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Chairman: Mr. Erik NETTEL (Austria).

Award of Nobel Peace Prize to Professor René Cassin

1. The CHAIRMAN read out a letter from Professor René Cassin in which he thanked the Committee for the congratulations conveyed to him for having won the Nobel Peace Prize

AGENDA ITEM 62

International Year for Human Rights (continued) (A/7194, A/7195, A/7195/Add.1 and Add.3-7, A/CONF.32/41, A/C.3/L.1626 and Add.1, A/C.3/L.1633 and Add.1, A/C.3/L.1635/Rev.1, A/C.3/L.1636, A/C.3/L.1637 and Add.1 and 2, A/C.3/L.1638-1641, A/C.3/L.1642/Rev.1, A/C.3/L.144):

- (a) Measures and activities undertaken in connexion with the International Year for Human Rights: report of the Secretary-General;
- (b) International Conference on Human Rights

CONSIDERATION OF DRAFT RESOLUTION
 A/C.3/L.1626 AND ADD.1

2. Mr. SHERZOY (Afghanistan) introduced draft resolution A/C.3/L.1626 and Add.1 of which his delegation was a co-sponsor. It was concerned with purely humanitarian considerations, although the political aspects of the problem were being dealt with by other United Nations organs.

3. The first preambular paragraph referred to the Principles and Purposes of the Charter of the United Nations and also to the Universal Declaration of Human Rights, the preamble of which affirmed that disregard and contempt for human rights had resulted in barbarous acts which had outraged the conscience of mankind.

4. The second preambular paragraph mentioned the provisions of the Geneva Convention relative to the

Protection of Civilian Persons in Time of War of 12 August 1949,^{1/} article 33 of which prohibited the imposition of collective penalties and all measures of intimidation or of terrorism, as well as pillage and reprisals against protected persons and their property. Article 31 of the same instrument prohibited coercion, whether physical or moral, against protected persons, in particular to obtain information from them.

5. The third preambular paragraph referred to a number of pertinent resolutions by various United Nations bodies. Resolution 237 (1967) of the Security Council, although it emanated from a primarily political organ, was inspired by completely humanitarian considerations. It referred to the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings. That need was reiterated in General Assembly resolution 2252 (ES-V), which noted with gratification the work undertaken by the International Committee of the Red Cross, the League of Red Cross Societies and other voluntary organizations to provide humanitarian assistance to civilians. That resolution also commended the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the work done in that field. The reference to those international organizations brought out clearly the manner in which Israel had deliberately disregarded the civilian Arab populations of the occupied territories and at the same time revealed the humanitarian character of the draft resolution. General Assembly resolution 2341 B (XXII) reaffirmed the provisions of resolution 2252 (ES-V).

6. In its resolution 6 (XXIV)^{2/} the Commission on Human Rights recalled the right of everyone, embodied in the Universal Declaration, to return to his own country. It requested the Government of Israel to facilitate the return of those inhabitants who had fled the areas of military operations since the outbreak of hostilities, a request which was endorsed by the Economic and Social Council in its resolution 1336 (XLIV).

7. The fourth preambular paragraph recalled the telegram dispatched by the Commission on Human Rights on 8 March 1968,^{3/} calling upon the Government of Israel to desist forthwith from acts of destroying homes of Arab civilian populations of areas occupied by Israel. In that connexion, he recalled the circumstances in which the Commission on Human Rights had decided at its 990th meeting to send the telegram in question.

^{1/} United Nations, *Treaty Series*, vol. 75 (1950), No. 973.

^{2/} See Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 4, chap. XVIII.

^{3/} *Ibid.*, para. 400.

8. The fifth preambular paragraph recalled Security Council resolution 259 (1968) in which the Council had expressed its concern for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel, and deplored the delay in the implementation of resolution 237 (1967). The sponsors of the draft resolution regretted that even those resolutions of the Security Council which were of a purely humanitarian character had not yet been applied in the Arab territory occupied by Israel.

9. The final paragraph of the preamble noted resolution I on respect for and implementation of human rights in occupied territories, adopted by the International Conference on Human Rights on 7 May 1968, in which the Conference, *inter alia*, expressed its grave concern for the violation of human rights in Arab territories occupied by Israel; drew the attention of the Government of Israel to the grave consequences resulting from disregard of fundamental freedoms and human rights in occupied territories; and called on the Government of Israel to desist forthwith from acts of destroying homes of Arab civilian population inhabiting areas occupied by Israel, and to respect and implement the Universal Declaration of Human Rights and the Geneva Conventions of 12 August 1949 in occupied territories. In that respect, he drew particular attention to articles 2, 18 and 30 of the Universal Declaration and to article 47 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. The last sub-paragraph of the preamble of draft resolution A/C.3/L.1626 and Add.1 affirmed the inalienable rights of all inhabitants who had left their homes as a result of the outbreak of hostilities in the Middle East to return home, resume normal life, recover their property and homes, and rejoin their families according to the provision of the Universal Declaration of Human Rights. In that respect, he drew attention to articles 49 and 53 of the above-mentioned Geneva Convention.

10. The sponsors of the draft resolution were not accusing Israel of violations of human rights since they lacked the competence to do so; it was the international instruments and United Nations resolutions mentioned in the preamble that made such accusations.

11. In the operative part, the sponsors proposed the establishment of a special committee to investigate Israeli practices affecting the human rights of the population of the occupied territories, composed of three Member States. Such a measure was absolutely necessary to ensure that the resolutions previously mentioned should not remain a dead letter and without any practical value. The establishment and designation of a special committee would be the first effective step in protecting humanitarian rights in the Middle East.

12. Furthermore, the establishment of the special committee provided for in the draft resolution was not without precedent. During the history of the United Nations such bodies had been set up on several occasions and had been sent to regions or places where there had been violations of human rights. For example, investigating committees had been designated to examine the situation in Hungary, South Africa, Eastern

13. Finally, he appealed to the Committee to support the draft resolution unanimously.

14. Mr. TOMEH (Syria) said that he endorsed the Afghan representative's observation that the charges against Israel did not originate with the sponsors of the draft resolution under consideration (A/C.3/L.1626 and Add.1) but with the relevant documents of the United Nations, which expressed the sentiments of all defenders of human rights. In support of that draft resolution, he cited the philosopher Joseph Taylor, who, in his book *The Masks of Society* said that political communities were governed by obligatory conventions the observance of which was vital to the very existence of those communities; Mr. Taylor also said that political responsibility vested in the same source as the decision-making authority.

15. In adopting draft resolution A/C.3/L.1623/Rev.1 by acclamation at the preceding meeting, the Committee had manifested its desire that moral obligations should be regarded as going hand in hand with political responsibilities. The task of translating the noble principles of the United Nations Charter and the Universal Declaration of Human Rights into resolutions relevant to specific situations made it compulsory for those carrying out that task to swing like a pendulum between the highest ideals of mankind and the desperate and tragic realities confronting the present generation.

16. The Committee, as an interested party in the situation brought about by the violation of human rights in Palestine, must keep informed of what had taken place in the seventeen months which had elapsed since the adoption of Security Council resolution 237 (1967). Much of what had occurred was described in official documents which expressly referred to violations of human rights in the territories occupied by Israel. Among those documents were the reports of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the periods 1 July 1966 to 30 June 1967^{4/} and 1 July 1967 to 30 June 1968,^{5/} and the report submitted by the Secretary-General^{6/} under General Assembly resolution 2252 (ES-V) and Security Council resolution 237 (1967). The last-mentioned document was based on information supplied by Mr. Nils-Göran Gussing, the Secretary-General's Special Representative who had been sent to the area; it reported on cases of forced expulsion of the civilian population, the sacking of homes and shops, and other violations of human rights. The question was also dealt with in a note submitted by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to the International Conference on Human Rights that had been held at Teheran (see A/C.3/L.1636), and in a note by the Secretary-General^{7/} on the situation in the Middle East, which referred in particular to the migration which had been induced by Israel attacks against the east bank of the

^{4/} Official Records of the General Assembly, Twenty-second Session, Supplement No. 13.

^{5/} *Ibid.*, Twenty-third Session, Supplement No. 13.

^{6/} Official Records of the Security Council, Twenty-second Year, Supplement for October, November and December 1967, document S/8158.

^{7/} *Ibid.*, Twenty-third Year, Supplement for January, February and

River Jordan. The military operations which had been carried out by Israel in that area, and which had been intended to make the area uninhabitable, were comparable to the actions of the Nazi armies in the USSR and Poland and to the destruction of Bagdad and Damascus by Tamerlane.

17. The violations of human rights which the International Committee of the Red Cross had been asked to investigate included acts of intimidation against the population of Arab villages which had compelled them to abandon their houses and lands; the burning of crops in order to drive the peasants from their land; the arbitrary detention of civilians who had been blindfolded and taken prisoner; the sacking and looting of shops and homes and even of United Nations offices, as was confirmed in the Secretary-General's report on the United Nations Emergency Force;^{8/} the destruction of refugee camps and schools; the cold-blooded murder of captives; and the mistreatment of persons presumed to be members of particular political parties or of the armed forces.

18. The total destruction of villages and the slaughter of a larger part of their inhabitants was confirmed by an article which had appeared in the newspaper The Village Voice, those actions having rendered the Golan area uninhabitable. Despite the efforts of the Red Cross, it had still not been possible to determine the fate of 120 Syrian civilians who had been taken prisoner by the Israel forces; the fate of 200 Syrian soldiers who had disappeared during the hostilities was also unknown. The inhuman acts committed more recently by Israel included the demolition of Syrian villages with bulldozers; the shooting to death of 100 peasants who had attempted to return to their homes in search of their personal belongings; and the killing by Israel soldiers of two Syrian women who had been gathering figs, the latter incident having been reported by General Odd Bull. At the same time, Arab prisoners were being forced to donate blood for the hospitals of Israel; requests for the reuniting of families were being ignored; and the forced expulsion of civilians was being continued by means of all kinds of pressure including the threat of death, which was actually carried out in cases of resistance.

19. The issue of 3 December 1968 of the newspaper Le Monde contained a report on the destruction by Israel forces of bridges across the River Jordan as a wilful act having no other purpose than to strangle the economy of Jordan and hurt the population of that country. Another issue of the same newspaper provided evidence that very few of the refugees had been permitted by the Israelis to return to their homes in spite of the Security Council resolutions in which Israel had been urged, out of humanitarian considerations, to facilitate the reunion of the families whose members had been separated by the conflict. The occupation of Bethlehem by the Israel armed forces in tanks and armoured vehicles, and the threats of destruction of homes which had compelled the population to flee, were described in the publication Témoignage Chrétien by Sister Marie Thérèse of the Compagnons de Jésus.

20. With regard to the proposal that the General Assembly should establish a special committee of three Member States to investigate the situation of the people in the territories occupied by Israel, the objection might perhaps be made that it was out of order to submit to the General Assembly a question of which the Security Council was seized. There were, however, precedents for that procedure, as in the case of Southern Rhodesia, and a further point to be borne in mind was that Israel had rejected all previous resolutions. It was also possible that Israel would only agree to allow a committee of that kind to enter its territory if it investigated the situation of the Jewish communities in the Arab countries. That problem had arisen before in connexion with the proposed dispatch of a representative of the Secretary-General in pursuance of Security Council resolution 259 (1968), and the Office of Legal Affairs of the Secretariat had clearly established that that resolution applied exclusively to the civilian population of the territories occupied by Israel, as was pointed out in the note by the Secretary-General^{9/} submitted under Security Council resolution 237 (1967) and General Assembly resolution 2252 (ES-V).

21. The stubborn refusal of Israel to comply with the resolutions adopted thus far made it imperative for the General Assembly to deal with that question; the sufferings of the civilian population of Palestine must be a cause for concern by the entire international community.

22. Mr. GANESH (India) said that draft resolution A/C.3/L.1626 and Add.1, of which his delegation was a sponsor, was in accord with the spirit of the previous resolutions of the Security Council, the General Assembly, the Commission on Human Rights and the Economic and Social Council which were referred to in the preamble of the draft resolution. Furthermore, the draft resolution reminded the world community of the tragic conditions in which the civilian population of the occupied territories of Palestine were living, and also the failure of the efforts made thus far by the United Nations to find a solution of the problem. A similar resolution had been adopted, with the support of the Indian delegation, at the Teheran Conference, and if that resolution had been complied with, the submission of the draft resolution at present before the Committee would have been unnecessary.

23. The draft resolution under consideration, like Security Council resolutions 237 (1967) and 259 (1968), approached the problem from a humanitarian point of view, and its adoption by the General Assembly would reflect the concern of the entire international community for the fate of the Arab civilian population of western Asia who had lost their homes and had been compelled to abandon their ancestral dwelling places. He recalled in that regard what the Secretary-General had said on 11 November 1968 before the Special Political Committee at its 612th meeting, namely, that the tragedy of the Palestine refugees made it imperative for the United Nations to meet its humanitarian obligations generously and without hesitation.

^{8/} Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 21, documents A/6672 and Add.1.

^{9/} Official Records of the Security Council, Twenty-third Year, Supplement for July, August and September 1968, document S/8699.

24. He reaffirmed his delegation's conviction that the occupation of territories by acts of war must not be allowed. Also, in conformity with what was stated in Security Council resolution 242 (1967), his delegation regarded the withdrawal of Israel forces from the territories which it had occupied in June 1967 as an absolute necessity.

25. Mr. KALANGALI (Uganda) said that his country's policies in the matter of human rights were guided above all by the desire to make life worth living for its people. The proclamation of the International Year for Human Rights was an additional reason to strive for the achievement of that goal. With regard to the draft resolution which was before the Committee (A/C.3/L.1626 and Add.1), he said that his Government was greatly concerned with the well-being of the people in the Middle Eastern areas which had been occupied by Israel as a result of the June 1967 war. That concern sprang first of all from the fact that in any conflict of the magnitude of the Middle Eastern war those affected were usually innocent people. In the present instance, the victims were either families which had been displaced from their homes and forced to wander about in search of shelter, suffering from hunger and cold, or persons who, while not physically displaced, lived in terror of the occupation forces. That distressing situation, which many found inexplicable, led to frustration, and frustration inevitably led to anger and hatred.

26. While it was to be hoped that the situation was not as intolerable as it appeared to be, the United Nations could not remain inactive or operate on the basis of hearsay rather than first-hand knowledge of what was happening. His delegation therefore felt that a fact-finding committee of the kind proposed in the draft resolution would benefit all three of the parties which were seeking to restore peace in the Middle East: the Arabs, the Israelis and the United Nations.

27. In his view, the draft resolution was nothing more than an expression of the deep concern which everyone felt for the human rights of the people in the Arab territories now occupied by Israel. The United Nations was better suited than any other body to the task of establishing the facts regarding the position of those people. His delegation would therefore support the draft resolution, and it appealed to all other delegations to give their unreserved support to the worthy cause with which the resolution was concerned.

28. Mr. MEHIRI (Tunisia) congratulated the Director of the Division of Human Rights on his brilliant opening statement at the 1620th meeting and expressed gratitude to the sponsors of the International Conference on Human Rights held at Teheran and, in particular, to the host country. His delegation was extremely pleased at the inclusion in draft resolution A/C.3/L.1623/Rev.1 of a few well-deserved words of appreciation to the Government and people of Iran.

29. Draft resolution A/C.3/L.1626 and Add.1 constituted a bold and necessary initiative. It was essential for the Committee to take an unequivocal stand on the position of the Arab civilian population in the areas

ing with the humanitarian aspects of the question to be submitted to the General Assembly.

30. Israel had made it clear that it was unwilling to permit the refugees to return to their homes. It had rejected or disregarded the relevant Security Council and General Assembly resolutions, with the result that the Arab refugees' living conditions had grown steadily worse.

31. The Secretary-General himself had stated in the Special Political Committee at its 612th meeting that the only acceptable solution to the problem of the displaced persons was their early return to their places of residence. Yet, the numerous appeals to Israel to agree to the refugees' return had been met with total indifference. On 18 November 1968, at the 616th meeting of the Special Political Committee, Lord Caradon had eloquently described the terrible position in which the Arab refugees found themselves in the middle of the winter. The United States representative to the United Nations and his own country's representative, among others, had urged the aggressor to comply with the United Nations resolutions. However, Israel continued to make the crushing weight of its aggression felt in the occupied territories.

32. There had also been repeated references in the world Press to the position of the hundreds of thousands of refugees who had been driven from their homes. It had been reported in the 2 September 1967 issue of the newspaper *Le Monde* that Israel was increasing its administrative controls in the occupied territories and imposing conditions which were preventing the return of the majority of the refugees. The 9 February 1968 issue of the same newspaper had reported new expulsions. It was clear that Israel's aggressive, expansionist policy was preventing any humanitarian solution of the problem.

33. It had been stated in the general debate that the position of the Jewish minorities in the Arab countries gave cause for concern; that statement had perhaps been made in order to divert attention from what was happening at the present time in Palestine. He felt obliged to point out, in that connexion, that the Arabs of North Africa had contributed their blood in the two world wars, particularly in the second when they had helped to defend Europe against nazism, and he therefore categorically rejected the unfounded allegation that there was discrimination against the Jewish minorities in the Arab national communities. Although it was true that his country had taken certain internal security measures to suppress Zionist propaganda, minority groups were not subjected to persecution or discrimination nor were their rights restricted.

34. The representative of Israel had said that the Soviet Union had denounced her country in order to conceal its intentions with regard to Czechoslovakia. That might be true, but it was also true that Israel was taking advantage of the difficulties in Central Europe to divert attention from its aggression in the Middle East.

35. He wished to state in conclusion that it was the natural reaction of an enslaved people to attempt to