

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

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY- SIXTH SESSION

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NOTE

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LETTER OF TRANSMITTAL

15 September 1981

Sir,

I have the honour to enclose herewith the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People for submission to the General Assembly in accordance with paragraph 3 of resolution 35/169 C.

Accept, Sir, the assurances of my highest consideration.

(Signed) Massamba SARRE
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

I. INTRODUCTION

1. The Committee on the Exercise of the Inalienable Rights of the Palestinian People, originally composed of 20 members and later enlarged to 23, 1/ was established by the General Assembly in resolution 3376 (XXX) on 10 November 1975. Its first report, 2/ submitted to the General Assembly at its thirty-first session, contained the recommendations of the Committee designed to enable the Palestinian people to exercise its inalienable rights as recognized and defined by the General Assembly.
2. The Committee's recommendations were first endorsed by the General Assembly at its thirty-first session as a basis for the solution of the question of Palestine.
3. In its subsequent reports to the General Assembly at its thirty-second, 3/ thirty-third, 4/ thirty-fourth 5/ and thirty-fifth 6/ sessions, the Committee retained its recommendations unchanged, and on each occasion they were again endorsed by the General Assembly which reviewed and renewed the mandate of the Committee after thorough consideration of its report.
4. Despite repeated urgings by the Committee, its recommendations have not yet been acted upon by the Security Council, nor have they been implemented. The situation in the occupied territories arising from Israeli practices remains extremely tense with frequent eruptions of violence and armed conflict. The Committee consequently recommended, in terms of its mandate, the convening of an emergency special session of the General Assembly to consider the matter. This was held from 22 to 29 July 1980. By 112 votes to 7, with 24 abstentions, the General Assembly, at its seventh emergency special session, requested and authorized the Secretary-General, in consultation, as appropriate, with the Committee, to take the necessary measures towards the implementation of the recommendations as a basis for the solution of the question of Palestine (resolution ES-7/2 of 29 July 1980).

1/ The Committee is composed of the following members: 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 Soviet Socialist Republic and Yugoslavia.

2/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 35 (A/31/35).

3/ Ibid., Thirty-second Session, Supplement No. 35 (A/32/35).

4/ Ibid., Thirty-third Session, Supplement No. 35 (A/33/35 and Corr.1).

5/ Ibid., Thirty-fourth Session, Supplement No. 35 (A/34/35 and Corr.1).

6/ Ibid., Thirty-fifth Session, Supplement No. 35 (A/35/35).

II. MANDATE OF THE COMMITTEE

5. The present mandate of the Committee was specified in paragraphs 2 and 3 of General Assembly resolution 35/169 C, paragraph 2 of resolution 35/169 D and paragraph 2 of resolution ES-7/3. By those paragraphs the General Assembly:

(a) Requested the Committee to keep the situation relating to the question of Palestine under review and to report and make suggestions to the General Assembly or to the Security Council as may be appropriate;

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

(c) Requested the Secretary-General to ensure that the Special Unit would, in consultation with the Committee, continue to discharge the tasks detailed in paragraph 1 of General Assembly resolution 32/40 B and paragraph 2 (b) of resolution 34/65 D;

(d) Requested the Committee to study thoroughly the reasons for the refusal of Israel to comply with the relevant United Nations resolutions, particularly resolution 31/20 of 24 November 1976, in which the General Assembly endorsed the recommendations of the Committee and the numerous resolutions demanding the withdrawal of Israel from the occupied Palestinian and other Arab territories, including Jerusalem, and to submit the study to the Assembly.

III. ORGANIZATION OF WORK

A. Election of officers

6. From January to April 1981 the Committee retained its bureau from 1980 on a provisional basis until the new officers were elected.

7. At its 65th meeting, on 4 May 1981, the Committee elected the following officers:

<u>Chairman:</u>	Mr. Massamba SARRE (Senegal)
<u>Vice-Chairmen:</u>	Mr. Raúl ROA-KOURI (Cuba) Mr. Farid ZARIF (Afghanistan)
<u>Rapporteur:</u>	Mr. Victor J. GAUCI (Malta)

B. Participation in the work of the Committee

8. The Committee reconfirmed that those States Members of the United Nations and Permanent Observers to the United Nations which wished to participate in the work of the Committee as observers could do so, and it again welcomed in that capacity Algeria, Egypt, Iraq, Jordan, the Libyan Arab Jamahiriya, Mauritania, the Syrian Arab Republic, Viet Nam, the League of Arab States, the Organization of the Islamic Conference and the Palestine Liberation Organization, which continued in 1981 to participate in the work of the Committee.

9. In order to encourage the contribution of all sectors of opinion to its work, the Committee authorized the Chairman, as it had done in 1976 and 1977, to request the Secretary-General again to invite all States Members of the United Nations, members of the specialized agencies and regional intergovernmental organizations which were not already participating in the work of the Committee, to do so if they so wished, either as observers or by oral or written communication of any suggestions and proposals which they considered useful to the work of the Committee. This invitation was to be brought to the particular attention of all those States directly interested in the Middle East situation and the members of the Security Council, especially its permanent members. At their request, Morocco and the United Arab Emirates also participated in the work of the Committee as observers from 10 July 1981.

C. Re-establishment of the Working Group (Task Force)

10. The Committee once again unanimously decided that the Working Group (Task Force) which it had established in 1977 should continue to function in order to facilitate the work of the Committee by: (a) keeping up to date with events which affect the work of the Committee and suggesting action which the Committee could

usefully undertake, and (b) assisting the Committee in any other specific assignment related to its work. The following were reappointed members of the Working Group: Malta (Chairman), Afghanistan, Cuba, Guinea, Guyana, India, Senegal, Tunisia and, as representatives of the people directly concerned, the Palestine Liberation Organization. In addition, the German Democratic Republic continued to serve on the Working Group during the period of its term of membership of the Security Council.

IV. ACTION TAKEN BY THE COMMITTEE

A. Action taken in accordance with paragraphs 2 and 3 of General Assembly resolution 35/169 C

1. Reaction to developments in the occupied territories

11. The Committee closely followed developments in the occupied territories and on several occasions authorized its Chairman to communicate to the Secretary-General and to the President of the Security Council its concern at the Israeli Government's practices and policies in those territories.

12. On every occasion in which the Government of Israel took any action which, in the opinion of the Committee, was in violation of international law and General Assembly and Security Council resolutions, such actions were invariably brought to the attention of the Secretary-General and the President of the Security Council. These letters dealt with illegal Israeli settlements in the occupied territories, the expropriation by the Israeli authorities of vast areas of Arab-owned land, and other violations of the rights of the Palestinian people.

13. The Committee regretted that the Commission established by the Security Council under resolution 446 (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 expressed the hope that it would be duly reconstituted in order to enable it to continue the important work it had done in the past two years, always with the fullest co-operation of the Committee.

14. The Chairman drew the attention of the Secretary-General and the President of the Security Council to the latest developments in the case of the Mayors of Hebron and Halhoul and the Sharia Judge of Hebron who were arbitrarily expelled by the Israeli military authorities from their respective cities, and requested that these eminent, elected leaders be permitted to return to their cities and to participate in the appeal of their cases. This letter, dated 29 September 1980, was circulated as document A/35/513-S/14209.

15. On behalf of the Committee, the Chairman subsequently again expressed his gravest concern at the further defiance by Israel of international opinion and of resolutions 468 (1980) and 469 (1980) of the Security Council concerning the case of the Mayors of Hebron and Halhoul. He noted that it behoved the international community to protest strongly against these illegal actions by the Israeli authorities and to insist that the Mayors should be permitted to return to their homes and families. The Chairman reiterated the Committee's position on this case in the strongest terms on 9 December 1980. The first letter dated 24 October 1980 was circulated as document A/35/565-S/14235; the second was circulated as document A/35/740-S/14292.

16. The Chairman, on behalf of the Committee, conveyed the Committee's grave concern at those steps by Israel which 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 Chairman also stressed that further urgent action needed to be taken by the United Nations, and in particular by the Security Council, to call the attention of Israel to the danger inherent in such policies of annexation and the overdue necessity, for its immediate and complete withdrawal from the illegally occupied territories. This letter dated 27 February 1981 was circulated as document A/36/114-S/14389.

17. The Chairman also conveyed to the Secretary-General and the President of the Security Council, a copy of a document by Mattityahu Drobles, of the World Zionist Organization, dated September 1980 and entitled "Settlement in Judea and Samaria - Strategy, policy and plans". He pointed out that according to reliable information, the report had been adopted by the Government of Israel in January 1981. Perusal of the document, he added, left no doubt of Israel's intention to annex the Arab territories it had illegally occupied, and that the "autonomy" that Israel envisages for those occupied territories would not apply to the territories but only to the "Arab population thereof". The Chairman stressed that the report spoke of lands being seized right away for the purpose of establishing settlements and cutting off the Arab population in order to make it difficult for it to form a territorial and political continuity. He also noted that plans appeared to be in hand to establish 12 to 15 additional settlements per annum over the next five years, with an intended increase of the Jewish population by 120,000 to 150,000. This letter dated 19 June 1981 was circulated as document A/36/341-S/14566.

18. The report on the Israeli Government's announced intention of building a canal across the Gaza strip linking the Dead Sea to the Mediterranean was of particular concern to the Committee. The Chairman, on behalf of the Committee, stressed that the project, fraught with consequences for the future and the status of the Gaza strip, constituted a violation of United Nations resolutions and a challenge to world public opinion. He also added that, on this occasion, Israel did not even claim the pretext as it had often done in the past, that it was undertaking the project for reasons of security. This letter dated 7 April 1981 was circulated as document A/36/177-S/14430.

19. By letter dated 8 May 1981, the Chairman also conveyed the serious concern of the Committee at the situation created by the acts of aggression committed by Israel in Lebanon. The attacks perpetrated on several occasions by Israel against Palestinian refugee camps in Lebanon had caused the death of several Palestinian civilians. He added that it was vital to draw the attention of Israel to the dangers involved in the acts committed against the Palestinian people in Lebanon. This letter was circulated as document A/36/237-S/14477. Subsequent events led to the sending of a delegation to Beirut by the Committee which determined the extent of the damage and loss of life in the Lebanon. This is reflected in the delegation's report.

20. The Israeli ban on the channeling of Arab funds directed for assistance to Palestinians in the occupied Palestinian territories through the Joint Committee for the Occupied Territories in Amman was of particular concern to the Committee. The Acting Chairman consequently conveyed the Committee's serious concern and strong protest. This letter dated 24 August 1981 was circulated as document A/36/449-S/14641.

21. On 17 September 1981, at the request of the Committee, the Chairman conveyed to the Secretary-General and to the President of the Security Council the Committee's gravest concern at Israel's continuing excavation of a tunnel under the Al-Haram Al-Sharif which endangered historic Islamic buildings and had been the cause of clashes between Arabs and Jews in Jerusalem. He also conveyed the Committee's strong feeling that urgent action should be taken to impress on Israel the dangers inherent in the cause it was following without due regard for Arab religious sensitivities. The letter was circulated as document A/36/519-S/14695.

22. In response to the invitation of Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization, 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 in the month of July 1981. 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.

23. The delegation was received by Mr. Yasser Arafat who stressed that the Palestine Liberation Organization had the fullest confidence in the United Nations and wished to achieve its objectives within its framework. He also expressed appreciation for the work of the Committee and stressed the need for the Committee's assistance in finding a peaceful solution within the United Nations framework. The report of the delegation was circulated as document A/36/521-S/14698.

24. The Committee noted that a delegation of non-aligned Member States had also visited Lebanon at the invitation of Mr. Yasser Arafat and had arrived at conclusions similar to those of the Committee's delegation.

25. At the invitation of the Soviet Committee of Solidarity with the Countries of Asia and Africa, a delegation of the Committee visited the Union of Soviet Socialist Republics from 3 to 7 August 1981. The opportunity was taken to discuss with the Soviet Committee of Solidarity ways and means of increasing co-operation in the field of dissemination of information on the Question of Palestine.

2. Review of events relating to the Middle East

26. In reviewing events which have taken place on the Middle East question, the Committee deems it necessary to stress again that the participation of the Palestine Liberation Organization, the representative of the Palestinian people, is indispensable to a comprehensive, just and lasting settlement of the Question of Palestine which is at the heart of the Middle East conflict. The Committee recalled that in General Assembly resolution 34/65 B the General Assembly had noted with concern that the Camp David Accords had been concluded outside the framework

of the United Nations and without the participation of the Palestine Liberation Organization. Both that resolution and General Assembly resolution 35/169 B had rejected and declared invalid those provisions of the Accords which ignored, infringed, violated or denied the inalienable rights of the Palestinian people, including the right of return, the right of self-determination and the right of national independence and sovereignty in accordance with the Charter of the United Nations, and which envisaged and condoned continued Israeli occupation of the Palestinian territories occupied by Israel since 1967.

27. The Committee noted that in spite of this strong opposition, attempts were still being made to proceed with negotiations which disregard, infringe, violate or deny the inalienable rights of the Palestinians and hence go against the provisions safeguarding the rights of the Palestinian people.

28. The Committee continues to entertain the gravest concern at the action of the Israeli authorities in the occupied Arab territories in violation of the Fourth Geneva Convention of 1949, international law and practice, and General Assembly and Security Council resolutions. Among these actions were Israel's legislation affecting the status of Jerusalem, the establishment of new settlements, the enlargement of previously established settlements, the Mediterranean-Dead Sea Canal project passing through the occupied Gaza strip and the excavations of tunnels in Jerusalem which endanger historic Islamic buildings. The Committee recommends that effective steps should now be taken to put an end to these aggressive acts by Israel which give rise to an escalation of tensions in the region.

29. The Committee recalls that, particularly on the status of Jerusalem and on the establishment of settlements in the occupied territories, the views of the international community have been quasi-unanimous, and that the new action taken by Israel represent a provocative escalation of tension.

30. Similarly, the Committee regards as another provocative violation of the decision of the Security Council, the expulsion of the mayors of Halhoul and Al-Khalil from the occupied Arab territories and the continued refusal by Israel to permit them to return to their homes and families to carry out the functions to which they had been duly elected.

31. The Committee noted with appreciation and was encouraged by the renewed interest being taken by the countries of the European Economic Community in their search for a just solution for the situation in the Middle East and for the restoration of the Inalienable Rights of the Palestinian people.

32. The Committee also noted with satisfaction the declaration by L. I. Brezhnev, Chairman of the Presidium of the Supreme Soviet and General Secretary of the Central Committee of the Communist Party of the Soviet Union, which contained a proposal to go back to honest collective search of an all-embracing just and realistic settlement in the Middle East. This could be done in the framework of a specially convened international conference with the participation of all interested parties, naturally including the Palestine Liberation Organization.

3. Attendance at conferences

33. In accordance with paragraph 3 of General Assembly resolution 35/169 C, which, inter alia, authorized the Committee to send delegations or representatives to international conferences where such representation would be considered appropriate, the Committee accepted several invitations in 1981.

34. The Committee was represented at the Third Islamic Summit Conference in Mecca-Taif, Saudi Arabia from 25 to 28 January 1981; at the Conference of Ministers for Foreign Affairs of the Non-Aligned Countries in New Delhi from 9 to 13 February 1981; at the meeting of the Palestine National Council in Damascus from 11 to 15 April 1981; at the International Conference on Sanctions against South Africa in Paris from 20 to 27 May 1981; at the Twelfth Islamic Conference of Ministers for Foreign Affairs, held in Baghdad from 1 to 6 June 1981; and at the thirty-sixth session of the Council of Ministers and eighteenth summit Conference of the Organization of African Unity, held in Nairobi from 15 to 28 June 1981.

35. On each of those occasions representatives of the Committee took the opportunity to make known the work of the Committee and its recommendations and to discuss ways and means of promoting the implementation of those recommendations. There was conclusive evidence of considerable understanding of, and sympathy for, the problems of the Palestinian people as well as of interest in the work of the Committee and United Nations action on the question.

4. Action taken by other organizations

36. The Committee followed with the greatest interest action taken during the year by other organizations on questions relevant to the work of the Committee. Such action included:

(a) The Eleventh Arab Summit Conference held at Amman, Jordan, from 25 to 27 November 1980, which reiterated its stand on the Palestinian question and reaffirmed its support of PLO as the sole legitimate representative of the Palestinian people for the purpose of the restitution of all its rights including the right to self-determination and the establishment of an independent state on its own territory. The Conference reasserted the right of the Palestinian Arab people, as represented by PLO, to return to its land and to determine its own destiny and pointed out that it was PLO which alone had the right to take upon itself the responsibility for the future of the Palestinian people. The Conference emphasized that Security Council resolution 242 (1967) did not constitute an appropriate basis for a solution to the Middle East crisis and particularly the Palestine question. It also reaffirmed its rejection of the Camp David Accords. The Conference emphasized that the liberation of Arab Jerusalem was a national duty and a national obligation, proclaimed the rejection of all measures taken by Israel, requested all nations of the world to adopt clear and defined positions in opposition to the Israeli measures and resolved to break off all relations with any country recognizing Jerusalem as the capital of Israel or transferring its embassy there. The Final Declaration of the Eleventh Arab Summit was circulated as document A/35/719-S/14289.

(b) The Third Islamic Conference Summit held at Mecca-Taif, Saudi Arabia, from 25 to 28 January 1981, which adopted a resolution entitled "The Islamic

programme of action against the Zionist enemy" and another entitled "The cause of Palestine and the Middle East". In those resolutions the Islamic Conference reaffirmed its stand on the question and its strong support of the Palestinian people led by the Palestine Liberation Organization, its sole legitimate representative. The resolutions rejected any situation that would prejudice Arab sovereignty over Jerusalem, categorically rejected the Camp David Accords and refused to recognize separate and partial solutions to the Palestinian question. The resolutions also invited the General Assembly of the United Nations to reject the credentials of the Israeli delegation to the United Nations, as representative of a Government that declares Jerusalem its capital, and invited the General Assembly to freeze the membership of Israel in view of its failure to implement relevant United Nations resolutions. These resolutions are reproduced in document A/36/138.

(c) The Conference of Ministers for Foreign Affairs of the Non-Aligned countries held in New Delhi from 9 to 13 February 1981, which reaffirmed its stand on the question of Palestine in the New Delhi Declaration, adopted a resolution which is reproduced in document A/36/116.

(d) The Commission on Human Rights which, at its thirty-seventh session held from 2 February to 13 March 1981, adopted resolutions condemning (i) Israeli policies and practices in Palestine and other Arab occupied territories intended to annex parts of the occupied territories; (ii) the establishment of Israeli settlements therein and the transfer of an alien population thereto; (iii) the arming of settlers in the occupied territories to commit acts of violence against Arab civilians; and (iv) the evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return.

The Commission also condemned the destruction and demolition of Arab houses; mass arrests, collective punishment, administrative detention and ill-treatment of the Arab population; the pillaging of archaeological and cultural property; the interference with religious freedom and practices; the systematic Israeli campaign of repression against universities in the occupied Palestinian territories and the illegal exploitation of the natural wealth, resources and population of the occupied territories.

The Commission furthermore expressed its deep concern at the consequences of Israel's systematic refusal to apply to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War ^{7/} in all its provisions. These resolutions are reproduced in document A/36/344-S/14567.

(e) The Afro-Asian People's Solidarity Organization, which at its Thirteenth Council Session in Aden, Democratic Yemen, from 20 to 26 March 1981, reiterated its condemnation of the Camp David Accords, and its strong support of the Palestine Liberation Organization and requested once more the full and unconditional withdrawal of Israel from all occupied Palestinian and Arab lands, including

^{7/} United Nations, Treaty Series, vol. 75, No. 973. p. 2070.

Jerusalem. It also called on the European States to recognize the Palestine Liberation Organization as the only representative of the Palestinian people.

(f) The Fifth Session of the Al-Quds (Jerusalem) Committee of the Organization of the Islamic Conference held at Fez, Morocco, on 23 and 24 April 1981, recommended that contacts should be made with European head of States and with the Japanese, Australian, Canadian and New Zealand head of States with a view to convincing those countries of the need to recognize the right of the Palestinian people to return to self-determination and to the establishment of their own independent State and of the need to recognize PLO as the sole legitimate representative of the Palestinian people. It also recommended that contacts be made with the new United States Administration and to convey to it the Islamic countries indignation at the policy it has been following of supporting Israel at all levels. It further recommended that contacts be continued with the Vatican in order to convince it to recognize PLO as the sole legitimate representative of the Palestinian people. The meeting confirmed the need to make the necessary contacts with the friendly member parties of the Socialist International in order to work for the exclusion of the Israeli Labour Party from the International. It also recommended that relations should be strengthened between the Islamic States and Latin American States in order to counter and end the spread of Zionist influence in those countries. The meeting recommended that an information campaign be launched throughout Europe and the United States with a view to securing further official and public support for the cause of Al-Quds and Palestine; and that the third international symposium on Al-Quds be organized in Washington, D.C. These recommendations are reproduced in document A/36/379-S/14590.

(g) The Twelfth Islamic Conference of Foreign Ministers held at Baghdad, from 1 to 5 June 1981, firmly reiterated its stand on the Question of Palestine. It decided to endeavour to secure the adoption of a new resolution by the Security Council that explicitly provides for the inalienable national rights of the Palestinian people; to suspend the membership of Israel in the United Nations and its specialized agencies for its refusal to comply with relevant resolutions of the Organization; to apply the sanctions provided for in Chapter VII of the Charter of the United Nations to Israel, in view of its overt intransigence and violations of the principles of the Charter of the United Nations and Universal Declaration of Human Rights; to accept the representation of PLO in the remaining capitals of Islamic States as the sole and legitimate representative of the Palestinian people.

It also adopted a resolution expressing its serious concern over Israel's project to dig a canal in occupied Palestine linking the Mediterranean to the Dead Sea. It strongly condemned the new Israeli aggression against the natural resources and national inalienable rights of the Palestinian people; it called upon States and Governments throughout the world to refrain from contributing financial, manpower or technical assistance to the implementation of this project; and warned institutions, companies and individuals throughout the world against participation in the implementation of this project, which shall render them liable to the imposition of economic sanctions against them. It also adopted resolutions on Israeli violations in Hebron (Al Khalil); on Israeli violations of mosques and Islamic Holy Places in occupied Palestine; on continued settlements in and judaization of the occupied Palestinian and Arab territories; on the expulsion of

Palestinian citizens from occupied Palestinian territories; on Israeli acts of aggression against the Palestinian camps in Lebanon; on the issuance of a Palestinian stamp; and reaffirmed the observance in all Islamic countries of Islamic Solidarity Day with the Palestinian People (21 August every year). These resolutions are reproduced in document A/36/421-S/14626.

(h) The thirty-seventh session of the Council of Ministers of the Organization of African Unity, held at Nairobi from 15 to 28 June 1981, devoted particular attention to the problem of Palestine and the Middle East. It adopted one resolution on the subject by which it condemned any separate treaty which violated the inalienable rights of the Palestinian people; it also stressed that no peaceful solution could be found without the participation of PLO and the recognition of the inalienable rights of the Palestinian people; and it commended the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian people.

**B. Action taken in accordance with paragraph 2
of General Assembly resolution ES-7/3**

37. In paragraph 2 of resolution ES-7/3, the General Assembly requested the Committee to study thoroughly the reasons for the refusal of Israel to comply with the relevant United Nations resolutions, particularly resolution 31/20 of 24 November 1976, in which the General Assembly endorsed the recommendation of the Committee, and with the numerous resolutions demanding the withdrawal of Israel from the occupied Palestinian and other Arab territories, including Jerusalem, and to submit the study to the Assembly.

38. In that connexion, the Committee recommended that a panel of three experts be appointed to undertake the study requested by the General Assembly.

**C. Action taken in accordance with paragraph 2
of General Assembly resolution 35/169 D**

39. In paragraph 2 of resolution 35/169 D the General Assembly requested the Secretary-General to ensure that the Special Unit on Palestinian Rights, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance, continue to discharge the task detailed in paragraph 1 of General Assembly resolution 32/40 B and paragraph 2 (b) of resolution 34/65 D.

40. The Committee wishes to stress once more the importance it attaches to the work done by the Special Unit on Palestinian Rights. It feels that the experience of the last four years in which the Special Unit has been in existence justifies an extension of its work programme and its responsibilities.

41. The Committee is convinced that the studies and pamphlets prepared and published by the Special Unit are a positive contribution to a better understanding of the question of Palestine. It feels that particular attention should be paid to this aspect of the Special Unit's work and that every effort should be made both to increase the number of pamphlets published annually and to reach an even wider reading public. In this connexion, the Committee suggests that arrangements should be made for these pamphlets to be translated into languages other than the official languages of the United Nations so as to facilitate their reading by those whose languages are not among the official languages of the United Nations.

42. In accordance with paragraph 2 of resolution 34/65 D, two seminars on Palestinian Rights were organized during 1981 by the Special Unit, the first at Colombo from 10 to 14 August 1981 and the second at Havana from 29 August to 4 September 1981. The Committee was represented at both those seminars and wishes once more to confirm its belief that the seminars, by bringing together academicians and other influential persons interested in the question of Palestine, constitute a valuable contribution towards informing the international community of the various facets of the question. The Committee also regards as most useful the publication by the United Nations of the papers presented at these seminars, and feels that more seminars of this nature should be held in the forthcoming biennium. The report of these two seminars are annexed to the present report of the Committee (annex II and III).

43. The Committee recalled that in paragraph 1 of resolution 34/65 D the General Assembly had requested the Secretary-General to redesignate the Special Unit as the Division for Palestinian Rights and to provide it with the resources necessary to discharge the increased responsibilities assigned to it by the Assembly. It recalled also that in paragraph 3 of resolution 35/169 D the General Assembly had requested the Secretary-General to keep under constant review the question of the strengthening of the Special Unit on Palestinian Rights. The Committee hoped that the Special Unit would be further strengthened in order to discharge any expanded programme of work that the General Assembly might entrust to it.

44. The Committee observed that the response to the invitation to observe the International Day of Solidarity continued to be enthusiastic and, consequently, recommended that the observance of Solidarity Day should follow the same pattern in 1981. It is expected that many Governments will once more observe the International Day of Solidarity with the Palestinian People in an appropriate manner.

45. The Committee also noted with satisfaction that the requests contained in paragraphs 5 and 7 of General Assembly resolution 34/65 D had been complied with, that a series of United Nations commemorative postage stamps on Palestinian Rights had been issued in January 1981 and that a photographic display has been set up at United Nations Headquarters designed to keep visitors informed of the inalienable rights of the Palestinian people.

46. The Committee noted with appreciation that the Department of Public Information had produced a poster emphasizing the right of the Palestinian people to return to their homes.

47. It is the intention of the Committee to make wider use of these and other display materials on suitable occasions, particularly during the seminars and away from Headquarters.

48. The Committee was most appreciative of the action of the Solidarity Committee of the German Democratic Republic which, with the co-operation of the Committee generously produced a calendar for 1982 which had as its theme the rights of the Palestinian people.

V. RECOMMENDATIONS OF THE COMMITTEE

49. The Committee remains convinced that positive action by the Security Council on the Committee's recommendations would create the necessary conditions for a just and lasting peace since these recommendations contain the basic principles relating to the problem of Palestine within the Middle East situation. These recommendations have been repeatedly endorsed by the General Assembly at its thirty-first session and all subsequent sessions. The Committee, therefore, unanimously decided once more to reiterate the validity of the recommendations, which are annexed to the present report (Annex I).

50. The Committee recommends that the General Assembly should, with stronger emphasis, again urge the Security Council to take positive and urgent action on those recommendations which have repeatedly been brought to its attention. In doing so the Committee recommends that the Security Council should be guided constantly by the following basic principles relating to the problem of Palestine within the Middle East situation:

(a) The question of Palestine is at the heart of the problem of the Middle East and consequently no solution to the Middle East problem can be envisaged without taking into account the rights of the Palestinian people;

(b) The realization of the inalienable rights of the Palestinian people to return to their homes, and to self-determination, independence and national sovereignty would contribute to a solution of the crisis in the Middle East;

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

(d) The inadmissibility of the acquisition of territory by force and the obligation which devolves on Israel to withdraw completely and quickly from all territory so occupied.

51. The Committee wishes to stress in particular that, at the seventh emergency special session, held at Headquarters, New York from 22 to 29 July 1980, the General Assembly by an overwhelming majority had strongly endorsed the right of the Palestinian people to establish its own independent sovereign State.

52. The Committee once more draws the attention of the General Assembly to its considered opinion that all agreements and treaties that could affect the future of the Palestinian people, its inalienable rights and the status of the occupied Palestinian territories, which ignore, infringe on, violate or deny the inalienable rights of the Palestinian people or are negotiated without the participation of the Palestine Liberation Organization, the representative of the Palestinian people, contravene General Assembly resolutions and have no validity.

53. The Committee lays great stress on the importance of 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. The Committee consequently feels that it should continue its efforts to enhance this understanding so as to encourage the implementation of its recommendations whose objective is to enable the Palestinian people to attain its inalienable rights and to achieve peace in the Middle East, with due consideration of the concerns of all the parties.

ANNEX I

Recommendations of the Committee endorsed by the
General Assembly at its thirty-first session a/

I. BASIC CONSIDERATIONS AND GUIDELINES

59. The question of Palestine is at the heart of the Middle East problem, and, consequently, the Committee stressed 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.

a/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 35 (A/32/35), Annex I.

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 of 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 II

Report of the third United Nations Seminar on the Question of Palestine held at Colombo from 10 to 14 August 1981

1. In accordance with the terms of General Assembly resolution 34/65 D, the third United Nations Seminar on the question of Palestine, with its central theme, "the Inalienable Rights of the Palestinian People", took place at the Bandaranaike Memorial International Conference Hall, Colombo from 10 to 14 August 1981. Seven sessions were held at which 11 panelists presented papers on various aspects of the question of Palestine.
2. The United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People was represented by a delegation consisting of Mr. Massamba Sarré (Senegal); Chairman, Mr. Gerhard Schroter (German Democratic Republic); Mr. Vijay Nambiar (India); Mr. Henri Rasolondraibe (Madagascar); Qazi Shaukat Fareed (Pakistan) and Mr. Zehdi L. Terzi (Palestine Liberation Organization). Mr. V. Nambiar acted as Rapporteur of the Seminar.
3. The opening session of the Seminar, on 10 August 1981, was addressed by Mr. Tyrone Fernando, Acting Minister for Foreign Affairs of Sri Lanka who, in welcoming the participants, noted the useful role played by these seminars in acquainting the public with the facts surrounding the question of Palestine, and suggested that the Committee on the Exercise of the Inalienable Rights of the Palestinian People should examine how the papers presented at the Seminar could be given the widest possible dissemination through the information system of the United Nations. He also drew attention to the Government of Sri Lanka's recognition of the inalienable rights of the Palestinian people and its full support to the Palestinian cause at all international forums where Sri Lanka had, along with other States, worked hard for the participation of the Palestine Liberation Organization in the processes for the settlement of the question of Palestine. At the same session, Mr. Massamba Sarré, Chairman of the Committee, gave a brief account of the Committee and its work and stressed the importance which was placed on publicity for the question of Palestine and on the necessity to ensure that all facts surrounding the issue reached the public. Mr. Faisal Aweida, the Special Representative of Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization, thanked the Committee on the Exercise of the Inalienable Rights of the Palestinian People for the interest it has been taking in promoting the just cause of the Palestinian people and asked the Committee to impress upon the international community the need to find ways and means of implementing United Nations resolutions on the Question of Palestine. At the sixth session, Mr. Aweida conveyed to the Seminar a message from Chairman Yasser Arafat on behalf of the Executive Committee of the Palestine Liberation Organization. At the closing session Mr. M. H. Mohamed, Minister of Transport, made a statement on behalf of the Government of Sri Lanka.

4. Five panels were established to consider different aspects of the central theme, "The inalienable rights of the Palestinian people". These panels, the panelists and titles of the papers presented were as follows:

A. Panel 1. Fundamental Rights of the Palestinian People

Dr. M. S. Agwani (India); Dr. Stanislaw Matosek (Poland); Dr. Fouard Moughrabi (United States of America) presented the following papers entitled "The Fundamental Rights of the Palestinian People", "Certain Aspects of the Inalienable Rights of the Palestinian People" and "The Palestinian Right to Self Determination", respectively.

B. Panel 2. Legal Issues in the Palestine Question

Dr. Türkkaya Ataöv (Turkey) and Dr. Mohammed Akbar Kherad (Afghanistan) presented papers entitled "The Use of Palestinian Waters and International Law", and "The National Identity and the Inalienable Rights of the Palestinian People" respectively.

C. Panel 3. Human Rights and Palestine

Mrs. Salwa Abu Khadra (Palestinian); Dr. Hassan Haddad (United States); and Dr. Sardar Mohammad (Pakistan) presented papers entitled "The Palestinian Question and the Human Rights of the Palestinian Child"; "Fundamental Rights of the Palestinians: the Primal Crime and the Ambiguities of Chosenness" and "Restoration of Human Rights of the Palestinian People: the Role of the United Nations and the Super-Powers" respectively.

D. Panel 4. The Palestine Issue and Asian Public Opinion

Dr. Abdel Malik Ali Ahmed Auda (Egypt) and Mr. Mervyn de Silva (Sri Lanka) presented papers entitled "The Question of Palestine and Asian Public Opinion" and "Old Images, New Perceptions - Opinion Trends in Sri Lanka" respectively.

E. Panel 5. The Nature of the Palestine Liberation Organization

Mr. Afif Safiyeh (Palestinian) presented a paper entitled "The PIO: the Challenge and the Response".

An introductory statement on Israeli settlement policies in the Occupied Arab Territories was also presented by Professor Fouad Moughrabi (United States) as a basis for discussion.

5. The exchange of views with which each meeting was concluded indicated that there was general agreement amongst the participants over a wide range of issues relating to the restoration of the inalienable rights of the Palestinian people. The discussions covered all aspects of the rights of the Palestinian people and the manner in which they were systematically and continuously violated by Israel. It was agreed that the question of Palestine was at the core of the Middle East problem and was the result of an accumulation of illegalities. This was a concern not merely of the Palestinian people, but of all the Arab people as well as the people of all countries of the world in terms of the moral, political and human issues arising therefrom.

6. In view of the depth of analysis contained in the papers presented at the Seminar, and in accordance with established practice, they will be published by the United Nations along with the report of the Seminar as a contribution to a wider understanding of the question of Palestine.

7. In discussing the fundamental rights of the Palestinian people the Seminar felt that a near-universal consensus had been achieved in the community of nations concerning fundamental aspects of the question of Palestine. Attention was drawn particularly to General Assembly resolution 3210 (XXIX) which considered the Palestinian People to be the principal party to the question of Palestine and the Palestine Liberation Organization as its representative. This resolution, which duly recognized the fundamental rights of the Palestinian people, had been adopted by a large majority of the Member States of the United Nations. Realization of an international consensus was a matter of time since the historical process had already been set in motion and the moral and diplomatic balance of forces had shifted in favour of the Palestinian people. It was further pointed out that mere rhetorical support of the right of the Palestinian people to self-determination was no longer an adequate response to the situation. What was required was concrete action by countries to strongly urge the supporters of Israel, especially the United States, to compel Israel to conform to the will of the international community.

8. The failure of successive American administrations to accept the international consensus had encouraged Israel to pursue further its expansionist policies, but enlightened liberal opinion in the United States was now beginning to raise serious questions about the nature of America's relationship with the State of Israel. Israel's colonial practices in the occupied Palestinian and other Arab territories as well as its wanton aggression against other Arab countries such as Lebanon, Iraq, Syrian Arab Republic, etc., are contributing to its isolation in the international community and to the erosion of its support in the United States.

9. The Seminar focused on the sad plight of the Palestinian children who were among the most seriously affected by the Israeli policies in the occupied Palestinian territories. Specific instances of maltreatment of children by the occupation forces were highlighted along with an account of the manner in which the Israeli authorities interfered with the system of education. The Seminar agreed that the United Nations had a special responsibility to ensure that Palestinian children were not deprived of their most elementary human rights and dignity.

10. The participants in the Seminar agreed that the institutionalisation and practice of discrimination on the basis of race and religion conducted by the State of Israel against the people of Palestine is contrary to the Charter of the United Nations and to the norms of the international community.

11. The Seminar agreed that there should be no abridgement of the inalienable rights of the Palestinian people as defined in relevant United Nations resolutions and as accepted by the vast majority of the international community nor any deviation from the fundamental principles which the international community had

reaffirmed as the basis of a just and lasting settlement of the question of Palestine. These inalienable rights and fundamental principles are:

- (a) The right of the Palestinians to return to their homes and property from which they had been displaced and uprooted;
- (b) The right to self-determination without external interference and the right to national independence and sovereignty;
- (c) The right to establish an independent State in Palestine.
- (d) 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;
- (e) The implementation of these inalienable rights of the Palestinian people will contribute to a final solution of the Middle East crisis;
- (f) The participation of the Palestine Liberation Organization, the representative of the Palestinian people, on an equal footing with all other parties on the basis of General Assembly resolution 3236 (XXIX) of 22 November 1974 and 3375 (XXX) of 10 November 1975 is indispensable to all efforts, deliberations and conferences on the Middle East which takes place under the auspices of the United Nations;
- (g) The inadmissibility of the acquisition of territory by force and the consequent obligation for Israel to withdraw completely and speedily from all territory so occupied.

12. The Seminar noted that Israel's arrogant defiance of United Nations resolutions, international law and world public opinion had assumed intolerable proportions. Its decision to annex Jerusalem and to move its capital to that City, its unprovoked attack on Iraq and its indiscriminate bombing of Lebanon which had resulted in a large scale loss of life were condemned by the international community including most of the countries who are regarded as Israel's closest friends and supporters. The people of Lebanon as well as the inhabitants of the Palestinian camps in southern Lebanon have long suffered from the continued aggression and barbarous attacks launched by Israel. To put an end to Israel's intransigence, the Security Council was strongly urged to consider recourse action under Chapter VII of the United Nations Charter. Such action was required in view of Israel's persistence in ignoring the appeals to reasons that have been addressed to it from all quarters. Israel's action was not only a serious obstacle to a peaceful settlement in the Middle East but a most serious threat to international peace and security. One reason for Israel's intransigence was the moral, material and political support it received from countries such as the United States. The efforts by the United States to achieve a partial settlement outside the United Nations framework and without the participation of the Palestine Liberation Organization as well as the denial of the inalienable rights of the Palestinian people have further aggravated Israel's intransigent attitude.

13. The opinion was expressed that, by furnishing sophisticated weapons and equipment to Israel, the United States of America was responsible for Israel's aggressive policies which had been internationally condemned. Israel's obvious motivation for its action was the consolidation of the expansion of occupation to large portions of the area, in violation of internationally established principles and the inalienable rights of the Palestinian people. To accede to such a situation would be to accept a change in the norms of international relations and to jeopardize international peace and security.

14. The Seminar was convinced that the process of changing the demographic composition of the occupied territories through the establishment of settlements/colonies, the construction of the Mediterranean - Dead Sea Canal, the exploitation of scarce water resources for the benefit of the Israeli settlers at the cost of untold hardship to the Palestinian inhabitants, were all clearly intended to achieve complete annexation of the occupied territories in violation of the Fourth Geneva Convention of 1949, a/ and of United Nations resolutions. Contrary to Israel's contention, these actions could not create a right.

15. The Seminar considered specific instances of the hardships resulting from the establishment of settlements/colonies in the illegally occupied Arab territories or confiscated lands owned by Arabs. Attention was drawn, particularly, to the grave situation that had arisen through the exploitation, by Israel, of Palestinian water resources for the benefit of Israel and of the populations of the newly established settlements at the expense of the Arab inhabitants. The use of Palestinian waters was linked with Israel's escalated designs for complete annexation of the occupied territories, and was categorized as a clear and gross violation of the Fourth Geneva Convention of 1949.

16. Several participants observed that the Camp David Accords represented a denial of the right of self-determination of the Palestinian people and the breakdown of this framework represented the failure of attempts to determine by unilateral or partial agreements the future of the Palestinian people and the Palestinian territories occupied since 1967 by Israel. No state had the right to undertake any actions, measures or negotiations that could affect the future of the Palestinian people, its inalienable rights and the occupied Palestinian territories without the participation of the Palestine Liberation Organization on an equal footing.

17. Great stress was placed by the Seminar particularly on the importance attached to presenting to the international public all the facts relevant to the question of Palestine in order that the issues would be viewed from a correct perspective.

18. It was recognized that considerable difficulty existed in overcoming the obstacles placed by vested interests in the dissemination of accurate information. These obstacles were mainly the result of a distinct bias against the Palestinian people and open sympathy for Israel shown by the major international news and media networks controlled by Western countries upon which many of the countries of the Third World had to rely for the international news circulated through their own press.

a/ United Nations, Treaty Series, Vol. 75, No. 973, p. 287.

19. The Seminar was convinced that in order to counter the political and historical untruths and distortions which have so far misled world public opinion and accounted for misunderstandings on the situation in Palestine, every effort should be made to step up the widespread dissemination of information and to ensure reliable reporting and balanced coverage as a major contribution to the achievement of a just solution of the problem of Palestine.

20. The participants agreed that Asian public opinion is a valuable pillar of support for the Palestinian cause which forms part of the political ideals and objectives which Asian public opinion believes.

21. Over the years there have been important developments which have resulted in the strengthening of relations between the Arab and other Asian States, and a positive evolution of the attitudes towards the question of Palestine. There has also been a gradual growth in bilateral relations between the Palestinian people represented by the Palestine Liberation Organization, and the people and Governments of Asian States. The growing effectiveness of information dissemination on the Palestine question through the adoption of scientific mass communication methods was a positive step which was evident in the response and the support emanating from all sectors and shades of Asian public opinion for the Palestinian cause. The participants hoped that the media in Asian countries would give more attention to the inalienable rights of the Palestinian people in order to enable the people of those countries to better understand and appreciate the basic elements of the question of Palestine.

22. It was emphasized that the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the United Nations Special Unit on Palestinian Rights, and the Department of Public Information of the Secretariat, had an important role to play in the widest possible dissemination of information and in moulding public opinion through the presentation of all the facts pertaining to the question of Palestine.

23. The Seminar was provided with details of the origins and growth as well as the organizational structure of the Palestine Liberation Organization and its responses to the vicissitudes of political development in the Middle East. The Seminar noted that the Palestine Liberation Organization had unified a geographically and demographically dispersed Palestinian people and was channeling their struggles toward a common goal, the right of return, self-determination and independent statehood. The Seminar noted that an increasing number of countries had recognized the Palestine Liberation Organization and that besides enjoying observer status in the United Nations and its specialized agencies and being a full member in the League of Arab States, in the Conference of Islamic States and the Movement of the Non-Aligned countries, all socialist countries and a majority of the Third World countries as well as a member of West European countries had officially recognized the Palestine Liberation Organization. Successive Presidents of the European Council of Ministers, had met with the Chairman of the Palestine Liberation Organization as a party directly concerned in any endeavour for the solution of the Middle East crisis. It was noted also that a vast majority of States had allowed the Palestine Liberation Organization to open information and political offices in their capitals.

24. The Seminar concluded its work with an expression of appreciation by the participants to the Government of Sri Lanka for its assistance and co-operation in permitting the Seminar to be held at Colombo and for the hospitality and courteous services extended to them.

ANNEX III

Report of the Fourth United Nations Seminar on the Question of Palestine,
held at Havana from 31 August to 4 September 1981

1. In accordance with the terms of General Assembly resolution 34/65 D, the Fourth United Nations Seminar on the Question of Palestine, with its central theme "The Inalienable Rights of the Palestinian People" took place at the Palacio de las Convenciones, Havana, from 31 August to 4 September 1981. Eight meetings were held at which fifteen panelists presented papers on various aspects of the Question of Palestine.
2. The United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People was represented by a delegation consisting of Mr. Massamba Sarré, (Senegal), Chairman; Mr. Farid Zarif (Afghanistan), Vice Chairman; Mr. Andreas V. Mavrommatis (Cyprus), and Mr. Zehdi L. Terzi (Palestine Liberation Organization). Mr. Mavrommatis acted as Rapporteur of the Seminar.
3. The opening session was attended by Mr. Jesús Montané Oropesa, alternate member of the Political Bureau and Chief of the Department of International Affairs of the Communist Party of Cuba who represented President Fidel Castro Rus.
4. The opening session of the Seminar, on 31 August 1981, was addressed by Mr. José Raúl Viera Linares, Acting Minister for Foreign Affairs of Cuba, who, on behalf of his Government, welcomed the holding of the Seminar in Cuba since it was devoted to one of the most noble causes of contemporary history because of the long suffering of the Palestinian people. He added that the promotion of this type of Seminar reaffirmed the priority accorded by the United Nations General Assembly and the movement of Non-Aligned Countries to the realization of the inalienable rights of the Palestinian people. He stressed also the importance of increasing the solidarity of the international community with Palestine and of bringing to international public opinion full knowledge of the facts of the tragedy of the Palestinian people.
5. At the same session, Mr. Massamba Sarré, Chairman of the Committee, gave a brief account of the Committee and its work and stressed the importance of ensuring that all facts surrounding the question of Palestine reached the public so that a proper understanding of the issues would be achieved. A message from Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization, was conveyed to the Seminar by Mr. Abdullah Abdullah, his special representative to the Seminar.
6. At the opening session of the Seminar, a minute of silence was observed in memory of two distinguished Latin American leaders recently killed in air accidents: the President of Ecuador, Jaime Roldós Aguilera, and the Commander of the National Guard and former Head of State of Panama, General Omar Torrijos. The Seminar commenced its next session with the observance of one minute of silence in memory of the late Mohammad Ali Rajai and Mohammad Javad Bohanar, President and

Prime Minister of Iran, respectively, news of whose tragic deaths had been received officially that afternoon.

7. The closing session was addressed by Mr. Vecino Alegret, Minister of Higher Education of Cuba.

8. Six panels were established to consider different aspects of the central theme "the inalienable rights of the Palestinian people". These panels, the panelists and titles of the papers presented were as follows:

A. Panel 1: Israeli Settlement Policies in the Occupied Arab Territories

Dr. Janet Abu-Lughod (United States) and Mr. Raja Shihadeh (Palestinian) presented papers entitled "Israeli Settlements in Occupied Arab Land: Conquest to Colony" and "Analysis of the Legal Structure of Israeli Settlements in the Occupied West Bank of Jordan" respectively.

B. Panel 2: Human Rights and Palestine

Dr. Muhammad Hallaj (Palestinian), Dr. Julio Prado Vallejo (Ecuador) and Dr. John Quigley (United States) presented papers entitled "Political Aborticide: Israel's Palestinian Policy", "Human Rights and Palestine" and "Human Rights and Palestine: Recent Developments" respectively.

C. Panel 3: The Nature of the Palestine Liberation Organization

Dr. Bayan Nuwaihed al Hout (Palestinian) presented a paper entitled "The Nature of the Palestine Liberation Organization: The Identity".

D. Panel 4: Legal Issues in the Palestine Question

Dr. Ibrahim Abu-Lughod (Palestinian) and Dr. Horacio Sevilla Borja (Ecuador) presented papers entitled "Retrieving Palestinian National Rights" and "Some Considerations on the Establishment of a Palestinian State" respectively.

E. Panel 5: The Palestine Issue and Latin American Public Opinion

Dr. Juan Abughattas Abughattas (Peru), Dr. Domingo Alberto Rangel (Venezuela), Dr. Camilo Octavio Perez (Panama) and Dr. Miguel D'Estafano Pisani (Cuba) presented papers entitled "The Perception of the Palestinian Question in Latin America", "Zionist Control of the Communications Media and of the Cultural System in Venezuela and The Struggle of the Palestinian People", "The Palestine Issue and Latin American Public Opinion" and "The Fundamental Rights of the Palestinian People" respectively.

F. Panel 6: Fundamental Rights of the Palestinian People

Dr. Humberto Diaz-Casanueva (Chile), Mr. David Gilmour (United Kingdom) and Lic. José Antonio Garcia Lara (Cuba) presented papers entitled "Implications of the Process of Implementing the Fundamental Rights of the Palestinian People", "The Fundamental Rights of the Palestinian People" and "The Rights of the Palestinian People" respectively.

9. It was clear from the exchange of views that there was consensus among the participants on the main points raised by the panelists as well as over a wide range of issues relating to the restoration of the inalienable rights of the Palestinian people. The discussions covered all aspects of the rights of the Palestinian people and the manner in which they were consistently violated by Israel. It was agreed that the situation in Palestine was not merely the concern of the Palestinian people and the Arab nation but involved the entire international community, insofar as it constitutes a threat to international peace and security, and is a violation of internationally accepted principles.

10. In view of the depth of analysis contained in the papers presented at the Seminar, and in accordance with established practice, they will be published by the United Nations along with the report of the Seminar as a contribution to a wider understanding of the Palestine Question.

11. The Seminar noted that the fundamental rights of the Palestinian people had been defined and reaffirmed by the United Nations and other organizations. It has been Israel's intransigent policy, recently intensified, and the support it receives from other States, particularly the United States, which placed obstacles in the way of full attainment of those rights. It was suggested that the international community should take action in accordance with chapter VII of the Charter of the United Nations in view of Israel's violations of international law including persistent violations of Article 25 of the Charter.

12. The Seminar stressed the importance of the role played by the United Nations in finding a just solution to the problem of Palestine. It was recognized that although much had been done by the international community to support the Palestinian people in its struggle to attain and freely exercise its inalienable rights, yet the United Nations should continue and intensify support to the Palestinian people and ensure that the principles of the Charter and the resolutions of the General Assembly and the Security Council were not violated. It should also assist in the preservation of the rights of the Palestinian people and take timely measures to forestall violation of those rights and to prevent Israel's genocidal aggression which interferes with the implementation of Palestinian rights and thus affects international peace and security. This was the transcendent responsibility of the United Nations and of Member States.

13. The Seminar was convinced that any partial agreement arrived at outside the framework of the United Nations which sought to find a solution which affected the rights of the Palestinian people or the occupied Palestinian territories had no validity unless full recognition was given to the inalienable rights of the Palestinian people and the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people. In this connexion, there was consensus among the panelists that the Camp David Accords represented a violation of the inalienable rights of the Palestinian people as defined in United Nations resolutions and that, to that extent, they were invalid.

14. The Seminar was in complete agreement on the fundamental issues concerning the rights of the Palestinian people as defined in United Nations resolutions and was of the opinion that no deviation should be permitted from these rights. Among these rights were:

(a) The right of the Palestinian people to self-determination without external interference and the rights to national independence and sovereignty in Palestine;

(b) The right to territorial integrity and national unity;

(c) The right of the Palestinians to attain their legitimate aspirations;

(d) The right of the Palestinian people to establish their own independent and sovereign State in Palestine;

(e) The right of the Palestinians to return to their ancestral homes and property from which they have been forcibly displaced and uprooted;

(f) The right of the Palestinians in the occupied Palestinian territories to permanent sovereignty over their natural resources;

(g) The right of the Palestinian people to free development.

15. It was suggested that to enhance its effectiveness in safeguarding these rights, the international community should be unswerving in its commitment to the attainment of those rights by the Palestinian people, should give moral and material assistance to the Palestinian people in their struggle, including armed struggle, for national liberation, and should call for mandatory sanctions to be applied against Israel as an aggressor State.

16. The Seminar agreed that Israeli violations of the human rights of the Palestinian people living in the occupied Palestinian territories had been persistent, gross, systematic and indiscriminate. There was no evidence to suggest that they were temporary or sporadic aberrations likely to diminish or cease. On the contrary, there were sufficient grounds to believe that Israel's disregard for Palestinian human rights was a manifestation of its ultimate intentions and a strategic commitment in its oppressive relationship to the Palestinian people. The Seminar heard a detailed analysis of Israeli aims and motivations. It also heard a report on the recent (July 1981) attacks by Israel on Beirut and Palestinian refugee camps and Lebanese civilians in southern Lebanon, the conclusion drawn from which was that there was a methodical genocidal onslaught.

17. The participants in the Seminar were of the opinion that in occupied Palestine denial of human rights formed part of a broader denial, that of the Palestinian people's very existence as a nation. Violations of individual human rights, therefore, had to be viewed within the larger context of the denial of national existence.

18. A persistent feature had been an effort on the part of the Government of Israel to eradicate almost all manifestations of Palestinian national existence. Israel's ability to employ highly developed technology in its efforts to displace and subjugate the Palestinians had facilitated economic domination over them - a domination that had significantly increased the seriousness of the more traditional forms of human rights deprivations. These deprivations had been amply documented by international agencies and non-governmental organizations. Not only in the territories occupied in 1967 have these violations of human rights been taking place at an accelerated rate, but recently there have been mounting violations of

rights of Palestinians within the areas Israel has occupied since 1948. Many specific examples of these violations were referred to in the discussion. The Seminar was particularly concerned at the information that a 1980 survey of Israeli Jewish high school students had found that 64 per cent believed that Palestinians in Israel did not deserve equal rights which was indicative of racist indoctrination.

19. The participants in the Seminar expressed their opinion that the similarity between the Israeli and South African régimes should be analysed and be subject to special study concerning the violation of human rights, racism, and colonialism, and the threat that both régimes constitute to international peace and security.

20. The participants at the Seminar considered it ironic that at a time when the Government of Israel was negotiating with Egypt purportedly to accord autonomy to Palestinians in the West Bank and Gaza, additional measures had been taken to reinforce the Zionist takeover of the West Bank and Gaza through the establishment of new settlements/colonies and to suppress opposition to the occupation.

21. It was critical at such a time that international pressure should be more effectively mobilized to protect the human and national rights of the Palestinian people and to put an end to the existing pattern of violations daily perpetrated.

22. The participants also considered that Palestinian freedom fighters should be accorded the status of prisoners of war. They further considered that they could not be extradited for anything done in their capacity as combatants.

23. Reference was made to the special relation that exists between Israel and several Latin American countries as well as to the active presence in the region of economic, financial and military interest of international Zionism.

24. The view was expressed that sections of the Latin American and Caribbean press depended too much on pro-Israeli news agencies and tended to reproduce their dispatches as received. This is prejudicial to the Palestinians since the majority of the principal agencies are sympathetic towards Israel. Zionist strategy depended on the manipulation of facts, men and language - by ensuring a unilateral flow of information concerning all Middle Eastern affairs, by the hiring of well-placed journalists to write anti-Palestinian items and by conveying adverse images of the Palestinians as terrorists. The long term strategy based on this idea had had a definitive influence on Latin American public opinion. In order that more positive results could be achieved in the efforts for the better enlightenment of public opinion in Latin America and the Caribbean on the question of Palestine, concrete measures should be taken, particularly the following:

- (a) The intensification of the dissemination of information on Palestine by the Department of Public Information of the Secretariat;
- (b) The establishment of centres for Palestinian studies in Latin America and the Caribbean in the countries where they do not exist;
- (c) The sponsorship of seminars on the question of Palestine under the auspices of the United Nations especially in those countries of Latin America which are committed to the Palestine cause or do not oppose it;

(d) Special studies to be undertaken regarding the relations between Israel and several Latin American armed forces;

(e) The establishment of offices of the Palestine Liberation Organization in the Latin American countries where they do not exist at present;

(f) Political, technical and material support to all organizations and regional publications which disseminate objective information on the ordeal of the Palestinian people and its legitimate rights;

(g) A census of Palestinians and other Arabs living in Latin American countries.

25. A suggestion was made that a seminar on the question of Palestine especially organized for the benefit of the United States would prove most beneficial as North American public opinion should be made aware in the clearest terms that the international consensus on the attainment of the inalienable rights of the Palestinian people and the establishment of a sovereign Palestinian State in the occupied territories would not constitute a threat to the existence of Israel.

26. The Seminar noted that in the 14 years that elapsed since its illegal occupation of the West Bank and Gaza, Israel, in defiance of the world community, had systematically passed a large number of military orders and practised policies to facilitate the absorption of the occupied territories while at the same time preventing the development of the Palestinian community, expelling its leaders and attempting to subjugate it completely. Within the over-all objective, the establishment of settlements/colonies on expropriated land and land improperly declared state land has resulted in consolidating the occupation and in the de facto annexation of the occupied territories. The Seminar stressed that the occupied territories of the West Bank and Gaza belong to the Palestinian people and to nobody else. Israel's prime motive in continuing the occupation was not strategic but expansionist and colonialist.

27. The means used to put these policies into effect range from brute force and primitive might to resource deprivation and economic sanctions. Though these had been used from the beginning of the occupation in 1967 an intensification was expected in the next few years. Already for instance, agricultural strangulation through rigorous control of water, a scarce resource in Palestine, was evident. New Israeli settlements/colonies were given priority in access to water at the expense of the Arab inhabitants who, when consequently deprived of their present sources of water, were denied permission to drill new wells to replace what they had lost. The strategy was obviously intended to compel the Arab population to emigrate as were the tactics of confiscation of lands, the imposition of collective punishment, and the practice of torture.

28. Specific examples were given of the manner in which Israel executed its settlements policy and the Seminar heard a detailed analysis of the legal structure of the settlements based on ordinances passed at the time of the British mandate, Jordanian laws, Israeli laws and Israeli military orders (of which there are about 1,000 at this time) passed by the military commander of the West Bank. The Seminar was unanimous in its view that Israel's colonial settlement policy, the demographic changes and the changes effected in existing laws were in clear violation of international law particularly the Fourth Geneva Convention of 1949 and were part

of Israel's designs to consolidate its illegal annexation of the occupied territories.

29. In considering the evolution of the Palestine Liberation Organization, the Seminar noted that it had developed from an organization which had to strive for the recognition of its own people into an organization recognized by the Arab States and the vast majority of the international community as the sole legitimate representative of its people. The Seminar noted also the supreme importance of the Palestine Liberation Organization as a unifying factor among the Palestinians and the role it played in consolidating their sense of identity, a significant development towards the attainment of the inalienable rights of the Palestinian people. This sense of identity accounted for the continued military steadfastness of the Palestinians, the pragmatic relation between them and the other Arab States, the credibility of the Palestine Liberation Organization, its recognition as the sole legitimate representative of the Palestinian people by the Palestinian people itself and the international community and the steady growth of its democratic traditions.

30. When the Seminar considered the recent history of the Palestinian people, reference was made by the panelists to the tremendous support which all the Arab States rendered to the Palestinian people in order to sustain its struggle for national liberation.

31. The Seminar concluded with the expression by the participants of their appreciation to the Government of Cuba for its assistance and co-operation in permitting the Seminar to be held at Havana and for the warm hospitality, excellent facilities and courteous services extended to them.

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