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**REPORT
OF THE
COMMITTEE ON THE EXERCISE OF
THE INALIENABLE RIGHTS
OF THE PALESTINIAN PEOPLE**

70

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY - FIRST SESSION

SUPPLEMENT No. 35 (A/31/35)

UNITED NATIONS



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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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LETTER OF TRANSMITTAL

21 July 1976

Sir,

I have the honour to acknowledge receipt of your letter dated 12 July 1976 informing me, in accordance with paragraph 9 of General Assembly resolution 3376 (XXX), of the action taken by the Security Council on the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, transmitted to it by you, as requested by paragraph 8 of resolution 3376 (XXX).

At a meeting on 21 July, the Committee considered the action taken by the Security Council and was of the opinion that the observations on the Committee's recommendations, particularly those voiced by members of the Council who had voted against the draft resolution before the Council, or abstained on it, had been based on considerations beyond the scope of the Committee's mandate. The observations have, however, been noted and will be brought to the attention of the General Assembly in an appropriate manner.

The Committee decided unanimously, therefore, to reaffirm the recommendations which had been transmitted to the Security Council and to authorize me to resubmit the report to you for transmittal to the General Assembly for its consideration, in accordance with paragraph 10 of resolution 3376 (XXX). My letter to you dated 28 May 1976, your letter to me of 12 July 1976 informing me of the action taken by the Security Council and the draft resolution tabled in the Council have been appended to the report (annexes II to IV).

Accept, Sir, the assurances of my highest consideration.

(Signed) Médoune FALL
Chairman
of the Committee on the Exercise
of the Inalienable Rights of the
Palestinian People

His Excellency
Mr. Kurt Waldheim
Secretary-General of the United Nations

PART ONE. PROCEEDINGS OF THE COMMITTEE

I. INTRODUCTION

1. The question of Palestine, both in its political and human rights aspects, has been before the United Nations since 1947. In the period 1947-1975, the General Assembly and the Security Council between them adopted 188 resolutions, each dealing directly or indirectly with various aspects of this question. All these resolutions, many of which have not been implemented, appear in chronological order in document A/AC.183/L.2. An historical background of the question of Palestine in the United Nations is outlined in document A/AC.183/L.3.

2. During its thirtieth session, the General Assembly, at its 2399th plenary meeting on 10 November 1975, adopted by 93 votes to 18, with 27 abstentions, resolution 3376 (XXX) establishing the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

3. The following States were appointed members of the Committee by the General Assembly at its 2443rd meeting on 17 December 1975: Afghanistan, Cuba, Cyprus, German Democratic Republic, Guinea, Hungary, India, Indonesia, Lao People's Democratic Republic, Madagascar, Malaysia, Malta, Pakistan, Romania, Senegal, Sierra Leone, Tunisia, Turkey, Ukrainian Soviet Socialist Republic and Yugoslavia.

II. MANDATE OF THE COMMITTEE

4. Paragraph 4 of resolution 3376 (XXX) requested the Committee to consider and recommend to the General Assembly a programme of implementation designed to enable the Palestinian people to exercise the rights recognized in paragraphs 1 and 2 of resolution 3236 (XXIX), taking into account in the formulation of its recommendations all the powers conferred by the Charter upon the principal organs of the United Nations.

5. Paragraphs 1 and 2 of General Assembly resolution 3236 (XXIX) read as follows:

"The General Assembly,

"...

"1. Reaffirms the inalienable rights of the Palestinian people in Palestine including:

(a) The right to self-determination without external interference;

(b) The right to national independence and sovereignty;

"2. Reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return."

6. Resolution 3376 (XXX) requested the Committee to submit its report and recommendations to the Secretary-General no later than 1 June 1976. The Secretary-General, in his turn, was requested to transmit the report to the Security Council, which was to consider, as soon as possible after 1 June 1976, the question of the exercise by the Palestinian people of the inalienable rights recognized in paragraphs 1 and 2 of resolution 3236 (XXIX). The Secretary-General was also requested to inform the Committee of the action taken on that matter by the Security Council, and the Committee was authorized, taking into consideration the action taken by the Security Council, to submit to the General Assembly at its thirty-first session a report containing its observations and recommendations.

III. ORGANIZATION OF WORK

A. Meetings

7. The Committee held 16 formal and 20 informal meetings at United Nations Headquarters during the period from 26 February to 19 May 1976.

B. Election of officers

8. The Committee elected the following officers at its first and second meetings held on 26 and 27 February respectively:

Chairman: Mr. Médoune Fall (Senegal)
Vice-Chairmen: Mr. Ricardo Alarcón Quesada (Cuba)
Mr. Mir Abdul Wahab Siddiq (Afghanistan)
Rapporteur: Mr. Victor J. Gauci (Malta)

C. Agenda

9. The Committee adopted the following agenda at its second meeting on 27 February 1976 (A/AC.183/1):

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. Organization of work
5. Preparation of the first report of the Committee and formulation of recommendations in implementation of General Assembly resolution 3376 (XXX)
6. Adoption of the first report

D. Participation in the work of the Committee

10. The Committee decided at its second meeting to invite the Palestine Liberation Organization to participate in the work of the Committee as an observer, to attend all its meetings, and to make suggestions and proposals for the consideration of the Committee. Furthermore, the Committee authorized the Chairman to request the Secretary-General to invite all States Members of the United Nations, permanent observers to the United Nations and intergovernmental regional organizations, to participate in the work of the Committee as observers; they were also to be informed that the Committee was ready to receive and to study their suggestions and proposals, made either orally or in writing. This invitation to participate in the work of the Committee was to be brought to the notice particularly of all those States directly interested in the Middle East crisis, the representative of the League of Arab States, the Organization of African Unity and members of the Security Council, especially its permanent members.

11. The following States responded affirmatively to the invitation and participated in the work of the Committee as observers: Egypt, Iraq, Jordan, the Libyan Arab Republic, Mauritania and the Syrian Arab Republic. The Palestine Liberation Organization and the League of Arab States also participated in the work of the Committee as observers. In response to the invitation, the representative of Greece made a statement before the Committee. Written communications were received from several States and are contained in documents A/AC.183/L.21 and Add.1 and 2.

12. In the absence of summary records, it was decided that all major statements made in the Committee would be produced as official documents of the Committee. These statements are contained in documents A/AC.183/2; A/AC.183/L.4-20; A/AC.183/L.22-30. At the request of the Committee, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) addressed on 15 March 1976 a letter to the Chairman of the Committee, providing information on the Palestinian refugees registered with UNRWA (A/AC.183/3). A summary of the work of the United Nations Conciliation Commission for Palestine from 1948 to date is contained in document A/AC.183/4.

IV. SUMMARY OF THE DELIBERATIONS

A. Unique nature of the question of Palestine

13. The members of the Committee emphasized the fact that the people of Palestine, inheritors of an ancient civilization, had commenced their struggle for independence early in the twentieth century and, as far back as the end of the Second World War, had been ready for independence. Nevertheless, and in spite of the anti-colonialist age that had dawned since the Second World War, the Palestinians, owing to a combination of circumstances, had suffered, instead, dispersal from their homes and deprivation of their inalienable rights and property. For 30 years, hundreds of thousands had been forced to live in destitution, many being cast in the role of refugee not once, but twice or even three times in their lifetime. This tragedy had been recognized by the international community as one that should no longer be tolerated.

B. Role of the Committee

14. The Committee noted that the inalienable rights of the Palestinians to self-determination, national independence and sovereignty, as well as their inalienable right to return to their homes, had already been affirmed and clearly defined by the General Assembly in its resolution 3236 (XXIX). It noted also that the Assembly, while defining those rights, had recognized the link between them.

15. Consequently, the basic task of the Committee was to formulate a programme of implementation designed to enable the Palestinian people to exercise the rights already affirmed and defined by the General Assembly.

16. Another important responsibility of the Committee was to maintain international concern for progress towards a just solution of the question of Palestine and thereby help promote a lasting peace in the Middle East. To this end, it was suggested that the United Nations should utilize its available resources to focus world attention on, and to strengthen international solidarity with, the plight of the Palestinian people.

17. It was suggested that the Committee should follow the practice of other United Nations bodies which dealt with questions relating to the exercise of the national rights of peoples, by giving precedence to and taking as a basis for discussion, opinions and proposals submitted by the representatives of the people whose national rights were at stake. In this connexion, the Committee's attention was drawn especially to the statement by Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and Commander-in-Chief of the Palestine Revolution, before the General Assembly at its 2282nd meeting on 13 November 1974 (A/PV.2282 and Corr.1), and to that of Mr. Farouq Qaddoumi, member of the Executive Committee of the Palestine Liberation Organization, at the 1870th meeting of the Security Council on 12 January 1976 (S/PV.1870).

C. Right of return

18. It was emphasized that the inalienable rights of the Palestinian people to self-determination could be exercised only in Palestine. Consequently, the exercise of the individual right of the Palestinian to return to his homeland was a conditio sine qua non for the exercise by this people of its rights to self-determination, national independence and sovereignty.

19. In this respect, it was pointed out that Israel was under binding obligation to permit the return of all the Palestinian refugees displaced as a result of the hostilities of 1948 and 1967. This obligation flowed from the unreserved agreement by Israel to honour its commitments under the Charter of the United Nations, and from its specific undertaking, when applying for membership of the United Nations, to implement General Assembly resolutions 181 (II) of 29 November 1947, safeguarding the rights of the Palestinian Arabs inside Israel, and 194 (III) of 11 December 1948, concerning the right of Palestinian refugees to return to their homes or to choose compensation for their property. This undertaking was also clearly reflected in General Assembly resolution 273 (III). The Universal Declaration of Human Rights, as well as the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, also contained relevant provisions concerning these rights. The States directly involved were parties to this Convention.

20. The opinion was expressed that whatever modalities or procedure were envisaged for the implementation of the right of return of the Palestinians - whether such return would be carried out by phases or by quotas according to a definite timetable - that right should be absolute for every Palestinian and must have priority over any other form of substitute arrangements, such as compensation. The Palestinians should be afforded the widest practical opportunities to exercise their right of return, in regard both to the time element and to procedural conditions. Only those Palestinians who would choose not to avail themselves of those opportunities after a pre-determined period of time should be considered as opting for compensation instead of actual repatriation. In this regard, it was recalled that an assessment of the value of the property left behind by displaced Palestinians had been made by the United Nations Conciliation Commission for Palestine and was available on microfilm in the archives of the United Nations.

21. To implement the right of return, a two-phase programme was proposed. In the first phase, the Palestinians displaced in 1967 should be allowed to return to the territories which have been under Israeli military occupation since 1967. In accordance with Security Council resolution 237 (1967), the return of these Palestinians should be immediate and not related to any other condition.

22. During this first phase, certain preparations should be undertaken for the second phase of such a programme, namely, the phase relating to the Palestinians displaced in 1948 from territories occupied by Israel before 1967. These preparations could involve the following elements:

(a) Designation or creation of a competent agency to be entrusted with the organizational and logistical aspects of the mass return of displaced Palestinians;

(b) Creation and financing of a fund for that purpose;

(c) Registration of displaced Palestinians other than those already registered with UNRWA;

(d) Request by either the Security Council or the General Assembly for an advisory opinion of the International Court of Justice, in accordance with Article 96 of the Charter of the United Nations, on certain legal aspects of the right of the Palestinians to return to their homes.

23. The problems related to the second phase - of Palestinians displaced between 1948 and 1967 - would be solved on the basis of the relevant resolutions of the General Assembly and the Security Council and by agreement between the parties involved.

24. The suggestion concerning the unconditional return to their homes, in a first phase, of Palestinians displaced in 1967 was unanimously supported by the Committee as a judicious approach in the search for a solution to the question of Palestine. As for its practical implementation, several delegates expressed doubts as to whether those Palestinians would be able to exercise fully their right to return as long as the territories in question remained under foreign occupation. They felt that the presence of Israeli occupying forces might inhibit and adversely influence the free exercise of the right of return of the Palestinian people. In the view of those delegations, it would be more realistic to expect the

Palestinians displaced in 1967 to exercise their right of return after Israel had vacated the occupied areas according to an established time-table.

25. It was emphasized that pending its withdrawal from the areas occupied in June 1967, Israel should release all political prisoners, dismantle its settlements and maintain intact all Arab property.

26. In the process of the withdrawal of the Israeli forces and of the return of the Palestinians displaced in 1967, the United Nations, acting as an intermediary, might be called upon to perform several functions. The United Nations might, for example be entrusted with taking over from Israel the vacated areas, together with all essential services, which would thereafter be handed over to the Palestinian authorities. UNRWA could be requested by the Committee to have ready the details of the names, addresses and properties of the persons who had fled the country since 5 June 1967 and who wished to return. The United Nations might assist the Palestinian administration in establishing itself in the initial days following Israeli withdrawal. The United Nations might also play a role in establishing communications between the West Bank and Gaza and in arranging access to Jerusalem. To undertake all these responsibilities, including arrangements for the return of the refugees, some special United Nations authority might need to be established.

27. The view was expressed by some delegations that in the performance of such interim functions, the United Nations might seek the co-operation of the League of Arab States, which was ready to contribute to the implementation of the inalienable rights of the Palestinian people.

28. It was suggested that, if necessary, the Security Council could establish a temporary United Nations peace-keeping force in the region and provide formal assurances of security so as to facilitate withdrawal by Israel from the occupied areas.

29. It was suggested that certain legal questions could be clarified through an advisory opinion of the International Court of Justice; more specifically, the Court could be requested to pronounce itself on the following legal questions:

(a) Whether the recognition by the General Assembly of the inalienable right to return of the displaced Palestinians and the demand by the General Assembly that they be permitted to return were, in fact, an infringement of Israel's sovereignty, particularly in the light of the provisions of General Assembly resolution 181 (II) recommending the Plan of Partition, with its built-in safeguards for the rights of the Palestinian Arab inhabitants of the then proposed Jewish State, and General Assembly resolution 273 (III), which admitted Israel to membership in the United Nations after recalling both resolutions 181 (II) and 194 (III);

(b) Whether or not certain laws enacted by Israel since 1948 - such as the Law of Return, the Nationality Law, the Absentees' Property Law, the Development Authority Law and others - are compatible with the provisions of the Plan of Partition contained in General Assembly resolution 181 (II), by which Israel is bound, and in accordance with which the United Nations itself is the guarantor of the rights of the Palestinian Arabs in the territories occupied by Israel in 1948 and 1949.

30. It was felt that an advisory opinion on the first question might be considered

necessary if Israel invoked the principle of sovereignty in order to obstruct the exercise by Palestinians of their inalienable right to return to their homes. An advisory opinion on the second question was prompted by the fact that the above-mentioned laws had a direct bearing on the status and rights of the displaced Palestinians after their return, inasmuch as they may be considered to infringe upon the rights guaranteed to them in section C of part I of the Plan of Partition.

31. Some delegations expressed reservations in principle as to the advisability of requesting the opinion of the International Court of Justice.

32. The attention of the Committee was drawn to the consequences which continued denial of the Palestinians' right of return to their homes could have for peace in the Middle East. The view was expressed that if Israel opposed the peaceful and orderly return of Palestinians, the result could well be an increased determination on the part of Palestinians and other Arabs to restore the rights of Palestinians by means other than peaceful. The growing opposition of the Palestinian population to occupation, as well as the outcome of the municipal elections recently held in the West Bank and other occupied areas, had more than a symbolic significance in this respect.

D. Right to self-determination and to national independence and sovereignty

33. It was maintained that the right of the Palestinian people to self-determination could be implemented only if Israel evacuated the Palestinian territory it had occupied by force contrary to the Charter of the United Nations and its resolutions and if Israel permitted the refugees and the displaced Palestinians who had been uprooted or expelled or had fled during and after the hostilities of 1948 and 1967 to return to their homes and property.

34. It was stressed that the establishment of an independent Palestinian State, in accordance with the principles of the Charter of the United Nations, was a prerequisite for peace in the Middle East. Upon the Israeli vacation of the occupied areas and the establishment of an independent Palestinian administration, the Palestinian people would be able to exercise its right to self-determination and to decide its form of government through democratic means. The role of the United Nations in that regard could only be advisory. Once the Palestinian State was established, it could participate, on a basis of equality, in the negotiations for a peace settlement in the Middle East, which would cover the question of secure and recognized boundaries for all States in the region.

35. The opinion was shared that it was up to the Palestinian people, in the exercise of its right to self-determination, to decide when and how its national independence should be expressed within an independent entity of its own and in its territory, Palestine. No other party had the right to dictate to the Palestinian people the form, status or system of its entity or claim the authority to permit or to prevent the establishment of an independent Palestinian entity. The Palestinian people had the right freely to choose its own representatives and form of government. The Palestine Liberation Organization, which had been recognized by the Palestinian people, the United Nations, the League of Arab States, the Organization of African Unity and the overwhelming majority of world nations as the

sole representative of the Palestinian people, was a guardian of the inalienable rights of this people. The Palestine Liberation Organization, consequently, was entitled to participate as a principal party in all peace efforts to resolve the Middle East problem.

E. Status of Jerusalem

36. The members of the Committee stressed the special significance of the city of Jerusalem and its holy shrines to three major religions of the world - Islam, Judaism and Christianity. The international status of the city of Jerusalem, as provided for in General Assembly resolution 181 (II), was recalled.

37. A suggestion was made that the administration of the city of Jerusalem should consist of two main organs: (a) a 45-member legislative body in which the three main religious communities of the city would be equally represented; (b) an executive organ led by a United Nations commissioner appointed by the Secretary-General with the consent of the Security Council.

38. Several delegations were of the view that the question of the city of Jerusalem was beyond the mandate of the Committee. According to one view, during the first phase of the proposed programme of implementation of the inalienable rights of the Palestinian people, Jerusalem should be restored to the situation which had prevailed before the war of June 1967. Its future status could be considered after the establishment of an independent Palestinian entity.

39. It was felt in the Committee that any solution of the delicate problem of Jerusalem should be sought within the framework of the inalienable rights of the Palestinian people and the religious characteristics of the city and that Israel should be called upon to desist from any actions or policies designed to change the legal status of Jerusalem. In this respect, Security Council resolution 298 (1971), in particular was recalled.

F. Essential elements of a programme of implementation of the inalienable rights of the Palestinian people

40. It was suggested that the Committee should recommend in its report that the first phase of the implementation of the right of return should consist of the return to their homes of the Palestinians displaced from territories occupied since 1967.

41. The Committee might recommend that the Security Council demand that the Palestinians displaced in 1967 should be permitted immediately to return to the territories occupied since 1967. Their return should not be related to any other conditions. On the basis of such a decision of the Security Council, the Committee, with the co-operation of appropriate international agencies and participation of parties concerned, could prepare a programme for the implementation of that decision.

42. The Committee could also recommend that the International Committee of the Red Cross (ICRC), which played a role in the return of some of the displaced persons in the summer of 1967, or UNRWA, which has had a long association with the problem be asked to help organize the envisaged return of the persons concerned.

If UNRWA were to undertake this programme, its mandate would have to be adjusted accordingly, and its budget and staff commensurately expanded. However, whether the questions of organization and logistics were entrusted to the ICRC or to UNRWA, the agency in charge would have to perform its duties in constant consultation over the mechanics of the programme with the competent authorities in the host countries, with the Palestine Liberation Organization, and with the occupying Power.

43. It was further proposed that the Committee might strongly recommend that, in conjunction with the immediate return of the Palestinians displaced in 1967 to the territories occupied by Israel since that date, the Security Council should demand, in accordance with the powers conferred upon it by the Charter of the United Nations, that:

(a) Israel desist from the establishment of new settlements in the occupied territories and effectively prevent its citizens from creating any new settlements;

(b) Israel withdraw its citizens from the settlements already established since 1967 in the occupied territories contrary to the provisions of article 49 of the Fourth Geneva Convention of 12 August 1949 and contrary to resolutions of several bodies of the United Nations.

44. In addition, the Committee might urge that the Security Council demand, pending the early termination of the occupation, that Israel abide scrupulously by the provisions of the Fourth Geneva Convention and declare its recognition of the applicability of that Convention. Effective supervision by ICRC of the application of all the provisions of that Convention - both to the existing population and to the returnees - should be requested by the Council, on the recommendation of the Committee; the Committee should recommend alternative methods and instruments of supervision in case ICRC declined to undertake this responsibility. It was suggested that in formulating its recommendations on this matter, the Committee should take into account the deliberations which the Security Council held on the situation in the occupied Arab territories.

45. It was further proposed that the Security Council, in accordance with its pertinent resolutions, should demand the urgent withdrawal of Israel from the Palestinian territories occupied since June 1967. The Security Council could provide international guarantees for the peace and security of all States and peoples in the Middle East, thereby hastening the withdrawal of Israel. After Israel's withdrawal, the Palestinian people would be able to decide its own future, in accordance with its right to self-determination.

46. The suggestion was endorsed that the United Nations, which had a historical responsibility towards the Palestinian people, should render to the Palestinian authorities the necessary economic and technical assistance in order to contribute to the economic and social development of the new Palestinian State.

47. It was suggested that the Committee, in formulating its recommendations, might wish to seek widest possible support among Members of the United Nations. To this end informal contacts should be established and maintained with the representatives of States not members of the Committee, who could play a positive role in the question of Palestine in the Security Council and, subsequently, in the General Assembly. The purpose of such an approach would be to formulate the recommendations in such a way as to obtain general support for them both in the Security Council and in the General Assembly.

G. Proposals concerning steps to ensure implementation of the programme

48. Attention was frequently drawn to the Committee's mandate under resolution 3376 (XXX), by which the Committee, in formulating its programme of implementation of the inalienable rights of the Palestinian people, was required to take into account all the powers conferred by the Charter upon the principal organs of the United Nations. The powers defined in Articles 5, 6, 41, 42 and 96 were particularly mentioned.

49. It was suggested that the Committee recommend, in whatever programme it devised for the exercise of the inalienable rights of the Palestinian people, that the Security Council consider what steps and measures should be taken, in accordance with its competence under the Charter, if Israel refused to co-operate in the implementation of the proposed programme.

50. If the Security Council was unable to act because of a veto, the Committee should, in its subsequent report, recommend to the General Assembly that it carry out its own responsibilities in accordance with the Charter of the United Nations and in the light of precedents. It was also suggested that if Israel persisted in its refusal to implement General Assembly resolutions 194 (III) and 181 (II), this would constitute a violation of the conditions of its admission to the United Nations, which would then have to reconsider the matter.

H. Interrelationship between the question of Palestine and the Middle East problem

51. It was widely emphasized that the question of Palestine, whose essence was the restoration and exercise of the inalienable rights of the Palestinian people, was of central importance to the solution of the Middle East crisis. A just solution of this question was a conditio sine qua non for the settlement of the Middle East problem as a whole and for the creation of the necessary conditions for a just and lasting peace in the area. On the other hand, Palestinian rights could not be achieved outside a comprehensive, just settlement that would include Israel's withdrawal from all the Arab territories occupied in June 1967 and the establishment of a just and lasting peace.

52. The view was accordingly expressed that a just and durable settlement in the Middle East must be based on the following fundamental principles:

(a) Israel should withdraw from all the Arab territories occupied since 1967, in accordance with the principle of the inadmissibility of any acquisition of territories by the use of military force and the relevant resolutions of the Security Council;

(b) The Palestinian people should be enabled to exercise its inalienable right to national self-determination, including the right to establish an independent State in Palestine, in accordance with the principles of the Charter of the United Nations; Palestinian refugees wishing to return to their homes and to live in peace with their neighbours should have the right to do so, and those choosing not to return should receive compensation for their properties;

(c) Appropriate arrangements should be made to guarantee, in accordance with the Charter of the United Nations, the sovereignty, territorial integrity and political independence of all the States in the area and their right to live in peace within secure and recognized boundaries.

It was suggested that these principles should be fully taken into account in all international efforts and conferences organized within the framework of the United Nations for the establishment of a just and lasting peace in the Middle East.

53. It was emphasized that the United Nations should play a greater role in all efforts to solve the Palestinian question and to establish a just and lasting peace in the Middle East - a role, particularly by the Security Council, the General Assembly and the Secretary-General, which would cover the entire process, up to and including a final settlement of the problems in the area.

54. On the question of guarantees, reference was made to a statement setting out the position of the USSR, in which was expressed its readiness to participate, together with the United States, the United Kingdom and France, in international guarantees of the security and inviolability of the frontiers of all Middle East countries, either within the United Nations framework or on some other basis. The attention of the Committee was also drawn to the statement of the Government of the USSR on the Middle East, dated 28 April 1976.

55. The opinion was shared that the prevailing situation in the Middle East should not be allowed to stagnate. There was a need to reconvene the Geneva Peace Conference on the Middle East, with the participation of all parties concerned, including the Palestine Liberation Organization, on an equal footing with other participants, according to General Assembly resolution 3375 (XXX), in order to deal with the problem in all its aspects. In this regard many delegations underlined the particular importance of the invitation extended to the Palestine Liberation Organization by the Security Council to take part in its deliberations on an equal footing with the other participants and called for equal participation of the Palestine Liberation Organization in all efforts, deliberations and conferences on the Middle East under the auspices of the United Nations.

56. The suggestion was made that since the Security Council remained the only forum in which all parties to the conflict had been able to meet, this unique circumstance might be more actively utilized for constructive moves towards a settlement. The Committee could also play a role in ascertaining what constructive steps might be taken by the Security Council to overcome the existing impasse and to move towards a general settlement; the members of the Council, assisted by the Secretary-General, either in closed session or through informal consultations, could search for those constructive moves which would contribute to an over-all settlement. The hope was expressed that all the parties concerned would show statesmanship and genuine willingness to negotiate - necessary prerequisites for achieving a comprehensive political settlement of the Middle East problem.

57. Several delegations underlined the importance of the debate in January 1976 in the Security Council on the Middle East problem including the Palestinian question in implementation of Security Council resolution 381 (1975) of 30 November 1975. It was noted that that debate had indicated a constructive change in the approach of the Security Council to the question of the inalienable rights of the Palestinians. The draft resolution (S/11940), proposed by six members of the Security Council but not adopted because of a veto, clearly affirmed the

inalienable rights of the Palestinian people, as well as the basic elements for the establishment of a just and lasting peace in the Middle East. This draft resolution remained, in spite of its obstruction, the most supported basis for a peaceful and just settlement in the Middle East. It was suggested that the Committee should take into full account the provisions of this draft resolution, as well as the ideas emerging from the Security Council deliberations on this question.

58. Against the background of the reported difficulties in the search for a peaceful solution to the Middle East question, the members of the Committee, within their more limited terms of reference, considered that the recommendations which follow would, in their implementation, constitute a contribution within the framework of the United Nations and would complement efforts towards the establishment of a just and lasting peace in the region.

PART TWO. RECOMMENDATIONS OF THE COMMITTEE

I. BASIC CONSIDERATIONS AND GUIDELINES

59. 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.
60. 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.
61. 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.
62. 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.
63. The Committee considers that it is the duty and the responsibility of all concerned to enable the Palestinians to exercise their inalienable rights.
64. 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.
65. 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

66. 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.

67. Without prejudice to the right of all Palestinians to return to their homes, lands 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

68. 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 (ICRC) 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

69. 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

70. 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 principles 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. The Committee considers, furthermore, that 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.

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

72. To these ends, the Committee recommends that:

(a) A time-table should be established by the Security Council for the complete withdrawal by Israeli occupation 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 the establishment of new settlements and to withdraw during this period 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 I

List of documents referred to in report

1. A/AC.183/1 Agenda of the first session
2. A/AC.183/2 Statement of the Permanent Observer of the Palestine Liberation Organization in the Committee
3. A/AC.183/3 Letter dated 15 March 1976 from the Commissioner General of UNRWA to the Chairman of the Committee
4. A/AC.183/4 Summary of the work of the United Nations Conciliation Commission for Palestine
5. A/PV.2282 and Corr.1
of 13 November 1974 Statement to the General Assembly, of Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and Commander-in-Chief of the Palestine Revolution
6. S/PV.1870
of 12 January 1976 Statement of Mr. Farouq Qaddoumi, member of the Executive Committee of the Palestine Liberation Organization, in the Security Council
7. A/AC.183/L.2 General Assembly and Security Council resolutions relating to the question of Palestine, 1947-1975
8. A/AC.183/L.3 Brief historical background of the question of Palestine before the United Nations, 1947-1975
9. A/AC.183/L.4-20 and
A/AC.183/L.22-30 Major statements made in the Committee
10. A/AC.183/L.21 and
Add.1 and 2 Communications from States, observers and intergovernmental regional organizations

ANNEX II

Letter dated 28 May 1976 from the Chairman of the Committee on the
Exercise of the Inalienable Rights of the Palestinian People to
the Secretary-General

I have the honour to present herewith, on behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, its report requested by General Assembly resolution 3376 (XXX).

The recommendations of the Committee, which appear in part two of the report, represent, as required by paragraph 4 of resolution 3376 (XXX), a programme of implementation designed to enable the Palestinian people to exercise the rights recognized in paragraphs 1 and 2 of General Assembly resolution 3236 (XXIX).

As required by paragraph 7 of resolution 3376 (XXX), the Committee submits this report to you for transmittal to the Security Council, which under the provisions of paragraph 8 of that resolution is requested to consider, as soon as possible after 1 June 1976, the question of the exercise by the Palestinian people of its inalienable rights recognized in paragraphs 1 and 2 of resolution 3236 (XXIX).

(Signed) Médoune FALL
Chairman of the
Committee on the Exercise
of the Inalienable Rights
of the Palestinian People

ANNEX III

Letter dated 12 July 1976 from the Secretary-General to
the Chairman of the Committee on the Exercise of the
Inalienable Rights of the Palestinian People

I have the honour to refer to your letter dated 28 May 1976 a/ by which, as requested by paragraph 7 of General Assembly resolution 3376 (XXX), you submitted to me, for transmittal to the Security Council, the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

On 29 May, I communicated the text of your letter and of the Committee's report (S/12090) to the Security Council which was requested by paragraph 8 of resolution 3376 (XXX) to "consider as soon as possible after 1 June 1976, the question of the exercise by the Palestinian people of the inalienable rights recognized in paragraphs 1 and 2 of resolution 3236 (XXIX)".

In accordance with the General Assembly's request in paragraph 9 of resolution 3376 (XXX) I set out below, for the information of the Committee, the action taken by the Security Council.

At its 1924th meeting, held on 9 June, the Security Council included in its agenda without objection the item entitled "Question of the exercise by the Palestinian people of its inalienable rights: report of the Committee established under General Assembly resolution 3376 (XXX) (S/12090)".

The Security Council considered the item in the course of eight meetings held between 9 and 29 June.

In the course of these meetings the representatives of the following 29 Member States were invited, at their request, to participate in the discussion without the right to vote, in accordance with rule 37 of the provisional rules of procedure of the Security Council: 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, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates and Yugoslavia.

In accordance with rule 39 of its provisional rules of procedure, the Security Council also decided to extend invitations to the Chairman, the Rapporteur and other members of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, pursuant to the request contained in a letter from the Chairman of that Committee, and to Mr. Amin Helmy II, Permanent Observer of the League of Arab States to the United Nations, pursuant to the request contained in a letter from the representative of the Libyan Arab Republic.

a/ See annex II.

The Security Council also decided by a vote of 11 in favour to one against (United States of America) with three abstentions (France, Italy and United Kingdom of Great Britain and Northern Ireland) to invite, as on previous occasions, the representatives of the Palestine Liberation Organization to participate in the debate, as requested in a letter from the representatives of the Libyan Arab Republic and Pakistan.

The texts of the statements made during consideration of the question by the Security Council are reproduced in the verbatim records of the 1924th, 1928th and 1933rd to 1938th meetings of the Council (S/PV.1924, 1928 and 1933 to 1938), which are transmitted herewith for the information of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

At the 1938th meeting, on 29 June, the representative of the United Republic of Tanzania introduced a draft resolution (S/12119) sponsored by Guyana, Pakistan, Panama and the United Republic of Tanzania, the text of which is annexed to this letter. b/

At the same meeting, the Security Council proceeded to vote on that draft resolution. It received 10 votes in favour, 1 against (United States of America) and 4 abstentions (France, Italy, Sweden and United Kingdom of Great Britain and Northern Ireland), and was not adopted owing to the negative vote of a permanent member of the Security Council.

(Signed) Kurt WALDHEIM
Secretary-General

b/ See annex IV.

ANNEX IV

Draft resolution submitted by Guyana, Pakistan, Panama
and the United Republic of Tanzania a/

The Security Council,

Having considered the item entitled "The question of the exercise by the Palestinian people of its inalienable rights", in accordance with the request contained in paragraph 8 of General Assembly resolution 3376 (XXX) of 10 November 1975,

Having heard the representatives of the parties concerned, including the Palestine Liberation Organization, representative of the Palestinian people,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (document S/12090), transmitted to the Security Council in accordance with the provisions of paragraph 7 of General Assembly resolution 3376 (XXX),

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

Recognizing that a just and lasting peace in the Middle East cannot be established without the achievement, inter alia, of a just solution of the problem of Palestine on the basis of the recognition of the inalienable rights of the Palestinian people,

1. Takes note of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (document S/12090);

2. Affirms the inalienable rights 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 Charter of the United Nations.

a/ Previously issued under the symbol S/12119.

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