

Committee on the Exercise of the Inalienable Rights of the Palestinian People

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INTRODUCTION

The Committee on the Exercise of the Inalienable Rights of the Palestinian People was established by the General Assembly in 1975.

In a resolution adopted on 10 November 1975, the Assembly expressed grave concern that no progress had been achieved towards the exercise by the Palestinian people in Palestine of their inalienable rights, as reaffirmed by the Assembly in 1974, including the right to self-determination without external interference and the right to national independence and sovereignty, and towards the exercise by the Palestinians of their inalienable right to return to their homes and property "from which they have been displaced and uprooted".

The Assembly decided to establish the Committee to recommend to the Assembly a programme designed to fulfil those rights. It asked the Committee to submit recommendations within six months for consideration by the Security Council. At the same time, the Assembly asked the Council to adopt resolutions and measures needed to enable the Palestinian people to exercise their "inalienable national rights". The resolution (3376 (XXX)) establishing the Committee was adopted by a roll-call vote of 93 to 18, with 27 abstentions.

The Committee was authorized to make contact with, and to consider the proposals of, any state and intergovernmental regional body and the Palestinian Liberation Organization (PLO) with which the Assembly had, in 1974, asked the Secretary-General to establish contacts on all matters concerning the Palestine question. In drawing up its recommendations, the Committee was asked to take into account "all the powers conferred by the Charter upon the principal organs of the United Nations".

The members of the Committee—originally a 20-nation body but expanded to 23 nations in 1976—are: Afghanistan, Cuba, Cyprus, German Democratic Republic, Guinea, Guyana, Hungary, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Malta, Nigeria, Pakistan, Romania, Senegal, Sierra Leone, Tunisia, Turkey, Ukrainian SSR and Yugoslavia.

The current officers of the Committee, elected on 11 February 1982, are: Massamba Sarre (Senegal), Chairman; Raul Roa-Kouri (Cuba) and Farid Zarif (Afghanistan), Vice-Chairmen, and Victor J. Gauci (Malta), Rapporteur.

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The question of Palestine was first brought before the Assembly in 1947. In later years, it was discussed as part of the larger Middle East issue or in its refugee or human rights aspects, and the Assembly had several times reaffirmed the rights of the Palestinians. In 1974, however, following the inclusion of the "Question of Pales-

time" on its agenda for that year, the Assembly spelled out those rights in detail.

In doing so, the Assembly also recognized the right of the Palestinians to regain their rights "by all means in accordance with the purposes and principles of the Charter of the United Nations", and it appealed to all States and international organizations to support them in that struggle.

In other decisions stemming from its reaffirmation of the rights of the Palestinians, the Assembly acted to widen the participation of the PLO on the international level and to secure its participation in United Nations-sponsored conferences on the Middle East. Thus, in 1974, it invited the PLO to take part in the sessions and work of the Assembly as an observer, and it expressed its view that the PLO was entitled to participate in the same capacity in all international conferences convened by other United Nations organs. In 1975, on the same day that it established the Committee, the Assembly, in a decision carried by a roll-call vote of 101 States in favour to 8 against, with 25 abstentions, called for the invitation of the PLO, as the representative of the Palestinian people, to take part in "all efforts, deliberations and conferences on the Middle East" held under United Nations auspices, on an equal footing with all other parties, and asked that steps be taken to secure its participation in the Geneva Peace Conference. (The Geneva Peace Conference on the Middle East held its first meetings in December 1973 under the auspices of the United Nations and the co-chairmanship of the Soviet Union and the United States. It has not met since 1974.)

At the Committee's invitation, the PLO takes part as an observer in the Committee's work, attends all its meetings and may make proposals for the Committee's consideration. When it began its meetings in 1976, the Committee asked the Secretary-General to invite all Member States, permanent observers to the United Nations and intergovernmental regional organizations to participate as observers. It stressed particularly States "directly interested in the Middle East crisis", the League of Arab States, the Organization of African Unity and members of the Security Council, especially its permanent members (China, France, the USSR, the United Kingdom and the United States).

Affirmative responses were received from Egypt, Iraq, Jordan, the Libyan Arab Jamahiriya, Mauritania, the Syrian Arab Republic and the League of Arab States, all of which now participate as observers in the work of the Committee. At their request, Algeria, Czechoslovakia, Ecuador, Morocco, Niger, the United Arab Emirates and Viet Nam, as well as the Organization of the Islamic Conference, also take part as observers.

1976

FIRST REPORT OF THE COMMITTEE AND ITS RECOMMENDATIONS

The Committee on the Exercise of the Inalienable Rights of the Palestinian People held its first meetings between February and May 1976 and later that year issued a report containing recommendations addressed to the Security Council.

In its report, the Committee said that the question of Palestine "is at the heart of the Middle East problem" and no solution could be envisaged which did not take fully into account the legitimate aspirations of the Palestinian people. The Committee urged the Security Council to promote action for a just solution, taking into account all the powers conferred on it by the Charter. The participation of the PLO, as the representative of the Palestinian people, on an equal basis with other parties, was "indispensable", the Committee said, in all deliberations and conferences held under United Nations auspices.

Recommendations in the Committee's report included a two-stage plan for the return of the Palestinians to their homes and property, a timetable for the withdrawal of Israeli forces from the occupied territories by 1 June 1977, and endorsement of the inherent right of the Palestinians to self-determination, national independence and sovereignty.

The right of return

The first stage of the plan for return covered Palestinians displaced as a result of the June 1967 conflict. The Committee recommended that the Security Council should request the immediate implementation of its resolution 237 (1967). In that resolution, the Council had called upon Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those who had fled since the outbreak of hostilities. Such implementation, the Committee stated, should not be related to any other condition. For any logistical problems involved in resettlement, the Committee proposed use of the resources of the International Committee of the Red Cross and/or the United Nations Relief and Works Agency for Palestine Refugees in the Near East, suitably financed and mandated.

The second stage of the return plan covered Palestinians displaced between 1948 and 1967. The Committee recommended that

while the first phase was being carried out, the United Nations, in co-operation with the States directly involved and the PLO, should make the necessary arrangements for return to homes and property, as provided for in General Assembly resolution 194 (III), adopted in 1948 and subsequently reaffirmed. Those not wishing to return should be paid just and equitable compensation in accordance with the same resolution.

The right to self-determination, national independence and sovereignty

The Committee considered that the evacuation of the occupied territories was indispensable for the exercise by the Palestinian people of their inalienable rights in Palestine. It also considered that upon the return of the Palestinians and with the establishment of an independent Palestinian entity, the Palestinian people would be able to exercise their right to self-determination and to decide their form of government without external interference. The United Nations, in the Committee's view, had the historical duty and responsibility to render all assistance necessary to promote the economic development and prosperity of the Palestinian entity. To those ends, the Committee recommended various actions by the Security Council, including: the establishment of a timetable for withdrawal, no later than 1 June 1977, from areas occupied by Israel in 1967; the provision, if necessary, of temporary peace-keeping forces to facilitate the withdrawal process; and a request to Israel to desist from the establishment of new settlements and to withdraw before 1 June 1977 from those established since 1967 in the occupied territories. Israel should also be asked to abide scrupulously by the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, and to declare, pending its speedy withdrawal from the territories, its recognition of the Convention's applicability.

In its final proposals, the Committee recommended that the evacuated territories, with all property and services intact, should be taken over by the United Nations, which, with the co-operation of the League of Arab States, would subsequently hand over the territories to the PLO as the representative of the Palestinian people.

As soon as the independent Palestinian entity had been established, the United Nations, in co-operation with the States directly involved and the Palestinian entity, should make further arrangements for the full implementation of the rights of the Palestinians, the resolution of outstanding problems, and the estab-

lishment of a just and lasting peace in the region, in accordance with all relevant United Nations resolutions.

If necessary, the Committee proposed, the United Nations should assist in establishing communications between Gaza and the West Bank and should also provide the economic and technical assistance needed for the consolidation of the Palestinian entity. (For the full text of the Committee's recommendations, see Annex I.)

SECURITY COUNCIL CONSIDERATION OF THE COMMITTEE'S RECOMMENDATIONS

(June 1976)

The Security Council considered the report of the Committee beginning on 9 June 1976. At their request, the Council invited the following 29 Member States to take part in its discussions without the right to vote: Afghanistan, Algeria, Bahrain, Bulgaria, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Egypt, German Democratic Republic, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lao People's Democratic Republic, Mauritania, Morocco, Oman, Poland, Qatar, Saudi Arabia, Somalia, Syria, Tunisia, Turkey, United Arab Emirates and Yugoslavia. Other speakers included the Permanent Observer of the League of Arab States and the representative of the PLO, who was invited to take part in the debate, as on previous occasions, with the same rights of participation as those conferred upon a Member State. The vote to invite the PLO on those terms was 11 in favour to 1 against (United States), with 3 abstentions (France, Italy, United Kingdom). Israel, which had opposed the establishment of the Committee and the designation of the PLO as the legitimate representative of the Palestinian people, did not take part in the Council's meetings.

In presenting the report to the Council, both the Chairman and the Rapporteur of the Committee stressed that all the recommendations had their basis in resolutions of the General Assembly or the Security Council. They stressed the urgent need for the Council to consider the Committee's recommendations for implementing the inalienable rights of the Palestinians, so that a settlement of the problem, essential for a just and lasting peace in the Middle East, might be achieved, and they said that the Committee would take the fullest account of the Council's decisions and suggestions in formulating its proposals to the General Assembly.

Views expressed

During the discussion in the Security Council, many speakers strongly supported the Committee's recommendations and said its report recognized that the problem of the rights of the Palestinians was at the core of the Middle East conflict. The report marked the first time that a Committee established by the General Assembly had tried to devise practical steps for implementing Assembly as well as Council resolutions, they said.

Many States also welcomed what they viewed as the long-delayed change in the attitude of the United Nations towards the question, which had evolved from regarding Palestinians solely as refugees to recognition of the "political" essence of their situation.

Because Palestine was given to the United Kingdom to administer under a League of Nations mandate, India noted, the exercise of the rights of its people became matters of concern to the United Nations. The subsequent conflicts, India said, were the effects of that original cause "and the responsibility of the United Nations is therefore unmistakable".

While other Member States viewed a solution to the Palestinian problem as a central factor in the Middle East situation, a number of them—including France, Italy, Japan, Sweden, the United Kingdom and the United States—stressed that that solution could be achieved only within the framework of a comprehensive settlement based on negotiations between the parties concerned and taking into account the rights of all States in the region, as provided for in Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, both of which were referred to frequently during the discussions.

Resolution 242, a decision taken during the 1967 hostilities, called for the withdrawal of Israeli armed forces from occupied territories, termination of all claims or states of belligerency, and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries.

Under resolution 338, adopted during the October 1973 conflict, the Council decided that concurrent with the cease-fire it called for, negotiations should start between the parties concerned aimed at the establishment of a just and durable peace in the Middle East.

Various Arab States have expressed reservations about both resolutions, pointing out, among other things, that they do not refer

to the Palestinian people and to their right to national independence. Speaking before the Council, Libya, for example, said both resolutions had been overtaken by events and were therefore "irrelevant as a framework for any just and lasting solution to the Middle East question".

The representative of the PLO said that the Committee had explicitly recognized that the inalienable rights of the Palestinian people could be exercised solely in Palestine and had rightly called for the repatriation of the people of Palestine "who have been expelled from their national homeland". The Committee's report, he said, provided the basis for the adoption of Council decisions to facilitate those rights.

Those States which emphasized that the attainment of a just peace in the Middle East must be based on the achievement by the Palestinians of their national rights, and that the Committee's report provided a reasonable and realistic basis for the achievement of those rights, included Egypt, Jordan, Mauritania, Syria and Tunisia.

Among the nations which viewed the report as a positive first step towards implementing Palestinian rights were Somalia, Qatar and Algeria.

In Iraq's view, while the report did not represent the views of all Arab Governments, its recommendations provided the minimum to be undertaken by the United Nations.

Libya and Democratic Yemen stressed that the restoration of the legitimate rights of the Palestinians called for the establishment of a democratic secular State in Palestine, including all Palestinians—Moslems, Christians and Jews.

Urging adoption by the Council of the recommendations, Guyana, Indonesia, Pakistan, Panama, the United Republic of Tanzania and Yugoslavia felt that a solution to the Palestinian question could be found within the framework of a comprehensive settlement based on the withdrawal of Israeli forces from all the territories occupied since 1967, recognition of the national rights of the Palestinian people and acknowledgement of the right of all States in the area to live in peace, within secure and recognized boundaries. Panama further believed that a practicable understanding could be negotiated in accordance with resolution 242 (1967) on the basis of a Palestinian State consisting of the West Bank and the Gaza Strip and recognition of the State of Israel. In China's view, the Palestine question was an integral part of the whole Middle East question and the Security Council should "unequivocally recognize the complete restoration to the Palestinian people of their national rights". Since that was

inseparable from the recovery of Arab territories, China added, the Council must call upon Israel to withdraw from all the illegally occupied territories "immediately and unconditionally".

France, Italy, Japan and Sweden maintained that, while the Committee's recommendations included a call for the withdrawal of Israeli forces from the territories occupied during the 1967 war and for the establishment of an independent Palestinian entity, they did not take into account the third equally essential element—the right of all States in the area, including Israel, to live within secure, recognized and guaranteed boundaries. It was not for the Council, they believed, to demand the implementation of any one of those principles to the exclusion of the others or to dictate timetables in advance of negotiations. Together with the United Kingdom, they recognized the need to supplement resolution 242 (1967) to take account of the Palestinians' rights and enable them to express national identity if that were done within the context of an integrated settlement. According to Japan, Sweden and the United Kingdom, the Council's efforts should be directed to facilitating the negotiating process, including the resumption of the Geneva Peace Conference, with PLO participation. France also believed that there should be a Palestinian voice in the negotiations.

The Soviet Union, supporting the recommendations and calling on the Security Council to endorse them, said that, as a key element of the whole Middle East problem, the question of the rights of the Palestinian people could be solved within the framework of a comprehensive settlement based on the following organically linked elements: withdrawal of Israeli troops from all Arab territories occupied in 1967; the satisfaction of the lawful demands of the Arab people of Palestine, including the right to create their own State; and international guarantees for the security and inviolability of the frontiers of all States in the Middle East and their right to an independent existence and development. The Soviet Union called for the reconvening of the Geneva Peace Conference with the participation of all parties concerned, including the PLO, as the appropriate international machinery for negotiating a just and lasting peace in the Middle East.

Vote on draft resolution

On 29 June 1976, after eight meetings on the question, the Council failed to adopt a four-Power draft resolution which would have had it take note of the Committee's report and affirm the ina-

lienable right of the Palestinian people to self-determination, including the right of return and the right to national independence and sovereignty in Palestine, in accordance with the United Nations Charter.

The vote on the draft text, which was submitted by Guyana, Pakistan, Panama and the United Republic of Tanzania, was 10 in favour to 1 against (United States), with 4 abstentions (France, Italy, Sweden, United Kingdom). The resolution failed to be adopted because of the negative vote of a permanent member of the Council.

The United States said it could not vote for the draft resolution because the text, like the Committee's report, was devoid of balance, stressing the rights and interests of one party to the Middle East dispute and ignoring the rights and interests of other parties. The political interests of the Palestinians and their role in the final Middle East settlement constituted a matter that must be negotiated between the parties before it could be defined in Council resolutions. Peace would come about through a comprehensive settlement taking into account all the issues involved in the Arab-Israeli dispute, and the framework for this settlement existed in Council resolutions 242 (1967) and 338 (1973).

The States that abstained in the vote also found the draft resolution too one-sided and stressed that the role of the Council should be to stimulate negotiations.

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The Committee subsequently decided unanimously to submit its report to the General Assembly. It took this decision after studying the observations made in the Security Council, particularly those made by members that had not supported the draft resolution, and concluding that those criticisms had been based on considerations beyond the scope of its mandate. As pointed out by the Chairman of the Committee in presenting the report to the Assembly on 15 November 1976, "the mandate of the Committee was neither to resolve the question of the Middle East nor to reaffirm the rights of Israel, but to define ways and means to ensure recognition of the inalienable rights of the Palestinian people".

GENERAL ASSEMBLY'S ENDORSEMENT OF THE COMMITTEE'S RECOMMENDATIONS

(November 1976)

When the General Assembly considered the Committee's report in November 1976, Members expressed their views on a

number of questions, including the matter of negotiations and specific recommendations of the Committee's report.

Views expressed

As Tunisia, for example, expressed it, any serious negotiations must take as their starting point the General Assembly's 1947 resolution on the partition of Palestine, although Tunisia said it did not advocate the return of Israel to the 1947 frontiers as a prior condition.

Immediate resumption of negotiations was required, according to the United States, as well as the Netherlands, which stated the views of the nine members of the European Economic Community (Belgium, Denmark, Federal Republic of Germany, France, Ireland, Italy, Luxembourg, Netherlands, United Kingdom). They also believed that omission in the Committee's recommendations of all inseparable elements for a just and lasting peace in the Middle East did not justify Security Council action to carry out the recommendations. In addition, a question was raised about the continued maintenance of the Committee, since it was felt that its mandate prejudiced the framework for negotiations fixed in Council resolutions 242 (1967) and 338 (1973).

As seen by the EEC countries, the essential principles of a settlement were the inadmissibility of acquisition of territory by force, and thus the need for Israel to end the territorial occupation maintained since the 1967 conflict; respect for the sovereignty, territorial integrity and independence of every State in the area and their right to live in peace within secure and recognized boundaries; and recognition that in establishing a just and lasting peace, the legitimate rights of the Palestinians must be taken into account.

Iraq expressed reservations on certain other matters in the report, particularly those references which affirmed the existence of what Iraq termed "the Zionist entity". The Palestinian right to self-determination, Iraq stressed, could only be exercised in the whole of Palestine.

Egypt and Jordan, representing the positions of various States, favoured the early reconvening of the Geneva Peace Conference on the Middle East, with the participation of all interested parties, including the PLO.

With regard to the establishment of an independent Palestinian State, India, for example, stressed its support for such a State, without prejudice to the existence and security of all States already estab-

lished in the Middle East. Singapore believed that the future Palestinian State should be located in the West Bank and Gaza, and it supported the Committee's report with the understanding that the realization of the recommendations would not affect Israel's right to exist and that an over-all settlement required equitable implementation of all the elements of Council resolutions 242 and 338.

Israel said that the Committee's recommendations conflicted with Security Council resolutions and if carried out would lead to the dismemberment of Israel. They were designed, Israel said, to implement the political objectives of "the so-called Palestine Liberation Organization as enunciated in its Covenant and political programme". The core of the conflict, Israel maintained, was not the issue of the Palestine Arabs, nor the territories occupied as a result of war in 1967; it was the fact that the Arab world had not recognized Israel's right to exist.

On the question of return, Israel said that the Committee's recommendations dealt only with Palestine refugees and totally ignored the rights of 800,000 Jews who had been forced to flee from Arab countries to safety in Israel because of the conflict between 1948 and 1967.

The recommendations, Israel held, did not stop at the 1967 lines but implied the "step-by-step truncation" of Israel until it totally disappeared. Hence, Israel believed that the area "in Palestine" had expressly been left undefined and open-ended. Not a single Arab Government had declared that the 1967 lines would be recognized as the final peace borders. By not mentioning Council resolutions 242 (1967) and 338 (1973), the Committee's report ignored Israel's rights and the centrality of the negotiating process in solving any conflict. Israel was committed to a solution which took into account the question of Palestinian identity and included a just and constructive solution to the Palestinian problem. About 80 per cent of the Palestinian Arabs were citizens of Jordan and Israel, and 80 per cent of the territory of Mandatory Palestine was the present Jordan. The ultimate solution of the Palestine Arab problem therefore lay, Israel believed, within the context of a peace agreement between Israel and Jordan.

During the course of the debate, the Assembly heard the views of some 60 delegations and the representative of the PLO. The majority of speakers commended the Committee's work and its report, and many expressed regret that the Security Council had failed to adopt a draft resolution affirming the inalienable rights of the Palestinian people. They considered the Palestine question a

threat to international peace and security and called for Council action.

Resolution adopted

On 24 November 1976, in resolution 31/20, the General Assembly endorsed the recommendations of the Committee "as a basis for the solution of the question of Palestine". It asked the Security Council to consider the recommendations again as soon as possible, taking into account the views expressed in the Assembly, so that the necessary measures of implementation could be taken. In addition, it authorized the Committee to promote the fulfilment of its recommendations and the dissemination of information, through non-governmental organizations and by other means, on the programme of implementation. The Assembly decided to distribute the Committee's report to the United Nations bodies concerned and urged them to take the action needed in accordance with the programme. The Secretary-General was asked to give the widest possible publicity to the Committee's work.

The resolution was sponsored by 28 nations: the 20 States then members of the Committee and eight other nations - Bangladesh, Comoros, Congo, Maldives, Mali, Sri Lanka, Uganda and the United Republic of Tanzania. It was adopted by 90 votes in favour to 16 against, with 30 abstentions.

1977

ACTION BY THE COMMITTEE

In its 1977 report to the General Assembly, the Committee unanimously endorsed the validity of its 1976 recommendations and stated that intensified efforts were needed for their implementation with the minimum delay. The Committee agreed that its suggested date of 1 June 1977 for the withdrawal of Israeli forces from the territories they had occupied in 1967 should be retained, although now passed, for its symbolic significance and as a reminder of the urgency of a peaceful solution under United Nations auspices, "particularly on the basis of resolutions unanimously adopted but not yet implemented".

Reviewing its efforts to promote the carrying out of its recommendations, the Committee noted its communications with the Security Council on 7 June and 13 September, requesting the

Council to reconsider the Committee's recommendations, as urged by the Assembly. The report also described the Committee's efforts during the year to establish direct contacts with those Council members who had been unable to support the Committee's report and recommendations in 1976. The Committee felt that there was a wider recognition by certain members of the Council of the aspirations of the Palestinian people and of their crucial relevance within the Middle East situation.

The Committee decided to bring the following information to the attention of the Security Council and the General Assembly, stressing its importance as an expression of the views of the people directly concerned: as conveyed by the Permanent Observer of the PLO on 28 March 1977, the Palestine National Council had decided to consider the Committee's recommendations as a positive step towards the achievement of the rights of the Palestinian people and to declare that any settlement affecting those rights concluded in the absence of the PLO would be null and void.

The Committee's report to the Assembly also drew attention to the fact that the July 1977 Summit Meeting of the Organization of African Unity and other high-level meetings of non-aligned States had called for the implementation of the Committee's recommendations, and it noted with satisfaction similar action at other international meetings of countries, political parties and organizations.

The report cited the Committee's "extreme concern" at the action taken by Israel in the occupied territories, especially the administrative measures announced by Israel which seemed to imply a continuation of the policy aimed at permanent annexation of the territories. The Committee strongly condemned those actions, "which could only encourage the establishment of even more such settlements and create greater tension in the area against the wishes of the international community", and which constituted a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and of specific Security Council and General Assembly resolutions.

The urgency of reconvening the Geneva Peace Conference had been acknowledged, the report noted. The Committee's position was firm on this question. It stressed again the urgency of constructive efforts towards a just solution guaranteeing the inalienable rights of the Palestinian people, and it insisted on the participation of the PLO on an equal footing in any such efforts.

The Committee also believed that the competent United Nations bodies should stand ready to implement the Committee's

recommendations and take whatever intermediate steps were necessary at that stage to avoid delays in the process.

CONSIDERATION BY THE SECURITY COUNCIL

(October 1977)

On 27 October 1977, the Security Council resumed consideration of the Committee's recommendations. After hearing a number of speakers—all of whom reaffirmed that a just and lasting peace in the Middle East required, in particular, a just solution of the Palestine problem on the basis of the attainment of the inalienable rights of the Palestinian people—the Council adjourned the debate until a date to be announced after consultations. The views expressed by Council members who took part in the discussion of the Committee's report were noted with satisfaction by the General Assembly when it considered the question of Palestine.

ACTION BY THE GENERAL ASSEMBLY

(November-December 1977)

In an introductory statement to the Assembly on the Committee's report, the Chairman of the Committee said that certain members of the Security Council felt it was not now timely to take a decision on the question of the Committee's report and recommendations. He believed, however, that the peace efforts now under way should not be "a pretext for indefinitely immobilizing" the Council. On the contrary, he said, the recent progress in recognizing the rights of the Palestinians should serve as an incentive and "encourage positive action" by the Council on this matter. The Committee expected that the Council would resume its debate as soon as circumstances permitted. As testimony "to the constantly growing recognition of the importance of the question of Palestine", the Chairman cited various sources, including the United States-Soviet Union communiqué of 1 October 1977 and the statement of 26 October 1977 by the Foreign Minister of Belgium on behalf of the States members of the European Economic Community.

Speaking in the debate on the question, Israel said the Assembly was considering resolutions "which ignored the very concept of negotiations". Israel opposed the establishment within the United Nations Secretariat of the proposed special unit on Palestinian

rights, which, it said, would reflect the policy of the PLO. Israel remained ready to enter into immediate negotiations with all its neighbours with a view to achieving a just and lasting peace.

Resolutions adopted

On 2 December 1977, the General Assembly, in resolution 32/40 A, adopted by 100 votes in favour to 12 against, with 29 abstentions, endorsed the Committee's reaffirmation of its 1976 recommendations and its view that the various sectors of the United Nations system should act in concert to carry out those recommendations by peaceful means.

The Assembly also urged the Security Council to act as soon as possible on the Committee's recommendations, endorsed by the General Assembly, as a basis for the solution of the problem of Palestine. It asked the Secretary-General to transmit the Committee's reports to all conferences on the Middle East held under United Nations auspices, including the Geneva Peace Conference, and it authorized the Committee, in continuing to exert all efforts to promote the carrying out of its recommendations, to send delegations or representatives to international conferences.

By a second resolution (32/40 B), the Assembly, after noting the Committee's observations in its report on the need for intensified information on facts concerning the rights of the Palestinian people, decided to establish a Special Unit on Palestinian Rights within the United Nations Secretariat. The Special Unit was asked to prepare, under the guidance of the Committee, studies and publications on the rights of the Palestinians, on relevant resolutions of the General Assembly and other United Nations organs and on the activities of the Committee and other United Nations bodies. The Unit was also asked to organize, in consultation with the Committee, beginning in 1978, annual observance of 29 November as "the International Day of Solidarity with the Palestinian People". (The Special Unit on Palestinian Rights was established early in 1978.)

ACTION BY THE COMMITTEE

In January 1978, the Chairman of the Committee addressed letters to the Secretary-General, to the Presidents of the Security Coun-

cil and the 1977 General Assembly session and to the Permanent Representatives of Egypt, Israel, Jordan, Lebanon, Syria, the Soviet Union and the United States, drawing their attention to the fundamental principles relevant to the exercise of the inalienable rights of the Palestinian people, as reflected in the Committee's recommendations, in the conviction that they would do their utmost to ensure compliance with those principles in any endeavour towards a just and lasting peace in the Middle East.

The Chairman also sent a telegram to Yassir Arafat, Chairman of the Executive Committee of the PLO, expressing the Committee's solidarity with that organization and declaring that any solution of the Middle East problem must be comprehensive and that no partial solution could be accepted.

In its 1978 report to the General Assembly, the Committee, in the light of the situation in the Middle East, unanimously decided to reiterate the validity of the recommendations it had made to the 1976 session of the General Assembly, which the Assembly had already endorsed and the validity of which was considered undiminished by the passage of time. The Committee stressed that events in the preceding year had again indicated the urgency of a solution. It felt that, had a start been made on the implementation of its recommendations, conflict in the area might have been avoided. Positive action by the Security Council could create the necessary conditions for a just and lasting peace in the Middle East, the Committee believed. It also recommended that the General Assembly should urge the Security Council to be guided constantly by the basic principles relating to the problem of Palestine within the Middle East situation.

ACTION BY THE GENERAL ASSEMBLY

(December 1978)

Resolutions adopted

On 7 December 1978, the General Assembly adopted three resolutions on the question of Palestine.

In resolution 33/28 A, the Assembly endorsed the recommendations in the Committee's report and expressed regret and concern that the Committee's 1976 recommendations, endorsed by the Assembly in that year and in 1977, had not been implemented. It also noted with regret that the Security Council had not taken the action

it had been urged to take by the Assembly in 1977, and it once again urged the Council to consider and take a decision on the Committee's recommendations as soon as possible. It authorized the Committee, in the event that the Security Council failed to consider or take a decision on those recommendations by 1 June 1979, to consider that situation and to make suggestions it deemed appropriate.

In resolution 33/28 B, the Assembly requested the Committee to keep the situation relating to the question of Palestine under review and to report and make suggestions to the Assembly or to the Security Council. It also authorized the Committee to continue to exert all efforts to promote the implementation of its recommendations and to send delegations to appropriate international conferences.

In resolution 33/28 C, the Assembly requested the Secretary-General to ensure that the Special Unit on Palestinian Rights continued to discharge the tasks assigned to it, in consultation with the Committee and under its guidance, and to consider, in consultation with the Committee, the strengthening and the possible reorganization and renaming of the Special Unit.

1979

ACTION BY THE COMMITTEE

On 13 March 1979, the Chairman of the Committee addressed a letter to the President of the Security Council, drawing his attention to General Assembly resolution 33/28 A and reiterating the fundamental principles which had guided the members of the Committee in formulating its recommendations. Those principles were:

—the question of Palestine is at the heart of the problem of the Middle East and no solution to that problem can be envisaged without taking into account the inalienable rights of the Palestinian people;

—the implementation of the inalienable right of the Palestinian people to return to their homes and property and to exercise their right to self-determination, independence and national sovereignty will contribute to a final solution of the Middle East crisis;

—the participation of the PLO, the representative of the Palestinian people, on an equal footing with all other parties, on the basis of General Assembly resolutions 3236 (XXIX) and 3375 (XXX), is indispensable in all efforts, deliberations and conferences on the Middle East which take place under United Nations auspices;

—the inadmissibility of the acquisition of territory by force and the consequent obligation for Israel to withdraw completely and quickly from all territory so occupied.

The Chairman also conveyed the Committee's conviction that concrete action by the Security Council on the basis of the implementation of the Committee's recommendations would undoubtedly lead to the achievement of tangible progress towards the solution of the Palestine question.

Since no action had been taken by the Security Council and the deadline of 1 June 1979 mentioned in General Assembly resolution 33/28 A was approaching, the Chairman, following a decision of the Committee in May, initiated consultations with the President of the Security Council in order to urge early action by the Council.

The Security Council considered the question of Palestine on 29 June, 27 July and 23 and 24 August 1979. On 24 August, the Council President announced that it would continue consideration of the question at a later date, at which time it would consider a draft resolution presented by Senegal on behalf of the Committee.

The Committee considered it inappropriate to press the draft resolution to a vote and decided to take the issue for consideration at the Sixth Conference of Heads of State or Government of Non-Aligned Countries in Havana, Cuba, in September 1979. At that Conference, it was decided that an emergency special session of the General Assembly should be convened at an appropriate time in the event that the Security Council failed to act because of lack of unanimity among its permanent members.

When the Security Council, by resolution 446 (1979), established a commission to examine the situation relating to settlements in the Arab territories occupied since 1967, the Committee assured the Commission of its fullest co-operation and assistance. It welcomed the Commission's report, issued in July 1979, and noted that the Commission had sought Israel's co-operation in carrying out its mandate but, like the Committee, had met with the same attitude of non-co-operation. Participating in the Security Council's consideration of the Commission's report, the Chairman of the Committee expressed the view that the Commission's conclusions and recommendations, within the limits of its mandate, were fully in accord with the Committee's conclusions and recommendations.

In its 1979 report to the General Assembly, the Committee noted that it had continued to keep the situation in the occupied territories under constant review and had, on occasion, expressed its concern to the President of the Security Council and the Secretary-

General over the establishment by Israel of new settlements in the territories occupied in 1967, the repressive measures taken against the Palestinian people and Israel's refusal to withdraw from the territories, in violation of basic principles of international law, the United Nations Charter, and General Assembly and Security Council resolutions.

The Committee also noted, in its report to the Assembly, that a peace treaty between Egypt and Israel had been concluded and signed outside the framework of the United Nations, and it drew the attention of the Assembly to its considered opinion that the Camp David accords, to the extent that they did not take into account the inalienable rights of the Palestinian people and were negotiated without the participation of the PLO, the representative of the Palestinian people, contravened Assembly resolution 33/28 A of 7 December 1978.

ACTION BY THE GENERAL ASSEMBLY

(November 1979)

Resolutions adopted

On 29 November 1979, in resolution 34/65 A, the General Assembly again endorsed the recommendations of the Committee and again urged the Security Council to consider and take a decision on those recommendations as soon as possible. It authorized the Committee, in the event the Security Council failed to consider or take a decision on the recommendations by 31 March 1980, to consider that situation and make the suggestions it deemed appropriate.

By another resolution (34/65 B), also adopted on 29 November, the Assembly noted with concern that the Camp David accords had been concluded outside the framework of the United Nations and without the participation of the PLO, the representative of the Palestinian people, and it rejected those provisions of the accords which ignored, infringed upon, violated or denied the inalienable rights of the Palestinian people, including the right of return, the right to self-determination and the right to national independence and sovereignty in Palestine, in accordance with the United Nations Charter, and which envisaged and condoned continued Israeli occupation of the Palestinian territories occupied by Israel since 1967. The Assembly strongly condemned all partial agreements and separate treaties, which constituted a flagrant violation of the rights of the

Palestinian people, the principles of the Charter and the resolutions on the Palestinian issue adopted in the various international forums. The Assembly declared that the Camp David accords and other agreements had no validity in so far as they purported to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967.

In resolution 34/65 C, adopted on 12 December 1979, the Assembly authorized the Committee to continue to exert all efforts to promote the implementation of its recommendations and also requested it to keep the situation relating to the question of Palestine under review and to report and make suggestions to the Assembly or the Security Council.

Finally, in resolution 34/65 D, also adopted on 12 December 1979, the Assembly requested the Secretary-General to redesignate the Special Unit on Palestinian Rights as the Division for Palestinian Rights and to ensure that the Division, in consultation with the Committee and under its guidance, continued to discharge the tasks assigned to it in Assembly resolution 32/40 B of 2 December 1977, and undertook an expanded programme of work, including: establishment of closer co-operation within the United Nations framework and with non-governmental organizations; organization of seminars, sponsoring of annual internship programmes and arrangement of lecture tours; monitoring of political and other relevant developments affecting the inalienable rights of the Palestinian people; assistance in the preparation of visual material, such as posters; and expansion of the scope of the bulletin issued by the Division for Palestinian Rights to include all items relevant to the question of Palestinian rights.

The Assembly also requested Member States to observe annually, on 29 November, the International Day of Solidarity with the Palestinian People.

1980

ACTION BY THE COMMITTEE

On 6 March 1980, in accordance with General Assembly resolution 34/65 A, the Chairman of the Committee addressed a letter to the President of the Security Council drawing his attention to that resolution and recalling that the Council had discussed the Committee's recommendations in 1979 and that, although a draft resolution

had been submitted, it had not been voted upon and, therefore, the Council was still seized of the question.

On 24 March, the Chairman of the Committee addressed another letter to the President of the Security Council, pointing out that developments evolving in the occupied territories, including Jerusalem, constituted continuing violations by Israel of the inalienable rights of the Palestinian people, and requesting that, since the date envisaged in General Assembly resolution 34/65 A was imminent, the Council should convene urgently to consider the recommendations of the Committee.

In response, the Security Council considered the question of Palestine between 31 March and 30 April 1980. After a discussion in which the Chairman, the Rapporteur, seven members of the Committee and others participated, a draft resolution was submitted to the Council by Tunisia, but was not adopted because of the negative vote of a permanent member of the Council (United States).

Consequently, in accordance with Assembly resolution 34/65 A, the Committee considered the situation once more and recommended that the question of Palestine should be discussed by the General Assembly in an emergency special session.

SEVENTH EMERGENCY SPECIAL SESSION OF THE GENERAL ASSEMBLY

(July 1980)

In a letter dated 1 July 1980, Senegal requested an emergency special session of the General Assembly, pursuant to Assembly resolution 377 A (V) of 3 November 1950 (the "Uniting for Peace" resolution), to discuss the question of Palestine.

The Secretary-General transmitted the text of the letter to Member States, requesting them to inform him whether they concurred in Senegal's request. On 21 July, the Secretary-General informed Member States that a majority of Members had concurred in Senegal's request and that the seventh emergency special session would convene on 22 July.

In a letter dated 20 July, Israel stated that the holding of such an emergency special session would be illegal since the two essential prerequisites laid down by General Assembly resolution 377 A (V) had not been met.

The emergency special session considered the question of Palestine at meetings held between 22 and 29 July 1980.

The debate was opened by the President of the General Assembly, who stated that the problem of Palestine was an issue universally accepted to be the core of the Middle East conflict. It was one of the anachronisms of the Organization, he said, that despite a clear and universal recognition of the problem, justice had continued to elude the Palestinian people. The objective of the emergency special session should be to put an end to the suffering of the Palestinian people by striving for a solution which would enable them to exercise their lawful right to self-determination, including the right to establish an independent State. It should be the aim of the session to strive for the total withdrawal of Israel from the occupied Arab territories and to work for the conditions whereby all States in the area would be guaranteed their independence.

The Chairman of the Committee deplored the veto cast by the United States in the Security Council on 30 April 1980, during the debate on the rights of the Palestinian people. It was then, he said, that the non-aligned countries, in consultation with the Committee, had decided to request an emergency special session of the General Assembly, in accordance with the final Declaration of the non-aligned meeting held in Havana. The Chairman recalled that the mandate of the Committee included the preparation of recommendations on the implementation of the inalienable rights of the Palestinian people. Those recommendations had been prepared by the Committee and submitted to the Security Council for adoption and implementation; they had been considered by the Council four times, without a positive decision having been reached. Without a solution of the Palestinian problem, he stated, no durable solution of the Middle East problem was feasible. Security Council resolution 242 (1967) was inappropriate, the Chairman said; if supplemented, it should include the right to self-determination, national independence and the establishment of a sovereign state in Palestine, and the right of the refugees to return to their homeland.

With regard to the Camp David accords, the Chairman said that the validity of agreements purporting to solve the problem of Palestine required that they be within the framework of the United Nations and its Charter and resolutions and on the basis of the full attainment and exercise of the inalienable rights of the Palestinian people. He strongly condemned Israel's persistent occupation of Arab and Palestinian territories and the establishment of settlements in those territories, and said that Israel should withdraw from all occupied territories, including Jerusalem.

The Rapporteur of the Committee said that the Committee's recommendations had overwhelming support because of their just foundation. He recalled the essential considerations which had prompted those recommendations: the fundamental rights of the Palestinian people, as recognized by the United Nations; the right to existence and the legitimate security interests of all States in the region; acceptance of all United Nations decisions on the question, taking them as a whole without giving priority to any; and an enhanced future role of the United Nations in promoting a negotiated solution to the problem. The Committee, he said, had made specific and practical suggestions for a programme designed to implement the inalienable rights of the Palestinian people, and it had reaffirmed the representative status of the PLO, which should be involved in all discussions and negotiations concerning the cause of the Palestinian people.

Views expressed

The representative of the PLO rejected the Camp David accords and the separate peace treaty between Egypt and Israel, which he considered a conspiracy against justice and peace. The emergency special session represented a last chance, before an explosion, to enable the Palestinian people to achieve their right to return, to self-determination, independence and sovereignty and to establish a State of their own in Palestine. The solution, he added, was contained in General Assembly resolution 3236 (XXIX).

Israel said that the holding of the emergency special session was both illegal and preposterous, since the prerequisites laid down by resolution 377 A (V) had not been met and, consequently, any resolutions adopted by it would be equally illegal. The refusal of the Arab world to recognize Israel's right to exist had always been and remained the core and cause of the Arab-Israeli conflict. Because of the Arab refusal to make peace with Israel, it had not been possible in three decades to conduct serious negotiations about the Arab-Israeli conflict in all its aspects. The elements for a comprehensive solution of the conflict only came together at Camp David in 1978, he said. The Camp David framework was based squarely on Security Council resolution 242 (1967), which remained the only agreed basis for peace negotiations in the Middle East. Only when Arabs sat down and negotiated with Israel on the basis of recognition and mutual respect would a comprehensive solution to the Arab-Israeli conflict in all its aspects be achieved.

The socialist countries of Eastern Europe said that the crux of the problem of the Middle East settlement was the question of restoring the full inalienable rights of the Palestinian people, including their right to return and their right to national independence and sovereignty in Palestine, in accordance with the United Nations Charter. The PLO, their sole legitimate representative, had won general international recognition and had also been recognized as one of the principal parties to the Middle East settlement. The socialist countries denounced the Israeli settlement policy in occupied Arab territories, as well as the situation in East Jerusalem. In their view, the Camp David accords could not serve any useful purpose, since one of the principal parties to the Palestinian problem—the PLO—had been removed from any participation in those deliberations. The basis for a comprehensive settlement in the Middle East could not be other than the complete withdrawal of Israel from all Arab territories occupied in 1967, including East Jerusalem; the implementation of the inalienable rights of the Palestinian people to self-determination, including the establishment of an independent State; and insuring the rights of all States in the region to a secure and independent existence and development. They believed that, if Israel continued to refuse to implement the United Nations decisions on the question of Palestine, the General Assembly should apply to Israel the strictest coercive measures provided for in Chapter VII of the Charter.

The spokesman for the nine European Economic Community countries reaffirmed the principles of the Declaration of Venice, issued on 13 June 1980. It was their view that the right of all States in the region, including Israel, to existence and security, and justice for all people, which implied recognition of the legitimate rights of the Palestinian people, were essential for a comprehensive peace settlement. They also believed that occupation of territory by force should cease and that Israeli settlements in occupied Arab territories were a serious obstacle to peace. Any change in the status of Jerusalem could not be accepted by the EEC countries, who also believed that a climate of confidence had to be created. Those principles should be binding on all parties concerned, including the PLO, which must be involved in any negotiations for a peace settlement. The EEC countries had always supported Security Council resolution 242 (1967), even though they recognized that it was not adequate in so far as it concerned the Palestinian people. Nonetheless, the basic principles stated in that resolution continued to be fundamental for any settlement of the conflict.

The United States said that, in its view, the course of negotiations opened up by Camp David was a major step in a long way to go before a just and lasting peace was assured. The United States felt there was no better alternative to Camp David. The proposals circulated so far did not offer a realistic alternative, since they were one-sided and unrealistic, and were not founded on Security Council resolution 242 (1967), which was the only agreed basis on which a settlement in the Middle East could be constructed.

In Egypt's view, the Camp David accords represented a means and not an end in themselves. Egypt's endeavour could, if good faith prevailed, create a favourable climate conducive to Palestinian self-determination. Arab rights in Jerusalem were incontestable; the measures undertaken by Israel in Jerusalem were null and void on the basis of the inadmissibility of the acquisition of territory by war. Egypt rejected all Israeli measures adopted in implementation of its colonial settlement policy. Egypt's approach to a comprehensive peace was based on the following principles: the settlement had to be peaceful and comprehensive; it had to be based on the principles of justice and international law; it had to reflect the provisions of the United Nations Charter and conform to United Nations resolutions, in particular Security Council resolution 242 (1967); and it should not overlook recent diplomatic efforts. Egypt's approval of the solution of the Palestine question was based on the following principles: Israel should withdraw to the pre-June 1967 lines, including East Jerusalem; Israeli withdrawal should be complete; the security of the Palestinian people and the people of Israel should be on an equal footing; the Palestinian people should exercise, without external interference, the inalienable and fundamental right to self-determination, including the right to establish an independent State on the West Bank and Gaza.

Many representatives believed that a comprehensive solution of the Middle East problem entailed the exercise by the Palestinian people of their inalienable national rights, including the right to establish an independent State in their own homeland; the total and unconditional withdrawal by Israel from all occupied territories, including Jerusalem; and the guarantee of the right of all States in the region to live within secure borders. An essential prerequisite for the attainment of a peaceful solution, they thought, was the full and equal participation of the PLO in any peace negotiations. They urged the Assembly to examine the recommendations of the Committee with a view to adopting and implementing them.

Some representatives felt that the General Assembly had to uphold the inalienable national rights of the Palestinian people,

including the right to self-determination, the right to establish their own independent sovereign State in Palestine and the right of the Palestinians to return to their homes. They also stated that the PLO was the sole lawful representative of the Palestinian people. The Assembly should demand Israeli withdrawal from all the occupied Palestinian and other Arab territories, including Jerusalem. They felt that the Camp David accords were directed against the Palestinian people and the interest of the Arab States.

Resolutions adopted

On 29 July 1980, the General Assembly adopted two resolutions. In resolution ES-7/2, adopted by 112 votes in favour to 7 against (Australia, Canada, Dominican Republic, Guatemala, Israel, Norway, United States), with 24 abstentions, the Assembly called upon Israel to withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, and urged that withdrawal start before 15 November 1980. The Assembly reaffirmed the inalienable rights in Palestine of the Palestinian people, including the right to self-determination, national independence and sovereignty and the establishment of a Palestinian independent sovereign State. It requested the Security Council, in the event of noncompliance by Israel with the Assembly's resolution, to consider the situation and adopt effective measures under Chapter VII of the Charter. The Assembly decided to adjourn the emergency special session temporarily and authorized its President to resume the session upon the request of Member States.

In the second resolution (ES-7/3), adopted by 112 votes in favour to 5 against (Australia, Canada, Guatemala, Israel, United States), with 26 abstentions, the Assembly requested the Committee to study the reasons for Israel's refusal to comply with the relevant United Nations resolutions, particularly resolution 31/20 of 24 November 1976, and the numerous resolutions demanding Israel's withdrawal from occupied Palestinian and other Arab territories, including Jerusalem, and to submit the study to the Assembly.

FURTHER ACTION BY THE COMMITTEE

(1980)

The Chairman, on behalf of the Committee, participated in the meetings of the Security Council to examine the situation relating to

settlements in the Palestinian and other Arab territories occupied since 1967, including Jerusalem. The Committee also participated in the Council's meetings concerning other developments in the area and particularly Jerusalem.

When the Security Council, on 1 March 1980, unanimously adopted resolution 465 (1980), accepting the conclusions and recommendations contained in the second report of the Commission it had established in 1979 to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, the Committee conveyed to the Council President its satisfaction at the Council's decision and said that it considered it particularly auspicious that the Council had been unanimous in determining that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, had no legal validity, and it took special note of the Council's reference to the specific status of Jerusalem. The Committee also expressed gratification that the Council was unanimous in strongly deploring Israel's policy of establishing settlements in the occupied territories, including Jerusalem, a policy which constituted a flagrant violation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and also a serious obstruction to a comprehensive, just and lasting peace in the Middle East. The Committee noted with appreciation the call on Israel to dismantle the existing settlements and to cease, on an urgent basis, the establishment of such settlements.

The Committee also conveyed to the President of the Security Council its deep concern at the possible implications of the statement made by the President of the United States regarding Council resolution 465 (1980). While emphasizing that the Committee had no intention of questioning the right of any Government to formulate its foreign policy, the Chairman drew the attention of the Council to one particular statement which touched on a very important aspect of the Committee's mandate. The statement was as follows: "As to Jerusalem, we strongly believe that Jerusalem should be undivided, with free access to the Holy Places for all faiths, and that its status should be determined in the negotiations for a comprehensive peace settlement."

The Chairman of the Committee pointed out that the Committee was concerned that this formulation could be interpreted as supporting Israel's insistence that the City of Jerusalem was indivisible only as long as it remained under Israeli domination. The Committee

believed that this proposition was in direct contradiction to resolution 242 (1967), which emphasized the inadmissibility of the acquisition of territories by war and called for a withdrawal of Israeli armed forces from the territories occupied in June 1967. The Committee sincerely hoped that the United States statement was in no way designed to support the Israeli position. The Committee also expressed concern at the reference made in that statement to the status of Jerusalem as a matter of negotiation. In the Committee's view, the Holy City of Jerusalem already had a very special and unique status for the three monotheistic religions. The only international definition of the status of Jerusalem was to be found in General Assembly resolution 181 (II) of 29 November 1949, which specified that the City of Jerusalem should be established as a *corpus separatum* under a special international régime administered by the United Nations. The Committee believed that it was only by means of an international status of *corpus separatum* that free access to the Holy Places could be guaranteed to the followers of all religions, and it hoped that the United States statement was not intended to prejudice that delicate issue. The Committee also expressed its appreciation to those Governments which had decided to remove their embassies from Jerusalem as a reflection of their respect for international law.

In accordance with resolution 34/65 D, two seminars on Palestinian rights were organized in 1980 by the Special Unit, the first in Arusha, United Republic of Tanzania, from 14 to 18 July, and the second in Vienna, Austria, from 25 to 29 August. The Committee, which was represented at the seminars, considered them to have been very useful in bringing together academicians and others interested in the question of Palestine and in making possible an exchange of views which would constitute a valuable contribution towards informing the international community of the various aspects of the question.

On 28 November 1980, the Committee held two special meetings to commemorate the International Day of Solidarity with the Palestinian People. Statements were made by the Chairman, the Secretary-General, the representative of the PLO, the President of the Security Council, the President of the United Nations Council for Namibia, the Chairman of the Special Committee on Israeli Practices and the chairmen of the regional groups at the United Nations. Sixty-one messages were received and read out.

The Committee also noted with satisfaction that the publications prepared by the Special Unit were, through the co-operation of the

Department of Public Information, receiving the widest possible dissemination and that the film prepared in 1979 by DPI in consultation with the Committee had been awarded a prize at the 22nd annual American Film Festival, sponsored by the Educational Film Library Association in New York in May 1980. A photographic display in the public areas of United Nations Headquarters, designed to keep visitors informed of the grave situation in Palestine and of the inalienable rights of the Palestinian people, was exhibited in 1980.

In its 1980 report to the General Assembly, the Committee said that it had closely followed developments in the occupied territories and that, on every occasion when Israel took any action which, in the Committee's opinion, was in violation of international law and General Assembly and Security Council resolutions, those actions were brought to the attention of the Secretary-General and the President of the Security Council by letters from the Chairman of the Committee. The Chairman's letters dealt with illegal Israeli settlements in the occupied territories, the expropriation by the Israeli authorities of most areas of Arab-owned land, restrictions on educational establishments, the harsh and inhuman treatment of Arab prisoners by the Israeli authorities, the expulsion of the mayors of Hahoul and Al-Khaili (Hebron) and the Sharia Judge of Al-Khaili (Hebron), and the assassination attempts on the mayors of Nablus, Ramallah and Al Birah, three cities in the West Bank. The Committee repeatedly conveyed its grave concern at these steps by Israel, which were undoubtedly aimed at strengthening its annexation of the occupied Arab territories.

ACTION BY THE GENERAL ASSEMBLY (December 1980)

The question of Palestine was considered by the General Assembly in December 1980. The Assembly had before it the report of the Committee, in which it once again reiterated the validity of its recommendations presented to the 1976 session of the Assembly and repeatedly endorsed by the Assembly.

The Assembly also had before it a report of the Secretary-General submitted on the basis of resolution ES-7/2 of 29 July 1980. The Secretary-General stated that he had requested the Permanent Representative of Israel to inform him of the measures taken or envisaged by Israel to implement the provisions of resolution ES-7/2 and that the Permanent Representative of Israel had replied

that Security Council resolution 242 (1967) was the only agreed basis for a negotiated settlement of the Arab-Israeli conflict and that the Foreign Minister of Israel had declared, in the course of the general debate at the 1980 regular session of the Assembly, that the framework of the Camp David accords for peace in the Middle East, which was based on resolution 242 (1967), was the only approach possible. In accordance with that framework, the representative of Israel said, negotiations had taken place for the attainment of full autonomy for the Palestinian Arab inhabitants of Judea, Samaria and the Gaza District.

The Secretary-General also reported that he had brought paragraph 13 of resolution ES-7/2 to the attention of the Security Council and had given careful consideration, in consultation with the Bureau of the Committee, to the measures he could take towards implementation of the Committee's recommendations. The Secretary-General noted that, in the event of the Security Council establishing a timetable for the complete withdrawal by the Israeli forces from the areas occupied in 1967, contingency plans for setting up temporary peace-keeping forces could be presented to the Council without delay. With regard to the return of displaced Palestinians, the Secretary-General said that the Commissioner-General of UNRWA had reiterated that, given the authority, the funds and the co-operation of the Governments concerned, UNRWA could be capable of providing assistance promptly, efficiently and economically.

With regard to other measures in the Committee's recommendations, the Secretary-General stated that they could be taken only after the question of the withdrawal of Israeli occupation forces had been resolved.

Submitting the report of the Committee, the Chairman said that resolution ES-7/2 called upon Israel, *inter alia*, to begin, by 15 November 1980, to withdraw from the Arab and Palestinian territories occupied since 1967, including Jerusalem. Once again, the Chairman said, Israel was refusing to comply and was hiding behind the process begun within the framework of the Camp David accords. If Israel refused to heed the voice of reason, the Assembly must resolve to apply the sanctions provided for in the Charter, in the event that the Security Council failed to do so.

The Rapporteur, formally introducing the Committee's report, stated that the Committee's recommendations, endorsed by the Assembly, should be implemented; the recommended phased approach through the Security Council, where all interested parties could be involved, should no longer be delayed.

Views expressed

The representative of the PLO called for the imposition of sanctions against Israel, in view of its persistent non-compliance with United Nations resolutions, especially resolution ES-7/2.

The representative of the EEC countries said that a just solution of the Palestinian problem was an essential element of the settlement of the Middle East problem. He reiterated EEC opposition to Israeli settlements in the occupied territories, as well as recent Israeli laws concerning Jerusalem aimed at changing its status.

Egypt said that the Camp David accords represented an important step towards the implementation of Security Council resolution 242 (1967) and constituted a cornerstone for a comprehensive, just and lasting settlement of the Middle East problem. Those agreements made it possible for the Palestinian people to exercise autonomy for a determined period, preparing the way for them to exercise their inalienable right to self-determination.

Israel stated that the question of Palestinian Arabs was an important problem which formed one of the many complex elements making up the Arab-Israeli conflict as a whole but which was amenable to solution. Israel reiterated that the programme of autonomy proposed for the Palestinian Arab inhabitants of Judea, Samaria and the Gaza District, as accepted in principle in the Camp David accords, was the first practical proposal to be advanced to provide a dignified solution for the needs of the Arab population of those areas.

The socialist countries reiterated their opposition to the Camp David accords and to the separate Egyptian-Israeli treaty. They believed that the Assembly should once again reaffirm that the question of Palestine was the core of the Middle East problem. It should also reaffirm the inalienable rights of the Arab people of Palestine, especially their right to return to their country and their homes, their right to self-determination without foreign interference, their right to sovereignty and national independence and their right to establish their independent State under the leadership of the PLO.

Many representatives praised the work of the Committee and fully endorsed its recommendations, which, they said, formed a realistic basis for a comprehensive solution of the Palestine question.

Resolutions adopted

On 15 December 1980, five resolutions were adopted by the General Assembly on the question of Palestine.

In resolution 35/169 A, the Assembly expressed grave concern that no just solution to the problem of Palestine had been achieved. It reaffirmed that a just and lasting peace in the Middle East could not be established without the achievement, *inter alia*, of a just solution of the Palestinian problem on the basis of the attainment of the Palestinians' inalienable rights, including the right of return and the right to self-determination, national independence and sovereignty in Palestine, in accordance with the United Nations Charter and the principles of international law. The Assembly stressed the basic principle that the future of the Palestinian people could not be discussed in their absence, and it therefore called once more for the participation of the PLO in all efforts, deliberations and conferences on the Middle East held under United Nations auspices, on an equal footing with other parties.

The Assembly also strongly reaffirmed its repeated endorsement of the recommendations of the Committee. It demanded the complete and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and requested the Security Council to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter.

In resolution 35/169 B, the Assembly reaffirmed its rejection of the Camp David accords, which ignored, infringed on, violated or denied the inalienable rights of the Palestinian people. It expressed its strong opposition to all partial agreements and separate treaties, which constituted 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. No State had the right to undertake any action, measures or negotiations that could affect the future of the Palestinian people, their inalienable rights and the occupied Palestinian territories without the participation of the PLO on an equal footing, the Assembly declared.

In resolution 35/169 C, the Assembly expressed its appreciation to the Committee and requested it to keep the situation relating to the Palestine question under review and to report and make suggestions to the Assembly or the Security Council.

In resolution 35/169 D, the Assembly requested the Secretary-General to ensure that the Special Unit on Palestinian Rights continued to discharge its tasks, and also to keep under constant review the question of strengthening the Special Unit and to provide it with the necessary resources to discharge its responsibilities. The Assembly

noted with appreciation 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.

In resolution 35/169 E, the Assembly censured in the strongest terms the enactment by Israel of the "Basic Law" on Jerusalem, which constituted a violation of international law and did not affect the continued application of the Geneva Convention of 1949 in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem. The Assembly also determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which altered or purported to alter the character and status of the Holy City of Jerusalem, particularly the "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith.

1981

ACTION BY THE COMMITTEE

In 1981 the Committee closely followed developments in the occupied territories and, on every occasion in which Israel took any action which, in the Committee's opinion, was in violation of international law and General Assembly and Security Council resolutions it brought such actions to the attention of the Secretary-General and the President of the Security Council.

It drew the attention of the Secretary-General and the President of the Security Council to the latest developments in the case of the elected mayors of Al-Khalil and Halhoul and the Sharia Judge of Al-Khalil, who had been arbitrarily expelled by the Israeli military authorities from their respective cities, and it requested that they be permitted to return to their cities and participate in the appeal of their cases.

The Committee expressed regret that the Commission established by the Security Council in 1979 to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, had not been active during the year, and it expressed the hope that the Commission would be reconstituted in order to be able to continue the important work it had done in the previous two years, with the full co-operation of the Committee.

It expressed grave concern at the steps taken by Israel which, it said, were undoubtedly aimed at strengthening its annexation of the

occupied Palestinian territories, in flagrant violation of international law, world public opinion and General Assembly and Security Council resolutions. The Committee stressed that further urgent action needed to be taken by the United Nations and, in particular, the Security Council, to call the attention of Israel to the danger inherent in such annexation policies and the overdue necessity for its immediate and complete withdrawal from the illegally occupied territories.

At the invitation of the Chairman of the Executive Committee of the PLO, Yasser Arafat, a delegation of the Committee visited Lebanon from 24 to 26 August 1981 to see at first hand the extent of the damage done by the Israeli air and sea attacks the preceding month. The delegation noted that the damage caused was, as far as could be seen, confined to civilian targets and appeared to be aimed at terrorizing the civilian population and destroying its morale, with little heed paid by Israel to the high cost in human lives in attempting to achieve this aim.

The delegation was received by Mr. Arafat, who stressed that the PLO had the fullest confidence in the United Nations and wished to achieve its objectives within the framework of the United Nations. He also expressed appreciation for the work of the Committee and stressed the need for its assistance in finding a peaceful solution within the framework of the United Nations.

During 1981, two seminars on Palestinian rights were organized by the Special Unit, the first at Colombo, Sri Lanka, from 10 to 14 August, and the second at Havana, Cuba, from 29 August to 4 September. The Committee, which was represented at both seminars, confirmed its view that the seminars, by bringing academicians and other influential persons interested in the question of Palestine together, constituted a valuable contribution towards informing the international community of the various aspects of the question.

On 30 November 1981, the International Day of Solidarity with the Palestinian People was observed in New York and Geneva and in several capitals. In commemoration of the Day, the Committee held two special meetings at United Nations Headquarters, among those who addressed the meetings were the Chairman of the Committee, the President of the General Assembly, the Secretary-General and the President of the Security Council. The programme for the International Day included an exhibit entitled "Disabled Persons and Prisoners of War" and the screenings throughout the week, in the Dag Hammarskjöld auditorium at Headquarters, of the films "Palestinians Do Have Rights", "Betrayal of Trust" and "Jerusalem".

In its 1981 report to the General Assembly, the Committee stated that it remained convinced that positive action by the Security Council on the Committee's recommendations would create the necessary conditions for a just and durable peace, since those recommendations contained the basic principles relating to the problem of Palestine within the Middle East situation and had been repeatedly endorsed by the General Assembly since its 1976 session.

The Committee once again drew the attention of the Assembly to its considered opinion that all agreements and treaties that could affect the future of the Palestinian people and their inalienable rights and the status of the occupied Palestinian territories which ignored, infringed on, violated or denied the inalienable rights of the Palestinian people or were negotiated without the participation of their representative, the PLO, contravened General Assembly resolutions and had no validity.

ACTION BY THE GENERAL ASSEMBLY (December 1981)

The question of Palestine was considered by the General Assembly on 2, 3 and 10 December 1981.

Submitting the Committee's report to the Assembly, the Chairman said that participation in the Committee's work was open to all States Members of the United Nations. It was the Committee's intention, he said, to invite all those of good will to participate in the process which would lead the Palestinian people to the exercise of their inalienable rights. Action taken by Israel in 1981, he stated, showed once again that the General Assembly and the Security Council must take effective measures to compel Israel to withdraw immediately from the territories they occupied illegally.

The Rapporteur of the Committee, officially presenting the Committee's report, recalled that the question of Palestine had first been brought before the Assembly in 1947 and that the United Nations had recognized the right of the Arab people of Palestine to an independent State, side by side with the Jewish people. However, resolution 181 (II) had been implemented only in part and subsequent resolutions had been largely ignored. The Committee's recommendations, which had been annually endorsed by the Assembly since 1976, were specifically designed to involve the United Nations in a peaceful solution of the question of Palestine, the essential component for the resolution of the Middle East conflict.

Views expressed

The representative of the PLO confirmed its continued rejection of the Camp David accords and said that it would fight to the utmost against the plot called "administrative civil autonomy". No alternative to Palestine and no homeland other than Palestine was acceptable, he added. It was incumbent upon the Assembly to follow up the matter of ensuring that the Security Council took a decision affirming the inalienable rights of the Palestinian people in Palestine, rights that had already been affirmed and reaffirmed by the Assembly.

Egypt stated that the solution of the Palestinian problem must be based on the following: withdrawal by Israel to the lines prior to 5 June 1967, with respect to the West Bank, including Arab Jerusalem and the Gaza Strip; the Israeli evacuation must extend to its military and civilian presence and to the settlements and their inhabitants. Security measures must apply mutually and equally to both parties, Palestinian and Israeli. The inalienable and authentic right to self-determination without outside interference must be guaranteed to the Palestinian people, as well as their right to return and create their own independent State in the West Bank, Jerusalem and the Gaza Strip. The creation of an independent Palestinian entity at the expiry of a limited transitional period would no doubt, Egypt stated, be a profound development, constituting a guarantee and a safety valve for stability, security and peace in the region as a whole.

Israel stated that a framework for peace in the Middle East existed—the Camp David accords, which had already yielded spectacular results in the form of a peace treaty with Egypt and the normalization process which was developing between the two countries. The treaty was open to other Arab States to join; it offered the only practical way to progress towards a comprehensive solution of the Arab-Israeli conflict in all its aspects, including the question of the Palestinian Arabs. The autonomy plan for the Palestinian Arab inhabitants of Judea, Samaria and the Gaza District, as incorporated in the Camp David accords, was the first practical proposal to be advanced to provide a dignified solution for the needs of the Arab population of those areas, Israel said.

The spokesman for the member States of the European Economic Community said that all the countries in the area had the right to live in peace within secure, recognized and guaranteed borders and that a just solution must be found to the Palestinian problem, which was more than simply a problem of refugees. The Palestinian people must be enabled, by an appropriate process

defined within the framework of the comprehensive peace settlement, to exercise fully their right to self-determination. Israel must put an end to the territorial occupation which it had maintained since 1967. The EEC countries also believed that negotiations leading to a comprehensive peace settlement should be based on the recognition and implementation of the twin rights of Israel to existence and security and of the Palestinian people to self-determination.

The socialist countries expressed the view that separate treaties and partial agreements could in no way settle any of the basic problems in the Middle East and that any attempt to avoid a definitive solution of the Palestinian problem or to resolve that problem behind the back of the Palestinian people and without the participation of the PLO would only lead to a further exacerbation of the situation in the Middle East. Clear evidence of this was provided by the Camp David accords. The socialist countries considered that the complete and immediate withdrawal of Israel from the territories occupied since 1967 and the implementation of the inalienable rights of the Palestinian people, including their right to return, their right to self-determination and their right to establish their own independent State, were the indispensable prerequisites for peace and security in the Middle East. They supported the convening of an international conference on the Middle East with the participation of all the parties concerned, including the PLO. They also welcomed the convening of a United Nations conference on the question of Palestine.

The United States said that the Camp David accords provided a formula for participation by the Palestinians in the forging of their own future. The formula did not seek to impose a solution on the Palestinians, but, rather, provided an opportunity for the parties directly concerned to negotiate the final status of the West Bank and Gaza. Moreover, the Camp David accords were not solely concerned with Palestinian rights; Israeli rights were also recognized. Security Council resolutions 242 (1967) and 338 (1973), which were both reaffirmed in the Camp David accords, called for a negotiated settlement in which the withdrawal of Israeli troops from territories occupied in 1967 was linked to the acknowledgement of the right of every State in the area "to live in peace within secure and recognized boundaries, free from threats or acts of force". The United States supported the legitimate rights of the Palestinian people and regarded the Camp David accords as the only realistic means of advancing those rights in the West Bank and Gaza.

Many representatives praised the work of the Committee and voiced full endorsement of its recommendations, which, they said,

constituted a realistic basis for a comprehensive solution of the Palestine question. They also supported the convening of an international conference on the Palestinian question no later than 1984.

Resolutions adopted

On 10 December 1981, the Assembly adopted six resolutions on the question of Palestine.

In resolution 36/120 D, the Assembly reaffirmed the inalienable right of the Palestinians to return to their homes and property in Palestine, "from which they have been displaced and uprooted", and it called for their early return. It also reaffirmed the inalienable rights in Palestine of the Palestinian people, including the right to self-determination without external interference and to national independence and sovereignty, and the right to establish their own independent sovereign State. The Assembly expressed opposition to all policies and plans aimed at the resettlement of the Palestinians outside their homeland and demanded that Israel withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact. The Security Council was requested to convene in order to consider the situation and the adoption of effective measures to implement the Committee's recommendations as endorsed by the General Assembly in 1976.

In resolution 36/120 E, the Assembly determined once again that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, and, in particular, the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith. The Assembly demanded that Israel comply fully with all United Nations resolutions related to the historic character of the Holy City of Jerusalem, in particular Security Council resolutions 476 (1980) and 478 (1980), and it requested the Secretary-General to report on the implementation of those resolutions within six months.

In resolution 36/120 F, the Assembly expressed its strong opposition to all partial agreements and separate treaties, which constituted a flagrant violation of the rights of the Palestinian people, the principles of the United Nations Charter and the resolutions adopted in the various international forums on the Palestinian issue, as well as the principles of international law. It declared that all agreements

and separate treaties had no validity in so far as they purported to determine the future of the Palestinian people and the Palestinian territories occupied by Israel since 1967, including Jerusalem. The Assembly also declared that no State had the right to undertake any actions, measures or negotiations that could affect the future of the Palestinian people, their inalienable rights and the occupied Palestinian territories without the participation of the PLO on an equal footing, in accordance with relevant resolutions of the United Nations. It rejected all such actions, measures and negotiations, which it considered a flagrant violation of the inalienable rights of the Palestinian people.

In resolution 36/120 A, the Assembly expressed appreciation to the Committee, requested it to keep the situation relating to the question of Palestine under review and to report and make suggestions to the Assembly or the Security Council and authorized it to continue to exert all efforts to promote the implementation of its recommendations.

In resolution 36/120 B, the Secretary-General was requested to provide the Special Unit on Palestinian Rights with the necessary additional resources to accomplish its tasks and to expand its work programme, through, among other things: the organization, annually, of a seminar in North America, in addition to the regional seminars; more widespread dissemination of its publications in all the official languages; and the translation of those publications into languages other than the official languages of the United Nations. The Secretary-General was also requested to take necessary action, as requested in paragraph 1 of resolution 34/65 D, on the redesignation of the Special Unit on Palestinian Rights in keeping with the political importance of its work and its expanded work programme. The Assembly noted with appreciation 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.

In resolution 36/120 C, the Assembly decided 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. It authorized the Committee to act as the Preparatory Committee for the Conference, to take all necessary steps for its organization and to make recommendations regarding, among other things, the site, scheduling of and participation in the Conference and its provisional agenda. The Secretary-General was requested to appoint a secretary-general of the Conference and to provide all the necessary assistance to the Committee in organizing the Conference.

ACTION BY THE COMMITTEE

The Committee continued to keep the situation relating to the question of Palestine constantly under review. On several occasions, the Committee's Chairman was authorized to express the grave concern of the Committee regarding the Israeli Government's practices and policies—illegal Israeli settlements in the occupied territories, the annexation of vast areas of Arab-owned land, other violations of the rights of the Palestinian people, and the Israeli invasion of Lebanon—which, in the view of the Committee, were in direct contravention of international law, of General Assembly and Security Council resolutions and of recommendations of the Committee adopted by the General Assembly.

The Committee also expressed strong belief that the Commission established by the Security Council under its resolution 446 (1979) to examine the situation relating to Israeli settlements in the Arab and Palestinian territories occupied since 1967 should be reactivated.

CONSIDERATION BY THE SECURITY COUNCIL

(March-April 1982)

The Security Council held five meetings between 24 March and 2 April to consider current Israeli activities and policies. On 2 April, it proceeded to vote on a draft resolution which would have had the Council denounce Israeli measures imposed on the Palestinian population, such as the dismissal of elected mayors by Israeli authorities, as well as violation of the liberties and rights of inhabitants of the occupied West Bank and Gaza Strip. The draft resolution was not adopted because of the negative vote of a permanent member of the Council.

The Council met again on 13 April to consider the very grave situation which had arisen from the attack against the holy sanctuary of the sacred Al-Aqsa Mosque and the Dome of the Rock in Jerusalem. On 20 April, it proceeded to vote on a draft resolution which would have condemned the acts of sacrilege perpetrated within the precincts of Al-Haram Al-Sharif. The draft resolution was not adopted because of the negative vote of a permanent member of the Council.

RESUMED EMERGENCY SPECIAL SESSION
OF THE GENERAL ASSEMBLY

(April, June, August, September 1982)

The seventh emergency special session of the General Assembly on the question of Palestine reconvened on 20 April 1982 at the request of the non-aligned States. The session had been temporarily adjourned following a six-day meeting in July 1980, with the Assembly President authorized to resume its meetings upon a request from Member States.

The debate at the resumed session began with a statement by the Chairman of the Committee, who spoke of the need to defuse a dangerous situation in a troubled region by seeing to it that the people of Palestine achieve their inalienable rights that had been endorsed by the United Nations. Israel seemed to be stepping up its annexation process in the West Bank and Gaza, the Chairman said, and the credibility of the United Nations to the small countries and oppressed peoples was at stake.

Views expressed

The representative of the PLO said that the session would not have been necessary if the United States had not prevented the Security Council from punishing Israel, the aggressor. Israel was pursuing a war against the Palestinian people, but they would fight for their right to exist on their land, and the Security Council should protect them until there was complete Israeli withdrawal from the occupied territories.

Israel stated that it was the refusal of Arabs to recognize Israel's right to exist that remained the core of the Arab-Israeli conflict. Israel had shown its willingness to make peace with its largest Arab neighbour, it was up to the rest of the Arab world to show willingness to make peace with Israel. The United Nations, Israel said, was being used as a battleground by the enemies of Israel, and the current session was a perversion of the Organization.

The European Economic Community countries said they believed that all States in the region had the right to live in peace and that the Palestinian people had a right to self-determination. The EEC countries were of the view that the establishment of settlements was an obstacle to peace, and they were "profoundly troubled" by recent events in the occupied territories, including Israeli action against the democratically elected mayors.

The socialist countries stated that a comprehensive, just and lasting settlement of the situation in the Middle East required the unconditional and complete withdrawal of Israel from all Arab territories occupied in 1967; the implementation of the inalienable rights of the Arab people of Palestine, including their right to the establishment of their own State; and, finally, guaranteeing the security and sovereignty of all States of the region. They believed that the Camp David accords had created new obstacles to a Middle East settlement.

The United States said that peace could be achieved only through respect, reason and compromise. While the Camp David process looked towards a comprehensive peace, it had not yet achieved that goal; it represented the greatest concrete step towards peace in the history of the Arab-Israeli conflict, yet it was only a step. A great distance remained to be travelled, but peace was possible, real peace, in accordance with Security Council resolutions 242 (1967) and 338 (1973).

Egypt said that the Israeli withdrawal from the Sinai marked a significant step forward in the peace process and provided a new incentive to the march forward, so that justice and the sovereignty of all nations in the area would be upheld. Egypt was committed to the Camp David accords and to the establishment of a comprehensive peace based on justice. Just and lasting peace in the area could be achieved, Egypt believed, through recognition of the rights of the Palestinian people and not through a policy of aggression and annexation.

Many representatives stated that the recommendations of the Committee, endorsed by the General Assembly in 1976, provided a firm basis upon which the United Nations could solve the Palestine problem. The Security Council should consider and endorse those recommendations; that would represent a concrete step towards a just and durable settlement of the Palestinian problem.

Resolution adopted

In resolution ES-7/4, adopted on 28 April 1982 by 86 votes in favour to 20 against, with 36 abstentions, the Assembly noted with regret that, owing to the negative vote of one of its permanent members, the Security Council had so far failed to take a decision on the recommendations of the Committee that had been endorsed by the Assembly. It reaffirmed its resolutions ES-7/2 of 29 July 1980 and 3236 (XXIX) and 3267 (XXIX) of 22 November 1974 and all other

relevant United Nations resolutions on the question of Palestine, as well as the fundamental principle of the inadmissibility of the acquisition of territory by force. The Assembly also reaffirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War applied to all territories occupied by Israel since 1967, including Jerusalem. It demanded that Israel comply with Security Council resolution 465 (1980) and with all United Nations resolutions concerning the status and the unique character of the Holy City of Jerusalem, in particular with Council resolutions 476 (1980) and 478 (1980).

The Assembly rejected all policies and plans aimed at the resettlement of the Palestinians outside their homeland, and it condemned Israel, the occupying Power, for:

- its failure to fulfil its obligations under the provisions of the Geneva Convention;
- its disbanding of the elected municipal council of El-Bireh;
- its dismissal of the elected mayors of Ramallah and Nablus;
- its violation of the sanctity of the Holy Places, particularly of Al-Haram Al-Shareef in Jerusalem;
- the shooting and killing and wounding of worshippers in the precincts of Al-Haram Al-Shareef by members of the Israeli army on 11 April 1982;

—its repressive measures, including shooting at the unarmed civilian population in the occupied Palestinian territory and in the occupied Syrian Golan Heights, resulting in death and injury;

—its attacks against and interference with the functions of various civic and religious institutions in the occupied Palestinian territory, including Jerusalem, in particular educational institutions.

The Assembly also condemned all policies which frustrated the exercise of the inalienable rights of the Palestinian people, in particular providing Israel with military, economic and political assistance and the misuse of the veto by a permanent member of the Security Council, thus enabling Israel to continue its aggression, occupation and unwillingness to carry out its obligations under the Charter and relevant resolutions of the United Nations. The Assembly also condemned those policies which encouraged the flow of human resources to Israel, enabling it to implement and proceed with its colonization and settlement policies in the occupied Arab territories. It declared once again that Israel's record and actions confirmed that it was not a peace-loving Member State and that it had carried out neither its obligation under the Charter nor its commitment under General Assembly resolution 273 (III) of 11 May 1949.

The Assembly urged the Security Council to recognize the inalienable rights of the Palestinian people, as defined in resolution ES-7/2, and to endorse the recommendations of the Committee that had been endorsed by the Assembly in 1976 and subsequent years. It called upon the Secretary-General, in concurrence with the Security Council and in consultation with the Committee, to initiate contacts with all parties to the Arab-Israeli conflict in the Middle East, including the PLO, with a view to finding concrete ways and means to achieve a comprehensive, just and lasting solution, conducive to peace, in conformity with the principles of the Charter and the recommendations of the Committee endorsed by the Assembly. It also requested the Secretary-General to follow up the implementation of resolution ES-7/4, to report at appropriate intervals to Member States and the Security Council, and to submit a comprehensive report to the General Assembly at its thirty-seventh session. Finally, the Assembly decided to adjourn the seventh emergency special session temporarily and authorized the Assembly President to resume its meetings upon request from Member States.

Israeli invasion of Lebanon

In consequence of the Israeli invasion and continued occupation of a large part of Lebanon in June 1982, the General Assembly was again requested to resume its emergency special session on 25 June.

On 26 June, in resolution ES-7/5, the Assembly once again reaffirmed its conviction that the question of Palestine was the core of the Arab-Israeli conflict and that no comprehensive, just and lasting peace in the region would be achieved without the full exercise by the Palestinian people of their inalienable rights.

Because of the ominous deterioration of the situation and the inability of the Security Council to act, the emergency special session of the General Assembly was reconvened on 16 August.

On 19 August 1982, the Assembly adopted three resolutions. In resolution ES-7/6, the Assembly called for the full exercise in Palestine of the inalienable rights of the Palestinian people to self-determination without external interference, and to national independence. It urged the Security Council, in the event of the continued failure by Israel to comply with the demands contained in the Council's resolutions adopted in 1982, to consider practical ways and means in accordance with the relevant provisions of the Charter, and it again called on the Secretary-General to initiate contacts with all the parties to the Arab-Israeli conflict in the Middle East, includ-

ing the PLO, with a view to convening an international conference, under the auspices of the United Nations, to find concrete ways and means of achieving a comprehensive, just and lasting solution, conducive to peace, in conformity with the principles of the Charter and relevant resolutions of the United Nations.

In resolution ES-7/7, the Assembly decided to convene the International Conference on the Question of Palestine at UNESCO headquarters in Paris, from 16 to 27 August 1983.

In resolution ES-7/8, the Assembly decided to commemorate 4 June of each year as the International Day of Innocent Children Victims of Aggression.

At a one-meeting resumption of the emergency special session on 24 September, the Assembly unanimously adopted resolution ES-7/9, in which it urged the Security Council to investigate, through the means available to it, the circumstances and extent of the massacre of Palestinian and other civilians in Beirut on 17 September 1982, and to make public the report of its findings as soon as possible.

In the face of continuing suffering among the Lebanese and Palestinian populations in southern Lebanon and West Beirut, the Chairman of the Committee stated, in a letter to the Secretary-General, that if Israeli forces were not immediately and unconditionally withdrawn, there was a great risk of the conflict spreading to the whole region. He appealed to the Secretary-General to request that decisive steps be taken forthwith by the Security Council to ensure that the explosive situation be brought to an immediate end.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY

In its 1982 report to the General Assembly, the Committee stated that it remained firm in its conviction that positive action by the Security Council on the Committee's 1976 recommendations would advance prospects for a just and lasting peace in the Middle East, since those recommendations constituted the basic principles relating to the problem of Palestine.

The Committee once again reiterated the validity of its 1976 recommendations and said it regretted to have to point out that in spite of repeated endorsement of those recommendations by the General Assembly, action had not been taken by the Security Council to implement them. The Committee stated that it was convinced that the repression of Palestinians in the occupied territories, as well

as the tragic events which had occurred in Lebanon, could have been avoided if the Security Council had taken timely and positive action on the Committee's recommendations.

The Committee also recommended that every effort should continue to be made to achieve a wider understanding of the just cause of the Palestinian people as a major contribution towards an equitable, lasting solution of the question of Palestine. In this regard, it emphasized the importance of universal participation in the International Conference on the Question of Palestine to be held in 1983. The Committee stressed that the Conference would provide an overdue but unique opportunity for the international community to guide positive developments in the area and that the Conference would be utilized to promote ways and means for the effective implementation and exercise of the inalienable rights of the Palestinian people.

Report of the Committee acting as the Preparatory Committee for the International Conference on the Question of Palestine

In resolution 36/120 C, the General Assembly had decided to convene an international conference on the question of Palestine not later than 1984. It had authorized the Committee to act as the Preparatory Committee for the Conference, to take all the necessary steps for its organization and to make recommendations regarding, *inter alia*, the site, scheduling, participation in and the provisional agenda of the Conference. On the basis of the Assembly's resolution, the Secretary-General appointed Mrs. Lucille Mair as Secretary-General of the International Conference on the Question of Palestine, as of 1 May 1982.

The Preparatory Committee held its first session from 31 March to 22 October 1982. In view of the political and military situation in Lebanon, the Committee considered the question of the date of the Conference in the light of the recommendations of the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries, held at Nicosia, Cyprus, from 15 to 17 July 1982, and recommended that the Conference be convened at UNESCO headquarters in Paris from 16 to 27 August 1983.

In its report to the thirty-seventh session of the General Assembly, the Preparatory Committee recommended that the two main objectives of the Conference should be:

(a) to increase international awareness of the facts relating to the question of Palestine;

(b) to attain governmental and non-governmental support for effective ways and means to enable the Palestinian people to exercise its inalienable rights in Palestine on the basis of United Nations resolutions.

More specifically, the purpose of the Conference was to ensure a universal commitment by all Member States to the achievement of Palestinian rights and the establishment of a Palestinian State within the framework of action adopted by the General Assembly at its thirty-first session. The Conference and the preparatory work for it would set in motion agreed modalities for the implementation of agreed decisions, the Preparatory Committee said.

The following substantive items were recommended by the Preparatory Committee in the draft provisional agenda for the Conference:

1. Historical and contemporary review of the situation of the Palestinian people and their inalienable rights.
2. The status of the Holy City of Jerusalem.
3. The international framework of the question of Palestine and the role of the United Nations.
4. Obstacles to the achievement of Palestinian rights.
5. Recommendations for action for the achievement of Palestinian rights.
6. Adoption of the report and final documents of the Conference.

The Preparatory Committee considered specific issues which should be discussed under agenda items 1 to 5 and recommended that the following substantive issues should be duly reflected in the annotations to the provisional agenda:

- (a) The Palestinian people—historical, political, constitutional, economic, social and cultural aspects;
- (b) The question of Palestine in world politics: recommendations of the Committee and other proposals;
- (c) The question of Palestine under international law;
- (d) The status of the Holy City of Jerusalem;
- (e) Obstacles to the achievement of Palestinian rights:
 - (i) Israeli policies and practices vis-à-vis the Palestinian people;
 - (ii) Other obstacles which impede the exercise of the inalienable rights of the Palestinian people;
- (f) The influence of the mass media in portraying the question of Palestine;

(g) The right of return of the Palestinians;

(h) The right to self-determination of peoples as it applies to the Palestinian people;

(i) The United Nations and the question of Palestine.

The Committee also considered preparatory activities for the Conference, organization of work, documentation, participation in the Conference, draft provisional rules of procedure of the Conference and the organization of the future work of the Preparatory Committee, and made recommendations to the General Assembly.

Other activities of the Committee

In accordance with resolution 36/120 B, three seminars on Palestinian rights were organized by the Special Unit in 1982, the first at United Nations Headquarters from 15 to 19 March, the second at Valletta, Malta, from 12 to 16 April, and the third at Dakar, Senegal, from 9 to 13 August. The Committee, which was represented at these seminars, expressed the belief that, by bringing together academicians and other influential persons interested in the question of Palestine, the seminars constituted a valuable contribution towards informing the international community of the various aspects of the Palestinian problem.

On 11 August, the Secretary-General, on the basis of General Assembly resolution 34/65 D, redesignated the Special Unit on Palestinian Rights as the Division for Palestinian Rights.

On 29 November 1982, the International Day of Solidarity with the Palestinian People was observed in New York, Geneva, Vienna and other centres. In commemoration of the Day, the Committee held two special meetings at Headquarters. Among those who addressed the meetings were: the Chairman of the Committee, the President of the General Assembly, the Secretary-General, the President of the Security Council, the representative of the Executive Committee of the PLO, the Acting President of the United Nations Council for Namibia, the Chairman of the Special Committee of 24, the Vice-Chairman of the Special Committee against *Apartheid*, the Chairman of the Non-Aligned Movement, the Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population in the Occupied Countries, and the Chairman of the Group of Arab States, of the Group of Asian States and of the Group of Eastern European States.

A number of messages on the occasion from Heads of State or Government and Ministers for Foreign Affairs were read by their

representatives. The programme for the Day included a photo exhibit and the screening, in the Dag Hammarskjöld auditorium at Headquarters, of the films "Palestinians Do Have Rights" and "Jerusalem Prophets and Paratroopers".

ACTION BY THE GENERAL ASSEMBLY

(30 November-2 December 1982)

The question of Palestine was considered by the General Assembly from 30 November to 2 December 1982. Submitting the Committee's reports to the Assembly, the Chairman of the Committee recalled the observance of the Day of Solidarity with the Palestinian People, an event which, he said, reaffirmed in unequivocal terms the urgent need to find a just, comprehensive solution to the problem of Palestine, which continued to be tragically prominent in international affairs, particularly during the painful events in Lebanon. Progress made recently concerning recognition of the rights of the Palestinian people should encourage and promote positive action by the Security Council on the Committee's recommendations, the Chairman said. The Committee believed that the International Conference on the Question of Palestine, to be held in August 1983, should give the international community an exceptional opportunity to guide the development of the situation in the region and to promote the means of bringing about the effective exercise of the legitimate rights of the Palestinian people.

The Rapporteur of the Committee, officially presenting the Committee's reports, said that the Committee had written innumerable letters of protest against Israeli practices in the past year. Several meetings of the Security Council and sessions of the General Assembly had had to be called because repression and violence had run riot in the occupied territories, he noted. Universities had been closed, hospitals and schools bombed, elected mayors maimed or expelled and illegal settlements established. Against all this, the Security Council had remained immobilized, and it did not take Israel too long to go even further. On a flimsy pretext, the Rapporteur declared, Israel had launched a massive military incursion against Palestinian and Lebanese civilians in Lebanon; mere words could not do justice to the horror that had ensued. Despite the most recent in a series of tragic setbacks, the Committee, as a last resort, recommended the holding of the International Conference on the Question of Palestine earlier than had been originally anticipated, in August 1983 in Paris.

Views expressed

The representative of the PLO stated that the PLO had welcomed the joint Soviet-American statement of October 1977 and the initiative of the late President Brezhnev. As a member of the League of Arab States, the PLO had participated in the latest Arab Summit Conference, held at Fez, which had established a framework for Israel's withdrawal from Palestinian and occupied Arab territories and proposed a peace plan for the Middle East. The PLO representative added that while President Reagan's initiative of 1 September 1982 showed some progress in the United States position, it was devoid of the basic components without which there could certainly be no comprehensive and just settlement of the Middle East problem. Those elements were: recognition of the PLO and its role as the sole and legitimate representative of the Palestinian people; recognition of the right of the Palestinian people to self-determination, including their right to establish their own independent State; and complete and unconditional Israeli withdrawal from the Palestinian and occupied Arab territories, including Jerusalem.

Egypt said that the violently disruptive events that had taken place as a result of Israel's aggression against Lebanon and the war against the Palestinian people to destroy its will and undermine its political foundations, as embodied in the PLO, led the rational and responsible peoples of the world to put forward peace proposals whose common approach, despite their different manifestations and the variety in their positive elements, led them to confirm the legitimacy of the wishes and aspirations of the Palestinian people. They had emphasized that it was a question of a people, not a matter of refugees; of a State, not of refuge and shelter. All the proposals that had been put forward offered tremendous challenges—the challenges of peace, whose magnitude and implications far outweighed those of war.

The representative of the European Economic Community countries stated that the essence of any solution must be the reconciliation of the State of Israel and the Palestinian people so that those two realities could live together in peace and security. In their statement in Brussels on 20 September 1982, the EEC countries had said that such a settlement should be based on the principles of security for all States in the region, Israel's right to exist, justice for all peoples, the right to self-determination for the Palestinians, with all that that implied, and mutual recognition by all the parties involved.

The socialist countries said that the tragedy in Lebanon once again raised the serious question of the urgent need for an immediate

solution of the question of Palestine, not behind-the-scenes deals and machinations, but within the framework of a comprehensive settlement of the Middle East conflict which should be based on the decisions of the United Nations, on the inadmissibility of the acquisition of territory by force and on the need for the realization in their entirety of the inalienable national rights of the Arab people of Palestine, including their right to self-determination and to the creation of their own State.

Israel said that everything that had happened in the Arab-Israeli conflict since 1948 flowed from one fundamental fact—the unwillingness of Arab Governments to accept and coexist with a sovereign Jewish State, irrespective of its size and boundaries. The adamant refusal on the part of the Arab world to recognize Israel's right to exist had always been and remained the core and cause of the Arab-Israeli conflict, and everything else was a pretext or subterfuge.

The United States said that the debate and the draft resolutions, instead of reflecting efforts to seek new approaches and new language that might bring the various interested parties together in the search for peace, instead repeated language which was clearly unacceptable to one or more of the interested parties. The United States was pleased to hear, in the course of the debate, favourable mention of the proposals made on 1 September 1982 by President Reagan, and it hoped for continued growth and recognition of the positive contributions of the United States.

Many representatives expressed the view that a just and lasting peace in the Middle East could be achieved only by a comprehensive settlement that ensured the withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and which would enable the Palestinian people, under the leadership of the PLO, to exercise their inalienable rights, including the right to return to their homes and land, the right to self-determination, national independence and the establishment of their own State in Palestine. They added that the International Conference, to take place in August 1983, was another laudable effort to demonstrate that concern and to focus international attention on the question of Palestine.

Resolutions adopted

On 10 December 1982, five resolutions on the question of Palestine were adopted by the General Assembly.

In resolution 37/86 D, the Assembly reaffirmed once again that a comprehensive, just and lasting peace in the Middle East could not

be established without the unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and without the exercise and attainment by the Palestinian people of their inalienable rights in Palestine in accordance with the principles of the Charter and the relevant resolutions of the General Assembly. It requested the Security Council to discharge its responsibilities under the Charter and recognize the inalienable rights of the Palestinian Arab people, including the right to self-determination and the right to establish an independent Arab State in Palestine. The Assembly reiterated its request that the Security Council take the necessary measures, in execution of the relevant United Nations resolutions, "to implement the plan which, *inter alia*, recommends that an independent Arab State shall come into existence in Palestine".

In resolution 37/86 E, the Assembly recalled, in particular, the principles relevant to the question of Palestine that have been accepted by the international community, including the right of all States in the region to existence within internationally recognized boundaries, and justice and security for all the peoples, which required recognition and attainment of the legitimate rights of the Palestinian people. It reaffirmed the inalienable rights of the Palestinian people, including the right of self-determination and the right to establish an independent State in Palestine. In conformity with the fundamental principles of the inadmissibility of the acquisition of territory by force, the Assembly demanded that Israel withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, with all property and services intact. The Assembly urged the Security Council to facilitate the process of Israeli withdrawal and recommended that, following the withdrawal of Israel from the occupied Palestinian territories, those territories should be subjected to a short-term transitional period under the supervision of the United Nations, during which the Palestinian people would exercise their right to self-determination. The Assembly also urgently called for the achievement of a comprehensive, just and lasting peace, based on the resolutions of the United Nations and under its auspices, in which all the parties concerned, including the PLO, the representative of the Palestinian people, would participate on an equal footing.

In resolution 37/86 A, the Assembly endorsed the recommendations of the Committee and drew the attention of the Security Council to the fact that action on the Committee's recommendations, as endorsed by the Assembly in resolution 31/20, was long

overdue. The Assembly authorized the Committee to continue to exert all efforts to promote the implementation of its recommendations.

In resolution 37/86 B, the Assembly requested the Secretary-General to ensure that the Division for Palestinian Rights continued to discharge its tasks, in consultation with the Committee and under its guidance. It invited all Governments and organizations to lend their co-operation to the Committee and the Division for Palestinian Rights. The Assembly noted with appreciation 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.

In resolution 37/86 C, the Assembly endorsed the recommendations of the Preparatory Committee for the International Conference on the Question of Palestine and urged all Member States to promote heightened awareness of the importance of the Conference and to intensify preparations at the national, subregional and regional levels in order to ensure its success. It called upon all Member States to contribute to the achievement of Palestinian rights and to support modalities for their implementation, and to participate in the Conference and the regional preparatory meetings preceding it.

ANNEX I

TEXT OF COMMITTEES' RECOMMENDATIONS ENDORSED BY THE GENERAL ASSEMBLY

I. BASIC CONSIDERATIONS AND GUIDELINES

The question of Palestine is at the heart of the Middle East problem, and, consequently, the Committee stresses its belief that no solution in the Middle East can be envisaged which does not fully take into account the legitimate aspirations of the Palestinian people.

The legitimate and inalienable rights of the Palestinian people to return to their homes and property and to achieve self-determination, national independence and sovereignty are endorsed by the Committee in the conviction that the full implementation of these rights will contribute decisively to a comprehensive and final settlement of the Middle East crisis.

The participation of the Palestine Liberation Organization, the representative of the Palestinian people, on an equal footing with other parties, on the basis of General Assembly resolutions 3236 (XXIX) and 3375 (XXX), is indispensable in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations.

The Committee recalls the fundamental principle of the inadmissibility of the acquisition of territory by force and stresses the consequent obligation for complete and speedy evacuation of any territory so occupied.

The Committee considers that it is the duty and the responsibility of all concerned to enable the Palestinians to exercise their inalienable rights.

The Committee recommends an expanded and more influential role by the United Nations and its organs in promoting a just solution to the question of Palestine and in the implementation of such a solution. The Security Council, in particular, should take appropriate action to facilitate the exercise by the Palestinians of their right to return to their homes, lands and property. The Committee, furthermore, urges the Security Council to promote action towards a just solution, taking into account all the powers conferred on it by the Charter of the United Nations.

It is with this perspective in view and on the basis of the numerous resolutions of the United Nations, after due consideration of all

the facts, proposals and suggestions advanced in the course of its deliberations, that the Committee submits its recommendations on the modalities for the implementation of the exercise of the inalienable rights of the Palestinian people.

II. THE RIGHT OF RETURN

The natural and inalienable right of Palestinians to return to their homes is recognized by resolution 194 (III), which the General Assembly has reaffirmed almost every year since its adoption. This right was also unanimously recognized by the Security Council in its resolution 237 (1967); the time for the urgent implementation of these resolutions is long overdue.

Without prejudice to the right of all Palestinians to return to their homes, land and property, the Committee considers that the programme of implementation of the exercise of this right may be carried out in two phases:

Phase one

The first phase involves the return to their homes of the Palestinians displaced as a result of the war of June 1967. The Committee recommends that:

(i) The Security Council should request the immediate implementation of its resolution 237 (1967) and that such implementation should not be related to any other condition;

(ii) The resources of the International Committee of the Red Cross and/or of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, suitably financed and mandated, may be employed to assist in the solution of any logistical problems involved in the resettlement of those returning to their homes. These agencies could also assist, in co-operation with the host countries and the Palestine Liberation Organization, in the identification of the displaced Palestinians.

Phase two

The second phase deals with the return to their homes of the Palestinians displaced between 1948 and 1967. The Committee recommends that:

(i) While the first phase is being implemented, the United Nations, in co-operation with the States directly involved, and the Palestine Liberation Organization as the interim representative of

the Palestinian entity, should proceed to make the necessary arrangements to enable Palestinians displaced between 1948 and 1967 to exercise their right to return to their homes and property, in accordance with the relevant United Nations resolutions, particularly General Assembly resolution 194 (III).

(ii) Palestinians not choosing to return to their homes should be paid just and equitable compensation as provided for in resolution 194 (III).

III. THE RIGHT TO SELF-DETERMINATION, NATIONAL INDEPENDENCE AND SOVEREIGNTY

The Palestinian people has the inherent right to self-determination, national independence and sovereignty in Palestine. The Committee considers that the evacuation of the territories occupied by force and in violation of the Charter and relevant resolutions of the United Nations is a *conditio sine qua non* for the exercise by the Palestinian people of its inalienable rights in Palestine. Upon the return of the Palestinians to their homes and property and with the establishment of an independent Palestinian entity, the Palestinian people will be able to exercise its rights to self-determination and to decide its form of government without external interference.

The Committee also feels that the United Nations has a historical duty and responsibility to render all assistance necessary to promote the economic development and prosperity of the Palestinian entity.

To these ends, the Committee recommends that:

(a) A timetable should be established by the Security Council for the complete withdrawal by Israeli forces from those areas occupied in 1967; such withdrawal should be completed no later than 1 June 1977.

(b) The Security Council may need to provide temporary peace-keeping forces in order to facilitate the process of withdrawal;

(c) Israel should be requested by the Security Council to desist from settlements established since 1967 in the occupied territories. Arab property and all essential services in these areas should be maintained intact.

(d) Israel should also be requested to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to declare, pending its speedy withdrawal from these territories, its recognition of the applicability of that Convention.

(e) The evacuated territories, with all property and services intact, should be taken over by the United Nations, which, with the co-operation of the League of Arab States, will subsequently hand over these evacuated areas to the Palestine Liberation Organization as the representative of the Palestinian people;

(f) The United Nations should, if necessary, assist in establishing communications between Gaza and the West Bank;

(g) As soon as the independent Palestinian entity has been established, the United Nations, in co-operation with the States directly involved and the Palestinian entity, should, taking into account General Assembly resolution 3375 (XXX), make further arrangements for the full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region, in accordance with all relevant United Nations resolutions;

(h) The United Nations should provide the economic and technical assistance necessary for the consolidation of the Palestinian entity.

ANNEX II

STUDIES ON THE PALESTINE QUESTION PREPARED BY THE DIVISION FOR PALESTINIAN RIGHTS

- The origin and evolution of the Palestinian problem, Part I, 1917-1947
- The origin and evolution of the Palestinian problem, Part II, 1947-1977
- The right of return of the Palestinian people
- The right of self-determination of the Palestinian people
- An international law analysis of the major United Nations resolutions concerning the Palestinian question
- The status of Jerusalem
- The question of Palestine
- The question of the observance of the fourth Geneva Convention of 1949 in Gaza and the West Bank, including Jerusalem, occupied by Israel in June 1967
- The international status of the Palestinian people
- Israel's policy on the West Bank water resources
- Acquisition of land in Palestine
- Palestinian children in the occupied territories
- The Palestinian question—a brief history
- The legal status of the West Bank and Gaza Strip
- Israeli settlements in Gaza and the West Bank, including Jerusalem
- The political, social and economic institutions of the Palestinian people