world as long

as the Zionists adhered to their thesis founded on the creation of a Zionist State and the expulsion of the Arabs in order to replace them by a larger number of immigrants. Zambia stated that Israel and its supporters should have the magnanimity and courage to change their policies and demonstrate willingness to recognize the inalienable rights of the Palestinians, including their right to a national homeland in Palestine.

Albania stated that the Palestinians were engaged in an unequal but heroic struggle against a number of savage enemies: Israel, which had robbed them of their motherland; the United States, which supported Israel and had turned it into the faithful guardian of its interests in the Middle East; the USSR, which was engaged in a fierce struggle with the United States to the detriment of the Arabs; and Arab reactionary forces, which had on more than one occasion stabbed the Palestinians in the back.

Egypt said the solution of the Palestinian problem must be based on Israel's withdrawal from the West Bank and the Gaza Strip, evacuation of its military and civilian presence and its settlements, security measures applying mutually and equally to the Palestinians and the Israelis, and the right of the Palestinians to create their own independent State in the West Bank at the end of a limited transitional period.

Afghanistan, Bulgaria, the Byelorussian SSR, China, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Malaysia, Mongolia, Romania, Sri Lanka, Turkey, the USSR and Viet Nam—together with the Arab countries—were among those advocating recognition of the right of the Palestinians to their own independent State. These States also called for the participation of PLO as a full partner in the peace process.

China said it would always support the just struggle of the Palestinian and Arab peoples for the restoration of their national rights and the recovery of their lost lands. Japan's position was that both the Palestinians' right to self-determination—including the right to establish an independent State—and Israel's right to exist must be mutually recognized and that PLO must participate in the peace process. Sri Lanka paid tribute to PLO for having succeeded against tremendous obstacles in unifying a dispersed people in a common commitment to their goals of a return to their lands, self-determination and an independent State in Palestine. Within the framework of its support for the heroic struggle of the Palestinians, said the USSR, it had granted diplomatic status to the PLO mission in Moscow.

The United Kingdom, speaking for the European Community (EC) members, said the essence

of any solution must be the reconciliation of Israel and the Palestinian people, so that those two realities could live together in peace and security. The United States said a just and lasting settlement must provide for both the legitimate rights of the Palestinian people and for Israel's recognition by all its Arab neighbours; as long as PLO endorsed the destruction of a United Nations Member State, the United States did not believe it had any role to play in deliberations to resolve the Arab-Israeli conflict.

A number of States, including Cuba, Democratic Yemen, Indonesia, Pakistan, Qatar, Saudi Arabia and Viet Nam, urged Security Council action against Israel to ensure a solution to the Palestine problem. The Sudan said the Council's inability to assume its responsibilities allowed Israel to pursue its policy of depriving the Palestinians of their rights. The United Arab Emirates ascribed the Council's inaction to the position of certain countries, primarily the United States, which continued to deny Palestinian rights.

The PLO observer said that, if Israel was not restrained and if the full rights of the Palestinian people, foremost among which was the right to establish their own independent State on their national soil, were not recognized, it would be fatally naïve not to expect more problems and complications.

With regard to the issue of agreements and treaties bearing on the Palestine question, the Eastern European countries and a number of Arab States contended that the Camp David agreements between Egypt and Israel, and the negotiations between those States in regard to further agreements, threatened the rights of the Palestinians.

Algeria said the impasse reached in the Camp David peace attempt was to be expected, since it was based on a denial of the Palestinians' national rights. Democratic Yemen viewed the accords as designed to consolidate Israeli aggression and to transform the problem into one of "autonomy" for the Palestinians instead of recognition of their right to their own State. Iraq stated that the Camp David agreements amounted to recognition of aggression and occupation and a denial of legitimate Palestinian rights. The Libyan Arab Jamahiriya said it rejected the Camp David accords; it rejected any conspiracy against Palestinian rights and refused to ratify aggression and occupation as well as the policy of fait accompli which some were trying to impose on the Arab nation. In the view of the Syrian Arab Republic, the American-Israeli-Egyptian alliance was trying, through the Camp David agreements, to eliminate the Palestinian cause and extend the domination of imperialism and Zionism throughout the Middle East. Tunisia

said the Camp David process had been reduced by Israel to a separate peace in which it was giving free rein to its expansionist policy in the occupied territories.

The PLO observer confirmed his organization's continued rejection of the Camp David accords adding it would fight to the utmost against the plot called "administrative civil autonomy".

Albania said the accords totally ignored the inalienable national rights of the Palestinians. Bulgaria and Hungary stated that agreements and plans arrived at behind the back of the Arab peoples, without PLO participation and not aimed at solving the Palestinian problem, were doomed to fail. The Byelorussian SSR said the Camp David deal was a tool used by Israeli and United States politicians for their own purposes, at the expense of Palestinian rights. Czechoslovakia described the process as anti-Arab, concluded without the participation of the Palestinians and against their will. Mongolia said the negotiations on so-called administrative autonomy for the Palestinians on the West Bank and in the Gaza sector were nothing more than an attempt to maintain the occupation of the Arab territories in a new form. The Ukrainian SSR and the USSR added that those negotiations were aimed at avoiding a just solution of the Palestine question.

Cuba stated that any attempt to promote piecemeal agreements or resolve the question without PLO participation, as in the case of the Camp David accords, was invalid. The Palestine question would be solved, said Iran, only if the Palestinians remained faithful to their principles and refused to adhere to compromising plans like that of Camp David.

Egypt said the accord it had signed was a first step towards a just and comprehensive settlement of the problem in all aspects and envisaged a limited transitional phase during which the occupied Palestinian territories would pass from Israeli domination and occupation to the authority and control of the Palestinian people, paving the way to self-determination and permitting peaceful coexistence between Palestinians and Israelis leading to mutual recognition.

Israel stated that the Camp David framework invited the Palestinian Arab residents of Judea, Samaria and the Gaza District to play an active role in shaping their future, by calling on them to participate in current negotiations, in negotiations which would determine the final status of the areas they lived in, and in eventual negotiations on a peace treaty between Israel and Jordan. Difficult problems remained in the negotiations for autonomy, but Israel was determined not to relax its efforts.

The United States said the Camp David ac-

cords deserved United Nations support; they offered the surest guarantee that Palestinian rights would be respected and provided a formula for Palestinian participation in forging their future.

Letter: <sup>(1)</sup>Committee on Palestinian rights Chairman, 23 Oct., S/14739.

Report: <sup>(2)</sup>Committee on Palestinian rights, A/36/35.

Resolutions: GA: <sup>(3)</sup>181(II), 29 Nov. 1947 (YUN 1947-48, p. 247); <sup>(4)</sup>35/169 A, 15 Dec. 1980 (YUN 1980, p. 393); <sup>(5)</sup>36/9, paras. 18 & 20, 28 Oct. 1981 (p. 896); <sup>(6)</sup>36/120 A, 10 Dec. (p. 272); <sup>(7)</sup>36/120 B, 10 Dec. (p. 273); <sup>(8)</sup>36/120 C, 10 Dec. (p. 271); <sup>(9)</sup>36/120 D, 10 Dec., text following; <sup>(10)</sup>36/120 E, 10 Dec. (p. 270); <sup>(11)</sup>36/120 F, 10 Dec., text following; <sup>(12)</sup>36/226 A, para. 2, 17 Dec. (p. 262). SC: <sup>(13)</sup>242(1967), 22 Nov. 1967 (YUN 1967, p. 257); <sup>(14)</sup>338(1973), 22 Oct. 1973 (YUN 1973, p. 213).

Yearbook references: <sup>(15)</sup>1976, p. 235; text, 1980, p. 394.

Meeting records: GA, A/36/PV.80-85, 93 (2-10 Dec.).

#### General Assembly resolution 36/120 D

111-13-20 (recorded vote) Meeting 93 10 December 1981

18-nation draft (A/36/L.50/Rev.1 and Rev.1/Add.1); agenda item 31.

Sponsors: Afghanistan, Congo, Cuba, German Democratic Republic, Guinea, Guyana, Hungary, India, Indonesia, Madagascar, Mongolia, Pakistan, Senegal, Sri Lanka, Tunisia, Ukrainian SSR, Viet Nam, Yugoslavia.

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the recommendations contained therein,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people,

Expressing its extreme concern that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

Reaffirming that a just and comprehensive lasting peace in the Middle East requires a just solution to the problem of Palestine through the attainment by the Palestinian people of its inalienable rights,

Resolutely emphasizing the inadmissibility of the acquisition of territory by force,

Recognizing the need to work for a comprehensive, just and lasting peace in the Middle East,

Recalling and reaffirming its previous relevant resolutions, particularly resolutions 181(II) of 29 November 1947, 194(III) of 11 December 1948, 3236(XXIX) of 22 November 1974 and ES-7/2 of 29 July 1980.

1. Reaffirms the inalienable right of the Palestinians to return to their homes and property in Palestine, from which they have been displaced and uprooted, and calls for their early return;

2. Reaffirms also the inalienable rights in Palestine of the Palestinian people, including:

(a) The right to self-determination without external interference, and to national independence and sovereignty;

(b) The right to establish its own independent sovereign State;

3. Reaffirms, in particular, that a comprehensive, just and lasting peace in the Middle East cannot be established without the withdrawal of Israel from all the occupied Palestinian and other Arab territories, including Jerusalem, and without the achievement of a just solution of the problem of Palestine on the basis of the attainment by the Palestinian people of its inalienable rights in Palestine, in accordance with the Charter of the United Nations and the relevant resolutions of the United Nations;

4. Expresses its opposition to all policies and plans aimed at the resettlement of the Palestinians outside their homeland;

5. Demands that Israel should withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact;

6. Further demands that Israel should fully comply with all the resolutions of the United Nations relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolutions 476(1980) of 30 June 1980 and 478 (1980) of 20 August 1980, and rejects the enactment of a "Basic Law" by the Israel Knesset proclaiming Jerusalem the capital of Israel;

7. Demands that Israel should fully comply with the provisions, in particular, of Security Council resolution 465(1980) adopted unanimously on 1 March 1980;

8. Reaffirms the basic principle that the future of the Palestinian people can only be considered with its participation and calls for the participation of the Palestine Liberation Organization, the representative of the Palestinian people, in all efforts, deliberations and conferences on the question of Palestine and on the situation in the Middle East to be held under the auspices of the United Nations, on an equal footing and on the basis of the relevant resolutions of the United Nations;

9. Endorses the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People contained in paragraphs 49 to 53 of its report and draws the attention of the Security Council to the fact that action on the Committee's recommendations, as endorsed by the General Assembly in its resolution 31/20 of 24 November 1976, is long overdue;

10. Requests the Security Council to convene in order to consider the situation and the adoption of effective measures to implement the recommendations of the Committee as endorsed by the General Assembly in its resolution 31/20;

11. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Question of Palestine".

Recorded vote In Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian SSR, Cape Verde, Chad, Chile, China, Colombia, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, 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, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, 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, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

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

Abstaining: Austria, Burma, Central African Republic, Costa Rica, Dominican Republic, Fiji, Finland, France, Guatemala, Haiti, Honduras, Ireland, Ivory Coast, Jamaica, Japan, Nepal, New Zealand, Paraguay, Portugal, Sweden.

#### General Assembly resolution 36/120 F

88-21-36 (recorded vote) Meeting 93 10 December 1981

14-nation draft (A/36/L.52/Rev.1 and Rev.1/Add.1); agenda item 31.

Sponsors: Afghanistan, Congo, Cuba, German Democratic Republic, Guinea, Guyana, Hungary, India, Indonesia, Pakistan, Senegal, Ukrainian SSR, Viet Nam, Yugoslavia.

The General Assembly,

Recalling and reaffirming its resolutions 34/65 A and B of 29 November 1979, 34/65 C and D of 12 December 1979 and 35/169 B of 15 December 1980.

Taking note of paragraphs 26, 27 and 52 of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

1. Strongly reaffirms its rejection of those provisions of the accords which ignore, infringe, violate or deny the inalienable rights of the Palestinian people, including the right of return, the right of self-determination and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and the principles of international law, and which envisage and condone continued Israeli occupation of the Palestinian territories occupied by Israel since 1967, including Jerusalem;

2. Expresses its strong opposition to all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, the principles of the Charter and the resolutions adopted in the various international forums on the Palestinian issue, as well as the principles of international law, and declares that all agreements and separate treaties have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967, including Jerusalem;

3. Declares that no State has the right to undertake any actions, measures or negotiations that could affect the future of the Palestinian people, its inalienable rights and the occupied Palestinian territories without the participation of the Palestine Liberation Organization on an equal footing, in accordance with the relevant resolutions of the United Nations, rejects all such actions, measures and negotiations, and considers all such actions, measures and negotiations as a flagrant violation of the inalienable rights of the Palestinian people;

4. Decides that all actions, measures and negotiations to implement or execute such accords and agreements, or any part thereof, are null and void in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967, including Jerusalem.

Recorded vote In Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Belize, Benin, Bhutan, Bulgaria, Burundi, Byelorussian SSR, Cape Verde, Chad, China, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, 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, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Upper Volta, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Guatemala, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom, United States.

Abstaining: Argentina, Bahamas, Barbados, Bolivia, Brazil, Burma, Central African Republic, Chile, Colombia, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Haiti, Honduras, Ivory Coast, Jamaica, Japan, Liberia, Mexico, Nepal, Papua New Guinea, Paraguay, Peru, Philippines, Saint Vincent and the Grenadines, Samoa, Singapore, Spain, Suriname, Trinidad and Tobago, United Republic of Cameroon, Uruguay, Venezuela, Zaire.

#### Status of Jerusalem

The General Assembly, on 10 December 1981, adopted a resolution on the status of Jerusalem<sup>(2)</sup> by a recorded vote of 139 to 2, with 4 abstentions. By that resolution, sponsored by 18 States, it determined once again that all legislative and administrative measures and actions taken by Israel which altered or purported to

alter the character and status of the Holy City, in particular the so-called "Basic Law" and the proclamation of Jerusalem as Israel's capital (1978), were null and void and must be rescinded forthwith. The Assembly reaffirmed its resolution not to recognize the "Basic Law" and other Israeli actions that, as a result of that law, sought to alter the character and status of Jerusalem. It urged States and international organizations not to conduct any business not in conformity with the relevant resolutions, and demanded that Israel fully comply with all United Nations resolutions on the historic character of the city.

Paragraph 2, by which the Assembly affirmed that Israel's actions on this matter constituted a serious obstacle to a comprehensive, just and lasting peace in the Middle East, and a threat to international peace and security, was adopted by a recorded vote of 113 to 2, with 26 abstentions.

A demand that Israel comply with United Nations resolutions on Jerusalem was included in a 10 December resolution on the Palestine question, in which the Assembly also rejected the enactment of the "Basic Law" on Jerusalem.<sup>(1)</sup>

By a resolution of 17 December on the Middle East situation,<sup>(3)</sup> the Assembly determined that Israel's decision to annex Jerusalem and to declare it its capital, as well as the measures to alter its physical character, demographic composition, institutional structure and status, were null and void. It demanded that they be rescinded immediately and called on all Member States, specialized agencies and other international organizations to abide by the relevant resolutions.

Voting against the resolution on Jerusalem, Israel said a united Jerusalem would remain the eternal capital of Israel. The United States said that, while unilateral actions on Jerusalem could not prejudice the city's ultimate status, it had voted negatively because the resolution lacked any reference to negotiations among the parties and because the mention of a threat to peace and security raised the implication of sanctions.

Although voting for the resolution, Canada, Portugal and the United Kingdom, the last speaking for the EC members, stated reservations to the reference to international peace and security in paragraph 2; Canada and Portugal said such a finding was within the Security Council's competence. Sweden had strong objections to that paragraph.

The resolution was adopted following the Assembly's debate on the Palestine question, in which a number of speakers condemned Israel's actions with regard to the status of Jerusalem.

The Comoros said it could not agree to the city's current status, which was based on hatred, selfishness and usurpation. Cuba said the Israeli action showed scorn for the feelings of the

majority of mankind and the intolerant and exclusivist nature of zionism. India stated that Jerusalem was part of the territories that must be vacated by Israel. For Kuwait, Israel's decision to annex Jerusalem indicated that its policies were based on expansionism, domination and usurpation, reflecting a racist philosophy that insulted man and his spiritual values. Israel did not care, said Malaysia, if its actions offended the feelings of billions of people who attached deep spiritual and cultural values to the city.

Morocco stated that Israel's actions, to the detriment of inalienable Arab rights over the city as well as Islamic religious feelings, had given rise to a justified reaction throughout the world. Nigeria regarded the Israeli action as an affront to Arab and Islamic people everywhere. Jerusalem could not become the spoils of war, declared Pakistan; it must be returned to Arab sovereignty. Tunisia saw Israel's actions as a flagrant violation of United Nations resolutions, defiance of the opinions of millions of believers throughout the world and an inadmissible attack, on the right of the inhabitants to self-determination. Turkey said Israel's continued failure to comply with United Nations resolutions on Jerusalem would make a solution of the Palestine question more difficult.

Speaking for the EC members, the United Kingdom said they could accept no unilateral initiative aimed at changing the status of Jerusalem.

Israel stated that any assault on Jerusalem, political or otherwise, was an assault on Israel as a whole. United Jerusalem epitomized the restoration of Israeli sovereignty in its homeland. At the same time, Israel was conscious of the city's deep meaning and concern for Christians and Moslems as well as Jews.

The Assembly dealt during 1981 with other matters pertaining to Jerusalem, especially the protection of cultural property there (p. 316).

Resolutions: GA: <sup>(1)</sup>36/120 D, 10 Dec. (p. 268); <sup>(2)</sup>36/120 E, 10 Dec., text following; <sup>(3)</sup>36/226 A, para. 6, 17 Dec. (p. 262).

Meeting records: GA, A/36/PV.80-85, 93 (2-10 Dec.).

#### General Assembly resolution 36/120 E

139-2-4 (recorded vote) Meeting 93 10 December 1981  
18-nation draft (A/36/L.51 and Add.1); agenda item 31.

Sponsors: Afghanistan, Congo, Cuba, German Democratic Republic, Guinea, Guyana, Hungary, India, Indonesia, Madagascar, Malaysia, Pakistan, Senegal, Tunisia, Turkey, Ukrainian SSR, Viet Nam, Yugoslavia.

The General Assembly,

Recalling and reaffirming its resolutions 2253(ES-V) of 4 July 1967, 2254(ES-V) of 14 July 1967, 35/169 E of 15 December 1980 and 36/15 of 28 October 1981,

Recalling the resolutions of the Security Council relevant to the character and status of the Holy City of Jerusalem, in particular resolutions 252(1968) of 21 May 1968, 267(1969) of

3 July 1969, 271(1969) of 15 September 1969, 298(1971) of 25 September 1971, 465(1980) of 1 March 1980, 476(1980) of 30 June 1980 and 478(1980) of 20 August 1980,

Reaffirming that the acquisition of territory by force is inadmissible,

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Deploring the persistence of Israel in changing the physical character, the demographic composition, the institutional structure and the status of the Holy City of Jerusalem,

1. Determines once again that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and, in particular, the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, are null and void and must be rescinded forthwith;

2. Affirms that such actions constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East, and a threat to international peace and security;

3. Reaffirms its resolution not to recognize that "Basic Law" and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem and calls upon all States, specialized agencies and other international organizations to comply with the present resolution and other relevant resolutions and urges them not to conduct any business which is not in conformity with the provisions of the present resolution and the other relevant resolutions;

4. Demands that Israel should fully comply with all the resolutions of the United Nations relevant to the historic character of the Holy City of Jerusalem, in particular Security Council resolutions 476(1980) and 478(1980);

5. Requests the Secretary-General to report on the implementation of those resolutions within six months.

Recorded vote Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, 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, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Central African Republic, Dominican Republic, Guatemala, Jamaica.

#### Convening of a Conference on the Question of Palestine

On 10 December 1981, the General Assembly decided to convene, under United Nations auspices, an International Conference on the Ques-



tion of Palestine not later than 1984.<sup>(1)</sup> It authorized the Committee on the Exercise of the Inalienable Rights of the Palestinian People to act as the Preparatory Committee for the Conference and to recommend its site and scheduling. United Nations bodies and intergovernmental and non-governmental organizations were invited to co-operate.

The resolution was sponsored by 15 countries and adopted by a recorded vote of 122 to 4, with 20 abstentions.

Canada, explaining its vote against the resolution, said it doubted whether the Conference could make any contribution to resolving the essential problem of getting the parties together to negotiate a settlement of their differences. Israel stated that the Conference was not likely to advance the cause of peace; it would only involve the squandering of \$700,000. The United States said that, in the absence of agreement on basic issues arrived at in advance among all interested States, such conferences were doomed to failure; to hold one for propaganda purposes was mischievous.

Sweden, which abstained in the vote, said it believed that a decision to hold an international conference on the basis provided was not likely to produce positive results.

The United Kingdom, on behalf of the EC members, said they believed that the convening of an international conference would be worth while only if it was likely to assist progress towards a just, lasting and comprehensive peace settlement.

Resolution: <sup>(1)</sup>GA, 36/120 C, 10 Dec., text following.  
Financial implications: 5th Committee report, A/36/794; S-G statement, A/C.5/36/84.  
Meeting records: GA: plenary, A/36/PV.80-85, 93 (2-10 Dec.); 5th Committee, A/C.5/36/SR.66 (8 Dec.).

#### General Assembly resolution 38/120 C

122-4-20 (recorded vote) Meeting 93 10 December 1981  
15-nation draft (A/36/L.33/Rev.1 and Rev.1/Add.1); agenda item 31.

Sponsors: Afghanistan, Bangladesh, Congo, Cuba, German Democratic Republic, Guinea, Hungary, India, Indonesia, Mali, Senegal, Tunisia, Ukrainian SSR, Viet Nam, Yugoslavia.

The General Assembly,

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

Recalling its relevant resolutions, particularly resolutions 31/20 of 24 November 1976 and ES-7/2 of 29 July 1980,

Gravely concerned that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

Convinced that wider international recognition of the facts underlying the question of Palestine will lead to a just solution of the problem,

Recognizing that a lasting peace in the Middle East requires a just solution of the problem of Palestine through the attainment and exercise by the Palestinian people of its inalienable rights,

Emphasizing the need for a comprehensive effort to seek effective ways and means to enable the Palestinian people to attain and to exercise those rights,

1. Decides to convene, under the auspices of the United Nations, an international Conference on the Question of Palestine not later than 1984, on the basis of General Assembly resolution ES-7/2;

2. Authorizes the Committee on the Exercise of the Inalienable Rights of the Palestinian People to act as the Preparatory Committee for the Conference and to take all the necessary steps for its organization, to hold sessions particularly for this purpose and to make recommendations regarding, inter alia, the site, scheduling of and participation in the Conference, and the provisional agenda of the Conference;

3. Invites all appropriate United Nations bodies, the specialized agencies and other intergovernmental and non-governmental organizations to co-operate with the Committee in the implementation of the present resolution;

4. Requests the Secretary-General to appoint a Secretary-General of the Conference and to provide all the necessary assistance to the Committee in the organization of the Conference.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, 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, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Canada, Israel, Norway, United States.

Abstaining: Australia, Austria, Belgium, Denmark, Finland, France, Germany, Federal Republic of, Guatemala, Honduras, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Netherlands, New Zealand, Papua New Guinea, Sweden, United Kingdom.

#### Work programme of the Committee on Palestinian rights

On 10 December 1981,<sup>(1)</sup> the General Assembly requested the Committee on the Exercise of the Inalienable Rights of the Palestinian People to keep the Palestine question under review and to report to the Assembly or the Security Council. It authorized the Committee to continue to promote the implementation of its recommendations; requested the United Nations Conciliation Commission for Palestine and other United Nations bodies associated with the Palestine question to co-operate fully with the Committee; and urged United Nations bodies to act in accordance with the Committee's implementation programme.

The 18-nation resolution was adopted by a recorded vote of 121 to 2, with 23 abstentions.

Voting against the resolution, Israel stated that the United Nations was being asked to squander resources on a Committee which had proved itself utterly biased and irresponsible.

The United States said the highly partisan Committee and the United Nations Secretariat's Special Unit on Palestinian Rights (see below) seriously undermined the dignity, objectivity and moral authority of the United Nations. Portugal, which voted for the resolution, said it had reservations on some provisions; its support did not imply a change in position regarding the resolutions mentioned in the preamble.

Resolution: <sup>(1)</sup>GA, 36/120 A, 10 Dec., text following.  
Meeting records; GA, A/36/PV.80-85, 93 (2-10 Dec.).

#### General Assembly resolution 36/120 A

121-2-23 (recorded vote) Meeting 93 10 December 1981  
18-nation draft (A/36/L.31/Rev.1 and Rev.1/ADD.1); agenda item 31.

Sponsors: Afghanistan, Congo, Cuba, German Democratic Republic, Guinea, Guyana, Hungary, India, Madagascar, Malaysia, Mali, Pakistan, Senegal, Sierra Leone, Tunisia, Ukrainian SSR Viet Nam, Yugoslavia.

The General Assembly,

Recalling its resolutions 3376(XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 A and B of 2 December 1977, 33/28 A to C of 7 December 1978, 34/65 A and B of 29 November 1979, 34/65 C and D of 12 December 1979, ES-7/2 of 29 July 1980 and 35/169 A to E of 15 December 1980,

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. Requests the Committee to keep the situation relating to the question of Palestine under review and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

3. Authorizes the Committee to continue to exert all efforts to promote the implementation of its recommendations, to send delegations or representatives to international conferences where such representation would be considered by it to be appropriate, and to report thereon to the General Assembly at its thirty-seventh session and thereafter;

4. 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 cooperate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

5. 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;

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

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, 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, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania,

Rwanda, Saint Lucia, Saint Vincent and the Grenadines, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe,  
Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Guatemala, Honduras, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Netherlands, New Zealand, Norway, Samoa,<sup>a</sup> Sweden, United Kingdom.

<sup>a</sup> Later advised the Secretariat it had intended to vote in favour.

#### Strengthening the Unit on Palestinian Rights

By a resolution of 10 December 1981,<sup>(2)</sup> the General Assembly requested the Secretary-General to ensure that the Special Unit on Palestinian Rights continued to discharge its tasks, to provide the Unit with additional resources, to redesignate it in keeping with the political importance of its work and its expanded programme, and to ensure the continued co-operation of the Department of Public Information and other Secretariat units. The Assembly authorized the annual organization of a seminar in North America, in addition to regional seminars (previously authorized), broader dissemination of the Unit's publications and their translation into more languages, and the production of a film on Palestinian rights and other visual material.

The 16-nation resolution was adopted by a recorded vote of 119 to 3, with 22 abstentions.

Explaining its negative vote, Israel said the Unit worked for all practical purposes under the guidance of the Palestine Liberation Organization (PLO) and the proposals in the resolution involved a gross misuse of United Nations resources. The United States, speaking in the debate on the Palestine question, deplored the activities of the Unit and the Committee on Palestinian rights (see above), stated that they had allowed themselves to become instruments in PLO hands, and said the United States Congress had agreed again in 1981, as it had done since 1978, that the United States should withhold any contribution in support of those bodies.

Portugal, which voted for the resolution, voiced the same reservations it had to the resolution on the work programme of the Committee on Palestinian rights.<sup>(1)</sup>

In the debate on the Palestine question, a number of delegations praised the Unit for its contribution to a better understanding of that question.

Resolutions: GA: <sup>(1)</sup>36/120 A, 10 Dec. (P. 272); <sup>(2)</sup>36/120 B, 10 Dec., text following.

Financial implications: 5th Committee report, A/36/794; S-G statement, A/C.5/36/83 & Corr.1.

Meeting records: GA: plenary, A/36/PV.80-85, 93 (2-10 Dec.); 5th Committee, A/C.5/36/SR.66 (8 Dec.).

General Assembly resolution 36/120 B  
119-3-22 (recorded vote) Meeting 93 10 December 1981

16-nation draft (A/36/L.32 and Add.1); agenda item 31.

Sponsors: Afghanistan, Congo, Cuba, German Democratic Republic, Guinea, Guyana, Hungary, India, Madagascar, Mali, Pakistan, Senegal, Sierra Leone, Ukrainian SSR, Viet Nam, Yugoslavia.

The General Assembly,

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

Taking note, in particular, of the information contained in paragraphs 39 to 48 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 and 35/169 D of 15 December 1980.

1. Takes note with appreciation of the action taken by the Secretary-General in compliance with General Assembly resolution 35/169 D;

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

3. Requests the Secretary-General to provide the Special Unit on Palestinian Rights with the necessary additional resources to accomplish its tasks and to expand its work programme, *inter alia* through:

(a) The organization annually of a seminar in North America in addition to the regional seminars;

(b) More widespread dissemination of its publications in all the official languages;

(c) The translation of those publications into languages other than the official languages of the United Nations;

4. Also requests the Secretary-General to take necessary action on the redesignation of the Special Unit on Palestinian Rights, as requested in paragraph 1 of resolution 34/65 D, in keeping with the political importance of its work and its expanded work programme;

5. 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 Special Unit on Palestinian Rights to perform its tasks, *inter alia* through the production, in consultation with the Committee, of a film on Palestinian rights and through the provision of copies of the photographic exhibit on Palestinian rights installed at United Nations Headquarters and of other visual material for use by the Special Unit and United Nations information centres;

6. Invites all Governments and organizations to lend their co-operation to the Committee and the Special Unit on Palestinian Rights in the performance of their tasks;

7. 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.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, 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, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trini-

dad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Canada, Israel, United States.

Abstaining: Australia, Austria, Belgium, Chile, Denmark, Finland, France, Germany, Federal Republic of, Guatemala, Honduras, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Netherlands, New Zealand, Norway, Paraguay, Sweden, United Kingdom.

#### Assistance to Palestinians

During 1981, United Nations assistance was being provided to Palestinians in the West Bank and neighbouring Arab States. This was in addition to aid provided to Palestine refugees by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (p. 325).

Assistance in the West Bank and the Gaza Strip continued to be financed by the United Nations Development Programme (UNDP). By the end of 1981, 11 of the 17 projects for those areas authorized by the UNDP Governing Council in 1979 were under implementation or prepared for implementation and some had been largely completed. Among the projects under way (with their planned costs in parentheses) were: provision of furniture and equipment to primary schools (\$245,000), organization of technical and vocational courses (\$354,320), provision of fellowships for health manpower development (\$948,000), furnishing of supplies and equipment to health institutions (\$668,000) and assistance to children's institutions (\$584,000).

The Governing Council, on 23 June,<sup>(7)</sup> authorized the UNDP Administrator to increase, where necessary, the notional amount of expenditures for individual projects, keeping within the allocation of \$3.5 million from the UNDP Programme Reserve which the Council had authorized in 1979.<sup>(8)</sup>

UNDP also continued to finance regional activities benefiting Palestinians either directly or indirectly. For example, the Institute of Education at Amman, Jordan, the Regional Institute for Training and Research in Statistics at Baghdad, Iraq, and the Arab Planning Institute in Kuwait, which provided training and research facilities for Palestinian students and scholars, continued to receive UNDP assistance in an amount of \$5.2 million by the end of 1981.

The Industrial Development Board of the United Nations Industrial Development Organization (UNIDO), on 29 May,<sup>(1)</sup> after examining a report on UNIDO assistance to Palestinians, took note with appreciation of the participation of Palestinian trainees in group training programmes organized by UNIDO and sought the expansion of those activities. It noted with regret that other technical assistance projects had not been implemented, and condemned and deplored the obstacles placed by Israeli occupying

authorities which had prevented UNIDO officials from visiting the occupied West Bank and the Gaza Strip. The Board urged the UNIDO secretariat to take all possible measures to increase technical assistance to the Palestinian people in co-operation with PLO, and requested a further progress report from the UNIDO Executive Director in 1982, including proposals on ways of expanding the programme. These conclusions were adopted by 26 votes to 1 (United States), with 11 abstentions.

The Commission on Human Settlements requested on 6 May<sup>(3)</sup> that the Executive Director of the United Nations Centre for Human Settlements continue efforts to implement General Assembly resolutions on assistance to the Palestinian people and to report the results to the Commission in 1982. The Commission also urged the Assembly to deplore the occupying authorities in Palestine for the obstacles set up to hinder the implementation of these resolutions and to reiterate the necessity of implementing them.

The United Nations Children's Fund spent \$482,100 in 1981 on assistance to Palestinian mothers and children in Jordan, Lebanon, the Syrian Arab Republic, the West Bank and the Gaza Strip, for health, education, family welfare and social welfare services. This included \$219,100 in the West Bank and Gaza for kindergarten teacher training, furniture and equipment, musical instruments and other supplies.

**ECONOMIC AND SOCIAL COUNCIL ACTION.** In response to an Assembly request of December 1980,<sup>(4)</sup> the Secretary-General submitted to the Economic and Social Council in June 1981 a report on assistance to the Palestinian people rendered by 22 United Nations organs and organizations.<sup>(2)</sup> The Council, on 22 July, decided to transmit the report to the Assembly.<sup>(6)</sup> This decision was adopted, without vote, on recommendation of the Council's Third (Programme and Co-ordination) Committee, which approved the draft without vote on 10 July, as orally proposed by its Chairman.

**GENERAL ASSEMBLY ACTION.** On 4 December, the General Assembly adopted, by 99 votes to 2, with 18 abstentions, a resolution on assistance to the Palestinian people.<sup>(5)</sup> By this resolution, the Assembly urged United Nations organizations to take steps, in consultation and co-operation with PLO, for the full implementation of resolutions on assistance to the Palestinians. It strongly urged all parties to facilitate the full implementation of all the projects approved by the UNDP Governing Council and requested UNDP to undertake direct execution of the projects in the occupied Palestinian territories, including Jerusalem, in co-ordination with local Palestinian organizations and bodies. It requested that United

Nations assistance to the Palestinians in the Arab host countries should be rendered in consultation with the parties concerned and in accordance with United Nations resolutions. Finally, it requested another progress report from the Secretary-General in 1982.

This resolution was recommended by the Second (Economic and Financial) Committee, which approved the text on 20 November by a recorded vote of 112 to 2, with 21 abstentions. The 39-nation draft, revised three times by its sponsors, was introduced by Pakistan.

Explaining in the Second Committee its vote against the resolution, Israel stated that it was not opposed to rendering assistance to the Palestinians provided that the assistance was for the direct benefit of the population and not PLO. The United States, which also voted against, said it rejected the introduction of political elements alien to the Committee's economic and humanitarian concerns.

The United Kingdom, explaining the abstentions of the European Community (EC) members, said they had not changed their position on the paragraph urging co-operation with PLO as representative of the Palestinian people; moreover, in referring to the occupied Palestinian territories, the text should have specified the territories occupied by Israel since 1967.

Voting for the resolution, Japan said it supported United Nations assistance to national liberation movements.

Reports: <sup>(1)</sup>IDB, A/36/16; <sup>(2)</sup>S-G, A/36/305 & Add 1, 2.

Resolutions and decisions:

Resolutions: <sup>(3)</sup>Commission on Human Settlements (report, A/36/8): 4/3, 6 May. GA: <sup>(4)</sup>35/111. 5 Dec. 1980 (YUN 1980, p. 398); <sup>(5)</sup>36/70, 4 Dec. 1981, text following.

Decisions: <sup>(6)</sup>ESC: 1981/171, 22 July, text following. <sup>(7)</sup>UNDP Council (report, E/1981/61/Rev.1): 81/13, 23 June.

Yearbook reference: <sup>(8)</sup>1979, p. 372.

Meeting records: ESC: 3rd Committee, E/1981/C.3/SR.4, 5, 7, 8 (6-10 July); plenary, E/1981/SR.39 (22 July). GA: 2nd Committee, A/C.2/36/SR.4. 7-10, 16-18, 21, 24, 25, 27, 32, 35, 41, 42 (25 Sep.-20 Nov.); plenary, A/36/PV.84 (4 Dec.).

**Economic and Social Council decision 1981/171**

Adopted without vote

Approved by Third Committee (E/1981/97) without vote, 10 July (meeting 8); draft orally proposed by Chairman; agenda item 20.

**Assistance to the Palestinian people**

At its 39th plenary meeting, on 22 July 1981, the Council took note of the report of the Secretary-General on assistance to the Palestinian people and decided to transmit it to the General Assembly at its thirty-sixth session.

**General Assembly resolution 36/70**

99-2-18 Meeting 84 4 December 1981

Approved by Second Committee (A/36/691/Add.1) by recorded vote (112-2-21), 20 November (meeting 42); 39-nation draft (A/C.2/36/L.7/Rev.3); agenda item 12.

Sponsors: Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Cape Verde, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Ethiopia, Gambia, German Democratic Republic, Guinea, Hungary, India, Indonesia, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mongolia, Mozambique, Nicaragua, Niger, Nigeria, Pakistan, Qatar, Sao Tome and Principe, Saudi Arabia, Senegal, United Arab Emirates, Viet Nam, Yemen, Yugoslavia.

#### Assistance to the Palestinian people

The General Assembly,

Recalling its resolutions 33/147 of 20 December 1978, 34/133 of 14 December 1979 and 35/111 of 5 December 1980,

Recalling also its resolutions 3236(XXIX) and 3237(XXIX) of 22 November 1974,

Taking note of Economic and Social Council decision 1981/171 of 22 July 1981 and recalling the relevant resolutions of the Council,

Taking note with satisfaction of the report of the Secretary-General on assistance to the Palestinian people,

Taking note also of the report of the Governing Council of the United Nations Development Programme on its twenty-eighth session,

1. Notes with satisfaction the action taken by the Administrator and the Governing Council of the United Nations Development Programme in response to the relevant resolutions of the General Assembly;

2. Urges the relevant agencies, organizations, organs and programmes of the United Nations system to take the necessary steps, in consultation and co-operation with the Palestine Liberation Organization, the representative of the Palestinian people, for the full implementation of the resolutions of the General Assembly and the Economic and Social Council on assistance to the Palestinian people;

3. Strongly urges all parties concerned to facilitate the full implementation of all the projects approved by the Governing Council of the United Nations Development Programme at its twenty-sixth session;

4. Requests the United Nations Development Programme to undertake direct execution of the projects in the occupied Palestinian territories, including Jerusalem, in co-ordination with the relevant local Palestinian organizations and bodies;

5. Also requests that United Nations assistance to the Palestinian people in the Arab host countries should be rendered through the specialized agencies, programmes, organs and other bodies of the United Nations system in consultation with the parties concerned and in accordance with the relevant resolutions of the General Assembly and the Economic and Social Council;

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

## Situation between individual Arab States and Israel

### Iraq and Israel

On 7 June 1981, Israeli aircraft bombed the Tuwaitha nuclear research centre near Baghdad. The action was condemned by the Security Council on 19 June and by the General Assembly on 13 November.

COMMUNICATIONS. On 8 June, by a letter to the Security Council President,<sup>(3)</sup> the Minister for Foreign Affairs of Iraq requested an immediate meeting of the Council to deal with what he

described as a grave act of aggression. At 1837 hours on 7 June, he stated, Israeli war-planes had raided Baghdad with the object of destroying the nuclear reactor installations. Iraq was a party to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons<sup>(46)</sup> and not a single violation by Iraq of the nuclear safeguards agreement (drawn up in accordance with that Treaty) had ever been registered by the International Atomic Energy Agency (IAEA). In a further letter of 10 June,<sup>(4)</sup> the Iraqi Foreign Minister stated that the attack by nine Israeli aircraft was not the first of its kind, as there had been two raids aimed at the nuclear installations on 27 September 1980.

Israel, on 8 June,<sup>(6)</sup> transmitted to the Council President and to the Secretary-General a special announcement of the same date by its Government, stating that a raid by the Israel Air Force had destroyed the "Osirak" (Tamuz-1) reactor and that all aircraft had returned safely to base. Israel had learnt that the reactor was designed to produce atomic bombs whose target would have been Israel, as the ruler of Iraq had announced after an Iranian raid which had slightly damaged the reactor. Under no circumstances would Israel allow an enemy to develop weapons of mass destruction against it. On 19 October,<sup>(9)</sup> Israel transmitted a document issued by its Ministry of Foreign Affairs and its Atomic Energy Commission detailing information on what was described as Iraq's preparations for the production by 1985 of nuclear weapons whose principal target was to be Israel.

By a telegram of 12 June,<sup>(1)</sup> the IAEA Director-General transmitted a resolution of that date by which the Agency's Board of Governors condemned Israel for the attack and recommended that consideration be given to suspending its membership rights in IAEA (p. 279). The records of the Board's discussion (9-12 June) were transmitted on 15 June.<sup>(2)</sup>

By a letter of 15 June,<sup>(7)</sup> Israel reaffirmed its support for the establishment of a nuclear-weapon-free zone in the Middle East (p. 49).

A number of States sent letters or statements to the Council President condemning Israel's action as an act of aggression, a violation of international law and a threat to world peace. Letters were received from Egypt,<sup>(2)</sup> Japan<sup>(29)</sup> and Spain<sup>(37)</sup> (9 June); Panama<sup>(33)</sup> (10 June); the German Democratic Republic,<sup>(23)</sup> Pakistan,<sup>(32)</sup> the Philippines,<sup>(10)</sup> Tunisia<sup>(12)</sup> and the USSR<sup>(40)</sup> (11 June); Hungary,<sup>(26)</sup> India,<sup>(27)</sup> Qatar,<sup>(35)</sup> Romania,<sup>(36)</sup> Viet Nam<sup>(41)</sup> and Zambia<sup>(43)</sup> (12 June); Bangladesh<sup>(18)</sup> (13 June); Czechoslovakia,<sup>(20)</sup> Grenada,<sup>(24)</sup> Indonesia<sup>(28)</sup> and Poland<sup>(34)</sup> (15 June); Democratic Yemen<sup>(21)</sup> and Guyana<sup>(25)</sup>

(16 June); Jordan, transmitting a letter of 10 June from King Hussein to the United States President,<sup>(30)</sup> and Suriname<sup>(38)</sup> (17 June); and the Libyan Arab Jamahiriya<sup>(31)</sup> (18 June). The Czechoslovak statement asked that the Council decide on the imposition of sanctions against Israel; the Libyan letter suggested the application of Article 6 of the Charter of the United Nations (which provides for the expulsion from the United Nations of a State that persistently violates Charter principles).

On 12 June,<sup>(42)</sup> Yemen forwarded to the Council President and the Secretary-General a resolution adopted at Baghdad on 11 June by the Council of the League of Arab States, by which the Council condemned the Israeli aggression; affirmed the right of all States to establish technological and nuclear development programmes for peaceful purposes; and called on the States that supported Israel and provided it with economic, political, military and technological aid, notably the United States, to put an end to the Israeli aggression and to terminate such aid.

On 16 June,<sup>(19)</sup> Cuba transmitted a communique adopted by an extraordinary plenary meeting of non-aligned countries held in New York on that day, stating that the meeting had condemned the Israeli aggression; affirmed the right of countries to develop nuclear energy for peaceful purposes; called on all States, in particular the United States, to refrain from economic, political, military and technological aid to Israel; and called on the Security Council to take effective measures against Israel in accordance with Chapter VII of the United Nations Charter (on action with respect to threats to the peace, breaches of the peace and acts of aggression).

On 17 June,<sup>(11)</sup> the Philippines forwarded a statement by the Foreign Ministers of the Association of South-East Asian Nations, describing the Israeli attack as a dangerous and irresponsible act that would escalate tension in the area and seriously threaten peace. Also on 17 June,<sup>(16)</sup> the Acting Secretary-General of the Organization of African Unity (OAU) transmitted a decision adopted on 15 June at Nairobi, Kenya, by the OAU Council of Ministers, stating that the Israeli act of aggression was further proof of its arrogance.

**SECURITY COUNCIL ACTION.** On 19 June, the Security Council unanimously adopted a resolution<sup>(52)</sup> prepared in the course of consultations, by which it strongly condemned Israel's attack; called on Israel to refrain from any such acts or threats; considered that the attack constituted a serious threat to the IAEA safeguards regime; fully recognized the inalienable sovereign right of Iraq and all other States, especially the devel-

oping countries, to establish nuclear development programmes for peaceful purposes, consistent with the objectives of nuclear non-proliferation; called on Israel urgently to place its nuclear facilities under IAEA safeguards; and considered that Iraq was entitled to appropriate redress for the destruction it had suffered.

Speaking after the Council acted, Israel rejected the resolution as biased, one-sided and ignoring the fact that, in removing a nuclear threat to its existence, Israel had exercised its legitimate right of self-defence.

Iraq said it was not satisfied with the resolution, as it did not include sanctions; the resolution could have been a better reflection of world public opinion had it not been for United States support of Israel. Uganda said the Council ought to have acted decisively in accordance with the punitive provisions of the Charter and should have characterized Israel's act as unjustified aggression; nevertheless, the resolution rejected Israel's dangerous notion of the doctrine of self-defence, under which it claimed the right to attack on the basis of a speculative conjecture that a nation might use its technology for offensive purposes.

Explaining its vote for the resolution, the German Democratic Republic stated that, while the text provided for the minimum of measures to be taken against the aggressor, General Assembly resolutions demanding the complete termination of nuclear and military collaboration with Israel must be implemented. Tunisia, though pleased with the consensus achieved, thought the resolution was far from commensurate with the serious nature of Israel's act of aggression. The USSR said the demands for decisive measures, including sanctions against Israel, were not duly reflected in the resolution; nevertheless, the Council's consideration of Iraq's complaint had demonstrated Israel's isolation on the international scene and should serve as a serious warning to Israel.

France, while reiterating its commitment to the existence and security of Israel, said it believed that recourse to force would not serve the interests of Israel's security. Japan said the resolution contained the minimum common elements voiced by the international community concerning the various problems caused by the incident. The United States said its judgement that Israeli actions had violated the United Nations Charter was based solely on the conviction that Israel had failed to exhaust peaceful means; further, the question of appropriate redress had to be understood in the full legal context of the relationships in the region.

The Council held nine meetings on the subject from 12 to 19 June. Algeria, Bangladesh, Bra-

zil, Bulgaria, Cuba, Czechoslovakia, Egypt, Guyana, Hungary, India, Indonesia, Iraq, Israel, Italy, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mongolia, Morocco, Nicaragua, Pakistan, Poland, Romania, Sierra Leone, Somalia, Sri Lanka, the Sudan, the Syrian Arab Republic, Turkey, Viet Nam, Yemen, Yugoslavia and Zambia were invited, at their request, to participate without vote in the debate.

On 12 June, the Council decided that an invitation should be accorded to a PLO representative to participate in the debate and that the invitation would confer on it the same rights of participation as those conferred on a Member State invited to participate under rule 37 of the Council's provisional rules of procedure.<sup>a</sup> The Council took this decision by a vote, requested by the United States, of 11 to 1 (United States), with 3 abstentions (France, Japan, United Kingdom). The proposal to invite PLO was made by Tunisia in a letter of 11 June.<sup>(13)</sup>

The Council acted without vote to extend invitations under rule 39<sup>b</sup> to the Secretary-General and the Permanent Observer of the League of Arab States, as proposed by Tunisia in letters of 11 June<sup>(14)</sup> and 16 June,<sup>(15)</sup> respectively, and to the IAEA Director-General, as requested by Uganda in a letter of 16 June.<sup>(39)</sup>

Opening the debate, the Foreign Minister of Iraq stated that the motives behind the Israeli attack were to cover up Israel's possession of nuclear weapons and, more importantly, the determination not to allow the Arab nation to acquire scientific or technical knowledge. Iraq, in 1969, had been one of the first adherents to the non-proliferation Treaty; it had concluded in 1972 an agreement with IAEA for the application of safeguards to all its nuclear activities, and at the latest safeguards inspection at the Iraqi centre, in January 1981, all nuclear material there had been accounted for Iraq actively supported initiatives in the General Assembly for the establishment of nuclear-weapon-free zones. While every country had the right to develop nuclear technology for peaceful purposes, Israel had had a nuclear-weapon capability for years. The Council could not limit itself to condemning Israel's act of aggression, but should impose mandatory sanctions and decide that all States, especially the United States, should refrain from providing Israel with any military, material or technical co-operation or assistance which might encourage it to pursue expansion and aggression.

Israel said that, in destroying the "Osirak" nuclear reactor, it had performed an act of self-preservation and exercised its inherent right of self-defence. A threat of nuclear obliteration was being developed against Israel by Iraq, which

had declared itself in a state of war with Israel since 1948 and had rejected all United Nations efforts for peaceful settlement of the Arab-Israeli dispute. Israel had repeatedly urged the European countries involved to stop assisting Iraq's drive for military nuclear capability, but its public and diplomatic efforts had gone unheeded. Within weeks "Osirak" would have gone "hot", after which time any attack on it would have blanketed Baghdad with lethal radioactive fall-out. Israel invited the Council to consider its proposal, made repeatedly since 1974, for a nuclear-weapon-free zone in the Middle East.

The IAEA Director-General told the Council that periodic inspections of the three nuclear research reactors near Baghdad, most recently in January 1981, had revealed no non-compliance with the safeguards agreement; all nuclear material had been satisfactorily accounted for.

Most speakers in the debate condemned Israel's attack as a violation of the United Nations Charter and international law and as a threat to international peace and security. They could not accept Israel's argument that it had acted in self-defence to prevent a nuclear strike against it; they said Article 51 of the Charter limited the right of self-defence to a case of armed attack and did not allow for preventive action. They considered Israel's attack a dangerous precedent, rejected Israel's allegation that the Iraqi reactor was intended to produce nuclear weapons and underlined the right of States to develop nuclear energy for peaceful purposes.

France stated that the sole purpose of the Tamuz reactor was scientific research; agreements between France and Iraq excluded its use for military purposes. The United Kingdom said it did not believe Iraq had the capacity to manufacture fissionable materials for nuclear weapons. The Iraqi bomb, stated the Niger, existed only in the imagination of the Israeli leaders. Spain said the Charter did not allow any right to preventive action by which a State could set itself up as judge and policeman in respect to another country.

India, Kuwait, the Niger, the Syrian Arab Republic, Tunisia, Uganda, Viet Nam, Yemen and others regarded the Israeli attack as a continuation of Israeli aggression against the Arab

<sup>a</sup> Rule 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 Security Council in accordance with Article 35 (1) of the Charter."

<sup>b</sup> Rule 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."

people in Lebanon, Palestine and elsewhere, and as a denial of the rights of the Palestinian people. Its objective was to prevent Arab scientific and technological progress so as to enable Israel to maintain its supremacy in the region. Mexico described the attack as the climax of escalating violations of international law, including territorial annexation by conquest, persistence in illegal occupation, denial of Palestinian rights, and aggression and harassment against neighbouring States.

Bulgaria and the Syrian Arab Republic considered the act a consequence of the Camp David accords between Egypt and Israel, which had freed the hands of extremist circles in Israel for further aggression. Israel's act, the USSR said, was a logical consequence of the Middle East policy of the United States, aimed at dividing the Arab world. Egypt maintained that the accords did not justify or permit acts of aggression; the Israeli aggression could only lead to Israel's isolation.

Several speakers cited reports that Israel had developed nuclear weapons. Guyana remarked that Israel would shrink from no aggression or terrorist act to maintain a nuclear monopoly in the Middle East.

References were made to an appeal by the General Assembly in 1979,<sup>(48)</sup> reaffirmed in 1980,<sup>(49)</sup> that States end co-operation with Israel which might help it to acquire nuclear weapons. The German Democratic Republic said the danger of a further aggravation of the situation in the region, for which Israel was responsible, made it imperative to cease all nuclear and military collaboration with the aggressor. Somalia hoped that the recent decision of the United States to suspend its planned delivery of four fighter-bombers to Israel was the beginning of a reassessment of the dangers of its supply of arms.

Several countries, including Egypt, France, the German Democratic Republic, Indonesia, Ireland, Japan, Mexico, Sri Lanka, the Syrian Arab Republic, the United Kingdom and Yemen, regarded the Israeli attack as a challenge to the nuclear safeguards system. If Israel suspected that Iraq intended to produce atomic bombs, said Japan, it should have sought to settle the matter by peaceful means, such as submitting it to IAEA. Perhaps it had not done so, the Philippines observed, because it was not a party to the non-proliferation Treaty. Many States, including Jordan and the Sudan, called on the Council to find ways of subjecting Israeli nuclear activities to regular international inspection and supervision.

A number of speakers, among others Egypt, Ireland, Japan and the United States, held that further efforts should be made to prevent the

proliferation of nuclear weapons and that States which were not party to the non-proliferation Treaty, including Israel, should accede to it as soon as possible. Lebanon called for compulsory means of subjecting Israel's nuclear superiority to the imperatives of international compacts.

A number of States-including Cuba (on behalf of the non-aligned countries), Czechoslovakia, the German Democratic Republic, India, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mongolia, Nicaragua, Pakistan, Sierra Leone, Somalia, Sri Lanka, the Sudan, the Syrian Arab Republic, Uganda, the USSR and Yemen-called for mandatory sanctions under Chapter VII of the Charter. China thought the Council should take effective measures resolutely to put an end to Israeli aggression and to punish Israel in accordance with the Charter. Kuwait said any objection to the imposition of sanctions would be explained by the Arab people and peoples of the third world as an act of bias in favour of the aggressor.

Ireland questioned the wisdom of imposing sanctions in the face of the complex situation of conflict in the Middle East. The United States, while condemning the Israeli action as damaging to the regional confidence necessary for peace, said it would approve no decision that harmed Israel's basic interests, was unfairly punitive or created new obstacles to a just and lasting peace.

Many speakers, including France, Guyana, Italy, Jordan, Morocco, the Niger, Sri Lanka and Turkey, were of the view that Israel should compensate Iraq for the losses resulting from its aggression. A call for compensation was also included in a resolution by the Islamic Group of Member States at the United Nations, adopted on 16 June and read to the Council by Iraq.

Israel, maintaining that the non-proliferation Treaty was no effective guarantee against the proliferation of nuclear weapons, expressed the view that the most constructive step towards the security of all States in the area would be to establish a nuclear-weapon-free zone in the Middle East. Czechoslovakia, which supported the establishment of such a zone, said this idea should not be utilized to camouflage Israel's aggressive policies towards neighbouring Arab countries. Egypt stated that Israel's unwarranted air raid had cast serious doubts about its support for a nuclear-weapon-free zone; Egypt reiterated its call on all States, pending the establishment of such a zone, to declare that they would reciprocally refrain from producing, acquiring or in any way possessing nuclear weapons and nuclear explosive devices, and to deposit their declarations with the Security Council.

The Secretary-General of the League of Arab States stated that, by its act of aggression, Israel



wanted to delay the technological progress of the Arabs, which was the guarantee of their independence and of their invulnerability. The League's Permanent Observer to the United Nations added that, when the world community sought punitive sanctions and measures, it did so not out of revenge but to deter the aggressor.

The PLO representative said Israel was not satisfied to invoke national security in the military field and on questions relating to borders; it wished to arrogate the power to impede the development of other countries in the region.

By a letter of 29 June to the Council President,<sup>(8)</sup> Israel expressed regret that it had not, during the Council debate, given a complete quotation of a passage from a lecture by Sir Humphrey Waldock, President of the International Court of Justice, on the self-defence provisions of Article 51 of the Charter; it added that Iraq, in pointing out the omission during the debate, had omitted another sentence suggesting that preparations for atomic warfare would have to be treated as an armed attack under Article 51. Iraq replied on 24 July<sup>(5)</sup> that the sentence omitted by Iraq supported Iraq's position rather than that of Israel, since it was Israel which had possessed nuclear weapons for some time and therefore Iraq and other Arab States parties to the non-proliferation Treaty were entitled to treat those weapons as an armed attack.

**OTHER ACTION.** The United Nations Conference on New and Renewable Sources of Energy (p. 689), by a 21 August resolution on the right of nations to develop and control non-fossil energy resources,<sup>(45)</sup> strongly condemned the Israeli aggression against the Iraqi nuclear research centre. The text, sponsored by Iraq, Morocco and Pakistan, was adopted by a roll-call vote of 61 to 1 (Israel), with 26 abstentions.

Israel objected to the resolution as a blatant act of politicization which violated the non-political mandate of the Conference and added that it did not bother to reaffirm rights which Iraq had systematically violated for over 30 years. Australia, Canada, the United States and Uruguay said they had abstained because the resolution was extraneous to the purpose and mandate of the Conference.

The IAEA Board of Governors, on 12 June, adopted a resolution<sup>(1)</sup> by which it strongly condemned Israel for its attack. It recommended that the Agency's General Conference consider all the implications, including the suspension of Israel's membership privileges and rights, and that the Conference suspend IAEA technical assistance to Israel. The Board urged the Agency's member States to provide emergency assistance to Iraq to deal with the aftermath of the attack and reaffirmed its confidence in the effec-

tiveness of the Agency's safeguards system as a reliable means of verifying peaceful use of a nuclear facility.

The General Conference, by a resolution of 26 September,<sup>(44)</sup> decided to suspend IAEA assistance to Israel, as the Board had recommended. It also decided to consider at its 1982 regular session the suspension of Israel from the exercise of the privileges and rights of Agency membership if by that time it had not complied with the Security Council resolution of 19 June.

**GENERAL ASSEMBLY ACTION.** On 13 November, the General Assembly adopted, by a roll-call vote of 109 to 2, with 34 abstentions, a resolution 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".<sup>(50)</sup>

By this resolution, the Assembly strongly condemned Israel for its act of aggression; warned it to cease threatening and committing such attacks against nuclear facilities; reiterated its call to all States to cease providing Israel with arms and related material which would enable it to commit acts of aggression; requested the Security Council to investigate Israel's nuclear activities and the collaboration of other States and parties in those activities; reiterated its request that the Council institute effective enforcement action to prevent Israel from further endangering peace and security; demanded that Israel pay prompt and adequate compensation for the material damage and loss of life; and requested the Secretary-General to keep Member States and the Council informed of the resolution's implementation and to report to the Assembly in 1982.

By a resolution of 9 December<sup>(51)</sup> in connection with disarmament issues, the Assembly stated that the Israeli attack adversely affected prospects for a nuclear-weapon-free zone in the Middle East.

Provisions on the attack were also included in an Assembly resolution of 11 November on the annual IAEA report (p. 712).

Introducing the 36-nation draft resolution adopted on 13 November, Iraq observed that, unlike the Council's resolution, the Assembly text qualified the Israeli action as an act of aggression—a phrase the Council had not used for political considerations pertaining to the position adopted by certain permanent members.

Israel, explaining its negative vote, said it rejected the resolution for not taking into account several facts, such as the nuclear option Iraq had been developing, Iraq's consistent violations of the prohibition against the threat or use of force, its open rejection of Security Coun-

cil resolutions on the Middle East, its attempts to bypass its obligations under the non-proliferation Treaty and the safeguards agreement with IAEA, and Israel's attempts by diplomatic means to remove the mortal threat to its existence, leaving it with no alternative but to destroy the nuclear reactor in self-defence. The United States said it strongly opposed the resolution for six reasons: the Security Council had already acted on the matter; the unbalanced text could only complicate the search for peace; the description of Israel's action as aggression was objectionable, prejudiced and legally troublesome; the text diverted attention from the pursuit of peace and security; the call for the United States to alter its relationship with Israel was one-sided, as other major Powers were not asked to stop their arms supplies to Israel's neighbours; and the request for a Security Council investigation of Israel's nuclear activities was politically motivated and would not have positive results.

Speaking in explanation of vote, several countries expressed reservations. The United Kingdom, explaining the abstentions of the EC members, said they did not believe the proposed enforcement action, including a selective arms embargo, would be appropriate, practicable or desirable in terms of the search for a just, lasting and comprehensive peace settlement in the Middle East. Fiji abstained on similar grounds, adding that its position was not to be interpreted as endorsement of Israel's attack.

Austria, Canada, Finland, New Zealand, Norway and Sweden said they abstained because they felt the Assembly was assuming responsibilities that, under the Charter, belonged to the Security Council. New Zealand added that it had reservations about the paragraph calling for a Council investigation of Israel's nuclear activities, which appeared to call for the duplication of investigations already being undertaken at the Assembly's request; also, it found somewhat gratuitous the references in the preamble to arms supplied to Israel by the United States. Turkey, though voting in favour, would have preferred that no particular country be singled out as a supplier of weapons.

Chile thought the resolution contained exaggerated language and would not lead to the proper implementation of the Council's June resolution. In Zaire's view, the resolution contained a superficial analysis that did not cover all aspects of Middle East problems.

Reservations about the wording were also expressed by certain States which voted in favour. Panama thought the coercive measures mentioned in the resolution were a matter for the Security Council. Portugal had reservations

about what it considered as discriminatory language and elements contrary to the essential functioning of the Assembly and the United Nations. Venezuela was concerned about some of the terms used, as well as about the Assembly's making reference to enforcement action by the Council.

Spain made a similar point and added a reservation regarding references in the preamble to 1978 and 1979 Assembly resolutions on military and nuclear collaboration with Israel<sup>(47)</sup> and Israeli nuclear armament,<sup>(48)</sup> on which it had abstained; also, it would have preferred a more balanced drafting of the preambular paragraph referring to the misuse of aircraft and weapons by Israel.

Brazil, India and Zambia stated that their vote in favour was without prejudice to their position on the non-proliferation Treaty, which they had not signed.

In Samoa's view, the Assembly's call not to supply Israel with arms did not conform with the kind of balanced approach necessary to lessen tension in the Middle East. Uruguay thought that this paragraph, as well as the Assembly's requests for enforcement action and an arms embargo, prejudged the future attitude of a State.

Most of the delegations which abstained or expressed reservations stressed their condemnation of the Israeli attack.

The inclusion of the item on the agenda of the 1981 regular Assembly session was requested by 43 countries in a letter of 12 August.<sup>(17)</sup> In view of the importance of the question for international peace and security, they stated, it was incumbent on the Assembly to deal with the question in all its aspects.

During the debate, many speakers, including Algeria, Czechoslovakia, Indonesia, Jordan, Malaysia, the Syrian Arab Republic and Viet Nam, expressed regret that the Security Council had not imposed sanctions on Israel or demanded redress for the damage suffered by Iraq. A number of countries, such as the Byelorussian SSR, China, Czechoslovakia, India, the Libyan Arab Jamahiriya, Mauritania, Pakistan, Qatar, the Sudan, the Ukrainian SSR, the United Arab Emirates and Viet Nam, also favoured effective enforcement action. Many of these States, along with Yugoslavia, specifically advocated a halt to the supply of arms to Israel, and Mauritania urged an embargo on all nuclear materials for that country. Sri Lanka said the matter had been brought to the Assembly to seek a vital action that the Council had been unable to provide—cessation of the provision of arms to Israel.

Several States, including Kuwait and Saudi Arabia, appealed to the Assembly to adopt a resolution requesting the Council to take every

necessary measure to ensure strict implementation of its resolution of 19 June and other United Nations resolutions, and to prevent Israel from repeating its aggression and its violation of the rights of other States.

Iraq said the Council had failed to adopt effective measures because of the threat by the United States to use the veto, in spite of the fact that the Council had previously warned Israel that the provisions of Chapter VII of the Charter would be applied should it again resort to aggression. Since the Council had been prevented from fully shouldering its responsibilities, Iraq added, the Assembly was called upon to remedy the situation within its competence and to try to restore the dignity of the Organization, especially considering that Israel had rejected the unanimous Council decision.

The Syrian Arab Republic requested the Assembly not only to adopt a resolution condemning Israeli aggression and placing the attack on the reactor within the framework of official acts of terrorism committed by Israel against Arab peoples, but also condemning the United States, which continued to provide Israel with instruments of destruction as part of its strategic alliance. A number of other countries, including Albania, Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the German Democratic Republic, the Libyan Arab Jamahiriya, the Ukrainian SSR, the USSR and Viet Nam, criticized the support and encouragement of Israel's policies by the United States.

Most speakers rejected Israel's argument that it had performed an elementary act of self-preservation and exercised its inherent right of self-defence. Many reiterated that the assault also constituted an attack on the IAEA safeguards régime. A number of countries, including Cyprus, Poland, Romania and Turkey, stressed the right of States to develop nuclear energy for peaceful purposes.

Israel maintained that its military operation against the Iraqi nuclear reactor was neither an attack on IAEA nor an expression of no confidence in the Agency's safeguards system. Iraq had already acquired weapons-grade plutonium; it could have proceeded with its nuclear-weapons programme and then withdrawn from the non-proliferation Treaty on three months' notice, without fear of sanctions.

China underscored the inalienable right of all countries to use nuclear energy for peaceful purposes, but said it firmly opposed the clandestine development of nuclear weapons by Israel as a menace to neighbouring States and a threat to peace and security.

Egypt viewed the Israeli attack not as an act of self-defence but rather an act of self-

destruction; peace and security in the Middle East could be achieved not by aggression or preemptive attacks but by the elimination of fear, suspicion and centuries-old hatred and through serious and responsible efforts to ensure a just and peaceful settlement.

Albania, India, Morocco and others said it was impossible to separate Israel's constant aggressive conduct against its Arab neighbours from its continual refusal to acknowledge the inalienable rights of the Palestinian people.

The United Kingdom, speaking for the EC members, reiterated their condemnation of the Israeli attack, said there must be no repetition of such action by Israel or any other country, emphasized the central role of the IAEA safeguards system in the non-proliferation régime and urged all Middle East States including Israel to refrain from any action that would increase the danger which would result from the development of nuclear weapons in the region. Austria said it was essential for the Assembly to retain the unanimity reached in the Security Council on this matter. Japan was among a number of countries that urged Israel and other non-parties to adhere to the non-proliferation Treaty.

The IAEA Director-General, rejecting the argument that the Agency's safeguards inspection system would not have detected diversion of plutonium from the Tamuz reactor for weapons purposes, said the Israeli attack had also been an attack against IAEA, the non-proliferation Treaty and the climate of trust generated by the Treaty and its verification mechanism.

Israel, as it had done before the Security Council, advocated a regional non-proliferation régime and arms control arrangements and the establishment of a nuclear-weapon-free zone through direct negotiations among the States concerned, a proposal which was supported by the United States. A number of countries, for example Jordan, regarded this suggestion as contradictory and deceptive because of Israel's continued refusal to adhere to the non-proliferation Treaty, the only multinational instrument to prevent proliferation.

The USSR stated that Israel's refusal to comply with United Nations decisions was eloquent proof that its real objective was to establish its own nuclear domination in the Middle East. This view was shared by most Arab States: Lebanon, for example, said the raid had revealed Israel's decision to ensure its right to police 20 Arab countries.

Letters and telegram (t):

IAEA: <sup>(1)</sup>12 June, S/14532 (t); <sup>(2)</sup>15 June, S/14532/Add.1.

Iraq: <sup>(3)</sup>8 June, S/14509; <sup>(4)</sup>10 June, S/14514; <sup>(5)</sup>24 July, S/14619.

Israel: <sup>(6)</sup>8 June, A/36/313 (S/14510); <sup>(7)</sup>15 June, A/36/315 (S/14534); <sup>(8)</sup>29 June, S/14576; <sup>(9)</sup>19 Oct., A/36/610-S/14732.

Philippines: <sup>(10)</sup>11 June, S/14518; <sup>(11)</sup>17 June, transmitting statement of ASEAN States, S/14551.

Tunisia: <sup>(12)</sup>11 June, S/14520; <sup>(13)</sup>11 June, S/14521; <sup>(14)</sup>11 June, S/14524; <sup>(15)</sup>16 June, S/14545.

Others: <sup>(16)</sup>OAU: 17 June, S/14553; <sup>(17)</sup>Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Benin, Cape Verde, Cuba, Cyprus, Democratic Yemen, Djibouti, Grenada, Guinea, Guyana, Indonesia, Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Malta, Mauritania, Morocco, Nicaragua, Oman, Pakistan, Panama, Qatar, Saudi Arabia, Senegal, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Viet Nam, Yemen, Yugoslavia, Zambia: 12 Aug., A/36/194 & Add.1, 2; <sup>(18)</sup>Bangladesh: 13 June, S/14530; <sup>(19)</sup>Cuba: 16 June, transmitting communiqué of non-aligned countries, S/14544; <sup>(20)</sup>Czechoslovakia: 15 June, S/14533; <sup>(21)</sup>Democratic Yemen: 16 June, S/14560; <sup>(22)</sup>Egypt: 9 June, A/36/314-S/14513; <sup>(23)</sup>German Democratic Republic: 11 June, S/14516; <sup>(24)</sup>Grenada: 15 June, S/14549; <sup>(25)</sup>Guyana: 16 June, S/14543; <sup>(26)</sup>Hungary: 12 June, S/14527. <sup>(27)</sup>India: 12 June, S/14523; <sup>(28)</sup>Indonesia: 15 June, S/14536; <sup>(29)</sup>Japan: 9 June, S/14512; <sup>(30)</sup>Jordan: 17 June, S/14550; <sup>(31)</sup>Libyan Arab Jamahiriya: 18 June, S/14559; <sup>(32)</sup>Pakistan: 11 June, S/14517; <sup>(33)</sup>Panama: 10 June, S/14515; <sup>(34)</sup>Poland: 15 June, S/14542; <sup>(35)</sup>Qatar: 12 June, S/14535; <sup>(36)</sup>Romania: 12 June, S/14528; <sup>(37)</sup>Spain: 9 June, S/14511; <sup>(38)</sup>Suriname: 17 June, S/14552; <sup>(39)</sup>Uganda: 16 June, S/14540; <sup>(40)</sup>USSR: 11 June, S/14525; <sup>(41)</sup>Viet Nam: 12 June, S/14526; <sup>(42)</sup>Yemen: 12 June, transmitting League of Arab States resolution, A/36/320 S/14529; <sup>(43)</sup>Zambia: 12 June, S/14522.

Report: <sup>(44)</sup>IAEA, transmitted by S-G note, A/37/382 & Corr.1.

Resolutions: <sup>(45)</sup>Conference on New and Renewable Sources of Energy (report, A/CONF.100/11, Sales No. E.81.I.24): 2, para. 1, 21 Aug. GA: <sup>(46)</sup>2373(XXII), annex, 12 June 1968 (YUN 1968, p. 17); <sup>(47)</sup>33/71 A, 14 Dec. 1978 (YUN 1978, p. 65); <sup>(48)</sup>34/89, 11 Dec. 1979 (YUN 1979 p. 59); <sup>(49)</sup>35/157, 12 Dec. 1980 (YUN 1980, p. 63); & <sup>(50)</sup>36/27, 13 Nov. 1981, text following; <sup>(51)</sup>36/87 B, 9 Dec. (p. 54). <sup>(52)</sup>SC: 487(1981), 19 June, text following.

Meeting records: GA: General Committee, A/BUR/36/SR.1. 2 (16 Sep.); plenary, A/36/PV.52-56 (11-13 Nov.). SC: S/PV.2280-2288 (12-19 June).

#### Security Council resolution 487(1981)

Adopted unanimously Meeting 2288 19 June 1981  
Draft prepared in consultations among Council members (S/14556).

The Security Council,

Having considered the agenda contained in document S/Agenda/2280,

Having noted the contents of the letter dated 6 June 1981 from the Minister for Foreign Affairs of Iraq,

Having heard the statements made on the subject at its 2280th through 2288th meetings,

Taking note of the statement made by the Director-General of the International Atomic Energy Agency to the Agency's Board of Governors on the subject on 9 June 1981 and his statement to the Security Council at its 2288th meeting on 19 June 1981,

Taking note also of the resolution adopted by the Board of Governors of the Agency on 12 June 1981 on the "military attack on Iraqi nuclear research centre and its implications for the Agency",

Fully aware of the fact that Iraq has been a party to the Treaty on the Non-Proliferation of Nuclear Weapons since it came into force in 1970, that in accordance with that Treaty Iraq has accepted Agency safeguards on all its nuclear activities, and that the Agency has testified that these safeguards have been satisfactorily applied to date.

Noting furthermore that Israel has not adhered to the Treaty on the Non-Proliferation of Nuclear Weapons,

Deeply concerned about the danger to international peace and security created by the premeditated Israeli air attack on Iraqi nuclear installations on 7 June 1981, which could at any time explode the situation in the area, with grave consequences for the vital interests of all States,

Considering that, under the terms of Article 2, paragraph 4, of the Charter of the United Nations, "all 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 in any other manner inconsistent with the purposes of the United Nations",

1. Strongly condemns the military attack by Israel in clear violation of the Charter of the United Nations and the norms of international conduct;

2. Calls upon Israel to refrain in the future from any such acts or threats thereof;

3. Further considers that the said attack constitutes a serious threat to the entire safeguards régime of the International Atomic Energy Agency, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons;

4. Fully recognizes the inalienable sovereign right of Iraq and all other States, especially the developing countries, to establish programmes of technological and nuclear development to develop their economy and industry for peaceful purposes in accordance with their present and future needs and consistent with the internationally accepted objectives of preventing nuclear-weapons proliferation;

5. Calls upon Israel urgently to place its nuclear facilities under the safeguards of the International Atomic Energy Agency;

6. Considers that Iraq is entitled to appropriate redress for the destruction it has suffered, responsibility for which has been acknowledged by Israel;

7. Requests the Secretary-General to keep the Security Council regularly informed of the implementation of the present resolution.

#### General Assembly resolution 36/27

109-2-34 (roll-call vote) Meeting 56 13 November 1981  
36-nation draft (A/36/L.14/Rev.1 and Rev.1/Add.1); agenda item 130.

Sponsors: Algeria, Bahrain, Cape Verde, Chad, Comoros, Cyprus, Democratic Yemen, Djibouti, Gambia, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Senegal, Seychelles, Somalia, Sudan, Tunisia, United Arab Emirates, Yemen, Yugoslavia.

Armed Israeli aggression against the Iraq 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",

Expressing its deep alarm over the unprecedented Israeli act of aggression against the Iraq nuclear installations on 7 June 1981, which created a grave threat to international peace and security.

Recalling its resolutions 33/71 A of 14 December 1978 concerning military and nuclear collaboration with Israel and 34/89 of 11 December 1979 on Israeli nuclear armament,

Further recalling Security Council resolution 487(1981) of 19 June 1981 and noting with concern Israel's refusal to comply with that resolution,

Taking note of the resolution adopted on 12 June 1981 by the Board of Governors of the International Atomic Energy Agency and of resolution GC(XXV)/RES/381 adopted on 26 September 1981 by the General Conference of the Agency, in which the Conference, *inter alia*, considered that the Israeli act of aggression constituted an attack against the Agency and its safeguards régime and decided to suspend the provision of any assistance to Israel,

Fully aware of the fact that Iraq, being a party to the Treaty on the Non-Proliferation of Nuclear Weapons, has subscribed to the International Atomic Energy Agency safeguards régime, and that the Agency has testified that these safeguards have been satisfactorily applied,

Noting with concern that Israel has refused to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons and, in spite of repeated calls, including that of the Security Council, to place its nuclear facilities under International Atomic Energy Agency safeguards,

Alarmed by the increasing information and evidence regarding Israel's activities aiming at the acquisition and development of nuclear weapons,

Gravely concerned over the misuse by Israel, in committing its acts of aggression against Arab countries, of aircraft and weapons supplied by the United States of America,

Condemning the Israeli threats to repeat such attacks on nuclear installations if and when it deems it necessary,

Affirming the inalienable sovereign right of all States to develop technological and nuclear programmes for peaceful purposes, in accordance with the internationally accepted objectives of preventing the proliferation of nuclear weapons,

1. Strongly condemns Israel for its premeditated and unprecedented act of aggression in violation of the Charter of the United Nations and the norms of international conduct, which constitutes a new and dangerous escalation in the threat to International peace and security;

2. Issues a solemn warning to Israel to cease its threats and the commission of such armed attacks against nuclear facilities;

3. Reiterates its call to all States to cease forthwith any provision to Israel of arms and related material of all types which enable it to commit acts of aggression against other States;

4. Requests the Security Council to investigate Israel's nuclear activities and the collaboration of other States and parties in those activities;

5. Reiterates its request to the Security Council to institute effective enforcement action to prevent Israel from further endangering international peace and security through its acts of aggression and continued policies of expansion, occupation and annexation;

6. Demands that Israel, in view of its International responsibility for its act of aggression, pay prompt and adequate compensation for the material damage and loss of life suffered as a result of that act;

7. Requests the Secretary-General to keep Member States and the Security Council informed of progress towards the implementation of the present resolution and to submit a report to the General Assembly at its thirty-seventh session;

8. Decides to include in the provisional agenda of its thirty-seventh 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".

Roll-call vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian SSR,

Cape Verde, Central African Republic, Chad, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Ivory Coast, 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, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Argentina, Australia, Austria, Bahamas, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Sweden, United Kingdom, Zaire.

## Israel and Lebanon

In southern Lebanon along the border with Israel, where the United Nations Interim Force in Lebanon (UNIFIL) was stationed, the first half of 1981 saw a period of heavy and frequent exchanges of fire between the forces and armed elements in the area. These intensified in July, leading the Security Council to call unanimously for an immediate cessation of all armed attacks and to reaffirm its commitment to Lebanon's sovereignty, territorial integrity and independence. A new cease-fire was reported on 24 July.

The Council twice decided on six-month extensions of the mandate of UNIFIL, established in 1978 to confirm the withdrawal of Israeli forces, restore international peace and security, and assist the Government of Lebanon in ensuring the return of its effective authority in the area.

COMMUNICATIONS (30 JANUARY- 10 MARCH). Between January and March 1981 the President of the Security Council and the Secretary-General received a number of communications concerning incidents in the Israel-Lebanon sector.

By a letter of 30 January,<sup>(28)</sup> Lebanon charged that Israeli aircraft had attacked Lebanese communities on 29 January, resulting in at least eight deaths and 42 people wounded, and that Israel had shelled four areas the following day.

Israel, by a letter dated 2 February,<sup>(10)</sup> stated that 10 civilians had been injured in rocket attacks between 28 and 30 January which PLO had carried out from Lebanese territory against the town of Qiryat Shemona and other Israeli civilian centres in Galilee.

Lebanon, by a letter of 24 February,<sup>(29)</sup> charged that on the night of 22/23 February Israeli forces had shelled several villages and landed troops near Nabatiyah, killing seven persons and wounding three in a four-hour operation.

By a letter dated 8 March,<sup>(11)</sup> Israel charged that, on 7 March, two PLO terrorists had attempted to fly single-seat gliders from Lebanon into Israel with the intent of taking hostages and demanding the release of PLO members detained in Israeli gaols. On 10 March,<sup>(12)</sup> it complained of incidents on 2 and 3 March in which towns and villages in northern Israel had been attacked by rockets fired by PLO members operating from Lebanon; annexed was a list of 26 PLO rocket attacks directed at civilian targets in northern Israel and attempted crossings from Lebanese territory between 7 April 1980 and 7 March 1981.

SECURITY COUNCIL CONSIDERATION, (MARCH). The Security Council met on 9 and 19/20 March to consider the situation in southern Lebanon. Lebanon, on 3 March,<sup>(30)</sup> had requested a Council meeting to address the continuing problem of what it termed repeated Israeli aggression against Lebanon.

At their request, Israel and Lebanon were invited to participate without vote in the discussion.

Lebanon said it had asked for the meeting because the situation in southern Lebanon had developed into a state of constant warfare, which threatened international peace and security as well as the security of UNIFIL. Israeli leaders had proclaimed that the violence was part of a considered policy of pre-emptive strikes. Such a policy would produce a predictable reaction leading to total war. Military and paramilitary operations had escalated, civilian life in southern Lebanon had been disrupted, and a general state of disintegration and terror had exploded throughout the Middle East. Lebanon asked the Council to initiate a mechanism for peace in Lebanon, specifically along the border with Israel.

The USSR, citing Israeli air raids on 2 March near Tyre in southern Lebanon in which 14 people were reported killed, urged the Council to condemn Israeli aggression against Lebanon, call for its cessation, and oblige Israel to respect Lebanon's sovereignty and territorial integrity and cease all intervention in its internal affairs.

The Secretary-General, in a special report of 16 March,<sup>(55)</sup> informed the Council that elements of the de facto forces (Christian and associated militias) in southern Lebanon had that morning fired tank rounds into the village of Al Qantarah, in the Nigerian battalion sector of UNIFIL, killing a Nigerian captain and a corporal and injuring 11 Nigerian soldiers. (The casualty figures were later revised to three Nigerian soldiers killed and 20 wounded.<sup>(56)</sup>) Tanks had also fired at the village of Yatar in the Netherlands battalion sector to press a demand

for the removal of a platoon of Lebanese soldiers from Al Qantarah. The incidents had been preceded on 13 and 14 March by the kidnapping of four Lebanese army medical personnel and a mortar attack in which three civilians had been wounded.

The Secretary-General reported that the UNIFIL Commander had made it clear to the de facto forces that there was no question of withdrawing the Lebanese platoon, which had been located in Al Qantarah since April 1979. The United Nations had been in touch with the Israeli authorities, urging them to make all possible efforts to bring an end to the irresponsible behaviour of the de facto forces. In recent months, UNIFIL had also had to contend with constant efforts by various factions of armed elements to the north and west to infiltrate its area of operation and had sustained casualties in the process, including the death of a Fijian soldier on 17 January.

Recalling that one of the most important principles on which UNIFIL was established was the full co-operation of all parties, the Secretary-General said it had been all too clear throughout the history of UNIFIL that that co-operation was not forthcoming. All possible efforts should be made to impress on those concerned that provocation, harassment and military offensives against UNIFIL could not be accepted and that their co-operation was required to fulfil its mandate.

At a meeting in the early morning of 20 March, the Council President, on behalf of the Council members, read out the following statement:<sup>(52)</sup>

"The members of the Security Council are deeply shocked and outraged at the report received about the repeated attacks on the United Nations Interim Force in Lebanon and the continuing killing of peace-keeping soldiers in southern Lebanon.

These renewed barbaric acts against a peace-keeping force are a direct defiance of the authority of the Security Council and a challenge to the mission of the United Nations in maintaining international peace and security which cannot be tolerated.

The Council condemns these outrageous actions by the so-called de facto forces which have caused the death and injury of Force personnel present in Lebanon under international mandate. In strongly condemning these latest outrageous acts of the so-called de facto forces, the Council calls on all those who share in the responsibility for this tense situation to put an end to any act which might increase the threat to international peace and security and to put an end to military assistance to any forces which interfere with the Force in the exercise of its mandate.

The Council addresses a serious warning to all the forces responsible for these dangerous acts violating the sovereignty and territorial integrity of

Lebanon, preventing the full deployment of the Force, including the deployment of the Lebanese armed forces in the area, and severely hampering the Force in the fulfilment of the mandate as expressed in resolution 425(1978), which states:

[For text of resolution 425(1978) of 19 March 1978, see YUN 1978, p. 312.]

The Council emphasizes that it is essential that the Force receive the full co-operation of all parties to enable it to carry out its mandate in the entire area of operation up to the internationally recognized boundaries, thus contributing to full implementation of resolution 425(1978).

The Council calls for the immediate release of Lebanese military personnel and of all those persons who were kidnapped by the so-called *de facto* forces during the recent hostilities.

The Council extends its sympathy and deep-felt condolences to the Government of the Federal Republic of Nigeria and the families of the victims.

The Council also commends the valiant action and the courage, under the most adverse circumstances, of the commanders and soldiers of the Force and expresses full support for their efforts."

COMMUNICATIONS (25 MARCH-5 JUNE). By a letter of 25 March,<sup>(48)</sup> the Netherlands transmitted a statement issued on 24 March in Maastricht, Netherlands, by the European Council, calling for the immediate and full co-operation of all interested parties to enable UNIFIL to carry out its mandate. In communications to the Secretary-General dated 9 April,<sup>(47)</sup> 16 April,<sup>(43)</sup> 17 April<sup>(45)</sup> and 1 May,<sup>(50)</sup> Japan, Argentina, Egypt and Uruguay, respectively, expressed deep concern over the escalation of violence in Lebanon and urged respect for Lebanon's independence, sovereignty and territorial integrity.

Serious concern was also expressed in a letter of 8 May<sup>(2)</sup> from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, who feared counteractions in response to Israeli attacks against Palestinian refugee camps in Lebanon and said it seemed obvious that Israel intended to destroy the PLO infrastructure.

By letters dated 10 April<sup>(8)</sup> and 21 April,<sup>(9)</sup> Democratic Yemen transmitted four letters from PLO charging that Israeli forces had repeatedly attacked areas of southern Lebanon using warplanes, artillery and naval vessels, and that on 20 and 21 April Israeli war-planes had attacked refugee camps and other Lebanese localities, causing numerous civilian casualties. Israel by letters of 17 April<sup>(13)</sup> and 21 April,<sup>(14)</sup> stated that on 16 April a balloon attempting to penetrate Israel from Lebanese territory had been shot down, and that on 20 and 21 April civilian centres in northern Israel had been shelled by PLO elements operating from Lebanon.

Tunisia, on 28 April,<sup>(35)</sup> transmitted a PLO

letter dated 27 April, calling for Security Council action to put an end to genocidal Israeli attacks and holding the United States equally responsible through its supply of war material and moral support. Further Israeli air strikes and gunboat attacks between 27 May and 2 June were reported in PLO letters of 2 and 3 June, transmitted by Yemen on 5 June.<sup>(51)</sup>

Cuba, by a note verbale of 5 June,<sup>(5)</sup> transmitted a communiqué adopted on 4 June at an extraordinary plenary meeting of the non-aligned countries held in New York, condemning the Israeli attacks on Palestine refugee camps in southern Lebanon and expressing grave concern at United States support of Israeli policies and practices.

SECURITY COUNCIL ACTION (JUNE). As the mandate of UNIFIL was due to expire on 19 June, the Secretary-General, on 16 June, submitted a report<sup>(56)</sup> on the activities of the Force for the period from 12 December 1980 to 15 June 1981. He observed that UNIFIL had continued to encounter serious difficulties in fulfilling its mandate, as the parties had not extended full co-operation. UNIFIL personnel as at 15 June numbered 6,000, with contingents from Fiji, France, Ghana, Ireland, Italy, Nepal, the Netherlands, Nigeria, Norway, Senegal and Sweden, assisted by 67 military observers from the United Nations Truce Supervision Organization in Palestine (UNTSO). The Nepalese battalion, which had been withdrawn in May 1980 and temporarily replaced by an additional Ghanaian battalion, had begun rejoining the Force as of 1 June 1981. As of 15 February, Lieutenant-General William Callaghan of Ireland had succeeded Major-General Emmanuel Alexander Erskine of Ghana as Commander of UNIFIL.

During the period under review, there had been heavy and frequent exchanges of fire across the UNIFIL area between the *de facto* forces to the south, supported and supplied by Israel, and armed elements to the north, mainly PLO and the Lebanese National Movement. UNIFIL positions and personnel had come under close fire by the armed elements in 42 incidents. During the reporting period, eight UNIFIL members had been killed as a result of hostile actions, raising the total of such deaths to 31 since the Force's establishment in 1978. Armed elements had tried to infiltrate the UNIFIL area and relocate some of their positions in the area. The *de facto* forces had continued to resist further UNIFIL deployment in the enclave held by them. Restrictions on freedom of movement of UNIFIL and UNTSO personnel in the enclave had also continued to complicate UNIFIL operations.

Activities of the Israel Defence Forces in and near the UNIFIL area had increased. Israeli mili-

tary forces had repeatedly violated Lebanese airspace and territorial waters, and had launched many attacks against targets in Lebanon outside the UNIFIL area.

The Secretary-General stated that, despite many difficulties, UNIFIL had continued in its endeavours to consolidate its position and, in co-operation with the Lebanese Government, to strengthen and make more effective the Lebanese presence, both civilian and military, in its area of operation. The strength of the Lebanese army in the south had increased during the period by more than 700 and currently stood at 1,350.

He declared that, although the Force had not been able to fulfil its mandate, he had no doubt that its presence and activities in southern Lebanon were an indispensable element in maintaining peace in the area and the Middle East as a whole. It would be disastrous if UNIFIL were to be removed at a time of tension and conflicts in the area. He therefore recommended that the UNIFIL mandate be extended for another six months, and renewed his appeal to all concerned to co-operate with UNIFIL, strictly observe the cease-fire and avoid actions leading to violence.

Annexed to the report was a letter dated 16 June, by which Lebanon asked that the renewal of the mandate should accent the interim character of the Force by creating objective conditions for its success, within an immediate time-frame and according to a phased programme of action.

On 19 June,<sup>(63)</sup> the Security Council renewed the mandate of UNIFIL for six months, until 19 December. The resolution containing this decision, drawn up in consultations among the Council members, was adopted by 12 votes to none, with 2 abstentions (German Democratic Republic, USSR), with one member (China) not participating in the vote.

By this resolution, the Council also reaffirmed its call for strict respect for Lebanon's political independence, unity, sovereignty and territorial integrity. It condemned actions that had prevented the full implementation of the UNIFIL mandate. Expressing support for rehabilitation and reconstruction efforts by the Lebanese Government in southern Lebanon and its deployment of Lebanese army contingents in the UNIFIL area, the Council requested the Secretary-General to assist Lebanon in establishing a joint phased programme aimed at the total implementation of the 1978 resolution defining the UNIFIL mandate.<sup>(61)</sup> It reaffirmed its determination to examine practical ways to secure the unconditional fulfilment of the mandate.

Speaking after the vote, the Secretary-General informed the Council that two UNIFIL soldiers from Fiji had been killed on 19 June in an inci-

dent in which armed elements had tried to infiltrate into the UNIFIL area. He added that recent developments and the accompanying tension had underlined the importance of UNIFIL as a conflict control mechanism.

Before adopting the resolution, the Council invited Israel and Lebanon, at their request, to participate without vote in the discussion.

Lebanon, while expressing gratitude for the presence of UNIFIL, cautioned that the Force might be in danger of becoming a static fixture in an escalating war of attrition. It stressed the importance of the Council's renewed call, first voiced in 1979,<sup>(62)</sup> for a phased programme of activities to be carried out jointly by the Force and the Lebanese Government. Substantial advances had been made in that regard, including improved freedom of movement and observation for the Force, and the operation of Lebanese army contingents under UNIFIL command.

Israel stated that its position with regard to Lebanon was well known. As to the deaths of the two Fijian soldiers, they, like the bulk of UNIFIL soldiers killed in the line of duty, had lost their lives through the activities of PLO. If the Council reacted with a resolution or presidential statement, that would be a departure from past practice, as it had expressed itself on killings of UNIFIL soldiers only when PLO involvement was not suspected.

France appealed for observance of the cease-fire and for the dismantling of positions set up in the UNIFIL area by other parties, and endorsed efforts by the Secretary-General to reactivate the Israel-Lebanon Mixed Armistice Commission (ILMAC). Ireland supported the efforts of UNIFIL, in conjunction with the Government of Lebanon, to strengthen and make more effective the Lebanese presence, civilian and military, in the UNIFIL area, as a step towards the return of full Lebanese sovereignty.

Japan saw the need for all parties to refrain from the use of force, hoped particularly that Israel would heed international opinion and act responsibly, and stated that terrorist actions must not be condoned as a means of settling international disputes. The United States reiterated its support for UNIFIL and for the determined efforts of Lebanon to continue to work for the reassertion of its full authority within its national borders.

Tunisia urged the unconditional withdrawal of Israel from Lebanon, stating that its assistance to the de facto forces rebelling against the legal authorities in Lebanon maintained a state of tension.

The German Democratic Republic said it had abstained in the voting because of reservations about the mandate, composition and financing



of UNIFIL; the resolution did not contain any resolute measures to put an end to the aggressive actions of Israel and the bands of Major Saad Haddad (the de facto forces).

The USSR stressed the need for urgent measures to prevent Israel from pursuing its aggressive and expansionist policy towards Lebanon and to ensure the complete withdrawal of Israeli troops from southern Lebanon, and emphasized that all expenditures involved in eliminating the consequences of Israel's armed aggression should be borne by the aggressor.

By a letter dated 23 June,<sup>(46)</sup> Fiji transmitted a statement by its Prime Minister declaring that his Government deeply deplored and condemned the actions of armed elements which had resulted in the killing of the two Fijian soldiers.

On 25 June, following consultations among the Council members, the President of the Council issued the following statement on the deaths of the two UNIFIL soldiers:<sup>(53)</sup>

"At the end of the 2289th meeting of the Council, I made a statement to note the deep sorrow shared by all members of the Council over the loss of two United Nations soldiers in Lebanon, as well as all those others who have fallen in fulfilment of their duty in the cause of peace.

I also said that I was certain that I spoke on behalf of the Council when I conveyed our condolences to the Government and people of Fiji as well as to the families of the victims.

As President of the Council, I wish to condemn the killing on 19 June 1981 by so-called armed elements of two Fijian peace-keeping soldiers of the United Nations Interim Force in Lebanon.

This outrage against members of a peace-keeping force is a direct defiance of the authority of the Council and a challenge to the mission of the Force, as stipulated in resolution 425(1978).

In this connection, I am encouraged to learn that a group has already been established to investigate these events and that in the mean time appropriate steps are being taken by all concerned, in cooperation with the command of the Force, to prevent a recurrence of such incidents.

I also commend the valiant action and the courage, under the most adverse circumstances, of the soldiers of the Force and express full support for their efforts."

**FURTHER COMMUNICATIONS (JULY).** By a letter dated 13 July,<sup>(31)</sup> Lebanon protested the continued Israeli aggression against Lebanon and the numerous civilian casualties and the destruction of property caused by several air attacks conducted on 10 and 12 July.

Israel, by letters of 15 July<sup>(15)</sup> and 16 July,<sup>(16,17)</sup> stated that three civilians had been killed and 33 wounded in rocket attacks against northern Israel on 10, 15 and 16 July, carried out by PLO terrorists operating from Lebanon.

Considerable property damage was reported in the towns of Qiryat Shemona and Nahariya.

On 17 July<sup>(36)</sup> and 20 July,<sup>(39)</sup> Tunisia transmitted to the Secretary-General six PLO letters complaining about a series of Israeli air strikes and coastal shelling against Palestine refugee camps and Lebanese villages which had resulted in many civilian deaths and injuries, as well as material destruction and damage. The letters cited preliminary figures of 87 killed and 479 wounded in a raid against west Beirut on 17 July, and at least 50 killed in earlier attacks on Sidon.

By letters of 19 July,<sup>(18)</sup> 20 July,<sup>(19,20)</sup> 21 July,<sup>(21,22)</sup> 22 July,<sup>(23,24,25)</sup> 23 July<sup>(26)</sup> and 24 July, Israel submitted further complaints of indiscriminate shelling of towns and villages along its northern border by PLO elements operating from Lebanese territory, resulting in six deaths and 59 persons wounded, as well as property damage, since the shellings began on 15 July. Israel reported a steady build-up of arms in PLO hands and a widening of the organization's operational infrastructure in Lebanon.

Cuba, as Chairman of the Movement of Non-Aligned Countries, transmitted on 24 July<sup>(6)</sup> a communiqué of an emergency meeting of the Movement's Co-ordinating Bureau held on 21 July, demanding the immediate cessation of all Israeli acts of aggression and military operations against Lebanon and the Palestinian people, and calling on the Security Council to consider mandatory sanctions against Israel.

Bangladesh, on 21 July,<sup>(44)</sup> transmitted a message from its Minister for Foreign Affairs describing the Israeli attacks as a serious threat to global peace and security, and urging the Secretary-General to use his good offices to prevent any further Israeli armed attacks on Lebanon. Qatar, on 22 July,<sup>(49)</sup> and Afghanistan, in a note verbale of 24 July,<sup>(42)</sup> also condemned the air raids. Afghanistan, in a government declaration, stated that they had been carried out with United States encouragement and demanded the imposition of international sanctions against Israel, while Qatar urged immediate international measures to halt Israeli aggression and renewed its call on the Arab nation to mobilize all its potential to confront the attack and those behind it.

**SECURITY COUNCIL ACTION (JULY).** On 21 July, the Security Council unanimously adopted a resolution<sup>(64)</sup> sponsored by Ireland, Japan and Spain, by which it called for an immediate cessation of all armed attacks and reaffirmed its commitment to the sovereignty, territorial integrity and independence of Lebanon within its internationally recognized boundaries. The Council requested the Secretary-General to report within

48 hours on implementation of the resolution. It reaffirmed an appeal made by the Council's President and members on 17 July for an immediate end to all armed attacks and for the greatest restraint so that peace and quiet might be established in Lebanon and a just and lasting peace in the Middle East.

Spain, introducing the resolution, said it was aimed at an immediate cessation of hostilities, without interfering with broader efforts by other delegations.

The action was taken at the second of two meetings, on 17 and 21 July, held at the request of Lebanon. The request for an urgent meeting on the deteriorating situation in southern Lebanon and the Israeli attacks against civilian targets in Beirut was made in a letter of 17 July.<sup>(32)</sup>

During the Council's consideration of this matter, Democratic Yemen, Egypt, Israel, Jordan, Lebanon, Mauritania, Saudi Arabia, the Syrian Arab Republic and Yemen were invited, at their request, to participate without vote in the discussion.

On 17 July, the Council decided that an invitation should be accorded to a PLO representative to participate in the debate and that the invitation would confer on it the same rights of participation as those conferred on a Member State invited to participate under rule 37 of the Council's provisional rules of procedure.<sup>c</sup> The Council took this decision by a vote, requested by the United States, of 11 to 1 (United States), with 3 abstentions (France, Japan, United Kingdom). The proposal to invite the PLO representative was made by Tunisia in a letter of 17 July.<sup>(37)</sup>

The Council also extended an invitation under rule 39<sup>d</sup> to the Permanent Observer of the League of Arab States, as proposed by Tunisia in a letter of the same date.<sup>(38)</sup>

At each of the two Council meetings, the Secretary-General made a statement on developments in southern Lebanon. On 17 July, he said that on 10 July the Israeli air force had attacked targets in southern Lebanon and, the same evening, Palestinian elements had fired artillery and rockets into northern Israel. Since then, there had been exchanges of shelling involving the Israel Defence Forces and the *de facto* forces, on the one hand, and armed elements, mainly Palestinians, on the other. He expressed deep concern at the heavy escalation of violence and, in particular, at the bombing of population centres, and he appealed to all concerned to return immediately to the cease-fire.

On 21 July, the Secretary-General said PLO had agreed to a cease-fire proposal by the UNIFIL Commander provided the other side accepted. Efforts were continuing to secure a similar commitment from the Israeli authorities.

Meanwhile, shelling from both sides was continuing.

In the debate, Lebanon blamed Israel for the cycle of violence which had resulted in the killing of 300 people and the wounding of 800, among them a large number of women and children, as well as severe property damage. Israel, it said, was trying to destabilize Lebanon and could undermine the whole peace-keeping effort. Lebanon was being turned, against its will, into an arena for a fifth Arab-Israeli war. Lebanon called on the Council to pronounce itself on the necessity of reactivating ILMAC and said it would like the Council to support UNIFIL morally and politically, enabling it to implement its mandate to restore the authority and sovereignty of the Lebanese Government throughout its territory.

Israel attributed the tension in the area to PLO domination over large parts of Lebanon and said hundreds of people, Israelis and others, had been murdered in PLO atrocities in recent years, without incurring United Nations condemnation. PLO had engaged in a massive arms build-up, with weapons supplied by the Libyan Arab Jamahiriya, the Syrian Arab Republic and the USSR. Israel's response to PLO terror was what any self-respecting sovereign State would do in similar circumstances. While supporting the independence, sovereignty, territorial integrity and unity of Lebanon within its internationally recognized boundaries, Israel expected that Lebanese territory would not be permitted to serve as a launching pad for murderous attacks against Israeli citizens.

France said it was most urgent for the Council unambiguously to speak out in favour of an immediate cease-fire, respected by all parties. France condemned any resort to so-called pre-emptive actions that could not be justified by any interpretation of Article 51 of the Charter (on self-defence), a view shared by several other speakers, including Egypt, the Syrian Arab Republic and the United Kingdom.

Tunisia said the attacks against Lebanon hardly left any hope that Israel would abide by any Security Council measure unless it was accompanied by sanctions. The call for sanctions was supported by Democratic Yemen, the Syrian Arab Republic and Yemen, as well as by the League of Arab States; the Syrian Arab Republic considered that Israel's expulsion from the United Nations was required. The need for decisive measures was also underscored by the German Democratic Republic and Jordan.

China urged the Council to condemn Israel

<sup>c</sup> See footnote a on p. 277.

<sup>d</sup> See footnote b on p. 277.

and take effective measures to put an end to Israeli aggression against Lebanon. Egypt considered it to be the Council's responsibility to adopt adequate measures and enforce its decision, and to reinforce and widen the peace-keeping functions of UNIFIL, in order to ensure full respect for Lebanese sovereignty. The USSR said the latest Israeli actions in Lebanon constituted a new stage in Israel's policy, encouraged by the United States, of international terrorism against the Arab States; the Council should strongly condemn Israel for those acts of aggression and demand that it halt them and not commit any similar acts.

The German Democratic Republic stated that the supply of highly sophisticated weapons by the United States encouraged Israel to continue its terror raids.

Jordan maintained that the Israeli attacks were a continuation of 11 years of aggression against the Lebanese people and their Palestine refugee guests, whose only wish was to return to their homeland in occupied Palestine; the United States, which had officially sanctioned Israeli aggression against Lebanon, bore moral responsibility towards the victims of the barbarous raids. The Syrian Arab Republic also regarded the United States as responsible for the Israeli aggression.

The United Kingdom criticized PLO violence but believed that the scale of Israeli actions and the resulting deaths, particularly the civilian casualties, could in no way be justified.

The PLO representative gave a detailed account of the Israeli air raids in southern Lebanon, held the United States to be criminally responsible, and appealed to the Council to use its authority and the Charter of the United Nations to bring peace to the Middle East and enable the Palestinians to return home; otherwise, they would have to force their way back.

In pursuance of the Council resolution, the Secretary-General reported on 23 July<sup>(57)</sup> that he had instructed the UNIFIL Commander and the UNTSO Chief of Staff to exert all possible efforts to ensure an immediate cessation of all armed attacks. PLO had stated that it had given approval for a cease-fire but, despite constant contacts with the parties, it had not been possible to achieve an immediate cessation of hostilities. However, there had been a measure of de-escalation of violence, which he hoped would soon lead to a complete cessation of armed attacks. The Government of Lebanon had expressed the opinion that he should continue his efforts, which he intended to do.

In an addendum to this report issued on 24 July, the Secretary-General informed the Council that he had received from the United States a

statement made in Jerusalem the same day by Philip Habib, Personal Representative of the United States President, that all hostile military action between Lebanese and Israeli territory in either direction would cease as of 1330 hours (local time). Israel had endorsed that statement, Lebanon had welcomed it and PLO had said it would respect the Council resolution. The UNIFIL Commander had reported that as of 1320 hours the area was quiet.

COMMUNICATIONS (SEPTEMBER-DECEMBER). By a letter of 17 September to the Secretary-General,<sup>(3)</sup> the Chairman of the Committee on Palestinian rights transmitted the report of a delegation of the Committee (Pakistan, Senegal, Turkey, Ukrainian SSR) which had visited Lebanon from 24 to 26 August at the invitation of Yasser Arafat, Chairman of the PLO Executive Committee, to see the damage done by the Israeli attacks in July. The delegation reported that the extensive damage, as far as could be seen, was entirely confined to civilian targets and appeared to be aimed at terrorizing the civilian population. Cuba, by a letter of 14 September,<sup>(7)</sup> transmitted the report of a mission of the Co-ordinating Bureau of Non-Aligned Countries on a visit to Lebanon from 20 to 23 August, stating that there had been indiscriminate slaughter of civilians, revealing the Israeli intention to exterminate the Palestinian people.

By a letter of 6 October to the Secretary-General,<sup>(4)</sup> the Chairman of the Committee on Palestinian rights expressed concern over a series of bomb attacks against Palestinians based in Lebanon, especially an explosion which reportedly had killed at least 50 people and wounded more than 250 near the PLO offices in Beirut.

Lebanon, by a letter of 3 December,<sup>(33)</sup> transmitted a resolution on Lebanon adopted on 25 November at the Twelfth Arab Summit Conference in Fez, Morocco, by which the Conference resolved to elaborate a comprehensive Arab strategy to prevent and counter Israeli aggression, to support the Lebanese Government's efforts to deploy its army in the south, to assist Lebanon in restoring its civil and military institutions, and to provide financial assistance for reconstruction.

By a letter of 21 December to the Council President,<sup>(41)</sup> Tunisia transmitted a PLO letter charging Israel with moving army units into the areas of Al Bayyadah, Marjayoun and Shabaa.

SECURITY COUNCIL ACTION (DECEMBER). As the mandate of UNIFIL was due to expire on 19 December, the Secretary-General, on 11 December, submitted a report<sup>(58)</sup> on the activities of the Force for the period from 16 June to 10 December, in which he noted that the situation in

southern Lebanon remained precarious and fundamentally unstable. The Force had made strenuous efforts to maintain the cease-fire of 24 July, and an unusual degree of calm had prevailed in its area of operation.

Armed elements had continued attempts to infiltrate personnel and weapons into the UNIFIL area and to strengthen their positions. No progress had been made in deploying UNIFIL further in the enclave controlled by the de facto forces. Restrictions on freedom of movement of UNIFIL and UNTSO personnel in the enclave continued to complicate UNIFIL operations. Israeli forces continued to be active in and near the UNIFIL area, particularly during the July hostilities. Violations by the Israeli army of Lebanese airspace and territorial waters continued.

During the period under review, two members of the Force lost their lives and seven were injured as a result of hostile actions. This raised to 70 the number of lives lost since the Force's inception, 33 of them as a result of firing and mine explosions. The number of UNIFIL personnel remained at 6,000, and there were 85 military observers from UNTSO.

The Secretary-General further reported that, in order to consolidate the cease-fire and achieve progress in the fulfilment of the UNIFIL mandate, talks had been regularly conducted both at United Nations Headquarters and in the area. PLO had reiterated assurance of its co-operation with UNIFIL in the maintenance of the cease-fire.

In spite of all the difficulties faced by UNIFIL, the Secretary-General considered that its presence and activities in southern Lebanon were an indispensable element in maintaining peace in the immediate area and the Middle East as a whole. Therefore he recommended that the mandate of the Force be extended for another six months.

By a letter of 14 December to the Secretary-General,<sup>(34)</sup> Lebanon, while agreeing in principle to a further renewal of the mandate, reiterated its position that the Security Council had to enable the Force to implement its mandate within an immediate time-frame. To that end, Lebanon requested that the Council call for the withdrawal of Israeli forces from the border area where UNIFIL had not been allowed to deploy, for the reactivation of the General Armistice Agreement between Israel and Lebanon, and for an increase in the strength of the Force by no less than 1,000 troops. It asked for clear support from the Council for the phased programme of activities intended to assist the Lebanese Government in ensuring the return of its effective authority.

The Security Council, on 18 December,<sup>(65)</sup> renewed the UNIFIL mandate for another six

months, until 19 June 1982. It reaffirmed past resolutions, particularly its repeated calls for strict respect of Lebanon's political independence, unity, sovereignty and territorial integrity. It reiterated its determination to implement the UNIFIL mandate in the totality of its area of operation up to the internationally recognized boundaries. The Council called on all concerned to work towards the consolidation of the July cease-fire and expressed support for the Lebanese Government's rehabilitation and reconstruction efforts in southern Lebanon. Finally, it requested the Secretary-General to continue discussions with the Lebanese Government, with a view to establishing a joint phased programme of activities for the total implementation of the UNIFIL mandate.

The resolution, prepared in consultations among Council members, was adopted by 13 votes to none, with 2 abstentions (German Democratic Republic, USSR).

Speaking after the vote, the Secretary-General said UNIFIL would continue to exert all possible efforts to carry out its task; he hoped Council members would use their influence so that the parties would heed the Council.

At their request, Israel, Kuwait, Lebanon and the Syrian Arab Republic were invited to participate without vote in the debate. At Tunisia's request, conveyed in a letter of 18 December,<sup>(40)</sup> an invitation under rule 39 of the Council's provisional rules of procedure<sup>e</sup> was extended to the Permanent Observer of the League of Arab States.

Israel stated that as long as non-Lebanese elements—25,000 Syrian troops and over 15,000 PLO terrorists—were allowed to operate within and from Lebanon, no real progress would be achieved towards the return of the Lebanese Government's authority over its territory. The completion of Israel's withdrawal had been confirmed by the UNIFIL Commander on 13 June 1978,<sup>(66)</sup> but peace and security had not been restored in Lebanon because of the continuing presence of the Syrian occupation army and the massive presence of PLO terrorists. Israel continued to support Lebanon's independence, sovereignty, territorial integrity and unity within its internationally recognized boundaries. The restoration of peace in Lebanon and the solution of its problems did not have to be contingent on the attainment of an overall solution to the Arab-Israel conflict.

Lebanon considered the resolution a satisfactory compromise although, together with Tunisia, it had suggested a different draft. However, it deplored the fact that the Council had not

<sup>e</sup> See footnote b on p. 277.

responded fully to its request to strengthen UNIFIL. Moreover, Israel had not withdrawn from Lebanese territory and the Council should examine ways to assure such withdrawal. Lebanon added that there was hope also in the fact that China had found it possible for the first time to vote on a resolution renewing the mandate of the Force.

The German Democratic Republic, observing that the resolution did not contain any vigorous steps to end Israel's aggressive actions and the actions of the Haddad bands against Lebanon and the Palestinians, reiterated its reservations on the mandate, composition and financing of the Force. Voicing similar reservations, the USSR said the Council should have focused on protecting Lebanon's sovereignty and territorial integrity, and should have taken vigorous and effective steps to counter Israel's aggressive designs towards Lebanon and to secure the full withdrawal of Israeli troops from all Lebanese territory.

Kuwait, speaking on behalf of the Arab Group, said Israel's friends, notably the United States, should contribute towards stabilizing the area by pressuring Israel to stop its exploitation of a dangerous and explosive situation in Lebanon. The Arab League representative said his organization was committed to the diplomatic United Nations option for resolving the Middle East crises pertaining to Lebanon.

The Syrian Arab Republic said the duty of the Arab Defence Force in Lebanon was to stop a civil war, prevent the partition of the country into mini-States and enable the Lebanese people to determine its own destiny without external interference; the Syrian Arab Republic would never relinquish its duty to defend Lebanon's unity and peace.

France appealed to all parties to continue to respect the cease-fire, to refrain from any action liable to lead to violent reactions and to make a resolute effort to allow consolidation of the UNIFIL area; it favoured the earliest possible resumption of ILMAC and welcomed the ideas of strengthening the means and objectives of UNIFIL, as advocated by the Lebanese Government. In Ireland's view, UNIFIL had achieved considerable success but a peace-keeping force was not a substitute for an effort to negotiate a settlement. In the view of the United States, the existence of UNIFIL, with all its imperfections, had helped materially to reduce dangerous confrontations; the United States pledged to help towards the restoration of the Lebanese Government's authority in the south.

**GENERAL ASSEMBLY ACTION.** In its resolution of 28 October on the right of peoples to self-determination,<sup>(59)</sup> as well as in a resolution on

the Middle East situation adopted on 17 December,<sup>(60)</sup> the General Assembly strongly condemned the Israeli aggression against Lebanon and the continuous bombardment and destruction of cities and villages, and all acts that violated Lebanon's sovereignty, independence and territorial integrity and the security of its people and that prevented implementation of the Security Council's 1978 resolution establishing UNIFIL.<sup>(61)</sup>

The original draft of the resolution on self-determination, as submitted by Angola on behalf of the African Group, would have had the Assembly condemn Israel's expansionist activities, such as the constant violations of Lebanon's territorial integrity and the continuous bombing of civilian, particularly Palestinian, populations and the destruction of their villages and encampments, as a serious obstacle to Palestinian self-determination and independence. Lebanon proposed an amendment<sup>(1)</sup> to replace this paragraph by one condemning the expansion of Israeli activities, particularly the constant violation of Lebanon's territorial integrity and the continuous bombing of civilians in south Lebanon and Beirut, and generally the non-implementation of resolutions condemning violence against Lebanon. Lebanon withdrew its amendment after the sponsors revised their text to insert the wording on Lebanon paraphrased in the preceding paragraph, and to place in a separate paragraph the phrase in their original draft whereby the Assembly condemned Israel's expansionist activities and the continuous bombing of Palestinian civilians as a serious obstacle to Palestinian self-determination and independence.

Speaking before the vote in the Third (Social, Humanitarian and Cultural) Committee, Israel said it would vote against the resolution, since it distorted the facts by failing to mention the underlying causes of the Lebanon situation, including the Syrian occupation and the more than 100,000 civilian deaths which had resulted.

Amendment withdrawn: <sup>(1)</sup>Lebanon, A/C.3/36/L.17.

Letters and notes verbales (nv):

Committee on Palestinian rights Chairman: <sup>(2)</sup>8 May, A/36/237-S/14477; <sup>(3)</sup>17 Sep., A/36/521-S/14698; <sup>(4)</sup>6 Oct., A/36/578-S/14719.

Cuba: <sup>(5)</sup>5 June, A/36/311-S/14508, transmitting communiqué of non-aligned countries (nv); <sup>(6)</sup>24 July, transmitting communiqué of non-aligned countries, S/14618; <sup>(7)</sup>14 Sep., A/36/547-S/14704.

Democratic Yemen: <sup>(8)</sup>10 Apr., S/14435; <sup>(9)</sup>21 Apr., A/36/217.

Israel: <sup>(10)</sup>2 Feb., A/36/88-S/14355; <sup>(11)</sup>8 Mar., S/14394 (9 Mar., A/36/122); <sup>(12)</sup>10 Mar., S/14398 (11 Mar., A/36/130); <sup>(13)</sup>17 Apr., A/36/212-S/14449; <sup>(14)</sup>21 Apr., S/14454 (22 Apr., A/36/219); <sup>(15)</sup>15 July, S/14591; <sup>(16)</sup>16 July, S/14594; <sup>(17)</sup>16 July, A/36/387; <sup>(18)</sup>19 July, S/14600; <sup>(19)</sup>20 July, S/14602; <sup>(20)</sup>20 July, S/14603; <sup>(21)</sup>21 July, A/36/393; <sup>(22)</sup>21 July, A/36/394; <sup>(23)</sup>22 July, A/36/400; <sup>(24)</sup>22 July, S/14605; <sup>(25)</sup>22 July,

S/14606; <sup>(26)</sup>23 July, A/36/401; <sup>(27)</sup>24 July, A/36/404 (S/14617).

Lebanon: <sup>(28)</sup>30 Jan., A/36/87 (S/14354); <sup>(29)</sup>24 Feb., A/36/109 (S/14381); <sup>(30)</sup>3 Mar., S/14391; <sup>(31)</sup>13 July, A/36/375 (S/14586); <sup>(32)</sup>17 July, S/14596; <sup>(33)</sup>3 Dec., A/36/767 (S/14779); <sup>(34)</sup>14 Dec., S/14792.

Tunisia: <sup>(35)</sup>28 Apr., S/14470. <sup>(36)</sup>17 July, A/36/389-S/14601; <sup>(37)</sup>17 July, S/14597; <sup>(38)</sup>17 July, S/14598; <sup>(39)</sup>20 July, A/36/395-S/14609; <sup>(40)</sup>18 Dec., S/14804; <sup>(41)</sup>21 Dec., S/14811.

Others: <sup>(42)</sup>Afghanistan: 24 July, A/36/405-S/14620

(nv); <sup>(43)</sup>Argentina: 16 Apr., A/36/210-S/14447;

<sup>(44)</sup>Bangladesh: 21 July, A/36/398-S/14614; <sup>(45)</sup>Egypt:

17 Apr., A/36/213-S/14450 & Corr.1; <sup>(46)</sup>Fiji: 23 June,

S/14568; <sup>(47)</sup>Japan: 9 Apr., A/36/184-S/14436 (nv);

<sup>(48)</sup>Netherlands: 25 Mar., S/14421; <sup>(49)</sup>Qatar: 22 July,

S/14612; <sup>(50)</sup>Uruguay: 1 May, A/36/231-S/14472;

<sup>(51)</sup>Yemen: 5 June, A/36/310-S/14507.

Notes: SC President, <sup>(52)</sup>S/14414, <sup>(53)</sup>S/14572, <sup>(54)</sup>S/14599.

Reports: S-G, <sup>(55)</sup>S/14407, <sup>(56)</sup>S/14537, <sup>(57)</sup>S/14613 &

Corr.1 & Add.1, <sup>(58)</sup>S/14789 & Corr.1.

Resolutions: GA: <sup>(59)</sup>36/9, para. 19, 28 Oct. (p. 896);

<sup>(60)</sup>36/226 A, paras. 9 & 10, 17 Dec. (p. 263). SC:

<sup>(61)</sup>425(1978), 19 Mar. 1978 (YUN 1978, p. 312);

<sup>(62)</sup>444(1979), 19 Jan. 1979 (YUN 1979, p. 338);

<sup>(63)</sup>488(1981), 19 June 1981, text following; <sup>(64)</sup>490

(1981), 21 July, text following; <sup>(65)</sup>498(1981), 18 Dec., text following.

Yearbook reference: <sup>(66)</sup>1978, p. 305.

Meeting records: SC: S/PV.2265, 2266 (9, 19 Mar.);

S/PV.2289, 2292, 2293 (19 June & 17, 21 July);

S/PV.2320 (18 Dec.).

#### Security Council resolution 488(1981)

12-0-2 Meeting 2289 19 June 1981

Draft prepared in consultations among Council members (S/14557).

The Security Council,

Recalling its resolutions 425(1978), 426(1978), 427(1978), 434(1978), 444(1979), 450(1979), 459(1979), 467(1980), 474(1980) and 483(1980),

Recalling the statement made by the President of the Security Council at the 2266th meeting, on 19 March 1981.

Noting with concern the violations of the relevant Security Council resolutions which had prompted the Government of Lebanon repeatedly to ask the Council for action, and particularly its complaint of 3 March 1981,

Recalling the terms of reference and general guidelines of the United Nations Interim Force in Lebanon, as stated in the report of the Secretary-General of 19 March 1978 confirmed by resolution 426(1978), and particularly:

(a) That the Force "must be able to function as an integrated and efficient military unit",

(b) That the Force "must enjoy the freedom of movement and communication and other facilities that are necessary for the performance of its tasks",

(c) That the Force "will not use force except in self-defence",

(d) That "self-defence would include resistance to attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council",

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 16 June 1981, and taking note of the conclusions and recommendations expressed therein,

Convinced that the deterioration of the present situation has serious consequences for international security in the Middle East and impedes the achievement of a just, comprehensive and durable peace in the area,

1. Reaffirms its repeated call upon all concerned for the strict respect for the political independence, unity, sovereignty and territorial integrity of Lebanon and reiterates the Council's determination to implement resolution 425(1978) and

the ensuing resolutions in the totality of the area of operation assigned to the United Nations Interim Force in Lebanon up to the internationally recognised boundaries;

2. Condemns all actions contrary to the provisions of the above-mentioned resolutions that have prevented the full implementation of the mandate of the Force, causing death, injury and destruction to the civilian population as well as among the peace-keeping force;

3. Supports the efforts of the Government of Lebanon in the civilian and military fields of rehabilitation and reconstruction in southern Lebanon, and supports, in particular, the deployment of substantial contingents of the Lebanese army in the area of operation of the Force;

4. Decides to renew the mandate of the Force for another period of six months, that is, until 19 December 1981;

5. Requests the Secretary-General to assist the Government of Lebanon in establishing a joint phased programme of activities to be carried out during the present mandate of the Force, aimed at the total implementation of resolution 425(1978), and to report periodically to the Security Council;

6. Commends the efforts of the Secretary-General and the performance of the Force, as well as the support of the troop-contributing Governments and of all Member States who have assisted the Secretary-General, his staff and the Force in discharging their responsibilities under the mandate;

7. Decides to remain seized of the question and reaffirms its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means to secure its unconditional fulfilment.

Vote in Council as follows:

In favour: France, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, United Kingdom, United States.

Against: None.

Abstaining: German Democratic Republic, USSR.

China did not participate in the vote.

#### Security Council resolution 490(1981)

Adopted unanimously Meeting 2293 21 July 1981

3-nation draft (S/14604).

Sponsors: Ireland, Japan, Spain.

The Security Council,

Reaffirming the urgent appeal made by the President and the members of the Security Council on 17 July 1981, which reads as follows:

"The President of the Security Council and the members of the Council, after hearing the report of the Secretary-General, express their deep concern at the extent of the loss of life and the scale of the destruction caused by the deplorable events that have been taking place for several days in Lebanon.

"They launch an urgent appeal for an immediate end to all armed attacks and for the greatest restraint so that peace and quiet may be established in Lebanon and a just and lasting peace in the Middle East as a whole."

Taking note of the report of the Secretary-General in this respect,

1. Calls for an immediate cessation of all armed attacks;

2. Reaffirms its commitment to the sovereignty, territorial integrity and independence of Lebanon within its internationally recognized boundaries;

3. Requests the Secretary-General to report back to the Security Council on the implementation of the present resolution as soon as possible and not later than forty-eight hours from its adoption.

#### Security Council resolution 498(1981)

13-0-2 Meeting 2320 18 December 1981

Draft prepared in consultations among Council members (S/14803).

The Security Council,

Recalling its resolutions 425(1978), 426(1978), 427(1978), 434(1978), 444(1979), 450(1979), 459(1979),

467(1980), 474(1980), 483(1980), 488(1981) and 490 (1981).

Having studied the report of the Secretary-General on the United Nations Interim Force In Lebanon of 11 December 1981, and taking note of the conclusions and recommendations expressed therein,

Taking note of the letter of the Permanent Representative of Lebanon to the Secretary-General dated 14 December 1981, Convinced that the deterioration of the present situation has serious consequences for peace and security in the Middle East.

1. Reaffirms its resolution 425(1978), in which it:

(a) Calls for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

(b) Calls upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;

(c) Decides, in the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations interim force for southern Lebanon for the purpose of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from Member States;

2. Reaffirms its past resolutions and particularly its repeated calls upon all concerned for the strict respect of the political independence, unity, sovereignty and territorial integrity of Lebanon;

3. Reiterates its determination to implement resolution 425(1978) in the totality of the area of operation assigned to the United Nations Interim Force in Lebanon up to the internationally recognized boundaries so that the Force may fulfil its deployment and so that the United Nations Truce Supervision Organization may resume its normal functions, unhindered, under the provisions of the General Armistice Agreement of 1949;

4. Calls upon all concerned to work towards the consolidation of the cease-fire called for by the Security Council in resolution 490(1981) and reiterates its condemnation of all actions contrary to the provisions of the relevant resolutions;

5. Calls attention to the terms of reference and general guidelines of the Force, as stated in the report of the Secretary-General of 19 March 1978 confirmed by resolution 426(1978), and particularly:

(a) That the Force "must be able to function as an integrated and efficient military unit";

(b) That the Force "must enjoy the freedom of movement and communication and other facilities that are necessary for the performance of its tasks";

(c) That the Force "will not use force except in self-defence";

(d) That "self-defence would include resistance to attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council";

6. Supports the efforts of the Government of Lebanon in the civilian and military fields of rehabilitation and reconstruction in southern Lebanon, and supports, in particular, the restoration of the authority of the Government of Lebanon in that region and deployment of substantial contingents of the Lebanese army in the area of operation of the Force;

7. Requests the Secretary-General to continue his discussions with the Government of Lebanon, with a view to establishing a joint phased programme of activities to be carried out during the present mandate of the Force, aimed at the total implementation of resolution 425(1978), and to report periodically to the Security Council;

8. Decides to renew the mandate of the Force for six months, that is, until 19 June 1982;

9. Commends the efforts of the Secretary-General and the performance of the Force, as well as the support of the troop-contributing Governments, and of all Member States

who have assisted the Secretary-General, his staff and the Force in discharging their responsibilities under the mandate;

10. Decides to remain seized of the question and to review, within two months, the situation as a whole in the light of the letter of the Permanent Representative of Lebanon to the Secretary-General dated 14 December 1981.

Vote in Council as follows:

In favour: China, France, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, United Kingdom, United States.

Against: None.

Abstaining: German Democratic Republic, USSR.

### Israel and the Syrian Arab Republic

The United Nations Disengagement Observer Force (UNDOF) continued in 1981 to supervise the observance of the cease-fire between Israel and the Syrian Arab Republic and to ensure, in accordance with its mandate, that there were no military forces in the area of separation. The mandate of the Force was renewed twice by the Security Council, each time for six months.

Both the General Assembly and the Council adopted resolutions dealing with the situation in the Golan Heights occupied by Israel and Israel's decision to apply Israeli law to that territory (p. 307).

REPORTS OF THE SECRETARY-GENERAL. Towards the end of each of the six-month UNDOF mandates, the Secretary-General submitted to the Security Council a report in which he recommended the extension of the mandate for a further six months.

The first report, dated 20 May,<sup>(3)</sup> gave an account of the Force's activities since 21 November 1980. The Secretary-General observed that UNDOF had continued to supervise the observance of the cease-fire in the area of separation between Israel and the Syrian Arab Republic and the areas of limitation of armaments and forces, in accordance with the terms of the 1974 Agreement on Disengagement between Israeli and Syrian Forces in the Golan Heights.<sup>(8)</sup> With the use of fixed observation posts and patrols the cease-fire had been maintained, no complaints having been lodged by either side in that regard. The Secretary-General noted, however, that restrictions on the contingents' freedom of movement still existed and efforts to correct that situation would continue.

As at 20 May, the strength of the Force was 1,279, with contingents drawn from Austria, Canada, Finland and Poland, and including 14 military observers from UNTSO. On 25 February, Major-General Erkki Raine Kaira of Finland, formerly Chief of Staff of UNTSO, succeeded Major-General Guenther G. Greindl of Austria as Commander of UNDOF.

The Secretary-General noted that, despite the prevailing quiet in the Israel-Syria sector, the Middle East situation as a whole was likely to

remain dangerous without a comprehensive settlement. He expressed hope that determined efforts would be made by all concerned to arrive at a just and durable peace settlement.

He considered the continued presence of UNDOF to be essential and recommended that the Council extend its mandate for another six months. He added that the Governments concerned had agreed to the proposed extension.

With the UNDOF mandate due to expire on 30 November, the Secretary-General, on 20 November, submitted a report<sup>(4)</sup> on the activities of the Force for the period from 21 May to 20 November. He stated that UNDOF had continued, with the co-operation of the parties, to fulfil the tasks entrusted to it. The situation in the sector had remained quiet and there had been no serious incidents. The strength of the Force as at 20 November was 1,277, made up of contingents from Austria (527), Canada (219), Finland (393) and Poland (126), and with 12 United Nations military observers detailed from UNTSO.

The Secretary-General again observed that, despite the prevailing quiet in the sector, the overall situation in the Middle East remained potentially dangerous. He therefore considered the continued presence of UNDOF to be essential, recommended that its mandate be extended until 31 May 1982 and indicated that the Governments concerned had agreed.

SECURITY COUNCIL ACTION. On 22 May<sup>(6)</sup> and 23 November,<sup>(7)</sup> the Security Council renewed the UNDOF mandate for another six months, until 30 November 1981 and 31 May 1982, respectively. Each time, the decision was taken, without debate, by 14 votes to none, with one member (China) not participating in the vote. The Council also called on all parties to implement immediately its 1973 resolution calling for a cease-fire and peace negotiations,<sup>(5)</sup> and requested the Secretary-General to report to it in six months.

After each vote, the President made almost identical statements on the Council's behalf,<sup>(1,2)</sup> as follows:

"As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph [26] [27], that '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'. This statement of the Secretary-General reflects the view of the Security Council."

Notes: SC President, <sup>(1)</sup>S/14485, <sup>(2)</sup>S/14764.

Reports: S-G, <sup>(3)</sup>S/14482, <sup>(4)</sup>S/14759.

Resolutions: SC: <sup>(5)</sup>338(1973), 22 Oct. 1973 (YUN 1973, p. 213); <sup>(6)</sup>485(1981), 22 May 1981, text following;

<sup>(7)</sup>493(1981), 23 Nov., text following.

Yearbook reference: <sup>(8)</sup>1974, p. 198.

Meeting records: SC: S/PV.2278, 2311 (22 May, 23 Nov.).

Security Council resolution 485(1981)

14-0

Meeting 2278

22 May 1981

Draft (S/14484).

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 1981;

(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).  
vote in Council as follows:

In favour: France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, USSR, United Kingdom, United States.

Against: None.

China did not participate in the vote.

Security Council resolution 493(1981)

14-0

Meeting 2311

23 November 1981

Draft (S/14761).

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 1982;

(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).

Vote In Council as follows:

In favour: France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, USSR, United Kingdom, United States.

Against: None.

China did not participate in the vote.

## Financing of UN peace-keeping forces in the Middle East

The General Assembly in 1981 appropriated a total of \$177,099,248 for the two United Nations peace-keeping forces in the Middle East. Of this sum, \$30,933,248 was for the United Nations Disengagement Observer Force (UNDOF) in the Israel-Syria sector for the period 1 June 1981 to 31 May 1982 and \$146,166,000 was for the United Nations Interim Force in Lebanon (UNIFIL) from 19 December 1980 to 18 December 1981. The dates corresponded to the varying mandates of the Forces as established by the Security Council. The Assembly also provided for financial authority to meet the expenses of UNDOF and UNIFIL for specified periods beyond these dates in the event the



Council decided to continue them beyond the expiry of the six-month mandates in effect when the Assembly acted.

In each case, the Assembly apportioned the expenses for the Forces among all Member States in accordance with the special scale used for this purpose since the establishment of the former United Nations Emergency Force (UNEF) in 1973.<sup>(1)</sup> Under this arrangement, the permanent members of the Security Council were assessed more than 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. According to the preambles of the appropriation resolutions, this arrangement took into account the fact that the economically more developed countries were in a position to make relatively larger contributions and that the economically less developed countries had a relatively limited capacity to contribute towards peace-keeping operations involving heavy expenditures.

In respect of both Forces, the Assembly decided that Saint Vincent and the Grenadines and Zimbabwe, admitted to the United Nations in 1980, would be placed in the category of least developed States for assessment purposes.

The Assembly decided to suspend certain provisions of the Financial Regulations of the United Nations to enable the Organization to retain the surplus balances of \$2,694,446 for UNDOF and \$3,759,109 for UNFIL, instead of having to return these "book surpluses" to Member States as a credit against their subsequent assessments. The Assembly recognized that, because of the withholding of contributions by certain States, the surplus balances in the UNDOF and UNFIL Special Accounts had been fully drawn upon to supplement the income received from contributions for meeting the expenses of the Forces. Applying the rules, it added, would aggravate the already difficult financial situations of the Forces.

The Assembly acted on the basis of financial estimates submitted in reports of the Secretary-General and of recommendations by the Advisory Committee on Administrative and Budgetary Questions (ACABQ).

Resolution: <sup>(1)</sup>GA, 3101(XXVIII), 11 Dec. 1973 (YUN 1973, p. 222).

#### UNDOF financing

The General Assembly made appropriations for UNDOF spanning the two six-month extensions of the Force's mandate approved by the Security Council in 1981—1 June to 30 November 1981<sup>(7)</sup> and 1 December 1981 to 31 May 1982.<sup>(8)</sup>

By a resolution of 30 November 1981,<sup>(5)</sup> appropriations were made in the amounts of \$14,959,248 gross \$14,801,748 net of staff assessment) for the six months from 1 June to 30 November 1981 and \$15,974,000 gross (\$15,785,000 net) for the period from 1 December 1981 to 31 May 1982. Also by this resolution, the Assembly authorized the Secretary-General to enter into financial commitments for UNDOF for the period from 1 June to 30 November 1982, should the Security Council decide to continue the Force beyond the existing mandate. It limited such commitments to the monthly rate of \$2,662,333 gross (\$2,630,833 net) corresponding to the expenditure rate of the six months ending 31 May 1982.

The resolution also contained provisions relating to the apportionment of expenses among Member States (see above).

The Assembly adopted the resolution by a recorded vote of 94 to 3, with 17 abstentions, following its approval in the Fifth (Administrative and Budgetary) Committee on 25 November by a recorded vote of 72 to 2, with 17 abstentions.

In a second resolution of 30 November,<sup>(6)</sup> the Assembly acted to make additional funds available to UNDOF by suspending certain provisions of the Financial Regulations so as to enable the United Nations to retain the unspent portion of 1980 appropriations for UNDOF, amounting to \$2,694,446 as at 31 December 1980, which otherwise would have had to be surrendered as a credit against the subsequent assessments of Member States. The Assembly decided that this amount was to be entered in the account which it had created in 1978 when it took a similar action for the first time.<sup>(3)</sup>

This resolution was adopted by a recorded vote of 91 to 16, with 8 abstentions, following approval by the Fifth Committee on 25 November by a recorded vote of 70 to 13, with 8 abstentions.

In a report of 23 October,<sup>(2)</sup> the Secretary-General gave cost estimates for the period from 1 December 1981 to 30 November 1982 totalling \$32,248,000, or \$2,687,333 gross (\$2,655,833 net) per month, assuming maintenance of the current average strength of 1,275 troops and continuance of UNDOF's existing responsibilities.

The Secretary-General reported a shortfall of approximately \$2.8 million in contributions to the Force for the period from 25 October 1979 to 30 November 1981 owing to non-payment by certain Member States. The shortfall of previous periods for UNDOF and for UNEF, until its liquidation in 1980, was estimated at \$58.9 million. This situation, the Secretary-General said, placed a heavy burden on the troop contributors, as reimbursements to them had not been made on time or in accordance with agreed rates.

The appropriation and authorization figures approved by the Assembly for the 12 months beginning 1 December 1981 were in accordance with an ACABQ recommendation<sup>(1)</sup> that the Secretary-General's estimate be reduced by \$300,000, to \$31,948,000 gross (\$31,570,000 net). The Committee did not recommend specific reductions for particular items, but felt that savings should result if attention was paid to economy and efficiency.

Introducing both resolutions in the Fifth Committee, Canada, on behalf of the eight sponsors (Australia, Austria, Canada, Denmark, Finland, Ireland, Norway, Sweden), explained that the formula proposed for financing UNDOF paralleled that approved by the Assembly in 1980.<sup>(4)</sup> Canada believed that all Member States had a responsibility to support UNDOF and viewed with continued concern the refusal by a number of countries to pay their assessed contributions.

Albania, Iraq and the Syrian Arab Republic, which voted against the resolutions, reiterated their refusal to take part in the Force's financing; the Syrian Arab Republic added that Israel and its supporters should bear the whole cost. The Libyan Arab Jamahiriya, which did not participate in the voting, took the same position, stating that the presence of peace-keeping forces in the Middle East had not contributed to a solution.

Democratic Yemen, which abstained, also refused financial responsibility, declaring that the Force was becoming permanent because of Israel's intransigent and expansionist policies, and that the aggressor should pay the costs of the aggression. Also abstaining in the Fifth Committee were Mauritania, which doubted whether the Force served any useful purpose, and Yemen, which said the resolution was an endorsement of occupation by force and the financing should be borne by the aggressor.

The USSR took exception to the \$2.3 million increase estimated for UNDOF expenditures over the previous year's level, stating that substantial savings should be possible under several headings where the increase was not tied to inflation, such as purchase and maintenance of equipment, supplies and services, and water and electricity.

Israel, Japan, Jordan, Morocco and Peru supported the resolutions. Israel described the renewal of the UNDOF mandate as an imperfect solution but better than any alternative. Jordan stated that the stationing of peace-keeping forces in the territories occupied by Israel was preferable to the presence of other troops, while Morocco stressed the temporary nature of the forces and urged the international community to work towards removing all traces of aggression in the Middle East. In Japan's view, effective measures would have to be introduced sooner or

later to ensure the payment of contributions withheld by certain States.

Reports: <sup>(1)</sup>ACABQ, A/36/704; <sup>(2)</sup>S-G, A/36/600 & Corr.1. Resolutions: GA: <sup>(3)</sup>33/13 E, 14 Dec. 1978 (YUN 1978, p. 323); <sup>(4)</sup>35/45 A, 1 Dec. 1980 (YUN 1980, p. 366); <sup>(5)</sup>36/66 A, 30 Nov. 1981, text following; <sup>(6)</sup>36/66 B, 30 Nov., text following. SC: <sup>(7)</sup>485(1981), 22 May (p. 294); <sup>(8)</sup>493(1981), 23 Nov. (p. 294).

Meeting records: GA: 5th Committee, A/C.5/36/SR.54, 55 (25 Nov.); plenary, A/36/PV.77 (30 Nov.).

UNDOF assessment: 1 June 1981-31 May 1982, ST/ADM/SER.B/256.

General Assembly resolution 36/66 A

93-3-17 (recorded vote) Meeting 77 30 November 1981

Approved by Fifth Committee (A/36/720) by recorded vote (72-2-17). 25 November (meeting 55); 8-nation draft (A/C.5/36/L.15, part A), orally revised: agenda item 110 (a).

Sponsors: Australia, Austria, Canada, Denmark, Finland, Ireland, Norway, Sweden.

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 and 493(1981) of 23 November 1981,

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 and 35/45 A of 1 December 1980,

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 \$14,959,248 gross (\$14,801,748 net) authorized and apportioned by section III of Assembly resolution 35/45 A for the operation of the United Nations Disengagement Observer Force for the period from 1 June to 30 November 1981, inclusive;

#### II

1. Decides to appropriate to the Special Account an amount of \$15,974,000 for the operation of the United Nations Disengagement Observer Force for the period from 1 December 1981 to 31 May 1982, 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:

(a) To apportion an amount of \$9,315,973 for the above-mentioned six-month period among the Member States referred to in paragraph 2 (a) of General Assembly resolution 3101(XXVIII), in the proportions determined by the scale of assessments for the years 1980, 1981 and 1982;

(b) To apportion an amount of \$6,272,080 for the above-mentioned six-month period among the Member States referred to in paragraph 2 (b) of resolution 3101(XXVIII) and section II, paragraph 2 (b), of resolution 3374 C (XXX), in the proportions determined by the scale of assessments for the years 1980, 1981 and 1982;

(c) To apportion an amount of \$378,440 for the above-mentioned six-month period among the Member States referred to in paragraph 2 (c) of resolution 3101(XXVIII), section II, paragraph 2 (c), of resolution 3374 C (XXX) and section V, paragraph 1, of resolution 33/13 D, in the proportions determined by the scale of assessments for the years 1980, 1981 and 1982;

(d) To apportion an amount of \$7,507 for the above-mentioned six-month period among the Member States referred to in paragraph 2 (d) of resolution 3101(XXVIII), 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 and section V, paragraph 1, of resolution 35/45 A, in the proportions determined by the scale of assessments for the years 1980, 1981 and 1982;

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 1981 to 31 May 1982, 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 \$179,000 approved for the period from 1 December 1981 to 31 May 1982, inclusive;

### III

Authorizes the Secretary-General to enter into commitments for the United Nations Disengagement Observer Force at a rate not to exceed \$2,662,333 gross (\$2,630,833 net) per month for the period from 1 June to 30 November 1982 inclusive, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 493(1981), 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;

### V

1. Decides that Saint Vincent and the Grenadines and Zimbabwe shall be included in the group of Member States mentioned in paragraph 2 (d) of General Assembly resolution 3101 (XXVIII) and that their contributions to the United Nations Disengagement Observer Force shall be calculated in accordance with the provisions of the resolution adopted by the Assembly at the current session regarding the scale of assessments;

2. Decides further that, in accordance with regulation 5.2 (c) of the Financial Regulations of the United Nations, the contributions to the United Nations Disengagement Observer Force until 30 November 1981 of the Member States referred to in paragraph 1 of the present section shall be treated as miscellaneous income to be set off against the appropriations apportioned in section II above.

Recorded vote in Assembly as follows:

In favour: Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Canada, Central African Republic, Chile, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Lebanon, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Poland, Portugal, Romania, Rwanda, Samoa, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Cameroon, United States, Upper Volta, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Albania, Iraq, Syrian Arab Republic.

Abstaining: Afghanistan, Algeria, Angola, Bulgaria, Byelorussian SSR, Chad, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Hungary, Lao People's Democratic Republic, Mali, Mongolia, Ukrainian SSR, USSR, Viet Nam.

### General Assembly resolution 36/66 B

91-16-8 (recorded vote) Meeting 77 30 November 1981  
Approved by Fifth Committee (A/36/720) by recorded vote (70-13-8), 25 November (meeting 55); 8-nation draft (A/C.5/36/L.15, part B); agenda item 110 (a).

Sponsors: Australia, Austria, Canada, Denmark, Finland, Ireland, Norway, Sweden.

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 and 35/45 B of 1 December 1980,

Recognizing 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 \$2,694,446, 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 33/13 E and held in suspense until a further decision is taken by the Assembly.

Recorded vote in Assembly as follows:

In favour: Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Canada, Central African Republic, Chile, Colombia, Costa, Rica, Cyprus, Denmark, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Iceland, India, Indonesia, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Lebanon, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritius, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Poland, Portugal, Rwanda, Samoa, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Cameroon, United States, Upper Volta, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Afghanistan, Albania, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, German Democratic Republic, Grenada, Hungary, Iraq, Lao People's Democratic Republic, Mongolia, Syrian Arab Republic, Ukrainian SSR, USSR, Viet Nam.

Abstaining: Algeria, Angola, Chad, Democratic Yemen, Mali, Mauritania, Mexico, Romania.

#### UNIFIL financing

The General Assembly, by a resolution of 16 December 1981,<sup>(5)</sup> appropriated funds covering the two extensions of the mandate of UNIFIL approved by the Security Council for the period through mid-December 1981—from 19 December 1980 to 18 June 1981<sup>(7)</sup> and from 19 June to 18 December 1981.<sup>(8)</sup> For each six-month mandate, appropriations totalled \$73,083,000 gross (\$72,360,996 net) of staff assessment). Also by this resolution, the Assembly authorized the Secretary-General to enter into commitments for UNIFIL, should the Council continue the Force beyond the existing mandate. The authorization covered the period from 19 December 1981 to 18 December 1982, at a monthly expenditure rate not to exceed \$13,316,666 gross (\$13,177,500 net). The Council, on 18 December 1981, renewed the Force's mandate until 19 June 1982.<sup>(9)</sup>

The resolution also included provisions relating to the apportionment of expenses among Member States (p. 295).

The resolution was adopted by 98 votes to 16, with 3 abstentions. By another resolution,<sup>(6)</sup> adopted on the same day by 102 votes to 15, the Assembly authorized suspension of certain provisions of the United Nations Financial Regulations to enable UNIFIL to retain a "surplus" balance of \$3,759,109. This procedure was similar to that approved for UNDOF.<sup>(4)</sup>

The Fifth Committee, on 14 December, approved the two resolutions together by 73 votes to 13, with 2 abstentions.

The authorization for the year beginning 19 December 1981 amounted to \$3,591,000 less for each six-month period than the \$83,491,000 which the Secretary-General had estimated in a report on the financing of the Force,<sup>(2)</sup> based on an average strength of 6,000 troops. The \$3.6 million reduction was recommended by ACABQ,<sup>(1)</sup>

which suggested that savings could be made in such areas as: construction of premises; purchase, maintenance and repair of vehicles and other equipment; and supplies and services. It also recommended that any future estimates for UNIFIL be presented on a 12-month basis.

As to the status of contributions, the Secretary-General reported that the shortfall attributed to Member States which had said they did not intend to pay had risen from \$84.1 million in 1980 to \$114.9 million as at 30 September 1981, out of the \$491 million in assessments of Member States from the inception of the Force in 1978 to 18 December 1981. There continued to be difficulties in meeting the Force's obligations on a current basis, particularly payments due to the troop contributors, which had again conveyed their serious concern over the heavy burden placed on their Governments. Only \$11,700 had been contributed to a special account established under a 1979 Assembly resolution<sup>(3)</sup> for voluntary contributions to alleviate the financial burden on troop contributors.

Sweden, introducing the resolutions in the Fifth Committee on behalf of their 17 sponsors, said all Member States had a collective responsibility to share the financial burden of such operations equitably. Growing deficits undermined efficiency and made it increasingly difficult to find additional States to take part in the operations, given the disproportionate financial burden borne by the troop contributors. Because of non-payment by certain States, troop contributors were receiving less than half of their entitlement to reimbursement under the standard rates approved by the Assembly.

Ireland expressed hope that a satisfactory solution would be found to the problem of withholding, in order to safeguard the peace-keeping role of the United Nations. The United States appealed to States withholding their contributions to reconsider their position, and welcomed China's intention to contribute.

The USSR said all expenditures to eliminate the vestiges of aggression against Lebanon should be borne by the aggressor; it would therefore vote against the resolutions and not contribute to the financing of UNIFIL. Similar statements were made by Albania, Hungary, Iraq, Mongolia, Poland and the Syrian Arab Republic.

Reports: <sup>(1)</sup>ACABQ, A/36/797; <sup>(2)</sup>S-G, A/36/601 & Corr.1,2.

Resolutions: GA: <sup>(3)</sup>34/9 D, 17 Dec. 1979 (YUN 1979, p. 352); <sup>(4)</sup>36/66 B, 30 Nov. 1981 (p. 297); <sup>(5)</sup>36/138 A, 16 Dec., text following; <sup>(6)</sup>36/138 B, 16 Dec., text following. SC: <sup>(7)</sup>483(1980), 17 Dec. 1980 (YUN 1980, p. 360); <sup>(8)</sup>488(1981), 19 June 1981 (p. 292); <sup>(9)</sup>498(1981), 18 Dec. (p. 292).

Meeting records: GA: 5th Committee, A/C.5/36/SR.74 (14 Dec.); plenary, A/36/PV.100 (16 Dec.).

General Assembly resolution 38/138 A  
98-16-3 Meeting 100 16 December 1981

Approved by Fifth Committee (A/36/720/Add.1) by vote (73-13-2), 14 December (meeting 74); 17-nation draft (A/C.5/36/L.39, parts A and B together); agenda item 110 (b).

Sponsors: Australia, Canada, Denmark, Fiji, Finland, France, Ghana, Ireland, Italy, Lebanon, Nepal, Netherlands, Nigeria, Norway, Panama, Senegal, Sweden.

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 and 488(1981) of 19 June 1981,

Recalling its resolutions S-8/2 of 21 April 1978, 33/14 of 3 November 1978, 34/9 B of 17 December 1979, 35/44 of 1 December 1980 and 35/115 A of 10 December 1980,

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-8/2 an amount of \$73,083,000 gross (\$72,380,996 net), being the amount authorized and apportioned under the provisions of section III of Assembly resolution 35/115 A for the operation of the United Nations Interim Force in Lebanon from 19 December 1980 to 18 June 1981 inclusive;

#### II

Decides to appropriate to the Special Account referred to in section I, paragraph 1, of General Assembly resolution S-8/2 an amount of \$73,083,000 gross (\$72,360,996 net), being the amount authorized and apportioned under the provisions of section III of Assembly resolution 35/115 A for the operation of the United Nations Interim Force in Lebanon from 19 June to 18 December 1981 inclusive;

#### III

Authorizes the Secretary-General to enter into commitments for the United Nations Interim Force in Lebanon at a rate not to exceed \$13,316,666 gross (\$13,177,500 net) per month for the period from 19 December 1981 to 18 December 1982 inclusive, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 488(1981), the said amount to be apportioned among Member States in accordance with the scheme set out in General Assembly resolution 33/14 and the provisions of section V, paragraph 1, of resolution 34/9 B and section VI, paragraph 1, of resolution 35/115 A, in the proportions determined by the scale of assessments for the years 1980, 1981 and 1982;

#### IV

1. Renews its invitation to Member States to make voluntary contributions to the United Nations Interim Force In Leba-

non 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;

#### V

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;

#### VI

1. Decides that Saint Vincent and the Grenadines and Zimbabwe shall be included in the group of Member States mentioned in section I, paragraph 2 (d), of General Assembly resolution S-8/2 and that their contributions to the United Nations Interim Force in Lebanon shall be calculated in accordance with the provisions of the resolution adopted by the Assembly at the current session regarding the scale of assessments;

2. Decides further that, in accordance with regulation 5.2 (c) of the Financial Regulations of the United Nations, the contributions to the United Nations Interim Force in Lebanon until 18 December 1981 of the Member States referred to in paragraph 1 of the present section shall be treated as miscellaneous income to be set off against the apportionments authorized in section III above.

General Assembly resolution 36/138 B  
102-15 Meeting 100 16 December 1981

Approved by Fifth Committee together with draft of resolution 36/138 A above, with same sponsors.

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 and 35/115 B of 10 December 1980,

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 \$3,759,109, 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.

## Situation in the territories occupied by Israel

### General aspects

During 1981, the situation in the territories occupied by Israel as a result of previous armed conflict 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. The Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities dealt with human rights violations in the territories (p. 955). The occupied territories consisted of the West Bank of the Jordan River (including East Jerusalem), the Golan Heights, the Gaza Strip and part of the Sinai peninsula.

COMMUNICATIONS. A number of communications on this subject were addressed during the year to the Secretary-General and the President of the Security Council.

Tunisia, on 25 March,<sup>(13)</sup> transmitted a letter of 17 March from the Palestine Liberation Organization (PLO) calling attention to recent attempts by Israel to consolidate its illegal presence in occupied Palestinian lands through the expansion of settlements and their conversion into "self-governing" townships.

Jordan, on 10 July,<sup>(8)</sup> transmitted charges, based on excerpts from an article published in *The Jerusalem Post* on 22 June, that Israeli colonization of the West Bank, including Jerusalem and its environs, had reached 35 to 40 per cent of the occupied areas. In letters dated 22 July<sup>(10)</sup> and 27 August,<sup>(12)</sup> Jordan gave an account of Israeli settlement activity in the West Bank and Jerusalem during June and July, indicating that hundreds of dunums (1,000 dunums = 1 sq km) of Arab lands had been confiscated for the purpose of establishing new settlements and enlarging existing ones.

On 14 July,<sup>(9)</sup> Jordan transmitted an article published in the Israeli newspaper *Al-Hamishmar* on 5 June, according to which almost 250,000 inhabitants of the occupied territories had been in Israeli gaols or detention camps at one time or another during 14 years of occupation.

On 19 August,<sup>(11)</sup> Jordan complained that Israeli prohibitions against Arab and other private contributions to municipalities, charitable institutions and other societies could lead to cessation of essential services to the citizens of the occupied territories and bankruptcy of vital institutions.

On 6 November<sup>(14)</sup> and 16 November,<sup>(15)</sup>

Tunisia transmitted three PLO letters, dated 5, 11 and 12 November, stating that there had been a serious escalation of tension in the occupied West Bank as a result of Israel's decision to impose a new military governor under the pretext of establishing a new civilian administration, and charging Israel with a campaign of repression, including the closure of the Arab University of Bir Zeit, the arrest of several prominent Palestinians and the wounding of a school-boy by Israeli troops.

Throughout the year, a number of communications were also addressed to the Secretary-General on behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, dealing with general and special aspects of the situation in the occupied territories.

The Committee's Acting Chairman, by a letter of 27 February,<sup>(1)</sup> conveyed the Committee's serious concern at Israel's continued confiscation of Arab land, and the Committee's view that further United Nations action, particularly by the Security Council, was needed to call Israel's attention to the danger of its annexation policies and the necessity for its immediate and complete withdrawal. On 19 June,<sup>(2)</sup> he transmitted a copy of a September 1980 document of the World Zionist Federation on Israel's settlement policy, which left no doubt, the Acting Chairman said, that Israel intended to annex the territories it had illegally occupied and that the "autonomy" it envisaged would not apply to the territories but only to their Arab population.

By a letter of 15 July,<sup>(3)</sup> the Chairman expressed the Committee's deep concern at Israel's complete disregard for the rights of the Palestinian people, as evidenced by Israeli press reports of school and university closings, the establishment of new settlements, and desecration of the Moslem cemetery at Haifa to clear land for the construction of administrative offices and commercial centres. By a letter of 24 August,<sup>(4)</sup> the Acting Chairman protested the reported Israeli ban on channelling Arab funds through the Joint Committee for the Occupied Territories at Amman, Jordan.

On 15 October,<sup>(5)</sup> the Chairman referred to news reports that the Israeli Government planned to establish four new Israeli settlements in the occupied territories and to strengthen existing ones.

On 13 November,<sup>(6)</sup> he voiced the Committee's concern at reports of a tense situation, including strikes and protest marches, following the appointment on 1 November of a civilian to head the civilian administration of the occupied West Bank.

Israel and Jordan sent communications concerning arrests of Islamic religious leaders in the

West Bank (p. 314), protection of cultural property in Jerusalem (p. 316), other developments relating to Jerusalem (p. 318) and the Mediterranean-Dead Sea canal project (p. 319).

**ACTION BY THE COMMISSION ON HUMAN RIGHTS AND ITS SUB-COMMISSION.** On 11 February, the Commission on Human Rights adopted two resolutions dealing with the violation of human rights in the occupied territories<sup>(18)</sup> (p. 955). By the first, it condemned a series of Israeli policies and practices in the territories, including annexation, the establishment of Israeli settlements, violence against Arab civilians, population transfer, mass arrests and property confiscation. By the second, it condemned Israel's failure to acknowledge the applicability to the occupied territories of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and called on Israel to abide by that Convention and other rules of international law.

The Sub-Commission on discrimination and minorities, by a resolution of 9 September,<sup>(28)</sup> recommended that the Commission deplore the human rights violations committed by Israeli authorities in the occupied territories and urge Israel to withdraw.

**ACTIVITIES OF THE COMMITTEE ON ISRAELI PRACTICES IN THE OCCUPIED TERRITORIES.** The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, in its annual report submitted on 4 September,<sup>(16)</sup> presented information on the situation of the civilian population in the occupied territories. Obtained without the co-operation of Israel, this information was gathered from a variety of sources, including oral and written testimony of persons with first-hand experience, Israeli press reports of statements by Israeli Government officials, other news reports, and from governmental and non-governmental bodies.

The Committee regarded as particularly disturbing the policy statement of the new Israeli Government that it would raise a claim of Israeli sovereignty over the occupied territories in the near future.

The Committee found that, during the period covered by its thirteenth report (25 July 1980-31 August 1981), Israel's annexation and settlement policy had continued unabated. Israeli settlers were playing a considerably increased role in implementing Israel's annexation policy. During the period, the Committee had received information on some 40 settlements that had been either established or inaugurated or whose construction had commenced; in addition, it noted the continuing construction and expansion of Israeli settlements in occupied Jerusalem.

The transfer of Israeli civilians to the occupied territories was contrary to the Convention on protection of civilians (p. 306).

Referring to the treatment of the population of the territories, the Committee stated that Israel continued to follow a policy of extreme provocation of civilians and severe repression of any reaction to that provocation. Despite sporadic reports of steps by the authorities to protect civilians from infringement of their rights by Israeli settlers, the overall picture confirmed the connivance and complicity of the authorities with the settlers. That policy not only denied the right to self-determination but also was the source of continuing and systematic human rights violations.

The Committee reiterated its conclusion, reached in its 1980 report,<sup>(29)</sup> that there were no judicial remedies available to the civilian population other than applying to the High Court of Justice. It had become apparent, the Committee stated, that even that residual possibility was meaningless, mainly because of Israel's conscious efforts to circumvent the judicial authorities. In the Committee's view, the fact that the occupying authorities had changed the law in virtually every field, substituting a legal régime based on Israeli lines, was a form of creeping legal annexation.

Expressing again its concern about the absence of a serious Israeli Government mechanism to supervise detention conditions and examine allegations of ill-treatment, the Committee found that interrogation procedures continued to be accompanied by violence and that detention conditions remained extremely poor. It called for drastic revision.

The Committee recommended, as it had done in previous years, the establishment of a mechanism (the protecting-Power formula based on the Convention on protection of civilians) to safeguard the human rights of the population in the occupied territories and the proper representation of their interests.

The Committee held two series of meetings in 1981: from 21 April to 1 May and from 26 August to 4 September, at Geneva.

The Secretary-General, in a report<sup>(17)</sup> prepared in response to a 1980 General Assembly request,<sup>(19)</sup> described the measures taken to provide facilities to the Committee, including an additional staff member, and to ensure the widest circulation of the Committee's report and dissemination of information on its activities and findings.

**GENERAL ASSEMBLY ACTION.** After considering the report of the Committee on Israeli practices in the occupied territories, the General Assembly, on 16 December, adopted, seven res-

olutions on the recommendation of its Special Political Committee (SPC).

One of these resolutions<sup>(22)</sup> contained the Assembly's strong condemnation of a series of Israeli policies and practices, including annexation, establishment and expansion of Israeli settlements, expulsion and transfer of Arabs, confiscation of property, transformation and pillaging of cultural property, destruction of houses, mass arrests, ill-treatment of detainees, interference with religious freedoms, family customs, education, development and freedom of movement, and illegal exploitation of natural resources and people.

The Assembly demanded that Israel desist from those policies and practices, reaffirmed that occupation itself constituted a grave violation of human rights, declared that Israel's grave breaches of the Convention on protection of civilians were war crimes and an affront to humanity, and reiterated its call for non-recognition of changes carried out by Israel in the territories. Deploring Israel's refusal to allow access to the territories by the investigating Committee, the Assembly requested the Committee to continue its work and the Security Council to initiate measures to halt the policies and practices in question.

This resolution was adopted by a recorded vote of 111 to 2, with 31 abstentions. SPC approved it on 30 November by a recorded vote of 93 to 2, with 26 abstentions. Paragraph 6, declaring that Israel's grave breaches of the Convention on protection of civilians were war crimes, was adopted by the Assembly by a recorded vote of 96 to 18, with 29 abstentions, after the Committee approved it by a recorded vote of 81 to 17, with 21 abstentions. The request in paragraph 15 that the Security Council ensure Israel's compliance with the Convention and initiate measures to halt Israeli policies and practices in the occupied territories was adopted by a recorded vote of 111 to 18, with 12 abstentions, following approval in Committee by a recorded vote of 91 to 18, with 7 abstentions. Bangladesh introduced the resolution, which was also sponsored by Cuba, the German Democratic Republic, Hungary, India, Indonesia, Madagascar, Pakistan and the Ukrainian SSR.

By another resolution,<sup>(21)</sup> the Assembly determined that all Israeli measures designed to change the legal status, geographical nature and demographic composition of the occupied territories, including Jerusalem, were in violation of the Convention on protection of civilians, constituted a serious obstruction of efforts to achieve peace in the Middle East and had no legal validity. It strongly deplored Israel's persistence in carrying out such measures, particularly

the establishment of settlements; demanded that Israel comply with its international obligations and desist forthwith from taking such measures; and urgently called on all States parties to the Geneva Convention to respect and ensure compliance with its provisions in all territories occupied by Israel since 1967, including Jerusalem.

This resolution was adopted by a recorded vote of 142 to 1, with 3 abstentions, following approval by SPC on 30 November by a recorded vote of 117 to 1, with 2 abstentions. It was introduced in SPC by Pakistan, also on behalf of Bangladesh, India and Indonesia.

By other resolutions adopted on 16 December in connection with the report of the Committee on Israeli practices in the occupied territories, the Assembly demanded Israeli compliance with the Convention on protection of civilians,<sup>(20)</sup> and demanded that Israel facilitate the immediate return of the Mayors of Hebron and Halhul and the Islamic Judge of Hebron,<sup>(23)</sup> report on assassination attempts against three other mayors,<sup>(26)</sup> rescind orders for the closure of three universities<sup>(25)</sup> and desist from repressive measures against Syrians in the Golan Heights.<sup>(24)</sup> Also, by a resolution of 17 December on the Middle East situation,<sup>(27)</sup> the Assembly condemned Israel's continued occupation of the Palestinian and other Arab territories, including Jerusalem, and demanded immediate, unconditional and total Israeli withdrawal.

Israel voted against the resolution containing a condemnation of Israeli practices, saying that it reflected the biased attitude of the Committee's report and reproduced false allegations and conclusions based on unreliable evidence and testimony. The United States said it had voted against because of the resolution's bias and polemical tone.

Sweden abstained on the ground that the resolution contained generalizations which could not be substantiated and elements which went beyond the Assembly's competence. The European Community (EC) members, the United Kingdom declared, had abstained because of reservations regarding the paragraphs voted on separately and the paragraph by which the Assembly condemned specified Israeli policies and practices. Canada, while agreeing with the thrust of the resolution, could not support that paragraph or the condemnation of Israel's violations and grave breaches of the Convention on protection of civilians and their characterization as war crimes and an affront to humanity. Objection to these terms was voiced as well by New Zealand, which also did not approve of the request to the Security Council to initiate measures to halt Israeli practices.



Thailand voted for the resolution but abstained on the "affront to humanity" paragraph, on the ground that only a legal body could make such an assertion; it also had reservations on the condemnation of interference with the educational system and freedom of movement, and believed that no territories other than those occupied since 1967 should be mentioned.

Explaining its opposition to the resolution on Israeli settlements and other measures tending to change the occupied territories, Israel said SPC was not competent to pronounce on the legal validity of actions taken by Israel in those territories; also, it was particularly out of place to claim that such policies obstructed peace efforts.

The United States said it had abstained because the resolution sought to pronounce on the legality of Israeli settlements; the United States continued to oppose their establishment and saw them as creating obstacles to peace, but was convinced that repetitive pronouncements on legal issues were not likely to cause Israel to reflect on its policy.

The United Kingdom, speaking for the EC members, said they had voted for the resolution as it reflected their view that the settlements were illegal and a serious obstacle to peace. Sweden declared that the dismantling of settlements would be a constructive step.

Sri Lanka, introducing in SPC the report of the Committee on Israeli practices in the occupied territories, said the situation of the people in those areas had not improved and, on occasion, had perhaps worsened. It therefore wondered whether another formula should not be sought, acceptable to both the international community and the Israeli Government, to reverse the process and improve the human rights situation in the territories.

Israel rejected the report as replete with false accusations and distortions of truth. International law clearly recognized that the authorities had a duty to protect the population of Judea, Samaria and the Gaza District against disorder and terrorism. Despite terrorist acts, Israel had never applied the death penalty in the areas. It had given the local population access to Israeli courts, permitted them to travel and trade with neighbouring Arab countries, and allowed them to take part in democratic elections. No displacement of the local population had taken place, and the Arab population in the administered areas had even increased by about 20 per cent since 1967. The Israeli legal system provided numerous safeguards for the rights of the inhabitants. It was time to end the Committee's activities, which were designed to obstruct reconciliation and peace.

Many speakers considered that the Committee's conclusions were valid and that the Arab population in the occupied territories were denied their human rights. A number of countries, such as Albania, Algeria, Bahrain, Bulgaria, the Byelorussian SSR, China, Cuba, Cyprus, Czechoslovakia, the German Democratic Republic, Guyana, Hungary, India, Indonesia, Kenya, Mauritania, Mongolia, Poland, Romania, Tunisia, Turkey, Uganda, the Ukrainian SSR, the USSR, the United Kingdom, Yemen and Zambia, called for Israel's withdrawal from the territories occupied since 1967, including Jerusalem, and the implementation of the rights of the Palestinian people, including its right to establish its own State.

Austria said that, contrary to international law, the Israeli administration had radically altered the legal and demographic status of the occupied territories, creating tension in the region and undermining the search for a peaceful negotiated settlement. Pakistan said that, even if Israel was telling the truth when it spoke of social and educational amenities in the occupied territories, that would not justify its occupation. Senegal stated that Israel, in defiance of human rights and international norms, persisted in its policy of creating a predominantly Jewish State, including most of the Arab territories under military occupation since 1967.

Oman stated that the Israeli policy of collective punishment, from which old people, women and children were not excluded, appeared to be worse than the Nazi policy in the Second World War. Saudi Arabia also stated that Israeli practices were no less dangerous than the methods used by the Nazis.

Many States expressed concern at evidence that Israeli settlements in the occupied territories were being established and expanded at an accelerated pace. The Syrian Arab Republic and Zambia saw this as proof that Israel had no intention of withdrawing from the territories.

In Algeria's view, Israel's aim was to uproot the Arabs once and for all from their homes. Kuwait said the strategy to transform Palestine into a totally Jewish "national homeland" had been manifested in three parallel thrusts: initial attempts to secure a continued influx of Jewish migrants to Palestine with the assistance of the former Mandatory Power, the acquisition of Arab lands by any method and the gradual displacement of Arab inhabitants. Yemen stated that Israeli measures of oppression in the territories were part of a plot to force the inhabitants to leave their lands so that Jewish settlers might replace them.

Iraq remarked that the Zionists had expropriated the territories' only major resource—

water—by drilling wells for the new Jewish colonies while forbidding the Arabs to drill wells or increase their capacity.

Several speakers, among them Bulgaria, China, Czechoslovakia, Democratic Yemen, Iraq, Mongolia, the Syrian Arab Republic, the Ukrainian SSR, the USSR and the United Arab Emirates, maintained that the support given by the United States encouraged Israel to continue its occupation policy.

In Albania's view, the Camp David accords had enabled Israel to extend its aggressive activities against the Palestinians, while the USSR helped Israel by providing it with a steady flow of Jewish emigrants to people the new settlements in the occupied territories.

The USSR condemned the Israeli policy of mass repression and racial discrimination, adding that such excesses in the occupied territories could be ended only by a comprehensive Middle East peace settlement.

The United Kingdom, speaking for the EC members, urged an end to Israeli occupation, to the construction and expansion of settlements, and to expulsion of Palestinian notables, but said the EC members could not accept the Committee's report as fully authoritative, since it had been unable to obtain sufficient first-hand evidence or prepare a complete account. The United States described the report as incomplete, partial, partisan and based on selective sources of information; the United States was concerned about the situation of Jewish minorities in certain States of the region and about the terrorist acts which violated the human rights of Palestinian moderates as well as about the situation of those Palestinians whose rights had on some occasion been violated.

Egypt outlined proposals it had made to Israel for what it described as confidence-building measures in relation to the occupied territories, including: freezing of settlement; return of expropriated land and property; freeing of frozen or confiscated bank deposits; lifting of the ban on political gatherings and permitting freedom of expression; abolition of restrictions on freedom of movement; release of Palestinian detainees; return of displaced persons and of all political exiles; desisting from military manoeuvres; return of the judicial system in the West Bank to its pre-occupation form; cessation of all violations of civil and political rights, including property rights and the right to academic freedom; and lifting of restrictions on water use in agriculture.

Cyprus reaffirmed the right of all displaced persons to return to their homes and lands of origin, and maintained that the civil, political, cultural and religious rights of the Palestinians

must be protected. Spain saw a lack of will on Israel's part to settle the dispute over the territories, and urged action to prepare the ground for peaceful coexistence, free of the animosity that had accumulated over the years. Qatar said that, if the international community was unable to apply international law in defence of the Palestinian people, the Palestinians should continue to struggle by every means at their disposal to eliminate the effects of the occupation and exercise their rights.

Bangladesh called for an immediate cessation of Israeli exploitation of the natural resources and population of the occupied territories, and for prompt and decisive steps by the international community to put an end to Israeli occupation.

China believed that the Committee on Israeli practices in the occupied territories should continue its work to draw attention to the plight of the Arab and Palestinian peoples, and the Assembly should take steps to force Israel to comply with United Nations resolutions and international obligations in regard to the territories. Jordan said it was inescapable that the Committee should intervene promptly to end Israel's occupation of Arab and Palestinian lands.

Kenya considered it the duty of the Assembly and the Security Council to help promote the economic development of a Palestinian State, and urged them to call on Israel to reverse its settlement, expropriation and annexation policies.

Morocco recalled that the Twelfth Islamic Conference of Foreign Ministers (Baghdad, Iraq, 1-5 June) had called for suspension of Israel's United Nations membership and the application of sanctions as provided in Chapter VII of the Charter of the United Nations.<sup>(7)</sup> The need to consider sanctions was underlined by Bahrain, the Byelorussian SSR and the Syrian Arab Republic. The Libyan Arab Jamahiriya called for effective international deterrent measures and the Sudan for intervention by the international community to put an end to Israel's annexation policy.

Letters: Committee on Palestinian rights Chairman and Acting Chairman (AC): <sup>(1)</sup>27 Feb., A/36/114-S/14389 (AC); <sup>(2)</sup>19 June, A/36/341-S/14566 (AC); <sup>(3)</sup>15 July, A/36/382-S/14593; <sup>(4)</sup>24 Aug., A/36/449-S/14641 (AC); <sup>(5)</sup>15 Oct., A/36/604-S/14730; <sup>(6)</sup>13 Nov., A/36/688-S/14754. <sup>(7)</sup>Iraq: 5 Aug., transmitting res. of Islamic Conference of Foreign Ministers, A/36/421-S/14626. Jordan: <sup>(8)</sup>10 July, A/36/373-S/14585; <sup>(9)</sup>14 July, A/36/381-S/14592; <sup>(10)</sup>22 July, A/36/399-S/14615; <sup>(11)</sup>19 Aug., A/36/444-S/14634; <sup>(12)</sup>27 Aug., A/36/460-S/14657. Tunisia: <sup>(13)</sup>25 Mar., S/14418; <sup>(14)</sup>6 Nov., S/14747; <sup>(15)</sup>16 Nov., S/14753.

Reports: <sup>(16)</sup>Committee on Israeli practices in occupied territories, transmitted by S-G note, A/36/579; <sup>(17)</sup>S-G, A/36/588.

Resolutions: <sup>(18)</sup>Commission on Human Rights (report, E/1981/25); 1 A & B (XXXVII), 11 Feb. GA: <sup>(19)</sup>35/122 C. 11 Dec. 1980 (YUN 1980. p. 431); <sup>(20)</sup>36/147 A,

16 Dec. 1981 (p. 307); <sup>(21)</sup>36/147 B, 16 Dec., text following; <sup>(22)</sup>36/147 C, 16 Dec., text following; <sup>(23)</sup>36/147 D, 16 Dec. (p. 314); <sup>(24)</sup>36/147 E 16 Dec. (p. 308); <sup>(25)</sup>36/147 F, 16 Dec. (p. 316); <sup>(26)</sup>36/147 G, 16 Dec. (p. 315); <sup>(27)</sup>36/226 A, para. 1, 17 Dec. (p. 262). <sup>(28)</sup>SCDPDM (report, E/CN.4/1512): 9(XXXIV), 9 Sep. Yearbook reference: <sup>(29)</sup>1980, p. 417.

Financial implications: Committee on Conferences observations, A/C.5/36/70/Add.1; S-G statement, A/C.5/36/70. Meeting records: GA: SPC, A/SPC/36/SR.11-13, 33-39, 46 (22 Oct.-30 Nov.); plenary, A/36/PV.42, 100 (28 Oct., 16 Dec.); 5th Committee, A/C.5/36/SR.66 (8 Dec.).

#### General Assembly resolution 36/147 B

142-1-3 (recorded vote) Meeting 100 16 December 1981  
Approved by SPC (A/36/632/Add.1 and Add.1/Corr.1) by recorded vote (117-1-2), 30 November (meeting 46); 4-nation draft (A/SPC/36/L.19); agenda item 64.

Sponsors: Bangladesh, India, Indonesia, Pakistan.

The General Assembly,

Recalling its resolutions 32/5 of 28 October 1977, 33/113 B of 18 December 1978, 34/90 C of 12 December 1979 and 35/122 B of 11 December 1980,

Recalling also Security Council resolution 465(1980) of 1 March 1980,

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 the Government of Israel, as the occupying Power, designed to change the legal status, geographical nature and demographic composition of those territories.

Considering 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 5 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 obstruction of efforts to achieve a just and lasting peace in the Middle East, and therefore have no legal validity;

2. Strongly deplures 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 the Government of 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.

Recorded vote In Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia,

Iran, Iraq, Ireland, Italy, Ivory Coast, 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, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Guatemala, Jamaica, United States.

#### General Assembly resolution 36/147 C

111-2-31 (recorded vote) Meeting 100 16 December 1981

Approved by SPC (A/36/632/Add.1 and Add.1/Corr.1) by recorded vote (93-2-26), 30 November (meeting 46); 9-nation draft (A/SPC/36/L.20 and Corr.1); agenda item 64.

Sponsors: Bangladesh, Cuba, German Democratic Republic, Hungary, India, Indonesia, Madagascar, Pakistan, Ukrainian SSR.

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 12 December 1977, 33/113 C of 18 December 1978, 34/90 A of 12 December 1979 and 35/122 C of 11 December 1980, and also those adopted by the Security Council, the Commission on Human Rights and 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, public statements made by the leaders of the Government of Israel,

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 that Israel's grave breaches of the Geneva Convention are war crimes and an affront to humanity;

7. Strongly condemns the following Israeli policies and practices:

(a) Annexation of parts of the occupied territories, including Jerusalem;

(b) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto;

(c) Evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right to return;

(d) 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;

(e) Excavations and transformations of the landscape and the historical, cultural and religious sites, especially in Jerusalem;

(f) Destruction and demolition of Arab houses;

(g) Mass arrests, administrative detention and ill-treatment of the Arab population;

(h) Ill-treatment and torture of persons under detention;

(i) Pillaging of archaeological and cultural property;

(j) Interference with religious freedoms and practices as well as family rights and customs;

(k) Interference with the system of education and with the social and economic development of the population in the occupied Palestinian and other Arab territories;

(l) Interference with the freedom of movement of individuals within the occupied Palestinian and other Arab territories;

(m) Illegal exploitation of the natural wealth, resources and population of the occupied territories;

8. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or 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;

9. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 7 and 8 above;

10. Urges the international organizations and the specialized agencies, in particular the International Labour Organisation, to examine the conditions of the Arab workers in the occupied Palestinian and other Arab territories, including Jerusalem;

11. Reiterates its call upon all States, in particular those States parties to the Geneva Convention, in accordance with article 1 of the Convention, and upon international organizations and 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;

12. Requests the Special Committee, pending the early termination of the 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;

13. Requests the Special Committee to continue to investigate the treatment of civilians in detention in the Arab territories occupied by Israel since 1967;

14. 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 thirty-seventh session on the tasks entrusted to him in the present paragraph;

15. 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 Palestinian and other Arab territories occupied since 1967, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories;

16. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Chad, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, 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, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Bahamas, Barbados, Belgium, Canada, Denmark, Dominican Republic, Fiji, Finland, France, Germany, Federal Republic of, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy, Ivory Coast, Jamaica, Japan, Luxembourg, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Saint Lucia, Swaziland, Sweden, United Kingdom.

#### Observance by Israel of the 1949 Convention on protection of civilians

By a resolution of 16 December 1981,<sup>(2)</sup> the General Assembly reaffirmed 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 territories occupied by Israel since 1967, including Jerusalem. It condemned Israel's failure to acknowledge the Convention's applicability and demanded that Israel comply with its provisions.

The resolution was adopted, by a recorded vote of 142 to 1, with 3 abstentions, on the recommendation of SPC, which approved the nine-nation draft on 30 November by a recorded vote of 117 to 1, with 2 abstentions.

The Assembly adopted paragraph 1, reaffirming the applicability of the Convention to the occupied territories, by a recorded vote of 142 to 1 (Israel), following its approval by SPC, also by recorded vote, of 118 to 1. Paragraph 2, condemning Israel's failure to acknowledge the Convention's applicability to the occupied territories, was adopted by a recorded vote of 140 to 2 (Israel, United States), after SPC approved it by a recorded vote, requested by the United States, of 114 to 2, with 2 abstentions.

By the same resolution and in another of the same date,<sup>(3)</sup> the Assembly urgently called on all States parties to the Convention to exert all efforts in order to ensure compliance with its provisions in all Arab territories occupied by Israel since 1967, including Jerusalem. The applicability of the Convention was reaffirmed by a third resolution adopted that day.<sup>(5)</sup>

In a fourth resolution,<sup>(4)</sup> also of 16 December, the Assembly condemned Israel's persistent violation of the Convention and other international instruments, condemned in particular those violations which the Convention designated as "grave breaches" and declared such breaches to be war crimes and an affront to humanity.

On 17 December, both the Assembly<sup>(6)</sup> and the Security Council<sup>(7)</sup> determined that the Convention continued to apply to the Syrian territory of the Golan Heights occupied by Israel since 1967.

The resolution devoted to Israel's observance of the Convention was sponsored by Bangladesh, India, Indonesia, Madagascar, Malaysia, Maldives, Mali, Pakistan and Yugoslavia. Introducing it, Indonesia said it was similar to resolutions of previous years because the reason for them—Israeli occupation—continued to exist.

Explaining its negative vote, Israel said it did not acknowledge the applicability of the Convention to the areas administered by it, but it applied the Convention's principles and went even further by granting the local population privileges not provided for in the Convention.

The United States said it believed that the Convention applied to Israel's occupation of the West Bank and Gaza and it would continue to measure Israel's practices there against the obligations of an occupying Power, but it had abstained in the vote because it considered it inappropriate to condemn Israel's failure to acknowledge that applicability.

The United Kingdom, speaking for the EC members which voted in favour, noted that the language of the text was stronger than in the corresponding resolution of 1980,<sup>(1)</sup> and said they did not consider all changes to be justified.

Resolutions: GA: <sup>(1)</sup>35/122 A, 11 Dec. 1980 (YUN 1980, p. 430); <sup>(2)</sup>36/147 A, 16 Dec. 1981, text following; <sup>(3)</sup>36/147 B para. 5, 16 Dec. (p. 305), <sup>(4)</sup>36/147 C, paras. 5 & 6, 16 Dec. (p. 305); <sup>(5)</sup>36/147 F, para. 1, 16 Dec. (p. 316); <sup>(6)</sup>36/226 B, para. 2, 17 Dec. (p. 313). <sup>(7)</sup>SC: 497(1981), para. 3, 17 Dec. (p. 312).

Meeting records: GA: SPC, A/SPC/36/SR.33-38, 39, 46 (17-30 Nov.); plenary, A/36/PV.100 (16 Dec.).

General Assembly resolution 36/147 A

142-1-3 (recorded vote) Meeting 100 16 December 1981  
Approved by SPC (A/36/632/Add.1) by recorded vote (117-1-2), 30 November (meeting 46); 9-nation draft (A/SPC/36/L.18); agenda item 64.

Sponsors: Bangladesh, India, Indonesia, Madagascar, Malaysia, Maldives, Mali, Pakistan, Yugoslavia.

The General Assembly,

Recalling 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 16 December 1978, 34/90 B of 12 December 1979 and 35/122 A of 11 December 1980,

Recalling also Security Council resolution 465(1980) of 1 March 1980 in which, *in 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,

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 those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to that 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 Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Condemns the failure of Israel as the occupying Power to acknowledge the applicability of the Geneva Convention to the territories it has occupied since 1967, including Jerusalem;

3. Demands that Israel acknowledge and comply with the provisions of the Geneva Convention in Palestinian and other Arab territories it has occupied since 1967, including Jerusalem;

4. Urgently calls upon all States parties to the Geneva Convention to exert all efforts in order to ensure respect for and compliance with its provisions in Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, 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, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Guatemala, Jamaica, United States.

## Special aspects

### Status of the Golan Heights

The situation in the Golan Heights, a part of the Syrian Arab Republic that had been occupied by Israel since 1967, was the subject of several communications during 1981 and of a

resolution by which the General Assembly called on Israel to desist from repressive measures against Syrians as well as measures to change the character and status of the area. Following the Israeli Parliament's decision on 14 December to apply Israeli laws, jurisdiction and administration to the Golan Heights, both the Security Council and the Assembly demanded that Israel rescind its decision (p. 309).

COMMUNICATIONS. By notes verbales of 24 February<sup>(2)</sup> and 17 March,<sup>(3)</sup> the Syrian Arab Republic charged Israel with practising terrorism, pressure and coercion in the Golan Heights and changing its physical character, demographic composition, institutional structure and legal status, with the aim of annexation. Syrian citizens, it said, had been compelled to renounce their original nationality and obtain Israeli citizenship, and 30 Israeli settlements had been established, populated by 7,000 Israeli settlers.

Israel, by a letter of 11 March,<sup>(1)</sup> rejected these allegations, in particular the charge that Syrian citizens had been forced to renounce their nationality or become Israelis.

On 22 June,<sup>(4)</sup> the Syrian Arab Republic stated in a note verbale that 30 leaders in the Golan Heights had signed a declaration asserting that the area was and would remain Syrian, and deciding to refuse to deal with any individual accepting Israeli identity. The text of the declaration, dated 25 March, was transmitted to the Secretary-General on 9 July.<sup>(5)</sup>

GENERAL ASSEMBLY ACTION. In December, the General Assembly adopted two resolutions on the Golan Heights. The first, on 16 December, arose from consideration by SPC of the situation in the territories occupied by Israel, and was prepared before the decision of the Israeli Parliament on 14 December to apply Israeli law to the area. The second, demanding that Israel rescind its decision, was adopted on 17 December in the context of the Assembly's consideration of the Middle East situation.<sup>(7)</sup>

By its resolution of 16 December,<sup>(6)</sup> the Assembly condemned Israel's persistence in changing the character and status of the Golan Heights and its refusal to comply with United Nations resolutions. All legislative and administrative measures to that end, it determined, were null and void. It called on Member States not to recognize such measures and on Israel to desist from enacting them. It also strongly condemned Israel for attempting to impose Israeli citizenship and identity cards on Syrian citizens in the area, and called on it to desist from repressive measures against the population. The Assembly requested a report from the Secretary-General at its 1982 session on implementation of the resolution.

The resolution was adopted by a recorded vote of 141 to 1, with 3 abstentions, following approval by SPC on 30 November by a recorded vote of 96 to 2, with 24 abstentions. The text was sponsored by Bangladesh, Cuba, the German Democratic Republic, Hungary, India, Indonesia, Pakistan and the Ukrainian SSR.

Speaking in explanation of vote in SPC, Israel opposed the resolution, calling it a weapon in the ongoing warfare against Israel waged by the Syrian Arab Republic, which refused to negotiate with Israel. For years, the Syrian Arab Republic had used the Golan Heights to launch attacks on Israel by regular and irregular forces.

The United States said it had voted against the text in SPC because of its bias and polemical tone.

Explaining their positive votes in the Assembly, Canada, Norway and Sweden, which had abstained in the Committee, stated that they had changed their positions in the light of the Israeli Parliament's decision of 14 December. However, Canada and Norway maintained strong reservations particularly concerning the condemnation of measures to impose Israeli citizenship on the Syrian citizens of the Golan Heights.

During the SPC debate in November on the situation in the occupied territories, the Syrian Arab Republic said that, since the occupation of the Golan Heights in 1967, Israel had expelled 90 per cent of the people, leaving only four inhabited villages with a total population of no more than 15,000, and had established 38 Israeli settlements. In implementing its policy aimed at ultimate annexation, Israel had adopted its customary defiance of international law and the will of the international community.

Letter (1) and notes verbales: <sup>(1)</sup>Israel: 11 Mar., A/36/126-S/14402 (1). Syrian Arab Republic: <sup>(2)</sup>24 Feb., A/36/110-S/14383; <sup>(3)</sup>17 Mar., A/36/134-S/14411; <sup>(4)</sup>22 June, A/36/345-S/14569; <sup>(5)</sup>9 July, A/36/369-S/14583.

Resolutions: GA: <sup>(6)</sup>36/147 E, 16 Dec., text following; <sup>(7)</sup>36/226 B, 17 Dec. (p. 313).

Meeting records: GA: SPC, A/SPC/36/SR.33-38, 39, 46 (17-30 Nov.); plenary, A/36/PV.100 (16 Dec.).

General Assembly resolution 36/147 E

141-1-3 (recorded vote) Meeting 100 16 December 1981

Approved by SPC (A/36/632/Add.1) by recorded vote (96-2-24), 30 November (meeting 46); 8-nation draft (A/SPC/36/L.22), orally revised; agenda item 64.

Sponsors: Bangladesh, Cuba, German Democratic Republic, Hungary, India, Indonesia, Pakistan, Ukrainian SSR.

The General Assembly,

Deeply concerned that the Arab territories occupied since 1967 have been under continued illegal Israeli military occupation,

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 illegal occupation of the Arab territories and to withdraw from all those territories.

Gravely concerned at reports indicating measures being taken by the Israeli authorities to enact legislation embodying changes in the character and status of the occupied Syrian Arab Golan Heights,

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. Condemns the persistence of Israel in Changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights;

2. Strongly condemns the refusal by Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and the Security Council;

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 Arab 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 Israel 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 upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. Calls upon Israel, the occupying Power, to desist forthwith from enacting such legislative or administrative measures;

7. Requests the Secretary-General to submit to the General Assembly at its thirty-seventh session a report on the implementation of the present resolution.

Recorded vote In Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, 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, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Dominican Republic, Guatemala, United States.

#### Annexation by Israel

The Security Council and the General Assembly adopted resolutions on 17 December 1981 in connection with the enactment by the Israeli Parliament, on 14 December, of a law which many speakers in the Council characterized as

tantamount to annexation by Israel of the Golan Heights. The legislation extended Israeli laws, jurisdiction and administration to the area.

SECURITY COUNCIL ACTION. Meeting at the request of the Syrian Arab Republic, the Security Council, on 17 December, unanimously adopted a resolution<sup>(17)</sup> prepared in the course of consultations, by which it decided that the Israeli decision to impose its laws, jurisdiction and administration in the Golan Heights was null and void, and demanded that Israel rescind that decision. It determined that all the provisions of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War continued to apply to the Syrian territory occupied since 1967 (p. 307). Requesting the Secretary-General to report to the Council within two weeks on implementation of the resolution, the Council decided that, in the event of Israel's non-compliance, it would meet not later than 5 January 1982 to consider taking appropriate measures.

Speaking after the Council acted, Israel said it could not accept the resolution, which ignored the Syrian Arab Republic's persistent aggressions against Israel since 1948 and its refusal to recognize Israel, negotiate and make peace with it. The resolution could only be construed by the Syrian Arab Republic as an encouragement to persist in its aggression.

The United States said that, in voting for the resolution, it expressed opposition to Israel's action purporting to extend permanent control over the Golan Heights; the United States called on Israel to reaffirm its commitment to a negotiated settlement, including the future status of the Golan Heights.

The Council met on 16 and 17 December in response to a request by the Syrian Arab Republic on 14 December<sup>(7)</sup> for an urgent meeting. By a note verbale of 14 December,<sup>(2)</sup> Cuba transmitted a communiqué adopted at a plenary meeting of the Movement of Non-Aligned Countries held in New York on the same day, supporting that request and calling on the Council to take appropriate measures to restore the full sovereignty of the Syrian Arab Republic over all its occupied territories.

The Council invited Cuba, Egypt, India, Indonesia, Israel, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Pakistan, Romania, Saudi Arabia, Senegal, the Syrian Arab Republic, Turkey, Viet Nam, Yugoslavia and Zaire, at their request, to participate without vote in the discussion, in accordance with rule 37 of the Council's provisional rules of procedure.<sup>f</sup>

The Council also invited, at Tunisia's request of 16 December,<sup>(9)</sup> the Permanent Observer of

<sup>f</sup> See footnote a on p. 277.

the League of Arab States, in accordance with rule 39.<sup>8</sup>

During the debate, most speakers expressed the opinion that Israel's action was an annexation of Syrian territory, a violation of international law and a new, serious obstacle to a settlement of the Middle East conflict. Several States, including China, the German Democratic Republic, Indonesia, Uganda and Yugoslavia, condemned the Israeli action and supported the Syrian demand that Israel revoke its decision. A number of speakers, such as China, Cuba, India, Kuwait, the Libyan Arab Jamahiriya, Mexico, Pakistan, Saudi Arabia, Spain, Tunisia, Uganda, the USSR, Viet Nam and Yugoslavia, called for consideration of sanctions or firm action in the case of Israel's non-compliance with the Council decision.

Several countries, for example the Libyan Arab Jamahiriya, Uganda and Viet Nam, said Israel's action had to be seen in the larger context of its expansion and annexation policy. The need for Israel's withdrawal, not only from the Golan Heights but from all the territories occupied since 1967, was underlined by a number of States, among them Mexico, Romania, Turkey and Zaire.

In the Syrian Arab Republic's view, Israel's action epitomized a process of colonization begun in 1967 with a twofold objective: first, to create a de facto settler-colonialist situation, and second, to prevent the displaced Syrian Arab citizens, numbering approximately 200,000, from returning to their homes and property in the Golan Heights. It saw Israel's act not only as a breach of the cease-fire but as an act of war, and declared that it would not spare any effort to defend its territory and its national interests. It expected the Council to demand that Israel rescind its annexation of Syrian territory and, in the case of non-compliance, to impose sanctions.

Israel said it had occupied the Golan Heights in self-defence, following frequent Syrian bombardment of Israeli towns. Since then, the Syrian Arab Republic had refused to respond to Israel's repeated appeals for peace. In 1981, the Syrian Arab Republic had stepped up its subversive activities to incite the local Druze population of the Golan Heights against Israel and had been tightening its links with the Libyan Arab Jamahiriya. Israel's decision to apply its laws, jurisdiction and administration to the Golan Heights had been taken in order to regularize the situation, as all the authorities there, military and civilian, were Israelis. No responsible Government could agree to return to the totally insecure pre-1967 armistice demarcation lines. Israel again appealed to the Syrian Arab Republic to start negotiations on all outstanding issues, including the international boundary.

Egypt, stating that the Israeli action undermined the Middle East peace process, urged Israel to rescind that act and desist from similar measures and called on the United Nations to put an end to the Israeli policies and practices in the occupied territories. Kuwait stated that the timing of the sudden Israeli decision and the attempts to convince the Syrian population of the Golan Heights to become Israeli citizens or, at least, carry Israeli identification cards indicated that Israel had planned to annex that territory a long time ago. Lebanon expressed unconditional support for the Syrian Arab Republic in the face of Israel's new aggression, adding that the world would become lawless if nations were allowed to get away with such actions. Tunisia believed that Israel's recent steps were not an isolated incident but were designed to strengthen a premeditated and systematic policy of transforming fact into law and occupation into outright annexation.

The Libyan Arab Jamahiriya stated that Israel would not have dared carry out its aggression against the Golan Heights had it not been for the support from and alliance with the United States. A similar view was held by several other speakers, such as the German Democratic Republic, the USSR and Viet Nam. The Permanent Observer of the League of Arab States hoped the United States would rejoin the international consensus on the current occasion, instead of allowing Israel to create new colonial and annexationist legitimacy.

The Niger considered that Israel's action confirmed its periodically revealed determination to maintain a state of successive crises in order to cement its policy of aggression, war and domination. Stating that any step towards confrontation must be discouraged, Senegal said the Council had the duty to render Israel's decision inoperative. Uganda said Israel could achieve security not by the annexation of occupied territories and aggression against neighbouring Arab States but only through a negotiated and comprehensive peace, beginning with a just settlement of the Palestine question.

China said the Council should reaffirm that Israel's action was illegal, null and void and should be revoked; it should call on Israel to withdraw from the territories occupied since 1967. Japan also urged Israel to withdraw and said Israel must realize that only by pursuing a solution to the Middle East problem through peaceful means could its own security be more effectively guaranteed. The Philippines viewed the action by the Israeli Parliament as complicating and obstructing the search for a just and lasting solution in the Middle East.

<sup>8</sup> See footnote b on p. 277.



Cuba stated that Israel's policy, aimed at annexing all the Arab territories occupied since 1967, was an integral part of its determination to de-Arabize the territory of Palestine, to deny the Palestinians the exercise of their inalienable national rights and to prevent any genuine settlement of the Middle East conflict. Israel's action, said Mexico, showed its refusal to seek solutions through negotiation and jeopardized the partial agreements already concluded. Panama hoped Israel would correct an action which, in its view, violated international law and showed lack of respect for the United Nations.

The German Democratic Republic said it shared the view of the Syrian Arab Republic that Israel should be called upon by a certain deadline to annul its action on the Golan Heights. In the view of the USSR, Israel's attempt to annex part of Syrian territory was aimed at consolidating the effects of Israeli aggression; it worsened a tense situation and set new obstacles to peace in the region.

France condemned Israel for an act amounting to annexation and appealed to it to abide by the rules of international law and not to jeopardize the chances of peace. Ireland believed that Israel's decision could be dangerous to its own interests, as it aggravated tensions in the region. The position of the United Kingdom was that the Golan Heights belonged to the Syrian Arab Republic, and it could not accept any unilateral initiative by Israel to change the status of that area from occupied territory to an area subject to Israeli law, jurisdiction and administration. In Spain's opinion, it was contrary to international law for the occupying Power to replace existing law in the territory by the law of the occupier just so that Israeli law could be applied to individuals.

**GENERAL ASSEMBLY ACTION.** By a resolution of 17 December,<sup>(16)</sup> the General Assembly declared that Israel's decision to apply Israeli law to the Golan Heights was null and void and had no legal validity. It demanded that Israel rescind its decision and all related measures, and called on States and international institutions not to recognize that decision. It requested the Security Council, in the event of Israel's failure to comply, to invoke Chapter VII of the Charter of the United Nations (on action with respect to threats to the peace, breaches of the peace and acts of aggression), and requested the Secretary-General to report by 21 December.

This resolution was adopted by a recorded vote of 121 to 2, with 20 abstentions. Paragraph 6, containing the request to the Security Council, was adopted by a recorded vote of 92 to 19, with 26 abstentions. Cuba, which introduced the 13-nation text, observed that it had been drafted by

the Arab Group and the Working Group on the Middle East and Palestine of the Movement of Non-Aligned Countries.

The Assembly's main resolution on the Middle East situation, also adopted on 17 December, contained a provision<sup>(15)</sup> by which the Assembly strongly condemned, and declared null and void, Israeli annexationist policies and practices in the Golan Heights, the establishment of settlements, land confiscation, the diversion of water resources, the intensification of repressive measures against Syrians in that territory and the forcible imposition of Israeli citizenship on them. This paragraph was adopted by a recorded vote of 132 to 1, with 7 abstentions.

Israel rejected the resolution on the Golan Heights, saying that it ignored the persistent aggression of the Syrian Arab Republic against Israel since 1948 and its adamant refusal to recognize Israel, negotiate and make peace with it. The Assembly was precluded from adopting such a resolution, as the Security Council was seized of the matter.

The United States, although opposing any unilateral change in the status of the Golan Heights, voted against the resolution and abstained on the paragraph because the resolution invoked Chapter VII of the Charter and because it was improper for the Assembly to make recommendations on a situation before the Council.

Australia, Canada, Chile, New Zealand, Sweden and the United Kingdom—the last speaking for the European Community (EC) members—deplored Israel's decision but said they were unable to support the request to the Council because the Assembly should not act on questions that were before the Council. Reservations with regard to that request were also expressed by Austria, Chile and Uruguay, which supported the text. Canada did not believe some of the allegations about Israel's actions against Syrians in the Golan Heights.

During the debate on the Middle East situation, Democratic Yemen saw the decision to apply Israeli law to the Golan Heights as an instance of arrogance and contempt for the United Nations. Djibouti regarded the Israeli action as defiance of the United Nations and a violation of the principle that territory must not be acquired by war. Nicaragua said Israel's decision made clear its intention to reject political solutions and to perpetuate its colonialist policy throughout the occupied territories. Norway deplored the action as a step that would seriously undermine the search for peace in the Middle East. The decision was also condemned by Oman, Pakistan, Turkey, the USSR and Yemen.

**FURTHER COMMUNICATIONS.** During the latter half of December, several countries sent

comments and information on the Golan Heights in communications to the Secretary-General and the Security Council President.

Japan, by a note verbale of 15 December,<sup>(3)</sup> expressed deep concern that the Israeli action would impair a peaceful settlement of the Arab-Israeli conflict and heighten tension. Romania, on 16 December,<sup>(6)</sup> transmitted a statement by the Romanian Press Agency, AGERPRES, saying that Israel should annul the illegal annexation of the Golan Heights in order to strengthen confidence and create a climate favourable to a peaceful settlement. On the same day,<sup>(1)</sup> Afghanistan transmitted a government statement declaring its readiness to support any effective measure against Israel, including sanctions.

The United Kingdom, by a letter of 17 December,<sup>(12)</sup> transmitted a statement of 15 December by the EC Foreign Ministers, stating that the Israeli step was tantamount to annexation, contrary to international law and further complicated the search for a comprehensive peace. Malaysia, by a letter of 17 December,<sup>(5)</sup> transmitted a statement of the previous day by its Minister for Foreign Affairs, condemning the Israeli action as part of a policy of systematic aggression and expansionism, and stating that Malaysia would go along with all efforts to deal with the dangerous threat to international peace and security.

The Syrian Arab Republic, by a note verbale dated 18 December,<sup>(8)</sup> reported that the Syrian citizens of the Golan Heights had reacted to Israel's decision by strikes and demonstrations, notwithstanding pressure by the occupying authorities.

On 21 December,<sup>(10)</sup> Tunisia transmitted a letter of 18 December from the Palestine Liberation Organization to the President of the Security Council, stating that Israel had moved armoured battalions and heavy artillery into the Golan area and asking for the Council's immediate intervention to prevent wide-scale confrontation and further Israeli acts of aggression.

On the same day,<sup>(11)</sup> the USSR transmitted a statement by the TASS news agency declaring Israel's action to extend its laws to the Golan Heights a direct consequence of the Camp David accords and a tangible example of the strategic co-operation between the United States and Israel. Madagascar, on 22 December,<sup>(4)</sup> transmitted a message of 17 December by its President, condemning the Israeli action as an aggravation of an already dangerous situation and calling on the United Nations to denounce the involvement and responsibility of Israel's allies in the pursuit of Israel's policy.

REPORTS OF THE SECRETARY-GENERAL.  
Reporting on 21 December<sup>(13)</sup> on implementa-

tion of the General Assembly resolution of 17 December, the Secretary-General stated that Israel had informed him that its position remained as indicated following adoption of the Security Council resolution of 17 December, namely, that it could not and did not accept the Council's resolution.

On 31 December, the Secretary-General reported to the Council<sup>(14)</sup> that he had asked Israel for information on action taken by it with regard to implementation of the Council's resolution. On 29 December, Israel had replied that it could not be expected to maintain indefinitely a military administration merely to accommodate the Syrian Arab Republic's interest in persistent conflict. The legislation concerning the Golan Heights did not in the slightest manner diminish the rights of the local population. Israel reiterated its willingness to negotiate unconditionally for a lasting peace with the Syrian Arab Republic, as with its other neighbours; the Golan Heights law did not preclude or impair such negotiations. Israel hoped the Council would focus on attaining peace through negotiations between the States directly concerned and on preventing the threat or use of force.

Letters and notes verbales (nv): <sup>(1)</sup>Afghanistan: 16 Dec., A/36/841-S/14801 (nv). <sup>(2)</sup>Cuba, for non-aligned countries: 14 Dec., A/37/59 (nv). <sup>(3)</sup>Japan: 15 Dec., A/36/835-S/14797 (nv). <sup>(4)</sup>Madagascar: 22 Dec., S/14815. <sup>(5)</sup>Malaysia: 17 Dec., S/14800. <sup>(6)</sup>Romania: 16 Dec., S/14796. Syrian Arab Republic: <sup>(7)</sup>14 Dec., S/14791; <sup>(8)</sup>18 Dec., A/36/850-S/14808 (nv). Tunisia: <sup>(9)</sup>16 Dec., S/14795; <sup>(10)</sup>21 Dec., S/14811. <sup>(11)</sup>USSR: 21 Dec., S/14813. <sup>(12)</sup>United Kingdom: 17 Dec., A/36/848-S/14807.

Reports: S-G, <sup>(13)</sup>A/36/846-S/14805 & Corr.1, <sup>(14)</sup>S/14821.  
Resolutions: GA: <sup>(15)</sup>36/226 A, para. 8, 17 Dec. (p. 262); <sup>(16)</sup>36/226 B, 17 Dec., text following. <sup>(17)</sup>SC: 497(1981), 17 Dec., text following.

Meeting records: GA. A/36/PV.95-97, 99, 103 (11-17 Dec.); SC, S/PV.2316-2319 (16, 17 Dec.).

Security Council resolution 497(1981)

Adopted unanimously Meeting 2319 17 December 1981

Draft prepared in consultations among Council members (S/14798).

The Security Council,

Having considered the letter of 14 December 1981 from the Permanent Representative of the Syrian Arab Republic contained in document S/14791,

Reaffirming that the acquisition of territory by force is inadmissible, in accordance with the Charter of the United Nations, the principles of international law and relevant Security Council resolutions,

1. Decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect;

2. Demands that Israel, the occupying Power, should rescind forthwith its decision;

3. Determines that all the provisions of 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 June 1967;

4. Requests the Secretary-General to report to the Securi-

ty Council on the implementation of the present resolution within two weeks and decides that, in the event of non-compliance by Israel, the Council would meet urgently, and not later than 5 January 1982, to consider taking appropriate measures in accordance with the Charter of the United Nations.

General Assembly resolution 36/226 B

121-2-20 (recorded vote) Meeting 103 17 December 1981  
13-nation draft (A/36/L.60 and Add.1); agenda item 33.

Sponsors: Bangladesh, Chad, Cuba, India, Indonesia, Madagascar, Malaysia, Mali, Pakistan, Senegal, Sri Lanka, Viet Nam, Yugoslavia.

The General Assembly,

Gravely alarmed by Israel's decision of 14 December 1981 to apply Israeli law to the occupied Syrian Arab Golan Heights,

Reaffirming that acquisition of territory by force is inadmissible under the Charter of the United Nations, the principles of international law and relevant United Nations resolutions,

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 Syrian territory,

Recalling its resolutions 35/122 A to F of 11 December 1980,

1. Declares that Israel's decision to apply Israeli law to the occupied Syrian Arab Golan Heights is null and void and has no legal validity whatsoever;

2. Determines that the provisions of 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;

3. Strongly deplores the persistence of the Israeli policy of annexation, which escalates tension in the region;

4. Demands that Israel, the occupying Power, rescind forthwith its decision and all administrative and other measures relating to it, which constitute a flagrant violation of all relevant principles of International law;

5. Calls upon all States, specialized agencies and other international institutions not to recognize that decision;

6. Requests the Security Council, in the event of Israel's failure to implement the present resolution, to invoke Chapter VII of the Charter of the United Nations;

7. Requests the Secretary-General to report to the General Assembly and the Security Council on the implementation of the present resolution not later than 21 December 1981.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, 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, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Guatemala, Iceland, Ireland, Italy, Jamaica, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom.

Expulsion of the Mayors of Hebron and Halhul and the Islamic Judge of Hebron

By a resolution of 16 December 1981,<sup>(6)</sup> the General Assembly demanded that Israel rescind the illegal measures of expelling and imprisoning the Mayors of Hebron and Halhul and expelling the Sharia (Islamic) Judge of Hebron, and facilitate their immediate return. It requested the Secretary-General to report as soon as possible on implementation of the resolution.

The resolution was adopted by a recorded vote of 143 to 1, with 2 abstentions, following approval by the Special Political Committee (SPC) on 30 November by a recorded vote of 118 to 1, with 1 abstention. The 24-nation draft was introduced in Committee by Bangladesh.

Israel had deported the three West Bank officials—Fahd Kawasmeh, Mayor of Hebron; Mohamed Milhem, Mayor of Halhul; and Rajab Tamimi, Kadi of Hebron—in May 1980, on the ground that they had systematically engaged in inciting the local Arab population to acts of violence and subversion, abusing their public offices.<sup>(8)</sup>

Israel voted against the resolution, saying its situation required that it attach the utmost importance to its duty to safeguard public order and security. The three leaders had had recourse to the Israeli judicial system; the Supreme Court had upheld the orders against them and, since their expulsion, their declarations and conduct had only added support to Israel's position.

Explaining its abstention, the United States said that, though it believed the deportation of the Mayors to be contrary to the 1949 Convention on protection of civilians, the resolution contained excessively harsh language and omitted reference to the violence in Hebron which had preceded the deportations.

In the SPC debate on the situation in the occupied territories, Egypt expressed concern at the imposition of restrictions on the movement of mayors and the prevention of their travel abroad.

The Secretary-General reported on 30 January 1981<sup>(4)</sup> on the implementation of two December 1980 resolutions, by which the General Assembly had called on Israel to rescind the illegal measures against the three Palestinian leaders<sup>(5)</sup> and the Security Council had declared it imperative that the Mayors be enabled to return home and resume their responsibilities.<sup>(7)</sup> He informed the Assembly of his appeals of 17 December 1980 and 14 January 1981, addressed to Israel, to heed those calls and release the Palestinian leaders. In its reply of 23 January, set out in the report, Israel reiterated its position that the Mayors had abused their offices in order to incite the Arab population to acts of violence and subversion. Since their expulsion, it added,

there had been a marked reduction in tension and an improvement in public order in Hebron and Halhul.

In February and March, the Secretary-General received three letters in connection with the subsequent arrest of other Moslem religious leaders by Israeli occupation authorities. Jordan, by a letter of 2 February,<sup>(2)</sup> conveyed a message from the General Islamic Congress for Beitul-Maqdis (Jerusalem), meeting at Amman, Jordan, stating that there had been 23 such arrests throughout the West Bank, including the members of the Islamic Higher Council in Jerusalem, and urging the Secretary-General to take steps to ensure their immediate release. Israel, on 18 February,<sup>(1)</sup> rejecting the allegations in the Jordanian letter, said that only three Moslem religious functionaries had been arrested in December 1980 on suspicion of involvement in terrorist activities and they had since been released. Replying on 11 March,<sup>(3)</sup> Jordan gave the names of five Islamic religious dignitaries whom it said the occupation authorities had detained.

Letters: <sup>(1)</sup>Israel: 18 Feb., A/36/105-S/14376. Jordan: <sup>(2)</sup>2 Feb., A/36/89-S/14356; <sup>(3)</sup>11 Mar., A/36/128-S/14404.  
Report: <sup>(4)</sup>S-G, A/36/85-S/14350.  
Resolutions: GA: <sup>(5)</sup>35/122 D, 11 Dec. 1980 (YUN 1980, p. 433); <sup>(6)</sup>36/147 D, 16 Dec. 1981, text following. <sup>(7)</sup>SC: 484(1980), 19 Dec. 1980 (YUN 1980, p. 436).  
Yearbook reference: <sup>(8)</sup>1980, p. 411.  
Meeting records: GA: SPC, A/SPC/36/SR.33-38, 39, 46 (17-30 Nov.); plenary, A/36/PV.100 (16 Dec.).

#### General Assembly resolution 36/147 D

143-1-2 (recorded vote) Meeting 100 16 December 1981  
Approved by SPC (A/36/632/Add.1) by recorded vote (118-1-1), 30 November (meeting 46); 24-nation draft (A/SPC/36/L.21); agenda item 64.

Sponsors: Algeria, Bahrain, Bangladesh, Democratic Yemen, Djibouti, India, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen.

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,

Deeply concerned at the expulsion by the Israeli military occupation authorities of the Mayors of Hebron and Halhul and of the Sharia Judge of Hebron,

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. Demands that the Government of Israel, the occupying Power, rescind the illegal measures taken by the Israeli military occupation authorities in expelling and imprisoning the Mayors of Hebron and Halhul and in expelling the Sharia Judge of Hebron and that it facilitate the immediate return of the expelled Palestinian leaders so that they can resume the functions for which they were elected and appointed;

2. Requests the Secretary-General to report to the General Assembly as soon as possible on the implementation of the present resolution.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, 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, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Guatemala, United States.

Attempted assassinations of  
the Mayor of Nablus and others

By a resolution of 16 December 1981,<sup>(2)</sup> the General Assembly expressed deep concern that Israel had failed so far to apprehend and prosecute the perpetrators of the June 1980 assassination attempts against Basam Al-Shaka, Mayor of Nablus; Karim Khalaf, Mayor of Ramallah; and Ibrahim Al-Taweel, Mayor of Al Bireh. It demanded that Israel inform the Secretary-General of the results of the investigations, and requested him to submit by 31 December a report on implementation of the resolution.

The resolution was adopted by a recorded vote of 140 to 1, with 2 abstentions, following approval by SPC on 30 November by a recorded vote of 119 to 1, with 1 abstention. The draft was introduced by Pakistan on behalf of 25 countries.

Israel, which voted against, said the text raised serious questions of morality and double standards. Since 1966, terrorism by the Palestine Liberation Organization (PLO) had claimed the lives of some 400 Arabs and wounded 2,000 others. Investigation of the 1980 incident would continue until the criminals had been brought to justice.

The United States said it had abstained be-

cause the text failed to consider all elements and implied, without justification, a lack of effort by Israel to apprehend and prosecute the perpetrators of the assassination attempts.

The United Kingdom, speaking for the European Community (EC) members, noted that the matter had already been considered by the Security Council and repeated their appeal to all parties to refrain from acts of violence which could only make the search for peace more difficult.

As requested by the assembly, the Secretary General submitted a report on 30 December.<sup>(1)</sup> It reproduced a reply from Israel of the same date stating that it had nothing to add to what it had said in SPC and that Israeli authorities were carrying on the investigation.

Report: <sup>(1)</sup>S-G, A/36/854.

Resolution: <sup>(2)</sup>GA, 36/147 G, 16 Dec., text following.

Meeting records: GA: SPC, A/SPC/36/SR.33-38, 39, 46 (17-30 Nov.); plenary, A/36/PV.100 (16 Dec.).

#### General Assembly resolution 36/147 G

140-1-2 (recorded vote) Meeting 100 16 December 1981

Approved by SPC (A/36/632/Add.1) by recorded vote (119-1-1), 30 November (meeting 46); 25-nation draft (A/SPC/36/L.24 and Corr.1); agenda item 64.

Sponsors: Algeria, Bahrain, Bangladesh, Cuba, Democratic Yemen, Djibouti, India, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen.

The General Assembly,

Recalling Security Council resolution 471(1980) of 5 June 1980, in which the Council condemned the assassination attempts against the Mayors of Nablus, Ramallah and Al Birh and called for the immediate apprehension and prosecution of the perpetrators of these crimes,

Recalling once again the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in particular article 27, which states, *inter alia*:

“Protected persons are entitled, in all circumstances, to respect for their persons... They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof...”

Reaffirming the applicability of the Geneva Convention to the Arab territories occupied by Israel since 1967, including Jerusalem,

1. Expresses deep concern that Israel, the occupying Power, has failed so far to apprehend and prosecute the perpetrators of the assassination attempts;

2. Demands that Israel, the occupying Power, inform the Secretary-General of the results of the investigations relevant to the assassination attempts;

3. Requests the Secretary-General to submit to the General Assembly, not later than 31 December 1981, a report on the implementation of the present resolution.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, 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, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Guatemala, United States.

#### Educational institutions

The General Assembly, by a resolution of 16 December 1981,<sup>(6)</sup> condemned Israel's policies and practices against Palestinian students and faculty, and its repression against and closing of universities in the occupied Palestinian territories, and demanded that it rescind immediately orders of closure of the universities of Bir Zeit, Bethlehem and Al-Najah. The Assembly requested a report from the Secretary-General by the end of 1981 on implementation of the resolution.

The resolution was adopted, by a recorded vote of 114 to 2, with 30 abstentions, on the recommendation of SPC, which approved it on 30 November by a recorded vote of 94 to 2, with 25 abstentions. The text was introduced by Bangladesh, also on behalf of Cuba, India, Indonesia and Pakistan.

In connection with its consideration of Palestine refugees, the Assembly, on 16 December, appealed to States, United Nations specialized agencies and the United Nations University to contribute to the Palestinian universities in the occupied territories,<sup>(5)</sup> and called on Israel to remove obstacles to the establishment at Jerusalem of a university for Palestine refugees.<sup>(4)</sup>

Israel voted against the resolution on educational institutions in the occupied territories, calling it another example of distortion of fact and wild accusations. The Israeli authorities had had to close Bir Zeit University for two months in the face of violence since November 1980 in which a number of students and faculty members had been involved in hostile activities on behalf of PLO. There was no truth in the assertion that orders existed for closing the universities of Bethlehem and Al-Najah.

The United States said it had voted against the text because of its biased and polemical tone.

The United Kingdom, explaining the abstentions of the EC members, said they had the same reservations as on the Assembly's 1980 resolution on the subject,<sup>(3)</sup> though the wording had been improved in the 1981 text. New Zealand also abstained for the same reasons as in 1980.

Prior to the Assembly action, Jordan, by a

letter of 19 August,<sup>(1)</sup> complained of an assault on and closure of the Hebron Technical Engineering College by Israeli military authorities; details of the 21 and 22 July incident were provided in an enclosed note of 27 July to the Jordan Government from the League of University Graduates in the Governorate of Hebron, Amman branch.

Reporting to the Assembly on 29 December<sup>(2)</sup> in accordance with its request, the Secretary-General conveyed the text of a reply from Israel on the previous day, stating that no orders had been issued to close the universities of Bethlehem and Al-Najah and that both were open and functioning. As to Bir Zeit University, Israel said it had nothing to add to what it had told SPC.

Letter: <sup>(1)</sup>Jordan, 19 Aug., A/36/443-S/14633.

Report: <sup>(2)</sup>S-G, A/36/853.

Resolutions: GA: <sup>(3)</sup>35/122 F, 11 Dec. 1980 (YUN 1980, p. 434); <sup>(4)</sup>36/146 G, 16 Dec. 1981 (p. 339); <sup>(5)</sup>36/146 H, para. 5, 16 Dec. (p. 338); <sup>(6)</sup>36/147 F, 16 Dec., text following.

Meeting records: GA: SPC, A/SPC/36/SR.33-38, 39, 46 (17-30 Nov.); plenary, A/36/PV.100 (16 Dec.).

#### General Assembly resolution 36/147 F

114-2-30 (recorded vote) Meeting 100 16 December 1981  
Approved by SPC (A/36/632/Add.1) by recorded vote (94-2-25), 30 November (meeting 46); 5-nation draft (A/SPC/36/L.23 and Corr.1); agenda item 64.

Sponsors: Bangladesh, Cuba, India, Indonesia, Pakistan.

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 shocked by the most recent atrocities committed by Israel, the occupying Power, against educational institutions in the occupied Palestinian territories,

1. Reaffirms 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 faculty 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 in the occupied Palestinian territories, restricting and impeding 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 the Geneva Convention and rescind all actions and measures against all educational institutions and ensure the freedom of these institutions, and that it rescind immediately orders for the closure of the universities of Bir Zeit, Bethlehem and Al-Najah and facilitate the resumption of education in the above-mentioned institutions;

5. Requests the Secretary-General to submit to the General Assembly, before the end of 1981, a report on the implementation of the present resolution.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelo-

rusia" SSR, Cape Verde, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, 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, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, 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 Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, Finland, France, Germany, Federal Republic of, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy, Ivory Coast, Jamaica, Japan, Luxembourg, Netherlands, New Zealand, Norway, Saint Lucia, Sweden, United Kingdom, Upper Volta, Uruguay.

#### Jerusalem

##### Protection of cultural property

Excavations by Israel at cultural and historical sites in Jerusalem, notably Al Aqsa Mosque, were the subject of communications from States during 1981 and of a General Assembly resolution in October.

COMMUNICATIONS. By a letter of 8 September to the Secretary-General,<sup>(3)</sup> Jordan reserved the right to bring before the Security Council the case of the latest Israeli excavations beneath Al Aqsa Mosque, which it said threatened the total collapse of that focal point of the Islamic faith. Attached to the letter were a map of the excavations and letters from the Jordanian Minister for Foreign Affairs alleging that Israel had the avowed aim of building a Temple of Solomon on the ruins of the Mosque; from the Mosque's resident engineer reporting on a tunnel beneath the site; and from Ruhi Al-Khatib, who signed as Mayor of Jerusalem, saying the excavations violated the sanctity of the holy Islamic sites and threatened to bring them down. The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, by a letter dated 17 September,<sup>(1)</sup> conveyed the Committee's deep concern at Israel's continuing excavation of the tunnel under the Mosque, stating that it endangered historic Islamic buildings and had been the cause of clashes between Arabs and Jews in Jerusalem.

Israel, by a letter of 24 September,<sup>(2)</sup> rejected the Jordanian charges as a groundless attempt at religious incitement against Israel; it said recent work to clear an ancient underground passage had been carried out with the full co-operation of Moslem authorities.

GENERAL ASSEMBLY ACTION. On 28 October the General Assembly adopted a resolution.

demanding that Israel desist from all excavations and transformations of the historical, cultural and religious sites of Jerusalem. It determined that such acts violated international law and the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, and were a serious obstruction to a comprehensive and just peace in the Middle East as well as a threat to international peace and security. The Assembly requested the Security Council to consider the situation in case Israel failed to comply, and requested the Secretary-General to report on implementation to the Assembly and the Council by 23 November.

The resolution was adopted, by a roll-call vote of 114 to 2, with 27 abstentions, on the recommendation of SPC, which approved it on 26 October, also by roll call, by 101 votes to 2, with 23 abstentions.

Morocco, introducing the draft on behalf of its 49 Arab, Moslem and other sponsors, stated that the Israeli excavations around the Holy Places of Islam in Jerusalem were being conducted on the false pretext that they were archaeological excavations. The Moslem world had always accorded to the Wailing Wall the respect due to that Jewish monument, but Israel's leaders were attacking the Holy Places in the hope that their disappearance would lead to the disappearance from the area of all civilizations other than the Jewish.

Israel, which voted against the text, said it did not reflect the facts. No structure on the Temple Mount in Jerusalem was in danger of collapse as a result of excavations, and the Geneva Convention contained no provision on archaeological excavations.

Also voting against, the United States said it strongly objected to the resolution and deplored its inflammatory charges; a report by the United Nations Educational, Scientific and Cultural Organization (UNESCO) had found no damage to the holy sites and recent repair work had been carried out in full co-operation with the Moslem authorities.

Among States which abstained in the vote, Canada, Greece, Sweden and the United Kingdom, the last speaking for the EC members, questioned the paragraph characterizing the excavations as a threat to peace and security; Sweden commented that that provision prejudged Security Council consideration. Canada, Finland and Sweden added that they were not sure the facts warranted the statements in the text, and Japan said the resolution contained unacceptable concepts. However, these States reaffirmed the need to protect cultural property and respect the Geneva Convention.

Spain, though supporting the resolution, would have preferred wording which did not

refer to questions within the competence of the Security Council.

Several speakers in the Committee, including Cuba, speaking on behalf of the Movement of Non-Aligned Countries, as well as Iraq, Jordan, Pakistan and Saudi Arabia, expressed the opinion that Israel was trying to destroy the Moslem cultural heritage. Jordan and Senegal believed that the international community should act to put an end to any practices endangering the religious sites in Jerusalem, which were part of the common heritage of mankind. In Cuba's view, the draft resolution would help to remedy the situation without requiring recourse to the Security Council, though the Council would have to examine the situation if Israeli violations persisted.

Pakistan appealed to the United States not to wash its hands of the situation and its possible consequences, and noted that UNESCO had placed the Old City of Jerusalem and its walls on the World Heritage List. Senegal said the excavations could serve only to aggravate tension in the Middle East.

On 20 November, the Secretary-General reported<sup>(4)</sup> that, in reply to a note by which he had brought the Assembly resolution to Israel's attention, Israel had reiterated that the mosques on the Temple Mount were not in danger of collapse and that it regarded the conclusions and demands of the resolution as groundless.

Letters: <sup>(1)</sup>Committee on Palestinian rights Chairman, 17 Sep., A/36/519-S/14695; <sup>(2)</sup>Israel, 24 Sep., A/36/555-S/14708; <sup>(3)</sup>Jordan, 8 Sep., A/36/489-S/14684.

Report: <sup>(4)</sup>S-G, A/36/706-S/14762.

Resolution: <sup>(5)</sup>GA, 36/15, 28 Oct., text following.

Meeting records: GA: SPC, A/SPC/36/SR. 11-13, 33-39 (22 Oct.-23 Nov.); plenary, A/36/PV.42 (28 Oct.).

#### General Assembly resolution 36/15

114-2-27 (roll-call vote) Meeting 42 28 October 1981  
Approved by SPC (A/36/632) by roll-call vote (101-2-23), 26 October (meeting 13); 49-nation draft (A/SPC/36/L.3); agenda item 64.

Sponsors: Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Chad, Comoros, Cuba, Cyprus, Democratic Yemen, Djibouti, Egypt, Gambia, German Democratic Republic, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Nicaragua, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Tunisia, Turkey, Uganda, Ukrainian SSR, Upper Volta, United Arab Emirates, Yemen, Yugoslavia.

#### Recent developments in connection with excavations in eastern Jerusalem

The General Assembly,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolutions 2253(ES-V) of 4 July 1967, 2254(ES-V) of 14 July 1967, 3092(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 and 35/122 of 11 December 1980.

Recalling Security Council resolutions 252(1968) of 21 May 1968, 267(1969) of 3 July 1969, 271(1969) of 15 September 1969, 465(1980) of 1 March 1980, 476(1980) of 30 June 1980 and 478(1980) of 20 August 1980,

Bearing in mind the need to protect and preserve the unique spiritual and religious character and dimensions of the Holy City of Jerusalem,

Expressing its very grave concern that Israel, as the occupying Power, persists in excavating and transforming the historical, cultural and religious sites of Jerusalem,

Noting with alarm that the excavations and transformations in progress seriously endanger the historical, cultural and religious sites of Jerusalem as well as its overall configuration and that these sites have never been as endangered as they are today,

Noting with satisfaction and approval the decision of the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization to include the Old City of Jerusalem and its walls on the World Heritage List,

Noting with appreciation the recommendation of the Executive Board of the United Nations Educational, Scientific and Cultural Organization during its one hundred and thirteenth session that the World Heritage Committee should speed up the procedure for including the Old City of Jerusalem and its walls in the List of World Heritage in Danger,

1. Determines that the excavations and transformations of the landscape and of the historical, cultural and religious sites of Jerusalem constitute a flagrant violation of the principles of international law and the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

2. Decides that such violations by Israel constitute a serious obstruction to achieving a comprehensive and just peace in the Middle East as well as a threat to international peace and security;

3. Demands that Israel desist forthwith from all excavations and transformations of the historical, cultural and religious sites of Jerusalem, particularly beneath and around the Moslem Holy Sanctuary of Al-Haram Al-Sharif (Al Masjid Al Aqsa and the Sacred Dome of the Rock), the structures of which are in danger of collapse;

4. Requests the Security Council to consider this situation in case Israel fails to comply immediately with the present resolution;

5. Requests the Secretary-General to report to the General Assembly and the Security Council, not later than 23 November 1981, on the implementation of the present resolution.

Roll-call vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Ivory Coast, 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, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, 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 Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Dominican Republic, Fiji, Finland, France, Germany, Federal Republic of Greece, Guatemala, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Sweden, United Kingdom.

Other aspects

On 10 December 1981, the General Assembly reaffirmed its non-recognition of Israel's 1980 decision to proclaim Jerusalem as its capital, and other Israeli actions to alter the city's status.<sup>(7)</sup>

Several communications were sent during 1981 on other developments relating to Jerusalem.

By a letter of 10 March,<sup>(2)</sup> Jordan transmitted a letter of 8 March from Rabbi Moshe Hirsch on behalf of the Neturei Karta (Guardians of the Holy City) of Jerusalem, who charged that, on 7 March, Israeli security forces had committed an unprovoked assault against hundreds of defenceless Orthodox Jews in their synagogue, breaking windows and furniture and trampling religious texts. In a reply dated 23 March,<sup>(1)</sup> Israel charged that Jordan was promoting a distorted version of measures undertaken by Israeli authorities against law-breakers. In a letter of 1 April,<sup>(3)</sup> Jordan maintained that Israel's reply was designed to divert attention from charges of brutal police action against unarmed Orthodox Jews, as part of a pattern of political suppression inflicted by Israel on indigenous Palestinians of all faiths.

On 11 September,<sup>(5)</sup> Jordan transmitted a letter from the Neturei Karta of the United States, dated 4 September, protesting the desecration of graves and beatings and imprisonment of Orthodox Jews in Jerusalem.

On 7 April,<sup>(4)</sup> Jordan transmitted a memorandum from its Minister of Labour to the Director-General of the International Labour Organisation, stating that Israeli occupation authorities had violated international law and the Geneva Convention on protection of civilians by their take-over of the Jordanian Electricity Corporation of the Governorate of Jerusalem, whose concession they had transferred to the Israeli Regional Electricity Company. Morocco, on 10 July,<sup>(6)</sup> transmitted to the Secretary-General recommendations on political, information, cultural, economic and military matters adopted by the Al-Quds (Jerusalem) Committee of the Organization of the Islamic Conference at its fifth session, held at Fez, Morocco, on 23 and 24 April.

Letters: <sup>(1)</sup>Israel: 23 Mar., A/36/137-S/14416. Jordan: <sup>(2)</sup>10 Mar., A/36/125-S/14400; <sup>(3)</sup>1 Apr., A/36/158-S/14424; <sup>(4)</sup>7 Apr., A/36/178-S/14431; <sup>(5)</sup>11 1 Sep., A/36/505-S/14690. <sup>(6)</sup>Morocco: 10 July, A/36/379-S/14590.

Resolution: <sup>(7)</sup>GA, 36/120 E, 10 Dec. (p. 270).

Mediterranean-Dead Sea canal project

On 29 March 1981, Israel approved a plan for the construction of a 67-mile hydraulic structure to channel water from the Mediterranean Sea to the Dead Sea for electric power generation.



Under the project, part of the conduit would pass through the Gaza Strip, occupied by Israel since 1967.

The General Assembly and the United Nations Conference on New and Renewable Sources of Energy adopted resolutions calling for a halt to Israel's canal project, and the Secretary-General received a number of communications regarding it.

COMMUNICATIONS. By a letter of 7 April,<sup>(1)</sup> the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People stated that Israel's announced intention of building a canal across the Gaza Strip would violate United Nations resolutions. Jordan, by a letter dated 9 April,<sup>(5)</sup> conveyed its profound concern over the project and cited a 23 March statement by the Council of the League of Arab States to the effect that the aim was to bring about fundamental geographical, demographic, environmental, economic and particularly ecological transformations, affecting the Palestinian Arabs and Jordan. By a letter of 13 April,<sup>(3)</sup> Egypt expressed strong objection to the project as creating a *de facto* permanent Israeli presence in the occupied territories and violating Security Council resolutions and the Geneva Convention on protection of civilians.

Israel, in a letter dated 2 October,<sup>(4)</sup> enumerated the benefits which the region, in its view, would derive from the power generated by the project, and expressed willingness to co-operate with Jordan in the scheme.

ACTION BY THE CONFERENCE ON NEW AND RENEWABLE SOURCES OF ENERGY. On 21 August, the Conference on New and Renewable Sources of Energy adopted a resolution<sup>(6)</sup> denouncing Israel for the canal project, describing it as aggression against the legitimate national rights of the Palestinian people and their occupied land, and calling on Israel to stop implementing the project. The resolution was adopted by a roll-call vote of 63 to 1, with 33 abstentions.

Israel, which voted against, said the project would be of great advantage to the area by supplying pollution-free energy, and would not raise the level of the Dead Sea above the crest levels of existing dikes. Several of the States which abstained in the vote—Canada, Colombia, Denmark (speaking for the five Nordic countries) and Uruguay—said they had done so because the resolution went beyond the Conference's mandate.

GENERAL ASSEMBLY ACTION. On 16 December, the General Assembly adopted a resolution<sup>(7)</sup> by which it demanded that Israel cease implementing the canal project and requested the Security Council to consider measures to halt it. The Assembly called on States not to assist the

project and requested the Secretary-General to submit to the Assembly and the Council, by 30 June 1982, a study on the canal and its effects on Jordan and the Palestinian territories.

The resolution was adopted, by a recorded vote of 139 to 2, with 4 abstentions, on the recommendation of the Special Political Committee (SPC), which approved the text on 7 December by 114 votes to 2, with 3 abstentions. The draft resolution, revised by its sponsors, was introduced by Jordan, on behalf of 20 members of the League of Arab States. The same States, by a letter of 20 October,<sup>(2)</sup> had requested the inclusion of the subject as an additional item on the agenda of the 1981 regular Assembly session.

Explaining its negative vote, the United States said the resolution bore virtually no relation to reality; the canal project was in the earliest stages of planning and it was wholly inappropriate to call on the Security Council to consider the issue.

Among those voting in favour, Canada emphasized that the project must be undertaken only with the mutual consent of all parties and stated that it would not assist the project. The USSR believed that the study called for in the resolution could be carried out by United Nations staff members and should not entail additional expenditures.

Israel, which voted against, rejected the factual and legal premises of the text as well as the assertion that the project would violate international law. The project would produce a renewable energy source independent of petroleum. It was designed as a water conduit, largely an underground pipeline, and not a canal for shipping. The 400-metre drop from the Mediterranean to the Dead Sea would be used to generate electric power. The inflow of water would restore the Dead Sea to its 1955 level and would have only inconsequential effects on the composition and chemical balance of the water in the Sea.

Jordan said the project, for which nearly \$1 billion was being raised, would cause incalculable damage to the vital interests of Jordan and the Palestinians. The overflow from the Dead Sea that would be caused by the canal would inundate areas of the Jordan valley and southern Jordan. Replying to Israel's invitation to co-operate in the project, Jordan stated that it did not enter into negotiations with Israel because it did not recognize Israel. Referring to Israel's mention of a Jordanian project to link the Dead Sea and the Red Sea, Jordan declared that it would not put such a project into effect unless the world community failed to halt the construction of the canal planned by Israel.

A number of States, among them Egypt, the Libyan Arab Jamahiriya, Morocco, Pakistan,

Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, stressed that Israel was violating international instruments and the rights and interests of the countries of the whole region, particularly Jordan and the Palestinians. Saudi Arabia said the fact that the canal would pass through Palestinian territories under Israeli occupation was proof of Israel's determination to perpetuate its occupation.

Algeria expressed a similar opinion, adding that control of water supplies, the first stage of which was the appropriation of all the Jordan waters, would give Israel a hold over the economy of the entire Middle East. Iraq charged that the project was designed to meet purely strategic and military objectives and would in no way contribute to the development of the region. Kuwait appealed to all nations not only to condemn the Israeli project but also to withhold any kind of economic, political and technical help. The United Kingdom, speaking for the European Community (EC) members, reiterated their opposition to the project on the grounds that it would not only be illegal but would also create a serious obstacle to a just and lasting peace settlement; they called on Israel to reconsider the project.

Letters: <sup>(1)</sup>Committee on Palestinian rights Acting Chairman, 7 Apr., A/36/177-S/14430; <sup>(2)</sup>Algeria, Bahrain, Democratic Yemen, Djibouti, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen, 20 Oct., A/36/243; <sup>(3)</sup>Egypt, 13 Apr., A/36/187-S/14439; <sup>(4)</sup>Israel, 2 Oct., A/36/575-S/14715 (& Add.1, 1 Dec.); <sup>(5)</sup>Jordan, 9 Apr., A/36/180-S/14432.

Resolutions: <sup>(6)</sup>Conference on New and Renewable Sources of Energy (report, A/CONF.100/11, Sales No. E.81.I.24), 3, 21 Aug.; <sup>(7)</sup>GA, 36/150, 16 Dec., text following.

Financial implications: 5th Committee report, A/36/826; S-G statements, A/SPC/36/L.34, A/C.5/36/97.

Meeting records: GA: General Committee, A/BUR/36/SR.4 (3 Nov.); SPC, A/SPC/36/SR.49-51 (4, 7 Dec.); 5th Committee, A/C.5/36/SR.73 (14 Dec.); plenary, A/36/PV.46, 100 (4 Nov., 16 Dec.).

#### General Assembly resolution 36/150

139-2-4 (recorded vote) Meeting 100 16 December 1981

Approved by SPC (A/36/814) by vote (114-2-3), 7 December (meeting 51); 20-nation draft (A/SPC/36/L.32/Rev.1); agenda item 136.

Sponsors: Algeria, Bahrain, Democratic Yemen, Djibouti, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen.

#### Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea

The General Assembly,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Reaffirming the applicability of the Geneva Convention to all Arab territories occupied by Israel since 1967, including Jerusalem,

Taking into account that the Israeli project to build a canal linking the Mediterranean Sea and the Dead Sea is in violation of the rules of international law, in particular those relating to the fundamental rights and duties of States,

Also taking into account that this project, if completed, will cause direct and irreparable damage to the rights and the legitimate vital interests of Jordan and of the Palestinian people,

Expressing concern that the proposed canal, to be constructed partly through the Palestinian territories occupied since 1967, will violate the principles of international law,

1. Demands that Israel cease forthwith the implementation of its project of a canal linking the Mediterranean Sea and the Dead Sea;

2. Requests the Security Council to consider initiating measures to halt the execution of this project;

3. Requests the Secretary-General to prepare and submit to the General Assembly and the Security Council, by 30 June 1982, a study on the Israeli canal and its effects on Jordan and the Palestinian territories occupied since 1967;

4. Calls upon all States not to assist, either directly or indirectly, in the preparation for and the execution of this project and to urge the compliance of national and international corporations to this effect;

5. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea".

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, 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, 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 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Antigua and Barbuda, Dominican Republic, Guatemala, Malawi.

#### Living conditions of the Palestinians

REPORT OF THE SECRETARY-GENERAL. On 29 May 1981, the Secretary-General submitted a report (with later addenda) on the living conditions of the Palestinians.<sup>(1)</sup> It set out the replies of 13 Governments on action taken in response to a December 1980 resolution by which the General Assembly condemned Israel's policy resulting in the deterioration of the living conditions of the Palestinians and called on States to co-operate with United Nations organizations and local Palestinian authorities to alleviate those conditions.<sup>(2)</sup>

Israel's reply, dated 25 March, stated that the negative approach towards Israel taken in United Nations resolutions on the living conditions of the Palestinians made it impossible for Israel to associate itself with the ventures undertaken, in accordance with those resolutions, by

the United Nations Centre for Human Settlements (Habitat). The resolutions presupposed consultations and co-operation with the Palestine Liberation Organization (PLO), which Israel neither recognized nor accepted. Israel was doing its best to co-operate with those United Nations bodies whose aim was to assist in the improvement of the living conditions of the inhabitants of the territories under its control, among others the International Labour Organisation, the United Nations Development Programme (UNDP), the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the World Health Organization.

Reporting on social and economic progress in the occupied territories in the years 1967-1980, Israel stated that the gross national product had increased at an average annual rate of about 13 per cent, unemployment had been virtually eliminated, agricultural output and exports had increased significantly, the number of school classrooms had risen by 80 per cent and the public health system had been improved. The inhabitants enjoyed absolute freedom of religion and had been visiting Arab States in growing numbers. Freedom of speech and the press was restricted only by military censorship for security reasons. Municipal elections had been held in 1976, during which women in those areas had been allowed to vote for the first time.

The Economic and Social Council, on 24 July, took note of the Secretary-General's report. The decision<sup>(4)</sup> was adopted without vote, following similar approval on 21 July by the Council's First (Economic) Committee on an oral proposal by the Chairman.

GENERAL ASSEMBLY ACTION. On 4 December, the General Assembly adopted a resolution<sup>(5)</sup> by which it condemned Israel for the deteriorating living conditions of the Palestinians in the occupied Palestinian territories, affirmed that the elimination of the Israeli occupation was a prerequisite for the social and economic development of the Palestinians, and requested the Secretary-General to submit to the Assembly in 1982, through the Economic and Social Council, a report on their deteriorating living conditions, to be prepared in co-operation with PLO.

The resolution was adopted by a recorded vote of 109 to 2, with 25 abstentions, following approval by the Second (Economic and Financial) Committee on 11 November by a recorded vote of 98 to 2, with 26 abstentions.

The draft was revised by its sponsors to delete the phrase "with satisfaction" from a paragraph by which the Assembly took note of the Secretary-General's report on the subject. Jordan, in orally proposing this change, observed that much of the report contained data supplied by Israel that were

inconsistent with the conclusions of the report on this subject prepared for the Assembly in 1980.<sup>(6)</sup>

Introducing the 43-nation draft, the Syrian Arab Republic stated that Palestinians who refused to abandon the land of their ancestors were being exposed to psychological and economic pressure by Israeli authorities which, after having built settlements on the outskirts of Arab villages in occupied Palestine, were taking all sorts of economic and social measures to force them to leave.

Israel rejected the resolution on the ground that it included false allegations, despite the fact that substantial progress had been made in improving the living conditions of the Palestinian Arabs in the administered territories. Israel's administration policy was in accordance with its obligation under international law to guarantee the security of the territories and the safety of their inhabitants, and Israel had gone even further in promoting economic and social development. Israel objected to one-sided resolutions that presupposed consultation with PLO.

The United States, which also voted against, said it could not support the use of political rhetoric in regard to humanitarian questions, believed the text was unbalanced in its attacks against Israel and maintained that PLO should not be recognized as the representative of the Palestinian people.

Among those abstaining in the vote, Japan said the substance of some paragraphs was not appropriate for consideration under the economic item before the Committee. The United Kingdom, speaking for the EC members, said they took the view that Israel should withdraw from the territories occupied since 1967 and believed that the occupation inevitably had an impact on the region's economic and social development.

Uruguay said it supported the resolution on the understanding it had expressed in 1980<sup>(5)</sup> (that Israel's right to existence was recognized as irreversible).

In the Second Committee debate, Jordan regarded Israel's statements about the living conditions of the Palestinians as completely misleading and observed that Israel had refused to allow neutral observers into the occupied territories.

The PLO observer made the following points about the Palestinians living conditions: Israeli authorities had closed Arab banks in the occupied territories, blocking the financing of Palestinian projects; they had prevented the population of the Gaza Strip from receiving assistance from other Arab countries, thus prohibiting them from controlling their economy; the average wage of Arab workers was half that paid to Israelis for the same kind of work, and the Arabs were the first to be fired; the Israelis

had destroyed the industrial infrastructure, so that the Palestinians were wholly dependent on the Israeli economy; and the occupation authorities had seized more than a third of the land in the occupied territories, particularly to establish settlements, and were obstructing agricultural development by inciting Palestinians to destroy their farms and attempting to prevent irrigation and the provision of drinking water.

Report: <sup>(1)</sup>S-G, A/36/260 & Add.1-3.

Resolutions and decision:

Resolutions: GA: <sup>(2)</sup>35/75, 5 Dec. 1980 (YUN 1980, p. 435); <sup>(3)</sup>36/73, 4 Dec. 1981, text following.

Decision: <sup>(4)</sup>ESC: 1981/190, 24 July, text following.

Yearbook references: 1980, <sup>(5)</sup>p. 385, <sup>(6)</sup>p. 422.

Financial implications: 5th Committee report, A/36/713; S-G statements, A/C.2/36/L.41, A/C.5/36/43.

Meeting records: ESC: 1st Committee, E/1981/C.1/SR.7-9, 17 (7-21 July); plenary, E/1981/SR.41 (24 July). GA: 2nd Committee, A/C.2/36/SR.3-6, 10-26, 28-30, 31, 32, 35 (24 Sep.-11 Nov.); 5th Committee, A/C.5/36/SR.52 (24 Nov.); plenary, A/36/PV.84 (4 Dec.).

#### Economic and Social Council decision 1981/190

Adopted without vote

Approved by First Committee (E/1981/107) without vote, 21 July (meeting 17); oral proposal by Chairman; agenda item 9.

##### Report of the Secretary-General on the living conditions of the Palestinian people

At its 41st plenary meeting, on 24 July 1981, the Council took note of the report of the Secretary-General on the living conditions of the Palestinian people.

#### General Assembly resolution 36/73

109-2-25 (recorded vote) Meeting 84 4 December 1981

Approved by Second Committee (A/36/694/Add.10) by recorded vote (98-2-26), 11 November (meeting 35); 43-nation draft (A/C.2/36/L.31/Rev.1), orally revised on proposal by Jordan; agenda item 69 (k).

Sponsors: Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Cuba, Cyprus, Czechoslovakia, Djibouti, Ethiopia, Gambia, German Democratic Republic, Guinea, Guinea-Bissau, Hungary, India, Indonesia, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nicaragua, Nigeria, Oman, Pakistan, Qatar, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Tunisia, Ukrainian SSR, United Arab Emirates, Viet Nam, Yemen, Yugoslavia.

##### Living conditions of the Palestinian people

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 resolution 3, entitled "Living conditions of the Palestinians in occupied territories", contained in the recommendations for international co-operation adopted by Habitat: United Nations Conference on Human Settlements, and Economic and Social Council resolutions 2026(LXI) of 4 August 1976 and 2100(LXIII) of 3 August 1977,

Recalling further its resolutions 3236(XXIX) and 3237(XXIX) of 22 November 1974, 31/110 of 16 December 1976, 32/171 of 19 December 1977, 33/110 of 18 December 1978, 34/113 of 14 December 1979 and 35/75 of 5 December 1980,

1. Takes note of the report of the Secretary-General on the living conditions of the Palestinian people;

2. Denounces Israel for refusing to allow the Group of Experts on the Social and Economic impact of the Israeli Occu-

pation on the Living Conditions of the Palestinian People in the Occupied Arab Territories to visit the Palestinian territories occupied by Israel;

3. Condemns Israel for the deteriorating living conditions of the Palestinian people in the occupied Palestinian territories;

4. Affirms that the elimination of the Israeli occupation is a prerequisite for the social and economic development of the Palestinian people in the occupied Palestinian territories;

5. Recognizes the need for a comprehensive report on the deterioration of the social and economic conditions of the Palestinian people in the occupied Palestinian territories;

6. Requests the Secretary-General to prepare a comprehensive and analytical report on the deteriorating living conditions of the Palestinian people in the occupied Palestinian territories and to submit it to the General Assembly at its thirty-seventh session, through the Economic and Social Council;

7. Also requests the Secretary-General, in preparing the above-mentioned report, to consult and co-operate with the Palestine Liberation Organization, the representative of the Palestinian people.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian SSR, Cape Verde, Chad, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Grenada, 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, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Burma, Canada, Central African Republic, Denmark, Dominican Republic, Finland, France, Germany, Federal Republic of, Guatemala, Iceland, Ireland, Italy, Ivory Coast, Jamaica, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom.

#### Economic situation of the Palestinians

By a resolution of 9 October 1981<sup>(4)</sup> the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD) requested the UNCTAD Secretary-General to prepare a comprehensive and in-depth survey of the state of the economy of the Palestinians in the territories occupied by Israel, as well as an analysis of the potentials for its development, and to formulate proposals for alternative development strategies in collaboration with PLO. The Board also requested him to submit to it periodic progress reports on the preparation of the survey and invited UNDP to make additional resources available to UNCTAD for the purpose.

The General Assembly took note of that resolution on 16 December, in its resolution on the work of UNCTAD.<sup>(3)</sup> An earlier draft,<sup>(1)</sup> submitted to the Second Committee by Algeria for the Group of 77, by which the Assembly would have

endorsed the Board's decision rather than taken note of it, was withdrawn in favour of the text adopted.

In a report circulated in August,<sup>(2)</sup> prepared at the request of the UNCTAD secretariat in response to a 1979 request by the Conference,<sup>(5)</sup> M. W. Khouja, Economic Adviser to the Kuwait Fund for Arab Economic Development, and P. G. Sadler, Director of the Institute for the Study of Sparsely Populated Areas, University of Aberdeen, United Kingdom, reviewed the economic conditions of the Palestinians in the occupied territories. The authors, who were not given access to Israeli officials and were unable to visit or conduct interviews in the occupied territories, based their study on data available in Jordan and other Arab countries, official Israeli statistics and other publicly available sources of information in Israel, interviews with Palestinians outside the occupied territories and information gathered by PLO.

In order to stabilize and strengthen the local economies in the occupied territories and prevent their further deterioration, the study recommended that special attention be paid to measures to counter any further subjugation of those economies to that of Israel, and to make alternative employment and income opportunities possible. Such measures should have the effect of stemming emigration, allowing more residents of the occupied territories to find work at home instead of in Israel and strengthening the base of the local economies. The study recommended specific measures in areas such as agriculture, labour, finance, housing and infrastructure, and trade. It suggested that a monitoring body be set up to improve information on the deterioration of conditions in the occupied territories and the continued subjugation of their economies to Israel.

Draft resolution withdrawn: <sup>(1)</sup>Algeria, for Group of 77, A/C.2/36/L.65.

Report: <sup>(2)</sup>UNCTAD consultants, TD/B/870.

Resolutions: <sup>(3)</sup>GA, 36/145, para. 3, 16 Dec. (p. 533);

<sup>(4)</sup>TDB (report, A/36/15), 239(XXIII), 9 Oct.

Yearbook reference: <sup>(5)</sup>1979, p. 522.

#### Permanent sovereignty over national resources

REPORT OF THE SECRETARY-GENERAL. On 10 November 1981, the Secretary-General submitted a report,<sup>(1)</sup> requested by the General Assembly in 1979<sup>(2)</sup> and 1980,<sup>(3)</sup> on the effects of Israeli occupation on the national resources in the occupied territories. He stated that in August a mission had been sent to Egypt, Jordan, Lebanon and the Syrian Arab Republic to gather information from the Governments concerned and from PLO, as well as from United Nations and specialized agency offices. Israel refused to permit the mission to visit the occupied territories on the grounds that the resolutions calling for the study

were motivated by political hostility and that the mission included staff members of the Economic Commission for Western Asia, of which PLO was a member while Israel was excluded.

The report, prepared by two consultants, stated that there had been a significant reduction in the amount of land under cultivation in the West Bank and the Gaza Strip since 1967, and more than 25 per cent of the total land area had been requisitioned, confiscated or otherwise appropriated by the occupying authorities. Israeli water use was dangerously close to the maximum sustainable capacity, increasing the pressure on water resources available to the Arab inhabitants.

The report noted a significant loss of human resources in the occupied territories, due to displacement following armed conflicts and emigration by Palestinians of working age in search of employment. Of the employed persons, 35 per cent worked in Israel, indicating a potential loss of manpower for the development of the occupied territories.

Regarding economic resources, the report cited Israeli data showing an aggregate increase in agricultural output, including output of the Israeli settlements, apparently due to new technologies introduced by the occupying authorities. There was considerable change in the mix of agricultural products, directed towards eliminating items competing with Israeli products and introducing new items which would provide raw material for Israeli industries.

The report found no evidence of any significant structural changes during the occupation that would have made industry a dynamic contributor to development. The establishment of factories in the Israeli settlements could have adverse consequences for the industrial sector, making Arab industries less competitive.

According to the report, there had been a dramatic change in the pattern and direction of trade, with Israel having become the main trading partner. All foreign exchange accrued to the Israeli economy and much of the wages earned were returned to the Israeli economy through the purchase of goods and services originating in Israel. Under those conditions, the people of the occupied territories had no choice but to rely on what could be provided through Israeli sources.

The report found that social, cultural and sports activities among the Arab residents were being discouraged and that books and publications were censored.

GENERAL ASSEMBLY ACTION. By a resolution of 17 December,<sup>(4)</sup> the General Assembly emphasized the right of the Arab States and peoples whose territories were under Israeli occupation to full and effective permanent sovereignty and

control over their natural and all other resources, wealth and economic activities. It reaffirmed that all Israeli measures to exploit those resources were illegal and called on Israel to desist immediately and on States, international organizations, corporations and other institutions not to co-operate or assist in such measures. The Assembly reaffirmed the right of the Arab States and peoples concerned to full compensation for the exploitation, depletion, loss of and damages to their resources. The Secretary-General was requested to submit two reports to the Assembly: in 1982, a comprehensive report on permanent sovereignty over national resources in the occupied territories, with proposals for follow-up and implementation; and in 1983, a report on the implications, under international law, of the relevant United Nations resolutions.

The resolution was adopted, by a recorded vote of 115 to 2, with 24 abstentions, on the recommendation of the Second Committee, which approved the 24-nation draft on 7 December by a recorded vote, requested by Iraq, of 105 to 2, with 23 abstentions.

Kuwait, introducing the text in the Committee, said the resolution had been made necessary by Israel's continued exploitation of the national resources of the occupied territories in contravention of international law and accepted norms.

Israel, voting against the text, stated that it could not associate itself with the actions called for since the resolutions on the subject were motivated by political hostility and ignored many productive activities in the administered territories. The Secretary-General's report was based on misinterpreted facts and inaccurate information which had been manipulated to support a predetermined and biased conclusion. It should have included a survey of the achievements in the administered territories, where the situation was far better than it had been prior to 1967. Although Israel had been a victim of continuous Arab aggression since its establishment in 1948, every United Nations report had ignored the circumstances behind Israel's presence in those territories, for whose security Israel was responsible.

The United States explained that it had voted against the resolution because it dealt with political matters outside the Committee's competence and because blanket and repetitive condemnations of Israel's administration diverted attention from the fundamental issue of making progress in the peace process.

Explaining the abstentions of the European Community members, the United Kingdom said their position remained unchanged.

Among those voting in favour, Burma ex-

pressed reservations to a paragraph by which the Assembly condemned Israel's refusal to allow the consultants who prepared the United Nations report access to the occupied territories, and Portugal reserved its position on the paragraph by which the Assembly reaffirmed the right of the States and peoples under Israeli occupation to compensation for exploitation of their natural resources.

Japan stated that it fully sympathized with the Arab States' position on resources in the occupied territories and hoped the problem would be expeditiously solved in conformity with international law; but Japan's position on permanent sovereignty over natural resources remained unchanged.

Jordan said international law did not allow Israel to confiscate land in the occupied territories for building settlements, to allocate most of the water resources to Israeli settlers and to blow up 19,000 houses on the West Bank.

The USSR, also supporting the resolution, said the measures it called for should be undertaken within the existing United Nations budget.

Report: <sup>(1)</sup>S-G and consultants, A/36/648.

Resolutions: GA: <sup>(2)</sup>34/136, 14 Dec. 1979 (YUN 1979, p. 406); <sup>(3)</sup>35/110, 5 Dec. 1980 (YUN 1980, p. 436); <sup>(4)</sup>36/173, 17 Dec. 1981, text following.

Financial implications: 5th Committee report, A/36/834; S-G statements, A/C.2/36/L.135, A/C.5/36/103.

Meeting records: GA: 2nd Committee, A/C.2/36/SR.4, 7-10, 45, 46 (25 Sep.-9 Oct. & 1, 7 Dec.); 5th Committee, A/C.5/36/SR.76 (15 Dec.); plenary, A/36/PV.103 (17 Dec.).

#### General Assembly resolution 36/173

115-2-24 (recorded vote) Meeting 103 17 December 1981

Approved by Second Committee (A/36/691/Add.2 and Add.2/Corr.1) by recorded vote (105-2-23), 7 December (meeting 46): 24-nation draft (A/C.2/36/L.124), orally revised: agenda item 12.

Sponsors: Afghanistan, Bahrain, Bangladesh, Cuba, Cyprus, Djibouti, Gambia, India, Iran, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Mozambique, Nicaragua, Oman, Pakistan, Qatar, Saudi Arabia, United Arab Emirates, Viet Nam, Yugoslavia, Zimbabwe.

Permanent sovereignty over national resources in the occupied Palestinian and other Arab territories

The General Assembly,

Recalling its resolution 34/136 of 14 December 1979,

Bearing in mind the relevant principles of International law and the provisions of the international conventions and regulations, in particular Convention IV of The Hague of 1907, and the fourth Geneva Convention of 12 August 1949, concerning the obligations and responsibilities of the occupying Power,

Recalling its previous resolutions on permanent sovereignty over natural resources, particularly their provisions supporting resolutely the efforts of the developing countries and the peoples of territories under colonial and racial domination and foreign occupation in their struggle to regain effective control over their natural and all other resources, wealth and economic activities,

Bearing in mind the pertinent provisions of its resolutions 3201 (S-VI) and 3202(S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States,

Recalling further its resolutions 3175(XXVIII) of 17 December 1973, 3336(XXIX) of 17 December 1974, 3516(XXX) of 15 December 1975, 31/186 of 21 December 1976, 32/161 of 19 December 1977 and 35/110 of 5 December 1980 on permanent sovereignty over national resources in the occupied Arab territories,

Taking note of the report of the Secretary-General on permanent sovereignty over national resources in the occupied Arab territories, requested by the General Assembly in its resolution 35/110, and noting with satisfaction the mission undertaken in preparation of that report,

1. Condemns Israel for its refusal to allow the United Nations consultants on national resources access to the occupied Palestinian and other Arab territories,

2. Emphasizes the right of the Arab States and peoples whose territories are under Israeli occupation to full and effective permanent sovereignty and control over their natural and all other resources, wealth and economic activities;

3. Reaffirms that all measures undertaken by Israel to exploit the human, natural and all other resources, wealth and economic activities in the occupied Palestinian and other Arab territories are illegal and calls upon Israel to desist immediately from such measures;

4. Further reaffirms the right of the Arab States and peoples subjected to Israeli aggression and occupation to the restitution of, and full compensation for the exploitation, depletion and loss of and damages to, their natural, human and all other resources, wealth and economic activities, and calls upon Israel to meet their just claims;

5. Calls upon all States to support the Arab States and peoples in the exercise of those rights;

6. Calls upon all States, international organizations, specialized agencies, business corporations and all other institutions not to recognize, or co-operate with or assist in any manner in, any measures undertaken by Israel to exploit the national resources of the occupied Palestinian and other Arab territories or to effect any changes in the demographic composition, the character and form of use of their natural resources or the institutional structure of those territories;

7. Requests the Secretary-General to prepare and submit to the General Assembly at its thirty-seventh session a comprehensive report on permanent sovereignty over national resources in the occupied Palestinian and other Arab territories, including Jerusalem, and to make proposals for follow-up and implementation;

8. Requests the Secretary-General to prepare and submit to the General Assembly at its thirty-eighth session a report on the implications, under international law, of the United Nations resolutions on permanent sovereignty over natural resources, on the occupied Palestinian and other Arab territories and on the obligations of Israel concerning its conduct in these territories.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, 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, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, 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 Republic of Cameroon, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Dominican Republic, Fiji, Finland, France, Germany, Federal Republic of

Greece,<sup>a</sup> Guatemala, Iceland, Ireland, Italy, Jamaica, Liberia, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Sweden, United Kingdom.

<sup>a</sup> Later advised the Secretariat it had intended to vote in favour.

## Palestine refugees

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) continued to provide assistance to 1.5 million Palestine refugees in Arab States and in territories occupied by Israel (see below). By the end of 1981, it had spent about \$2 billion on such aid in the three decades since it began operations in 1950. However, it did not receive enough voluntary contributions during the year to meet all budgeted expenditures: income for 1981 was just over \$190 million, against a projected budget of \$239 million (p. 327).

The General Assembly, on 16 December 1981, adopted eight resolutions on Palestine refugees, as recommended by the Special Political Committee (SPC). They included a call for the return of displaced inhabitants of the occupied territories (p. 333), an endorsement of continued assistance to other displaced persons in the area (p. 334), a demand that Israel desist from removing and resettling refugees in the Gaza Strip (p. 335), and a request for United Nations protection and administration of Arab property rights in Israel (p. 336). States and organizations were asked to augment allocations for scholarships and grants to Palestine refugees (p. 337), and Israel was called on to remove obstacles to the establishment of a university for such refugees at Jerusalem (p. 338). Governments were called on to help meet the Agency's needs in the light of its projected budget deficit, and the Working Group on the Financing of UNRWA was requested to continue its efforts for another year (p. 328).

## UN Agency for Palestine refugees

### Activities of UNRWA

In 1981, UNRWA provided education, health and relief services to Palestine refugees in Jordan, Lebanon, the Syrian Arab Republic and the Israeli-occupied territories of the West Bank and the Gaza Strip. It maintained its own schools, training establishments, clinics and health centres, and it procured and distributed food rations to needy refugees.

Early in 1981, it appeared that the only way of maintaining the Agency's solvency would be a full or partial curtailment of the education programme, but later, the receipt of additional

pledges and cut-backs in both recurrent and non-recurrent expenditure enabled UNRWA to continue these activities until the end of the year.

Military activity and civil strife again interrupted services and disturbed the livelihood of refugees in several areas. Agency services were subject to frequent interruptions, particularly in the West Bank, the Gaza Strip and Lebanon. Local disturbances and Israeli military operations in southern Lebanon caused considerable damage to refugee shelters and some Agency installations. In the Gaza Strip and the West Bank, the occupation authorities continued to demolish refugee shelters, but they also started housing projects for refugees (p. 335).

The number of refugees registered with UNRWA rose through natural increase by 39,681 since 31 December 1980, to 1,902,843 at 31 December 1981. Of these, about 824,000 were eligible to receive food rations and approximately 1.5 million were eligible for health and education services.

The Agency also distributed rations to about 230,000 displaced persons and displaced refugee children (registered for services only) in Jordan, at the expense of the Jordanian Government. By the end of the year, extra rations were being provided to some 39,000 "special hardship cases" in Jordan, the West Bank and the Gaza Strip—and also in Lebanon, beginning in 1981, where widows and divorced women with young children were aided.

About 669,000 of the registered refugees, some 35 per cent of the total, were living in 61 camps as at 31 December.

In co-operation with the World Health Organization, the Agency continued its work in health education and integrated family health care, with emphasis on preventive medicine, including supplementary feeding for nutritionally vulnerable groups. Health services were provided at 100 UNRWA units and some associated clinics. Training in medicine and paramedicine was assisted through the Agency's medical and nursing scholarship programmes and by vocational training courses. Some \$31.4 million was spent on health services in 1981.

The year's expenditure on relief services was \$36.4 million, which represented mainly the value of food commodities donated in kind, the provision of shelter and hardship assistance.

The Agency spent \$104.5 million on education during 1981, accounting for 57.8 per cent of its total expenditure. The education programme, operated with the technical assistance of the United Nations Educational, Scientific and Cultural Organization (UNESCO), covered the first nine years of general education (10 years in Lebanon), some assistance for refugee pupils in

government and private secondary schools, and vocational and teacher training in eight centres. Also, 365 university scholarships were awarded for the 1980/1981 academic year (p. 337). The majority of the Agency's 16,722 employees, almost all Palestine refugees themselves, were working in the educational field, most as teachers. In the 1980/1981 school year, some 200 additional teachers were appointed.

Over 321,000 children—7,000 more than in 1979/1980—received elementary and preparatory (lower secondary) education in 635 UNRWA schools during the 1980/1981 school year. Nearly 90,000 refugee pupils were enrolled in government or private schools, 8,901 of which received UNRWA assistance. Demand for places necessitated double shifts in about 74 per cent of Agency schools. During 1981, some \$750,000 was allocated to construct 40 additional classrooms and specialized units to avoid triple-shifting.

There was a small increase in persons attending the Agency's vocational and technical courses, an increase facilitated by double-shifting in some locations. Female students were encouraged to follow vocational studies. Four vocational training centres were enlarged. About 70 per cent of 1981's 600 graduates found employment, mainly with UNRWA. The UNESCO/UNRWA Institute of Education continued to provide courses in educational techniques to meet special needs and new curricula developments.

Also during the 1980/1981 school year, professional aspects of the UNRWA education system were strengthened by setting up Education Development Units in Lebanon and the Syrian Arab Republic and an Education Development Centre in the West Bank. The Agency took over the pre-school centres in the Gaza Strip previously run for it by the American Friends Service Committee.<sup>(2)</sup>

REPORT OF THE COMMISSIONER-GENERAL. In a report covering the period 1 July 1980 to 30 June 1981,<sup>(3)</sup> the Commissioner-General of UNRWA, after detailing the Agency's activities, indicated that the year under review had been a very difficult one. Because of the Agency's unprecedented financial crisis, it had not been possible to maintain services at their customary level. The Commissioner-General suggested that Governments consult informally on an apportioning of UNRWA expenses among themselves (p. 328).

Referring to other factors affecting the Agency's work, the Commissioner-General stated that hostilities in Beirut and southern Lebanon had seriously disrupted UNRWA operations.

COMMUNICATION. By a letter of 19 May,<sup>(1)</sup> Jordan transmitted to the Secretary-General a



resolution adopted in Amman on 20 April by its National Consultative Assembly, rejecting plans by UNRWA to reduce services to refugees and requesting the United Nations Secretariat to do all in its power to ensure that the States responsible for the dispersal of the Palestinians shouldered their financial responsibilities towards the Agency.

**GENERAL ASSEMBLY ACTION.** In December, the General Assembly adopted eight resolutions on Palestine refugees, each pertaining to a special aspect of the question (p. 325). This action followed a debate in SPC on various aspects of the problem.

During the debate, many countries, among them Austria, Finland, Jordan and Sri Lanka, shared the Commissioner-General's opinion that UNRWA had a stabilizing influence on the situation in the Middle East.

Canada, Chile, Czechoslovakia, Guyana, Iraq, Malaysia, the Philippines, Portugal, Romania, Sri Lanka, the USSR and Yugoslavia, among others, pointed out that the Palestine refugee problem was not merely a humanitarian issue, but rather a major political problem whose solution resided in a just and lasting Middle East settlement. India, in addition to several Arab and Eastern European States, believed that UNRWA services could at best be only temporary; the ultimate solution lay in Israeli withdrawal from the territories occupied in 1967 and recognition of the legitimate national rights of the Palestinians. A final solution to the Palestine refugee problem, said the United States, could be achieved only in the context of a just and comprehensive peace, to be achieved through negotiations.

Speaking on behalf of the European Community (EC) members, the United Kingdom said they were disturbed to learn that the Agency's activities in Lebanon had again been seriously affected by the hostilities there, and were concerned at the difficulties encountered by UNRWA and its staff in other areas, including arbitrary arrest and detention without charge or trial, demolition of refugee shelters and the failure to secure certain privileges and tax exemptions. Austria and the Philippines were concerned about harassment and restrictions of Agency staff and refugees. Sri Lanka, Sweden and Turkey also voiced concern about detentions and travel restrictions affecting UNRWA staff members, while China noted that they had been subjected to Israeli bombing and shelling:

Egypt and others condemned all measures taken against UNRWA staff and refugee camps as well as the collective punishment of the refugees by the occupation authorities; Egypt demanded that the demolition of Palestinian family shelters

by Israeli authorities be ended and expressed the opinion that the Palestinians had the right to fair compensation.

Israel, on the other hand, felt that UNRWA could not continue to serve camps under the control of terrorist organizations, nor could the United Nations give assistance to persons engaged in warfare against a Member State.

Japan and the Philippines were among those supporting the Commissioner-General's decision to give priority to educational services over other assistance. Lebanon maintained that the countries receiving Palestinian refugees could not support the political and human consequences resulting from any suspension of UNRWA operations or reduction of services. Guyana felt that any curtailment of UNRWA services would not only result in hardship for the refugees but would also entail serious political consequences.

Letter: <sup>(2)</sup>Jordan, 19 May, A/36/258.

Reports: <sup>(2)</sup>S-G, A/37/214; <sup>(3)</sup>UNRWA Commissioner-General, A/36/13 & Corr.1.

Meeting records: GA: SPC, A/SPC/36/SR.21-28 (2-10 Nov.); plenary, A/36/PV.100 (16 Dec.).

#### UNRWA finances

A shortfall of the voluntary contributions from which UNRWA received its financial support caused the Agency to cut back its educational and other programmes in 1981. The General Assembly decided to keep its 1981 session open to await proposals on how to meet a projected deficit of \$80 million in 1982.

**REPORT OF THE WORKING GROUP ON FINANCING.** The Working Group on the Financing of UNRWA, in a report to the General Assembly dated 22 October 1981,<sup>(4)</sup> noted that the Agency's financial position, which had been precarious for a number of years, had deteriorated even further during 1981. The Group stated that in spring 1981 the Agency had come close to collapse because of insufficient funds and that it might enter 1982 without enough money to finance its pay-roll beyond January. The health care programme was already at a minimum and the relief assistance programme consisted mainly of distribution of donated food. The Agency would be in a better position to give highest priority to the education programme if Governments making contributions in kind would consider converting some of them into cash. The Group feared that the reduction of the education programme and the closing of schools would have serious social and political consequences.

The Group believed that there was an urgent need to place the Agency's financing on a more stable basis. Its financial position could not be improved unless more countries contributed and

those able to do so increased their contributions. The Group supported the suggestion in the Commissioner-General's annual report (p. 326) that informal consultations should take place on apportioning the Agency's expenses among contributors as one possible way of consolidating its financial basis.

GENERAL ASSEMBLY ACTION. By a resolution of 16 December,<sup>(7)</sup> the General Assembly called on all Governments as a matter of urgency to make the most generous efforts possible to meet the Agency's anticipated needs, particularly in the light of its projected budget deficit. It urged non-contributing Governments to contribute regularly and contributing Governments to consider increasing their contributions. Directing attention to the continuing seriousness of the UNRWA financial position, the Assembly noted with concern that, despite the Commissioner-General's successful efforts to collect additional contributions, the Agency's increased income was still insufficient to cover essential budget requirements. Other provisions of the resolution dealt with proposed repatriation of refugees (p. 333) and the location of UNRWA headquarters (p. 332).

The resolution, sponsored by the United States, was adopted by a recorded vote of 144 to none, with 1 abstention, after approval by SPC on 10 November by a recorded vote of 125 to none, with 1 abstention.

By another resolution of the same date,<sup>(5)</sup> the Assembly appealed for contributions to assist persons displaced as a result of the June 1967 hostilities.

The Assembly, also on 16 December,<sup>(6)</sup> noted with approval the report of the Working Group on the Financing of UNRWA and requested the Group to continue its efforts for the financing of the Agency for another year. This action was taken by a resolution adopted without vote, following its approval in like manner by SPC on 10 November, where the 20-nation draft was introduced by the Netherlands.

The Assembly decided on 16 December<sup>(8)</sup> to keep open its 1981 session until the Working Group had submitted proposals, by the end of January 1982, on ways to meet the Agency's 1982 budget deficit. The decision was taken without vote, following its approval by SPC on 7 December, also without vote. On 18 December,<sup>(9)</sup> the Assembly decided to resume its 1981 session, at a date to be announced, to consider among other items the situation of UNRWA.

The proposal to keep the session open was made orally by the SPC Chairman at the suggestion of Kuwait on behalf of the Arab Group, after that Group had requested that there be no vote by the Committee on a draft resolution sub-

mitted by 20 Arab States, and on amendments proposed by the United States, concerning the future financing of UNRWA. The draft resolution<sup>(2)</sup> would have had the Assembly decide to cover the Agency's estimated deficit for 1982 from the United Nations regular budget. The Secretary-General would have been requested to submit in 1982 a detailed study of the inclusion of the UNRWA budget into the United Nations budget as of 1983. Qatar, introducing this draft, said the Group had decided that the expected voluntary contributions would not be sufficient and they held it particularly important to protect the rights of tens of thousands of young people to education.

According to the United States amendments,<sup>(1)</sup> the Assembly, instead of deciding to cover the Agency's deficit from the United Nations budget, would have taken note of the various proposals to improve its financial position and would have urged the Working Group and other interested and concerned parties to continue consultations on ways to ameliorate the Agency's critical financial situation, reporting their suggestions to the Secretary-General by 1 February 1982. The Secretary-General would have been requested to submit a detailed study of all the proposals advanced to enhance the Agency's long-term financial stability, including a comprehensive management audit.

Israel abstained in the vote on the United States-sponsored resolution because of its reference to a 1948 Assembly resolution on repatriation or compensation for refugees (p. 333).

The Commissioner-General of UNRWA, introducing in SPC the Agency's annual report,<sup>(3)</sup> stated that UNRWA had experienced serious financial problems in 1981. Total expenditure in 1982 was estimated at \$265 million, of which \$151 million was for education, \$42 million for health and \$61 million for relief. Estimated income was \$185 million, leaving a projected deficit of \$80 million, or \$10 million more than in 1981.

To maintain all its programmes, he said, the Agency needed an additional \$80 million, of which \$34 million was the minimum required to avoid collapse of the education programme. Income from voluntary contributions 7 forecast at \$132 million for 1982) had proved less and less adequate. Unless UNRWA was assured of regular and adequate contributions, it would continue to move from one crisis to another until it collapsed.

General concern was voiced in the debate that the Agency's continued financial crisis might lead to the curtailment of essential services. Jordan, in particular, said it was already spending more than \$35.5 million in the current fiscal

year for direct assistance to refugees and could not accept any attempt to transfer to the host countries the burden of services provided by UNRWA.

The United Kingdom, speaking for the EC members, said they did not believe that the voluntary system of financing was inappropriate, but rather that the international response had been inadequate; a number of countries with the means to contribute had not done so, despite their expressions of concern for the Palestinians. Similarly, Spain urged that contributions to UNRWA continue on a voluntary basis, but be increased in number and amount. The United States, while hoping to increase its contribution, believed that other nations must assume more of the burden, especially those in the Middle East with the means to do so.

Lebanon appealed to all States capable of assuming greater financial burdens to do so. Zambia ascribed the problem to the fact that the financial burden was borne by only a handful of countries and said all States had the responsibility to contribute.

Canada said it would increase its contribution to UNRWA but expressed concern about the increased costs of its operations. Sweden stated that, as one of the largest contributors, it would continue to give substantial support and would also support fully any arrangement to put the Agency's financing on a more stable footing, including a more equitable burden-sharing.

Norway said it was prepared to participate in any arrangement to broaden participation in the financing of UNRWA and to place it on a sounder basis, including a more reasonable apportioning of its expenses. Reconsideration or even a structural change of the Agency's financial basis was also advocated by others, among them Austria, Chile, Egypt, Finland and Turkey. These countries supported the Commissioner-General's proposal that Governments consult on his idea of sharing the Agency's expenses among Member States on an agreed basis. Mauritania, Portugal and others felt that the costs for UNRWA should be apportioned equitably among all Governments. Senegal urged that exceptional measures be taken to place the Agency's finances on a sound footing.

In Bangladesh's view, UNRWA needed clear guidance regarding its future course, particularly for dealing with the financial emergency. Pakistan held it essential that the Assembly should secure an adequate amount of income for UNRWA and explore ways of raising that amount.

The United Arab Emirates suggested that the Agency's budgetary deficit should be met by charging the deficit to the United Nations regular budget; requesting the Secretary-General to

study the feasibility of incorporating the Agency's budget into the United Nations budget and establishing new scales of assessment that would take account of the special responsibility of certain States because of their unconditional support for Israel; and enabling Palestine refugees to enjoy income from their property, which would suffice to cover their needs and make it possible to dispense with international assistance. The suggestion to include UNRWA expenditures in the United Nations budget or at least meet its deficit from that source was endorsed by other Arab States, such as Bahrain, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, the Syrian Arab Republic, Tunisia and Yemen. Yemen added that the continued dependence of UNRWA on voluntary contributions would create confusion in its programmes and even threaten its existence. Chile believed that the idea of including the Agency's expenditures in the United Nations budget should be considered.

Qatar suggested that contributions to UNRWA should be a fixed percentage and not a set amount, so as to offset inflation.

Australia, on the other hand, expressed doubts about the feasibility of meeting the Agency's expenses or deficit from the United Nations budget; it thought the answer to the immediate crisis lay in a more generous and speedy response from Member States. Japan argued that reliance on the United Nations budget could set an undesirable precedent for other bodies. The United States said that, if the proposal by the Arab Group was adopted, it would have to reconsider its pledge and its overall relationship with UNRWA; the estimated budget deficit amounted to approximately 10 per cent of the total United Nations budget, and meeting it by assessments levied on Member States would call into question the entire funding pattern of the major donor nations.

The Byelorussian SSR felt that a change of the existing financing system would be tantamount to accepting the exile of millions of Palestinians and would place those countries which were impeding a just solution to the Palestine problem on the same footing as those which consistently upheld the just cause of the Palestinians. Yugoslavia thought the Agency should be supported regardless of who was primarily responsible for the situation; to refrain from financing UNRWA would be tantamount to ignoring the Palestinians and the injustice done to them.

Kuwait suggested that a mechanism be devised to secure the revenues from the Palestinian properties in Israel under the guardianship of the United Nations, and then use them as partial funding for UNRWA.

The USSR said that, like other States which did not contribute directly to UNRWA, it nevertheless participated in the financing of similar programmes carried out by other agencies, contributed to the maintenance of the Agency's international staff and granted considerable bilateral assistance to Palestinians. Czechoslovakia said it was assisting the Palestinians through the Palestine Liberation Organization.

Israel held it essential that the Agency's records be updated in view of its permanent financial difficulties; the refugees' substantial absorption was not immediately apparent because it was the Agency's rule to keep them and their descendants on its registers indefinitely, even when they became self-supporting.

In the Syrian Arab Republic's opinion, the Agency's financial crisis was in essence a political struggle between those working sincerely for the return of the refugees and those who were doing all in their power to deprive them of their rights in order to support Israel.

Amendment: <sup>(1)</sup>United States, A/SPC/36/L.33 (to 20-nation draft A/SPC/36/L.14).

Draft resolution not pressed: <sup>(2)</sup>Algeria, Bahrain, Democratic Yemen, Djibouti, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen, A/SPC/36/L.14.

Reports: <sup>(3)</sup>UNRWA Commissioner-General, A/36/13 & Corr.1; <sup>(4)</sup>Working Group, A/36/615.

Resolutions and decisions:

Resolutions: GA: <sup>(5)</sup>36/146 D, para. 3, 16 Dec. (p. 335); <sup>(6)</sup>36/146 E, 16 Dec., text following; <sup>(7)</sup>36/146 F, 16 Dec., text following.

Decisions: GA: <sup>(8)</sup>36/431, 16 Dec., text following; <sup>(9)</sup>36/461, item 60, 18 Dec. (p. 350).

Financial implications: S-G statements, A/SPC/36/L.15 & L.31.

Meeting records: GA: SPC, A/SPC/36/SR.21-25, 26-28, 48, 51 (2 Nov.-7 Dec.); plenary, A/36/PV.100 (16 Dec.).

General Assembly resolution 36/146 E

Adopted without vote Meeting 100 16 December 1981  
Approved by SPC (A/36/818) without vote, 10 November (meeting 28); 20-nation draft (A/SPC/36/L.10); agenda item 60.

Sponsors: Austria, Bangladesh, Canada, Denmark, Germany, Federal Republic of, India, Indonesia, Liberia, Mali, Netherlands, New Zealand, Nigeria, Pakistan, Philippines, Spain, Sri Lanka, Sweden, Trinidad and Tobago, Yugoslavia, Zaire.

Working Group on the Financing of the United Nations 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 and 35/13 D of 3 November 1980,

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 the Near East, covering the period from 1 July 1980 to 30 June 1981,

Gravely concerned at the critical financial situation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 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 United Nations Relief and Works Agency for Palestine Refugees in the Near East,

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 of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 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 36/146 F

144-0-1 (recorded vote) Meeting 100 16 December 1981

Approved by SPC (A/36/818) by recorded vote (125-0-1), 10 November (meeting 26); draft by United States (A/SPC/36/L.11); agenda item 60.

Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 35/13 A of 3 November 1980 and all 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 1980 to 30 June 1981,

1. Notes with 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 specialized agencies and private organizations for their valuable work in assisting the refugees;

3. Reiterates its request that the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East should be relocated within the area of its operations as soon as practicable;

4. 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 not later than 1 October 1982;

5. Directs attention to the continuing seriousness of the financial position of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as outlined in the report of the Commissioner-General;

6. Notes with concern that, despite the commendable and successful efforts of the Commissioner-General to collect

additional contributions, this increased level of income to the United Nations Relief and Works Agency for Palestine Refugees in the Near East 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;

7. Calls upon all Governments as a matter of urgency to make the most generous efforts possible to meet the anticipated needs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 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.

Recorded vote in Assembly as follows:

In favour: Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, 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 Lucia, 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 Cameroon, United Republic of Tanzania, United States, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Israel.

General Assembly decision 36/431

Adopted without vote

Approved by SPC (A/36/818) without vote, 7 December (meeting 51); oral proposal by Chairman; agenda item 60.

Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

At its 100th plenary meeting, on 16 December 1981, the General Assembly, on the recommendation of the Special Political Committee, decided to keep open its thirty-sixth session until the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East had submitted its proposals, by the end of January 1982, on ways of meeting the deficit of the Agency's budget for 1982.

#### Contributions

For 1981, a total of 64 Governments and the European Economic Community paid the equivalent of \$146,459,961 in contributions to UNRWA as at 31 December 1981. In addition, contributions in the amount of \$8,513,336 were received from the United Nations, specialized agencies, non-governmental organizations, private individuals and corporations. Counting \$6,240,334 in bank interest and other miscellaneous income, total income for 1981 from all sources was \$161,213,631 (see table on next page).

On 16 November, the Ad Hoc Committee of

the General Assembly for the Announcement of Voluntary Contributions to UNRWA met at United Nations Headquarters. A total of 53 States pledged contributions for 1982 in cash or kind. Pledges announced were estimated at approximately \$107 million.

Meeting record: Committee on contributions to UNRWA, A/AC.211/SR.1 (16 Nov.).

#### Accounts for 1980

The General Assembly, by a resolution of 30 November 1981 on the accounts of various United Nations programmes,<sup>(3)</sup> accepted the financial report and accounts and the audit opinion of the Board of Auditors with respect to UNRWA finances for the year ended 31 December 1980.<sup>(2)</sup> It concurred with comments by the Advisory Committee on Administrative and Budgetary Questions (ACABQ)<sup>(1)</sup> and requested the Agency head to take remedial action as required by the Board's observations.

The Board of Auditors recommended that the UNRWA Financial Regulations be revised to accommodate the Agency's current requirements, according to which its original budget estimates for the following year were revised without prior consultation with its Advisory Commission before being submitted to the Assembly. In its September report on United Nations accounts, ACABQ trusted that this recommendation would be brought to the Advisory Commission's attention, but noted that the Commissioner-General had kept the Commission's members informed about major changes in the estimates.

In the discussion of these reports in the Fifth (Administrative and Budgetary) Committee, Jordan expressed concern at the Agency's financial difficulties and supported a recommendation by the auditors that UNRWA should intensify its efforts to collect unpaid pledges by Governments, which had amounted to \$26 million as at the end of 1980. Concern on this score was also expressed by Morocco and the Philippines. The Philippines and the United States hoped controls would be strengthened so as to prevent losses of commodities such as those reported by the Board.

An UNRWA representative responded that: steps had been taken to amend the Financial Regulations to meet the special circumstances that had given rise to frequent amendments to the original budget estimates; the amount of unpaid pledges had been reduced to \$9 million; and strict controls were maintained over commodities and medical supplies, and losses were minimal.

Reports: <sup>(1)</sup>ACABQ A/36/480; <sup>(2)</sup>Board of Auditors and financial statements, A/36/5/Add.3.

Resolution: <sup>(3)</sup>GA, 36/65, 30 Nov. (p. 1302).

## CONTRIBUTIONS TO UNRWA FOR THE YEAR ENDING 31 DECEMBER 1981

(in US dollar equivalent)

Contributor	Payments in kind	Payments In cash	Total	Contributor	Payments In kind	Payments In cash	Total
Argentina	-	8,818	8,818	New Zealand	-	96,681	96,681
Australia	-	571,691	571,691	Nigeria	-	20,000	20,000
Austria	-	196,500	196,500	Norway	-	4,680,836	4,680,836
Bahrain	-	15,000	15,000	Oman	-	35,000	35,000
Belgium	947,205*	182,609	1,129,814	Pakistan	-	18,665	18,665
Brazil	-	10,000	10,000	Panama	-	500	500
Canada	3,750,000**	2,396,694	6,146,694	Philippines	-	5,000	5,000
Chile	-	3,500	3,500	Portugal	-	10,000	10,000
China	-	50,000	50,000	Qatar	-	500,000	500,000
Denmark	-	3,287,432	3,287,432	San Merino	-	4,195	4,195
Egypt	-	8,580	8,580	Saudi Arabia	-	5,000,000	5,000,000
European Economic Community	11,568,835**	-	11,568,835	Singapore	-	1,500	1,500
Finland	-	377,870	377,870	Sri Lanka	1,000	-	1,000
France	882,705	655,680	1,538,385	Suriname	-	1,000	1,000
Gaza authorities	103,241	-	103,241	Sweden	-	10,176,848	10,176,848
Germany, Federal	-	-	-	Switzerland	3,192,096**	842,124	4,034,220
Republic of	1,438,485**	4,308,290	5,746,775	Syrian Arab Republic	163,339	-	163,339
Ghana	-	5,200	5,200	Thailand	-	17,390	17,390
Greece	-	35,000	35,000	Trinidad and Tobago	-	4,975	4,975
Holy See	-	12,500	12,500	Tunisia	-	9,815	9,815
Iceland	-	17,500	17,500	Turkey	-	20,000	20,000
Indonesia	-	7,500	7,500	United Kingdom	-	10,026,938	10,026,938
Iran	-	30,000	30,000	United States	-	62,000,000	62,000,000
Ireland	-	130,875	130,875	Venezuela	-	10,000	10,000
Israel	468,691	-	468,691	Yemen	-	2,000	2,000
Italy	-	843,995	843,995				
Jamaica	-	3,000	3,000	Subtotal	26,516,325	119,943,636	146,459,961
Japan	3,211,009**	7,651,376	10,862,385	United Nations and specialized agencies:			
Jordan	740,003	-	740,003	United Nations			5,300,000
Kuwait	-	2,100,000	2,100,000	UNESCO			715,960
Lebanon	49,916	12,944	62,860	WHO			305,400
Libyan Arab Jamahiriya	-	1,250,000	1,250,000	Subtotal			6,321,360
Luxembourg	-	10,712	10,712	Non-governmental sources			2,191,976***
Malaysia	-	5,000	5,000	Miscellaneous Income and exchange adjustments			6,240,334
Maldives	-	1,500	1,500				
Malta	-	1,012	1,012	Total			161,213,631
Mauritius	-	2,000	2,000				
Mexico	-	4,941	4,941				
Monaco	-	1,010	1,010				
Morocco	-	59,221	59,221				
Netherlands	-	2,202,219	2,202,219				

\*At Agency's 1981 price

\*\*At donor's valuation.

\*\*\*Includes \$229,069 for 1981, paid in 1982.

NOTE: Contributions include only amounts for 1981 paid as at 31 December 1981, except as indicated.

## Location of UNRWA headquarters

The main headquarters of UNRWA remained in 1981 at Vienna, Austria, where it had been moved from Beirut, Lebanon, in 1978.<sup>(2)</sup> Operational departments occupied rented premises at Amman, Jordan. The Lebanese Government reiterated its view that the Agency should return to Beirut as soon as circumstances in Lebanon permitted.

The General Assembly, in a resolution of 16 December on assistance to Palestine refugees,<sup>(1)</sup> reiterated its request that the Agency's headquarters, the major part of which remained outside its area of operations, be relocated within the area as soon as practicable.

During the debate on Palestine refugees in the Special Political Committee (SPC), the United Kingdom, speaking for the European Communi-

ty members, said they were gratified that the Commissioner-General intended to reunify UNRWA headquarters in the Middle East as soon as practicable. The Libyan Arab Jamahiriya and Turkey also supported such relocation.

Resolution: <sup>(1)</sup>GA, 36/146 F, para. 3, 16 Dec. (p. 330).  
Yearbook reference: <sup>(2)</sup>1978, p. 358.

## Other aspects

## Proposed repatriation of refugees

The United Nations Conciliation Commission for Palestine was unable to report progress in 1981 towards the implementation of a 1948 General Assembly resolution providing for the repatriation of Palestine refugees and compensation for those who chose not to return.<sup>(2)</sup> In its thirty-fifth report, covering the period from

1 October 1980 to 30 September 1981 and transmitted to the Assembly by a note of the Secretary-General,<sup>(1)</sup> the Commission stated that events in the area had further complicated an already complex situation and that the circumstances which limited its possibilities of action had remained essentially unchanged. Nevertheless, it continued to hope that the situation would improve towards the achievement of a comprehensive, just and lasting peace, thus enabling it to carry forward its work.

The Assembly, by its resolution of 16 December on assistance to Palestine refugees,<sup>(4)</sup> noted with regret that the Commission had been unable to find a means of achieving progress in implementing the 1948 resolution, and requested it to exert continued efforts in that regard and to report to the Assembly by 1 October 1982. The Assembly also noted with regret that there had been no repatriation or compensation of refugees, or progress towards their reintegration by repatriation or resettlement.

In a resolution on the Palestine question adopted on 10 December, the Assembly reaffirmed the inalienable right of the Palestinians to return to their homes and property in Palestine, from which they had been displaced and uprooted, and called for their early return.<sup>(3)</sup>

Israel, explaining its abstention on the resolution, said it had a different interpretation of the 1948 resolution mentioned therein; since its adoption, there had been a population exchange in the area, the Security Council had called for a solution on the basis of negotiation and a further step had been taken through the 1978 Camp David agreements with Egypt.

During the debate on Palestine refugees in SPC, a number of Arab States made the point that the Palestine question could not be solved until the refugees were able to return to their homes. Iraq stated that, in denying them the right to return, Israel was in breach of its obligations as a Member of the United Nations. Morocco said that, despite repeated demands by the Assembly for the refugees' return, Israel had continued to defy world public opinion.

Report: <sup>(1)</sup>Conciliation Commission for Palestine, transmitted by S-G note, A/36/529.

Resolutions: GA: <sup>(2)</sup>194(III), para. 11, 11 Dec. 1948 (YUN 1948-49, p. 175); <sup>(3)</sup>36/120 D, para. 1, 10 Dec. 1981 (p. 268); <sup>(4)</sup>36/146 F, paras. 1 & 4, 16 Dec. (p. 330).

#### Return of displaced persons

REPORT OF THE SECRETARY-GENERAL. The Secretary-General, on 30 September, submitted a report<sup>(1)</sup> on implementation of a 1980 resolution by which the General Assembly called on Israel to take immediate steps for the return of all displaced inhabitants in territories it had

occupied since 1967 and to desist from measures that obstructed their return.<sup>(2)</sup> The report reproduced information from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and from Israel.

The Secretary-General reported that UNRWA was not involved in arrangements for the return of refugees or displaced persons and could not estimate the total number of displaced inhabitants who had returned. However, it knew of about 9,800 UNRWA-registered refugees who had returned to the occupied territories since 1967, including 212 in the year ended 30 June 1981.

Israel, responding to the Secretary-General's request for information, stated that, in spite of security risks which inevitably resulted in some constraints on the return of persons displaced in 1967, it followed a policy of facilitating the reunification of families. Between 1967 and the end of June 1981, it had admitted 55,993 persons for that purpose to the territories it administered.

GENERAL ASSEMBLY ACTION. By a resolution of 16 December,<sup>(3)</sup> the General Assembly reaffirmed 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 considered any agreements embodying any restriction on or condition for their return as null and void. Deploring Israel's continued refusal to take steps for the return of displaced inhabitants, it again called on Israel to take such steps and to desist from all measures obstructing their return, and requested the Secretary-General to report by the opening of its 1982 session on Israel's compliance.

The resolution was adopted, by a recorded vote of 121 to 3, with 21 abstentions, on the recommendation of SPC, which approved the 12-nation text, introduced by Pakistan, on 10 November, by a recorded vote of 105 to 3, with 18 abstentions.

Speaking after the vote in Committee, Israel rejected the resolution on the ground that it disregarded the facts. In Israel's view, the destructive intent behind the text was particularly evident in the paragraph referring to agreements, which was aimed directly against the Middle East peace process.

Also voting against, Canada stated that the resolution was critical of the peace process, which provided ways of dealing with the subject. The United States said that, while repatriation seemed applicable at the earliest practicable date in the context of an agreement among the parties, the outcome should not be prejudiced by the Assembly; the actions called for were premature, unworkable and one-sided.

Sweden and the United Kingdom, the latter speaking for the European Community mem-

bers, abstained on the ground that the text appeared to preclude the possibility of a negotiated settlement.

In the Committee's debate, Cyprus said it was fully committed to the right of displaced persons to return, wherever they were located.

Israel stated that to permit persons displaced by the 1967 hostilities to return systematically would open Israel's frontiers to saboteurs and agents of terrorist organizations.

Report: <sup>(1)</sup>S-G, A/36/558.

Resolutions: GA: <sup>(2)</sup>35/13 E, paras. 4 & 5, 3 Nov. 1980 (YUN 1980, p. 445); <sup>(3)</sup>36/146 B, 16 Dec. 1981, text following.

Meeting records: GA: SPC, A/SPC/36/SR.21-25, 26, 27, 28 (2-10 Nov.); plenary, A/36/PV.100 (16 Dec.).

#### General Assembly resolution 36/146 B

121-3-21 (recorded vote) Meeting 100 16 December 1981

Approved by SPC (A/36/818) by recorded vote (105-3-18), 10 November (meeting 28); 12-nation draft (A/SPC/36/L.7); agenda item 60.

Sponsors: Afghanistan, Bangladesh, Cuba, Cyprus, India, Indonesia, Madagascar, Malaysia, Mali, Pakistan, Senegal, Yugoslavia.

Population and refugees displaced since 1967

The General Assembly,

Recalling Security Council resolution 237(1967) of 14 June 1967,

Recalling also its 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 and 35/13 E of 3 November 1980,

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 1980 to 30 June 1981, and the report of the Secretary-General of 30 September 1981,

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 of 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. 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 by the opening of its thirty-seventh session on Israel's compliance with paragraph 4 above.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Argentina, Bahamas, Bahrain,

Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, 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, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaïre, Zambia, Zimbabwe.

Against: Canada, Israel, United States.

Abstaining: Australia, Austria, Belgium, Denmark, Dominican Republic, Finland, France, Germany, Federal Republic of Guatemala, Haiti, Iceland, Ireland, Italy, Jamaica, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Sweden, United Kingdom.

#### Assistance to displaced persons

The General Assembly, by a resolution of 16 December 1981,<sup>(1)</sup> again endorsed the efforts of UNRWA to continue to provide humanitarian assistance, on an emergency basis and as a temporary measure, also to persons displaced as a result of the June 1967 hostilities and in need of continued assistance. Governments, organizations and individuals were asked to contribute for that purpose to UNRWA and other intergovernmental and non-governmental organizations.

The resolution was adopted, without vote, on the recommendation of SPC, which approved the 22-nation text in like manner on 10 November. It was introduced by Sweden, which noted that the same text had been adopted every year since 1967.

Resolution: <sup>(1)</sup>GA, 36/146 D, 16 Dec., text following.

Meeting records: GA: SPC, A/SPC/36/SR.21-24, 25, 26, 27, 28 (2-10 Nov.); plenary, A/36/PV.100 (16 Dec.).

#### General Assembly resolution 36/146 D

Adopted without vote Meeting 100 16 December 1981

Approved by SPC (A/36/818) without vote, 10 November (meeting 28); 22-nation draft (A/SPC/36/L.9); agenda item 60.

Sponsors: Austria, Bangladesh, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of Greece, India, Indonesia, Ireland, Italy, Japan, Malaysia, Mali, Netherlands, Norway, Pakistan, Philippines, Senegal, Sri Lanka, Sweden.

Assistance to persons displaced as a result of the June 1967 hostilities

The General Assembly,

Recalling its resolution 35/13 C of 3 November 1980 and all 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 1980 to 30 June 1981,

Concerned about the continued human suffering resulting from the June 1967 hostilities in the Middle East,

1. Reaffirms its resolution 35/13 C and all 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 serious need of continued assistance as a result of the June 1967 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.

#### Palestine refugees in the Gaza Strip

REPORTS OF THE SECRETARY-GENERAL AND UNRWA. On 30 September 1981, the Secretary-General submitted a report,<sup>(1)</sup> requested by the General Assembly in 1980,<sup>(3)</sup> on compliance with its call that Israel desist from removal and resettlement of Palestine refugees in the Gaza Strip and destruction of their shelters.

According to Israel's response to the Secretary-General's request for information, included in this report, the positive trend of assisting refugee families to leave camps and find new dwellings had continued. As of July 1981, 5,846 families had been assisted in the framework of refugee rehabilitation projects; families which had received plots and built their own homes with Israeli aid had increased to 2,356, and 2,690 other refugee families had taken possession of new homes in Israeli housing projects. Israel added that it was patently incongruous to censure the promotion of housing projects designed to improve the condition of refugees.

The Secretary-General's report also provided information from UNRWA indicating that, in the year under review, Israeli occupying authorities had demolished, on punitive grounds, shelters occupied by 13 refugee families, leaving them to live in the open. The Agency had lodged compensation claims, but to no avail; nor had it been compensated for refugee shelters demolished in previous years. Despite the housing shortage, Israeli authorities continued to require refugee families moving into Israeli housing projects to demolish their shelters in the camps. During the reporting period, that requirement had been applied in all cases and a total of 272 shelter rooms had been demolished.

The UNRWA Commissioner-General, in his annual report to the Assembly,<sup>(2)</sup> noted that special contributions had been received to improve the living conditions of refugees in the Gaza Strip, where the proportion of refugees living in camps and the density of population was higher than elsewhere. By the end of June 1981, 59 refugee families had received new shelter rooms in individual family units; one of the new shelters had been among seven demolished by Israeli authorities in May and June.

To reduce overcrowding in the Gaza Strip,

the Commissioner-General held it essential that the total complement of housing should increase substantially.

GENERAL ASSEMBLY ACTION. By a resolution of 16 December,<sup>(4)</sup> the General Assembly demanded that Israel desist from removing and resettling Palestine refugees in the Gaza Strip and from destroying their shelters, and requested the Secretary-General to report before its 1982 session on Israel's compliance.

The resolution was adopted by a recorded vote of 141 to 2, with 2 abstentions, following approval by SPC on 10 November by a recorded vote of 119 to 2, with 2 abstentions. The draft was introduced by Pakistan on behalf of 12 sponsors.

Israel stated that it had voted against because the resolution took a cynical approach towards the refugees in calling on Israel to stop providing them with housing. The United States said it opposed the text because it addressed Israel in a harsh and unfair manner.

Canada said it had voted in favour out of concern at the practice of demolishing refugee shelters on punitive grounds. The United Kingdom explained that, although the members of the European Community (EC) had voted in favour, they considered that nothing in the resolution should be held to interfere with the freedom of the refugees to choose where they wished to live.

In the Committee's debate, Sri Lanka referred to Israel's practice of demolishing shelters as a form of collective punishment, and expressed hope that it would be discontinued as contrary to international law and civilized conduct.

Reports: <sup>(1)</sup>S-G, A/36/559; <sup>(2)</sup>UNRWA Commissioner-General, A/36/13.

Resolutions: GA: <sup>(3)</sup>35/13 F, 3 Nov. 1980 (YUN 1980, p. 446); <sup>(4)</sup>36/146 A, 16 Dec. 1981, text following.

Meeting records: GA: SPC, A/SPC/36/SR.21-25, 26 27, 28 (2-10 Nov.); plenary, A/36/PV.100 (16 Dec.).

#### General Assembly resolution 36/146 A

141-2-2 (recorded vote) Meeting 100 16 December 1981 Approved by SPC (A/36/818) by recorded vote (119-2-2), 10 November (meeting 28); 12-nation draft (A/SPC/36/L.6); agenda item 60.

Sponsors: Afghanistan, Bangladesh, Cuba, Cyprus, India, Indonesia, Madagascar, Malaysia, Mali, Pakistan, Senegal, Yugoslavia.

#### Palestine refugees in the Gaza Strip

The General Assembly,

Recalling Security Council resolution 237(1967) of 14 June 1967,

Recalling also its 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 and 35/13 F of 3 November 1980,

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 1980 to 30 June 1981, and the report of the Secretary-General of 30 September 1981,

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 of the United Nations Relief and Works Agency for Palestine Refugees in the Near East that the Israeli occupying authorities persist in their policy of demolishing, on punitive grounds, shelters occupied by refugee families,

1. Demands 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 thirty-seventh session on Israel's compliance with paragraph 1 above.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, 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, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Guatemala, Malawi.

### Property rights

The General Assembly, on 16 December 1981, requested the Secretary-General to take all appropriate steps for the protection and administration of Arab property and assets in Israel, to establish a fund for the receipt of income derived therefrom and to report to it in 1982.<sup>(1)</sup>

The resolution was adopted by a recorded vote of 117 to 2, with 26 abstentions, following approval by SPC on 10 November by a roll-call vote of 101 to 2, with 24 abstentions. The 10-nation draft was introduced by Bangladesh, which said the establishment of such a fund would enable UNRWA to solve its financial difficulties.

Israel, which voted against the resolution, said the right of a State to regulate and dispose of property within its territory was beyond question, and the United Nations had no competence to intervene. Israel had spent vast sums of money rehabilitating and developing derelict lands and property. Moreover, approximately 800,000 Jewish refugees from Arab countries

who had resettled in Israel had left property which had been confiscated by the Governments of those countries.

Also voting against, the United States said that, while compensation could be applicable in the context of an agreement among the parties, the outcome should not be prejudiced by the Assembly; the actions called for in the text were premature, unworkable and one-sided.

Among those which abstained, New Zealand said the resolution was as unlikely to advance Palestinian rights in the occupied territories or to further peace as was their continued illegal occupation by Israel. Austria, Canada, Sweden and the United Kingdom, the last speaking for the EC members, considered that a solution to the problems of Palestinian property rights and the return of the refugees must be sought in the framework of a comprehensive Middle East settlement.

Jordan, which voted for the draft, observed that it referred to land and property left behind by persons who had lived in Palestine for centuries before the arrival of the Jewish immigrants; it was only fair that the Palestine refugees, who were living at the subsistence level, should receive income accruing from that property, from which the Israeli Government was currently profiting.

During the debate on Palestine refugees, the Libyan Arab Jamahiriya urged the international community to demand that Israel repay the profits extracted from exploitation of Palestinian property. Saudi Arabia suggested that a board be set up to collect revenues from the refugees' property and distribute those sums to the owners, who would then not be a burden on the international community. A similar suggestion was made by Kuwait (p. 329).

Resolution: <sup>(1)</sup>GA, 36/146 C, 16 Dec., text following.

Meeting records: GA: SPC, A/SPC/36/SR.21-25, 26-28 (2-10 Nov.); plenary, A/36/PV.100 (16 Dec.).

### General Assembly resolution 36/146 C

117-2-26 (recorded vote) Meeting 100 16 December 1981

Approved by SPC (A/36/818) by roll-call vote (101-2-24), 10 November (meeting 28); 10-nation draft (A/SPC/36/L.8); agenda item 60.

Sponsors: Afghanistan, Bangladesh, Cuba, India, Indonesia, Madagascar, Mali, Pakistan, Senegal, Yugoslavia.

Revenues derived from Palestine refugee properties

The General Assembly,

Recalling its resolutions 35/13 A to F of 3 November 1980 and all its previous resolutions on the question, including resolution 194(III) of 11 December 1948,

Taking note of the report of the United Nations Conciliation Commission for Palestine, covering the period from 1 October 1980 to 30 September 1981,

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 private property,

Considering that the Palestinian 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 Palestinian Arab refugees,

Taking 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, of 11 May 1964, and of the fact that the Land Office has 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 their rightful owners;

2. Calls upon the Governments concerned to render all facilities and assistance to the Secretary-General on the implementation of the present resolution;

3. Requests the Secretary-General to report to the General Assembly at its thirty-seventh session on the implementation of the present resolution.

Recorded vote In Assembly as follows:

In favour: Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, 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, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Guatemala, Haiti, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Malawi, Nepal, Netherlands, New Zealand, Norway, Paraguay, Swaziland, Sweden, United Kingdom.

## Education

REPORTS OF THE SECRETARY-GENERAL AND UNRWA. The Secretary-General submitted a report to the General Assembly in August 1981 (with later addenda)<sup>(1)</sup> on the responses of Member States and United Nations agencies to a 1980 Assembly appeal for special allocations, scholarships and grants for the higher education of Palestine refugees.<sup>(3)</sup>

Among the countries responding, Australia had indicated that it had offered six awards to Palestine refugees for tertiary studies in Australia; one of these had been granted and the rest were being finalized. The Federal Republic of Germany had offered 10 scholarships for vocational instructor training for graduates of UNRWA vocational training centres, and France had offered two scholarships to such graduates. Egypt advised that some 20,000 Palestinian stu-

dents had attended Egyptian schools and universities in the 1980/1981 academic year, most of them free of charge, and that 450 had been admitted to Egyptian universities in 1980/1981.

Several specialized agencies—the International Labour Organisation, the Inter-Governmental Maritime Consultative Organization, the Universal Postal Union, the World Intellectual Property Organization and the World Meteorological Organization—informed the Secretary-General of the assistance they were providing to Palestinians, including provision of training facilities and fellowships for higher studies.

The UNRWA Commissioner-General, in his annual report,<sup>(2)</sup> described the education and training services which accounted for more than half of the Agency's total expenditures (p. 326). The report also indicated that UNRWA had awarded 365 scholarships to Palestine refugees for study at Arab universities, of which 285 were continuing scholarships and 80 were new awards.

GENERAL ASSEMBLY ACTION. The General Assembly, on 16 December 1981,<sup>(4)</sup> strongly appealed to 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 UNRWA, and invited United Nations agencies to expand their assistance for higher education of Palestine refugee students. It appealed to States, specialized agencies and other international bodies to contribute to Palestinian universities in the territories occupied by Israel and towards the establishment of vocational training centres for Palestine refugees. The Assembly requested UNRWA to act as recipient and trustee for special allocations and scholarships and requested the Secretary-General to report to it in 1982.

The resolution was adopted, by a recorded vote of 145 to none, with 1 abstention, on the recommendation of SPC, where the draft, introduced by Jordan also on behalf of Bangladesh and Pakistan, was approved on 10 November by a recorded vote, requested by Israel, of 125 to none, with 2 abstentions.

Also on 16 December, in connection with its consideration of the situation in the territories occupied by Israel, the Assembly condemned Israeli practices against Palestinian students and faculty and demanded that Israel rescind measures against educational institutions.<sup>(5)</sup>

With regard to the resolution on educational assistance to Palestine refugees, Israel explained that it had abstained in the vote because of certain political formulations that betrayed the true purpose of the resolution, which was not to promote education but to further Jordan's unrelenting propaganda campaign.

During the SPC debate, Jordan urged other Governments to follow the lead of those who had granted scholarships to Palestine refugees.

Reports: <sup>(1)</sup>S-G, A/36/385 & Add.1,2; <sup>(2)</sup>UNRWA Commissioner-General, A/36/13.

Resolutions: GA: <sup>(3)</sup>35/13 B, 3 Nov. 1980 (YUN 1980, p. 443); <sup>(4)</sup>36/146 H, 16 Dec. 1981, text following; <sup>(5)</sup>36/147 F, 16 Dec. (p. 316).

Meeting records: GA: SPC, A/SPC/36/SR.21-26, 27, 28 (2-10 Nov.); plenary, A/36/PV.100 (16 Dec.).

General Assembly resolution 36/146 H

145-0-1 (recorded vote) Meeting 100 16 December 1981

Approved by SPC (A/36/818) by recorded vote (125-0-2), 10 November (meeting 28); 3-nation draft (A/SPC/36/L.13); agenda item 60.

Sponsors: Bangladesh, Jordan, Pakistan.

Offers by Member States of grants and scholarships for higher education, including vocational training, for the Palestine refugees

The General Assembly.

Recalling its resolution 212(III) of 19 November 1948 on assistance to Palestine refugees,

Recalling also its resolution 35/13 B of 3 November 1980,

Cognizant of the fact that the Palestine refugees have, for the last three decades, lost their lands and means of livelihood,

Having examined with appreciation the report of the Secretary-General on offers of grants and scholarships for higher education for Palestine refugees and the scope of the implementation of resolution 35/13 B,

Having also examined with appreciation 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 1980 to 30 June 1981, dealing with this subject,

Noting that fewer than one per thousand of the Palestine refugee students have the chance to continue higher education, including vocational training,

Noting also that over the past several years the number of scholarships offered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East has dwindled to half of what it was because of the Agency's recurring budgetary difficulties.

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 the 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 33/112 C of 18 December 1978;

4. Invites the relevant United Nations agencies to continue to expand the inclusion within their respective spheres of competence of assistance for higher education for the 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;

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 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 thirty-seventh session on the implementation of the present resolution.

Recorded vote in Assembly as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, 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 Lucia, 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 Cameroon, United Republic of Tanzania, United States, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Israel.

Proposed university

REPORT OF THE SECRETARY-GENERAL. The Secretary-General, on 30 October 1981, submitted a report,<sup>(1)</sup> requested by the General Assembly in November 1980,<sup>(2)</sup> on ways of establishing a university of arts and sciences at Jerusalem to serve Palestine refugees.

According to 1980 estimates by the United Nations Educational, Scientific and Cultural Organization cited in the report, three fourths of the 40,000 Palestinian Arab students who completed secondary education each year did not go on to university, mainly because of the lack of facilities. Of the 60,000 Palestinian Arab students in institutions of higher learning in 1977, only about 5,000 (9 per cent) attended universities on the West Bank and in Israel. Jordanian and Palestinian experts consulted for the report believed it essential to increase the number of Palestinians at the professional, managerial, scientific and technical levels, and to train them in the territories occupied by Israel, including Jerusalem.

As to the proposed university, those experts expressed the opinion that, while it should admit Palestinian Arabs regardless of their place of residence, it might initially have to restrict admission to those living in the occupied territories. The United Nations should provide its charter, select its board of trustees, assist in the appointment of academic staff and, if possible, arrange for financing. The persons consulted indicated that, if necessary, voluntary funds, primarily from Arab sources, could be made available on a regular basis.

It was evident, the Secretary-General concluded, that the establishment of the university would be possible only with the agreement and co-operation of the Israeli authorities, which had not been obtained.

Annexed to the report were exchanges of correspondence between the Under-Secretary-General for Special Political Affairs and Israel, Jordan and the Palestine Liberation Organization (PLO). In reply to the Under-Secretary-General's request for co-operation with the study and access to the area by United Nations experts, Israel expressed concern that the sponsors were attempting to use the field of higher education for dubious political ends and said it was unable to help in taking the matter further. Jordan invited United Nations representatives to visit two of its universities. PLO expressed full support for the university project and suggested that a feasibility study be prepared.

GENERAL ASSEMBLY ACTION. By a resolution of 16 December,<sup>(3)</sup> the General Assembly recognized the urgent necessity of establishing an arts and sciences university at Jerusalem for Palestine refugees and called on Israel to remove the obstacles it had put in the way. It requested the Secretary-General to take all necessary measures, including a feasibility study, for establishing the university and to report in 1982 on the progress made.

The Assembly adopted the resolution by a recorded vote, requested by Israel, of 119 to 2, with 20 abstentions, following its approval by SPC on 30 November by a recorded vote of 87 to 2, with 17 abstentions. The draft was introduced by Jordan, also on behalf of Bangladesh, India, Pakistan and Senegal, and was revised by its sponsors before approval.

Israel, voting against, said the resolution did not respond to the refugees' educational needs. In Judea and Samaria there were already several universities established and developed by Israel. The new initiative might lead to discrimination between Moslems, Jews and Christians. Furthermore, it had no precedent in the history of refugees, most of whom found it difficult to satisfy their most elementary needs for education. The United States also voted against, explaining that it considered the initiative unrealistic.

Among those which abstained in the vote, Canada thought it was ill-timed to advocate the establishment of a university even though UNRWA was not receiving enough contributions for its pressing needs; moreover, Canada was not convinced that a university was urgently needed. Sweden, although it favoured the general aim of establishing a university, wanted a feasibility study before any commitment was undertaken. The United Kingdom said the European Community members had difficulty with some

of the text's formulations and considered that any resulting expenditure must be covered through voluntary contributions outside the UNRWA budget.

Austria, though voting affirmatively, also favoured voluntary contributions and added that it might be better to use or enlarge existing institutions in view of the costs.

In the Committee's debate, Egypt expressed regret that Israel had not co-operated on the project.

Report: <sup>(1)</sup>S-G, A/36/593.

Resolutions: GA: <sup>(2)</sup>35/13 B, paras. 5 & 6, 3 Nov. 1980 (YUN 1980, p. 444); <sup>(3)</sup>36/146 G, 16 Dec. 1981, text following.

Financial implications: 5th Committee report, A/36/825; S-G statements, A/SPC/36/L.17, A/C.5/36/96.

Meeting records: GA: SPC, A/SPC/36/SR.21-26, 27, 28, 46 (2-30 Nov.); 5th Committee, A/C.5/36/SR.73 (14 Dec.); plenary, A/36/PV.100 (16 Dec.).

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119-2-20 (recorded vote) Meeting 100 16 December 1981

Approved by SPC (A/36/818) by recorded vote (87-2-17), 30 November (meeting 46); 5-nation draft (A/SPC/36/L.12/Rev.1); agenda item 60.

Sponsors: Bangladesh, India, Jordan, Pakistan, Senegal.

University of Jerusalem for Palestine refugees

The General Assembly,

Recalling its resolution 35/13 B of 3 November 1980,

Having examined with appreciation the report of the Secretary-General concerning the establishment of the university of Jerusalem in pursuance of paragraphs 5 and 6 of resolution 35/13 B,

Having also examined with appreciation 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 1980 to 30 June 1981,

1. Commends the constructive efforts made by 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 in exploring ways and means of establishing at Jerusalem a university of arts and sciences to cater to the needs of Palestine refugees in the area, under the aegis of the United Nations;

2. Further commends the close co-operation of the competent educational authorities in the host countries as well as those of the Palestine Liberation Organization;

3. Recognizes the urgent necessity of establishing the proposed university;

4. Calls upon Israel as the occupying Power to desist from obstructing the implementation of the resolution of the General Assembly and to remove the obstacles which it has put in the way of establishing the university at Jerusalem;

5. Requests the Secretary-General to take all necessary measures, including a functional feasibility study, for establishing the university at Jerusalem;

6. Further requests the Secretary-General to report to the General Assembly at its thirty-seventh session on the progress made in the implementation of the present resolution.

Recorded vote In Assembly as follows:

In favour: Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India,

Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, 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, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Guatemala, Iceland, Ireland, Italy, Jamaica, Japan, Kenya, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom.