

## Chapter IV

## Middle East

Throughout 1988, the United Nations continued its efforts for a peaceful settlement of the Middle East situation. The year was a decisive one for the Palestinian freedom struggle, as the popular uprising by Palestinians in the West Bank and Gaza Strip-known as *intifadah*-which began in December 1987 against Israeli occupation, gathered momentum.

The United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (Committee on Israeli practices) and the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian rights) reported on the deteriorating conditions in the territories. The latter Committee continued to press for the implementation of its original (1976) recommendations -on the rights of the Palestinians to return to their homes and property and to achieve self-determination, national independence and sovereignty in Palestine-and for the convening of an international peace conference on the Middle East under United Nations auspices. Although by the end of the year sufficient agreement on the terms for a conference did not exist, there was growing international recognition that such a step was essential for a political solution of the Arab-Israeli conflict. Accordingly, the General Assembly called again for the convening of such a conference and the participation of all parties to the conflict on an equal footing, including the Palestine Liberation Organization (PLO) (resolution 43/176). Meanwhile, the Palestine National Council declared a State of Palestine, a move which the General Assembly acknowledged in December (43/177).

The epicentre of the Middle East crisis, the question of Palestine, continued to depend on solving such complex questions as the status of Jerusalem, the applicability of the 1949 Geneva Conventions to the territories occupied by Israel since 1967, and the relationship between Israel and its Arab neighbours. The Assembly reaffirmed that the question of Palestine was the core of the Middle East conflict and that no comprehensive, just and lasting peace would be achieved without the full exercise by the Palestinian people of their inalienable national rights-including the right to return to their homes and property and to achieve self-determination, national independence and sovereignty.

By two January resolutions, the Security Council demanded that Israel desist from deporting Palestinians from the occupied territories (resolutions 607(1988) and 608(1988)). Human rights conditions in the territories were addressed by the Commission on Human Rights.

The cycle of violence in Lebanon continued, with that country repeatedly requesting the convening of the Security Council in response to armed Israeli incursions into its territory. The Council was, however, unable to take effective action due to the repeated negative vote of a permanent member. The Council twice extended the mandate of the United Nations Interim Force in Lebanon, as well as the mandate of the United Nations Disengagement Observer Force, deployed since 1974 to secure the Israeli-Syrian border. In July, the Council condemned the abduction on 17 February in southern Lebanon of Lieutenant-Colonel William Higgins, a military observer of the United Nations Truce Supervision Organization, and demanded his immediate release (618(1988)).

The Council also convened in April after the assassination in Tunis of Khalil al-Wazir, a member of the PLO Executive Committee, and condemned the aggression against the sovereignty of Tunisia, urging Member States to prevent such acts (611(1988)).

In response to the emergency situation in the West Bank and Gaza, the United Nations increased its assistance to the Palestinians. The United Nations Development Programme earmarked an additional \$4 million from its Special Programme Resources, and appeals for funds from the international donor community received substantial response. In consultation with PLO, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) prepared urgent proposals for improving the infrastructure of the refugee camps and for seeking funds of approximately \$65 million. UNRWA maintained its assistance to over 2.2 million refugees in Jordan, Lebanon, the Syrian Arab Republic, the West Bank and the Gaza Strip.

In February and March 1988, the Assembly considered a move by the United States to close the PLO Observer Mission to the United Nations in New York and urged it to desist from taking action inconsistent with its international legal

obligations. In May, the Assembly called on the United States to submit the dispute to arbitration, thereby endorsing an advisory opinion of the International Court of Justice.

## Middle East situation

The Palestinian uprising, or intifadah, against Israel's occupation of the West Bank, Gaza and East Jerusalem overshadowed the situation in the Middle East and underlined the urgency to find an effective negotiating process towards a solution. However, negotiations remained at a standstill and no consensus was found on the modalities of setting in motion an international peace conference under United Nations auspices.

In December, the General Assembly adopted two resolutions dealing with the situation, again declaring that peace in the region must be based on a comprehensive, just and lasting solution negotiated under United Nations auspices, and reaffirming its call for the convening of an international conference (resolution 43/54 A). It requested the Security Council to consider measures needed to convene a conference, including establishment of a preparatory committee, and asked the Secretary-General to continue his efforts with the parties concerned to facilitate its convening (43/176).

Reports of the Secretary-General. Pursuant to a 1987 request by the General Assembly,<sup>(1)</sup> the Secretary-General submitted in November 1988 a report<sup>(2)</sup> on developments in the Middle East situation, stating that the intifadah had been a dominating political factor in the region. It was the focus of the Arab Summit Conference at Algiers, Algeria, in June 1988<sup>(3)</sup> and the inspiration behind the November session of the Palestine National Council (PNC) at Algiers.<sup>(4)</sup> Born of the frustration and despair of a population that had lived under occupation for more than 20 years, the intifadah was a direct result of the stalemate in the search for a peaceful settlement of the Arab-Israeli conflict, and was evidence of the Palestinian people's commitment to exercise their legitimate rights, including self-determination.

The intifadah had also generated an intense debate in Israel about the peace process and Israel's role in the occupied territories. Although sufficient agreement did not exist to convene an international peace conference (see below), the Secretary-General said he was encouraged that all members of the Security Council believed that it was desirable to convene such a conference. However, the loss of life and injuries on both sides during the intifadah compelled consideration of fundamental questions beyond procedural matters.

The time was right for the Council to commit itself to a thorough review of the situation in order to adopt a pragmatic approach, taking into account the concerns and security interests of all parties. The Secretary-General stressed that, with the full support of the Council and the co-operation of the major Powers, progress could be made towards a just and lasting peace. The protracted and explosive nature of the Arab-Israeli conflict made urgent concentrated efforts necessary. The growth of extremism and the alarming proliferation of weapons in the area constituted trends that had to be reversed if disaster was to be averted.

The Secretary-General believed that the recent session of PNC had generated a new momentum in the diplomatic process and offered fresh opportunities for progress. Every gesture towards peace should be nurtured to overcome the deep mistrust felt on all sides. Concluding, he reiterated the fundamental importance of devising a negotiating process that could secure the interests of both Israelis and Arabs and enable them to live in peace with each other.

In an October 1988 report with a later addendum,<sup>(5)</sup> the Secretary-General submitted replies from nine Member States to his request for information on steps taken to implement three 1987 Assembly resolutions on the Middle East situation. By two of those resolutions,<sup>(6)</sup> the Assembly had called on States to adopt a number of measures concerning relations with Israel and had called on States concerned to abide by the relevant Assembly resolutions. By the third,<sup>(7)</sup> it had requested the Secretary-General to continue his efforts for the convening of a peace conference and to apprise the Assembly of his consultations (see below).

### GENERAL ASSEMBLY ACTION

On 6 December 1988, the General Assembly adopted resolution 43/54 A by recorded vote.

The General Assembly,

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

Reaffirming its resolutions 36/226 A and B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 F of 20 December 1982, 38/58 A to E of 13 December 1983, 38/180 A to D of 19 December 1983, 39/146 A to C of 14 December 1984, 40/168 A to C of 16 December 1985, 41/162 A to C of 4 December 1986 and 42/209 A to D of 11 December 1987,

Recalling Security Council resolutions 425(1978) of 19 March 1978, 497(1981) of 17 December 1981, 508(1982) of 5 June 1982, 509(1982) of 6 June 1982, 511(1982) of 18 June 1982, 512(1982) of 19 June 1982, 513(1982) of 4 July 1982, 515(1982) of 29 July 1982, 516(1982) of 1 August 1982, 517(1982) of 4 August 1982, 518(1982) of 12 August 1982, 519(1982) of 17 August 1982, 520(1982) of 17 September 1982, 521(1982) of 19 September 1982 and 555(1984) of 12 October 1984 and other relevant resolutions,

Taking note of the reports of the Secretary-General of 31 March 1988, 30 September 1988, 11 October 1988, and 28 November 1988,

Reaffirming the need for continued collective support for the decisions adopted by the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, which were confirmed by subsequent Arab summit conferences, including the Arab Summit Conference held at Algiers from 7 to 9 June 1988, reiterating its previous resolutions on the question of Palestine and its support for the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people, and considering that the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, in accordance with General Assembly resolution 38/58 C and other relevant resolutions related to the question of Palestine, would contribute to the promotion of peace in the region,

Welcoming all efforts contributing towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East, in accordance with the United Nations resolutions relating to the question of Palestine and to the situation in the Middle East,

Welcoming the world-wide support extended to the just cause of the Palestinian people and the other Arab countries in their struggle against Israeli aggression and occupation in order to achieve a comprehensive, just and lasting peace in the Middle East and the full exercise by the Palestinian people of its inalienable national rights, as affirmed by previous resolutions of the General Assembly on the question of Palestine and on the situation in the Middle East,

Gravely concerned that the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories still remain under Israeli occupation, that the relevant resolutions of the United Nations have not been implemented and that the Palestinian people is still denied the restoration of its land and the exercise of its inalienable national rights in conformity with international law, as reaffirmed by resolutions of the United Nations,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

Reaffirming also all relevant United Nations resolutions which stipulate that the acquisition of territory by force is inadmissible under the Charter of the United Nations and the principles of international law and that Israel must withdraw unconditionally from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

Reaffirming further the imperative necessity of establishing a comprehensive, just and lasting peace in the region, based on full respect for the Charter and the principles of international law,

Gravely concerned also at the continuing Israeli policies involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security,

Stressing once again the great importance of the time factor in the endeavours to achieve an early comprehensive, just and lasting peace in the Middle East,

1. Reaffirms its conviction that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories;

2. Reaffirms further that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization, the representative of the Palestinian people;

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine, in particular General Assembly resolutions ES-7/2 of 29 July 1980, 36/120 A to F of 10 December 1981, 37/86 A to D of 10 December 1982, 37/86 E of 20 December 1982, 38/58 A to E of 13 December 1983, 39/49 A to D of 11 December 1984, 40/96 A to D of 12 December 1985, 41/43 A to D of 2 December 1986 and 42/66 A to D of 2 December 1987;

4. Considers the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, on 25 November 1981 and from 6 to 9 September 1982, and reiterated by the Extraordinary Summit Conference of the Arab States, held at Casablanca, Morocco, from 7 to 9 August 1985, as well as relevant efforts and action to implement the Fez plan, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East;

5. Condemns Israel's continued occupation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, in violation of the Charter of the United Nations, the principles of international law and the relevant resolutions of the United Nations, and demands the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967;

6. Rejects all agreements and arrangements which violate the inalienable rights of the Palestinian people and contradict the principles of a just and comprehensive solution to the Middle East problem to ensure the establishment of a just peace in the area;

7. Deplores Israel's failure to comply with Security Council resolutions 476(1980) of 30 June 1980 and 478(1980) of 20 August 1980 and General Assembly resolutions 35/207 of 16 December 1980 and 36/226 A and B of 17 December 1981; determines that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character,

demographic composition, institutional structure and status are null and void and demands that they be rescinded immediately; and calls upon all Member States, the specialized agencies and all other international organizations to abide by the present resolution and all other relevant resolutions and decisions;

8. Condemns Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territory and outside this territory including expropriation, establishment of settlements, annexation and other terrorist, aggressive and repressive measures, which are in violation of the Charter and the principles of international law and the relevant international conventions;

9. Strongly condemns the imposition by Israel of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, the diversion of water resources and the imposition of Israeli citizenship on Syrian nationals, and declares that all these measures are null and void and constitute a violation of the rules and principles of international law relative to belligerent occupation, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

10. Considers that the agreements on strategic co-operation between the United States of America and Israel, signed on 30 November 1981, and the continued supply of modern arms and matériel to Israel, augmented by substantial economic aid, including the Agreement on the Establishment of a Free Trade Area between the two Governments, have encouraged Israel to pursue its aggressive and expansionist policies and practices in the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and have had adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and pose a threat to the security of the region;

11. Calls once more upon all States to put an end to the flow to Israel of any military, economic, financial and technological aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;

12. Strongly condemns the continuing and increasing collaboration between Israel and the racist régime of South Africa, especially in the economic, military and nuclear fields, which constitutes a hostile act against the African and Arab States and enables Israel to enhance its nuclear capabilities, thus subjecting the States of the region to nuclear blackmail;

13. Reaffirms its call for convening the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of the five permanent members of the Security Council and all parties to the conflict, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, on an equal footing, and that the Conference should be effective with full authority, in order to achieve a comprehensive and just solution based on the withdrawal of Israel from the occupied Palestinian territory, including Jerusalem, and the other occupied Arab territories, and the attainment of the inalienable rights of the Palestinian people in accordance with United Nations resolutions relevant to the question of Palestine and the situation in the Middle East;

14. Endorses the call for setting up a preparatory committee, within the framework of the Security

Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference;

15. Requests the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its forty-fourth session a comprehensive report covering the developments in the Middle East in all their aspects.

General Assembly resolution 43/54 A

6 December 1988 Meeting 71 103-18-30 (recorded vote)

20-nation draft (A/43/L.44 & Add.1): agenda item 40.

Sponsors: Bahrain, Bangladesh, Cuba, Djibouti, Indonesia, Iraq, Kuwait, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Tunisia, United Arab Emirates, Yemen, Yugoslavia, Zimbabwe.

Meeting numbers. GA 43rd session: plenary 68-71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

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

Abstaining: Antigua and Barbuda, Austria, Bahamas, Barbados, Belize, Burma, Cameroon, Chile, Côte d'Ivoire, Fiji, Finland, Grenada, Haiti, Honduras, Jamaica, Japan, Liberia, Malawi, Malta, Panama, Papua New Guinea, Paraguay, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Spain, Sweden, Uruguay, Zaire.

### Proposed peace conference under UN auspices

Throughout 1988, the evolving intifadah and its blood toll on both the Arab and the Israeli sides underscored the urgency of resolving the political impasse through the convening of an international peace conference on the Middle East.

Reports of the Secretary-General. Pursuant to a 1987 request by the Security Council,<sup>(8)</sup> the Secretary-General, in a January 1988 report<sup>(9)</sup> to the Council on the situation in the occupied territories (see below, under "Territories occupied by Israel"), stated that the underlying problem in the Middle East could be resolved only through a political settlement responsive both to the Palestinian population's refusal to accept a future under Israeli occupation and to Israel's determination to ensure its security and the well-being of its people. Such a settlement should be based on Council resolutions of 1967<sup>(10)</sup> and 1973<sup>(11)</sup> and should take fully into account the legitimate rights of the Palestinian people, including self-determination. It should be negotiated by means of an international conference under United Nations auspices, with the participation of all the parties concerned.

Each side must put aside resentment and understand better the legitimate interests of the other. The Secretary-General believed that an urgent effort was required by the international community, led by the Council, to promote an effective negotiating process, as required by the Charter of the United Nations.

In response to its 1987 request,<sup>(12)</sup> the Secretary-General reported in March 1988<sup>(13)</sup> to the Assembly on the outcome of his contacts with the Council President regarding the status of consultations on an international peace conference. The President stated that the Council members were deeply concerned at the lack of substantive progress in solving the Middle East crisis, one of the most serious sources of instability in the world. They were convinced that the latest developments, particularly in the occupied territories, called for urgent action, and all members agreed that it was desirable to convene an international conference. Almost all declared support for an early convening of a substantive conference under United Nations auspices, with the participation of all parties concerned and of the five permanent Council members. They expressed readiness to help overcome remaining obstacles, and most members reiterated support for the 1983 Assembly resolution outlining the basis for the conference,<sup>(14)</sup> stressing that PLO should have the status of a full-fledged participant. One Council member, however, was of the opinion that no progress was possible on the basis of the 1983 resolution. A peace initiative currently under way would involve an international conference convened by the Secretary-General and would include permanent Council members, as well as Israel and interested Arab neighbours. Such a conference should bring about prompt and direct negotiations between those neighbours and Israel and should not have the right to veto the results of direct negotiations or to impose solutions.

In statements of concerned parties, submitted in response to a note verbale of the Secretary-General of 9 March and contained in the report, Egypt and Jordan supported the conference's convening, while Israel continued to object, favouring instead direct negotiations with its neighbours. Lebanon approved in principle but did not consider that the situation of its own case should be linked to the solution of the Middle East question; Israel's occupation should be dealt with from the angle of implementing the will of the international community, including Israel's withdrawal from Lebanese territory. The Syrian Arab Republic supported an international conference provided that Israel withdrew from all occupied Arab territories and that the inalienable rights of the Palestinian people were guaranteed. PLO reaffirmed its support of such a conference with its participation as the sole legitimate representative of the

Palestinian people, and with a view to realizing their national rights.

In accordance with another Assembly request of 1987,<sup>(7)</sup> the Secretary-General, in September 1988,<sup>(15)</sup> again reported on his contacts with the Council President regarding the proposed conference. The President indicated that, due to the situation in the occupied territories and a lack of true progress towards a solution, the Council members were more convinced than ever of the need for urgent action with a view to a comprehensive settlement of the Palestinian problem. Again, all members believed it was desirable to hold a conference and invited the Secretary-General to pursue efforts in that regard. Almost all favoured an early convening of a substantive conference under United Nations auspices, and most of them reaffirmed their support for conducting the conference based on the 1983 Assembly resolution,<sup>(14)</sup> stressing PLO's full-fledged participation. In addition, pending a settlement based on those objectives, some members requested interim measures for the occupied territories, such as establishing a provisional United Nations administration. One member, in contrast, considered the 1983 resolution<sup>(14)</sup> as one-sided, unbalanced and not conducive to a negotiated settlement.

Updating earlier stated positions of concerned parties, the Secretary-General said Israel continued to advocate direct negotiations with its neighbours rather than an international conference, adding that the parties directly involved in the Arab-Israeli dispute bore primary responsibility for structuring the negotiating forum and for determining its agenda and procedure. PLO maintained that it was incumbent on the United Nations to assume administrative responsibility for the occupied territories concurrently with cessation of Israeli occupation and withdrawal of its troops and, thereafter, for a transitional period pending establishment of a sovereign and independent Palestinian State. Such a step would contribute towards the convening of a conference and the achievement of peace.

In both his March<sup>(13)</sup> and September<sup>(15)</sup> reports, the Secretary-General concluded that the necessary agreement did not exist for the convening of an international conference. Though all Security Council members believed it desirable to do so and the replies of States indicated agreement on an international framework for the negotiation of a settlement, deep differences remained about the nature of the framework, its powers, the basis on which it would be convened and about who should participate.

According to the Secretary-General, the violence and suffering in the territories underlined the need for progress on the diplomatic front. The continuing occupation was not acceptable to the inhabitants and would not become so. It was

necessary therefore to find a political solution that satisfied both the legitimate political rights of the Palestinian people and the right of Israel to live in peace within secure recognized boundaries. There was urgent need to establish a process acceptable to all for negotiating a just, lasting and comprehensive settlement.

In February 1988, the Secretary-General circulated in the Security Council<sup>(16)</sup> relevant paragraphs of an Assembly resolution of 2 December 1987<sup>(17)</sup> and another of 11 December 1987,<sup>(1)</sup> reaffirming the call for convening the conference and for setting up a preparatory committee, and requesting the Secretary-General to continue his efforts in that regard, in consultation with the Council.

Action by the Committee on Palestinian rights. In its annual report to the General Assembly,<sup>(18)</sup> the Committee on Palestinian rights stated its decision to exert all efforts to promote the early convening of an international peace conference on the Middle East, while urging understanding and further co-operation of all concerned for the resolution of a problem fundamentally important to international peace and security. Citing the grave situation in the occupied territories, the Committee decided to give priority to ensuring the safety and protection of Palestinians under Israeli occupation, in accordance with the 1949 Geneva Conventions. It was strengthened in its resolve by the overwhelming consensus of the international community in favour of a negotiated settlement through a conference.

The Committee, however, noted with regret the Secretary-General's conclusion that sufficient agreement did not exist to permit convening the conference. It was of the view that the uprising in the occupied territories and the repressive policies and practices of Israel there, as well as its violations of the sovereignty and territorial integrity of countries in the area, had created a critical situation making it imperative to advance towards a comprehensive, just and lasting settlement of the Palestinian question.

At the same time, events during the year had brought about greatly increased support for the proposed conference. The Committee accordingly stressed the need for members of the Security Council, and others who had not shown willingness to co-operate, to reconsider their positions.

#### GENERAL ASSEMBLY ACTION

On 15 December 1988, the General Assembly adopted resolution 43/176 by roll-call vote.

#### Question of Palestine

The General Assembly,  
Having considered the reports of the Secretary-General of 31 March 1988 and 30 September 1988,

Having noted with appreciation the statement made on 13 December 1988 by the Chairman of the Palestine Liberation Organization,

Stressing that achieving peace in the Middle East would constitute a significant contribution to international peace and security.

Aware of the overwhelming support for the convening of the International Peace Conference on the Middle East,

Noting with appreciation the endeavours of the Secretary-General to achieve the convening of the Conference,

Welcoming the outcome of the nineteenth Extraordinary Session of the Palestine National Council as a positive contribution towards a peaceful settlement of the conflict in the region,

Aware of the ongoing uprising (intifadah) of the Palestinian people since 9 December 1987, aimed at ending Israeli occupation of Palestinian territory occupied since 1967,

1. Affirms the urgent need to achieve a just and comprehensive settlement of the Arab-Israeli conflict, the core of which is the question of Palestine;

2. Calls for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Security Council resolutions 242(1967) of 22 November 1967 and 338(1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination;

3. Affirms the following principles for the achievement of comprehensive peace:

(a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories;

(b) Guaranteeing arrangements for security of all States in the region, including those named in 'resolution 181(II) of 29 November 1947, within secure and internationally recognized boundaries;

(c) Resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194(III) of 11 December 1948, and subsequent relevant resolutions;

(d) Dismantling the Israeli settlements in the territories occupied since 1967;

(e) Guaranteeing freedom of access to Holy Places, religious buildings and sites;

4. Notes the expressed desire and endeavours to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a limited period, as part of the peace process;

5. Requests the Security Council to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee, and to consider guarantees for security measures agreed upon by the Conference for all States in the region;

6. Requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, to facilitate the convening of the Conference, and to submit progress reports on developments in this matter.

General Assembly resolution 43/176

15 December 1988 Meeting 82 138-2-2 (roll-call vote)

30-nation draft (A/43/L.53 & Add.1); agenda item 37.

Sponsors: Afghanistan, Angola, Bangladesh, Bulgaria, Burkina Faso, Cuba, Cyprus, Djibouti, Egypt, German Democratic Republic, Hungary, India, Indonesia, Jordan, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Malta, Morocco, Pakistan, Senegal, Sri Lanka, Sudan, Ukrainian SSR, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zambia.

Meeting numbers. GA 43rd session: plenary 71, 77-82.

Roll-call vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Canada, Costa Rica.

### UN Truce Supervision Organization

In November 1988,<sup>(2)</sup> the Secretary-General provided an overview of the activities of the three peace-keeping operations in the Middle East: two peace-keeping forces-the United Nations Disengagement Observer Force (UNDOF) (see below, under "Israel and the Syrian Arab Republic") and the United Nations Interim Force in Lebanon (UNIFIL) (see below, under "Lebanon")-and one observer mission, the United Nations Truce Supervision Organization (UNTSO). Apart from assisting UNDOF and UNIFIL, UNTSO maintained observer groups of its own-the Observer Group in Beirut, which was established by the Security Council in August 1982 following the occupation of West Beirut by Israeli troops, with a reduced strength by 1988 of 14 observers following the withdrawal of Israeli forces from the Beirut area in September 1983; and the Observer Group in Egypt, where with the Government's agreement some 50 observers had remained since 1979 when the second United Nations Emergency Force was withdrawn. In addition to liaison offices at Cairo and Ismailia, the Observer Group in Egypt maintained six observation posts in the Sinai. A major incident during 1988 was the abduction in February of Lieutenant-Colonel William Higgins, the Chief of the Observer Group Lebanon, an unarmed military group of UNTSO assigned to assist UNIFIL (see also below, under "Lebanon").

### REFERENCES

- <sup>(1)</sup>YUN 1987, GA res. 42/209 B, 11 Dec. 1987.  
<sup>(2)</sup>A/43/867-20294. <sup>(3)</sup>A/43/407-S/19938. <sup>(4)</sup>A/43/827-S/20278. <sup>(5)</sup>A/43/683 & Add.1 <sup>(6)</sup>YUN 1987, pp. 319 & 269, GA. res. 42/209 C & D, 11 Dec. 1987 <sup>(7)</sup>Ibid., p. 261, GA

res. 42/209 A, 11 Dec. 1987. <sup>(8)</sup>Ibid., p. 305, SC res. 605(1987), 22 Dec. 1987. <sup>(9)</sup>S/19443. <sup>(10)</sup>YUN 1967, P. 257, SC res. 242(1967), 22 Nov. 1967. <sup>(11)</sup>YUN 1973, p. 213, SC res. 338(1973), 22 Oct. 1973. <sup>(12)</sup>YUN 1987, p. 260, GA res. 42/66 D, 2 Dec. 1987. <sup>(13)</sup>A/43/272-S/19719. <sup>(14)</sup>YUN 1983, p. 278, GA res. 38/58 C, 13 Dec. 1983. <sup>(15)</sup>A/43/691-S/20219. <sup>(16)</sup>S/19536, S/19536. <sup>(17)</sup>YUN 1987, p. 265, GA res. 42/66 A, 2 Dec. 1987. <sup>(18)</sup>A/43/35.

### Palestine question

The question of Palestine remained at the core of an intensifying Arab-Israeli conflict which brought with it an escalating uprising of the Palestinian people against Israeli occupation in the West Bank, Gaza Strip and East Jerusalem. The uprising, which had begun on 9 December 1987<sup>(1)</sup> and was known in Arabic as intifadah, served tragically to focus international attention on the area and the underlying political context as a whole, while greatly increasing awareness of the need to resolve the Palestine question. The intifadah was supported by the Seventeenth Islamic Conference of Foreign Ministers at its Session of Islamic Solidarity with the Uprising of the Palestinian People (Amman, Jordan, 21-25 March),<sup>(2)</sup> and the Arab Summit Conference (Algiers, 7-9 June).<sup>(3)</sup>

A large number of States, human rights agencies and United Nations bodies, including the Committee on Palestinian rights,<sup>(4)</sup> reported instances of Palestinian armed struggle and Israeli counteractions throughout 1988. Measures by Israel against Palestinians included military force-in addition to administrative and judicial policies authorizing the use of force against civilians-detentions and expulsions.

The nineteenth extraordinary session of PNC (Algiers, 12-15 November)(j) culminated in the proclamation of an independent State of Palestine in the land of Palestine, with Jerusalem as its capital. PNC decided to provide all means and possibilities for the intensification of the uprising, with a view to ensuring its continuation and escalation. It invited the United Nations to place the occupied Palestinian territories under international supervision to protect their population and terminate Israeli occupation. It affirmed the determination of PLO to reach a comprehensive political settlement of the question of Palestine within the framework of the Charter and the rules of international law. PNC insisted on: the need to convene an effective international conference that should guarantee the Palestinians' right to self-determination; Israel's withdrawal from all Palestinian and Arab territories; cancellation of all measures of attachment and annexation; and removal of Israeli settlements. It renewed its commitment to United Nations resolutions and once again rejected terrorism in all forms, including State terrorism.

Numerous States endorsed PNC's proclamation and recognized the new State in communications to the Secretary-General, which were transmitted to the Assembly.

Israel commented on 21 November<sup>(6)</sup> that no unilateral step could substitute for a negotiated settlement. Hence, any recognition or legitimization of the PNC declaration would only reinforce an illusion that the outcome of desired negotiations could be prejudged by unilateral acts or declarations. PLO had not changed its basic character, policy or adherence to terrorism; peace between Israel and its neighbours would be reached solely by negotiation and those assisting PLO only helped prevent regional peace.

Although invited to participate in deliberations on the Palestine question when it came before the General Assembly on 1 December, PLO Chairman Yasser Arafat was denied an entry visa by the United States, the host country of United Nations Headquarters in New York. The Assembly, deploring the failure of the host country to approve the requested visa, urged the United States by resolution 43/48 to reverse that decision. In the light of the United States failure to respond favourably, the Assembly, by resolution 43/49, decided to consider the question of Palestine in plenary at Geneva, from 13 to 15 December (see PART FIVE, Chapter V).

The Assembly acknowledged the proclamation by PNC of the State of Palestine and decided that the designation "Palestine" would forthwith be used in place of "Palestine Liberation Organization" in the United Nations system (resolution 43/177). After considering the 1988 recommendations of the Committee on Palestinian rights,<sup>(4)</sup> the Assembly again drew the Security Council's attention to the fact that action was still awaited on the Committee's original 1976 recommendations<sup>(7)</sup> for resolving the Palestinian problem (43/175 A); requested resources and co-operation to enable the Division for Palestinian Rights of the Secretariat to perform its tasks (43/175 B); and asked that the Department of Public Information (DPI) continue its special information programme on Palestine (43/175 C). The Assembly again determined that Israel's 1980 decision<sup>(8)</sup> to impose jurisdiction over Jerusalem was illegal (43/54 C).

Both the Economic and Social Council (1988/154) and the Assembly (43/178) regretted that the Organization's 1988-1990 programme of economic and social assistance to the Palestinian people had not been developed as requested by the Assembly in 1987.<sup>(9)</sup> Therefore, both organs requested that the United Nations Centre for Human Settlements (Habitat) be charged with future development of the programme, in co-operation with PLO, and decided to extend to occupied Palestine the same preferential treatment accorded to the least devel-

oped countries (LDCs), calling for the granting of trade concessions for Palestinian exports based on certificates of origin issued by Palestinian bodies designated by PLO.

#### GENERAL ASSEMBLY ACTION

On 15 December 1988, the General Assembly adopted resolution 43/177 by roll-call vote.

#### Question of Palestine

The General Assembly,

Having considered the item entitled "Question of Palestine",

Recalling its resolution 181(II) of 29 November 1947, in which, *inter alia*, it called for the establishment of an Arab State and a Jewish State in Palestine,

Mindful of the special responsibility of the United Nations to achieve a just solution to the question of Palestine,

Aware of the proclamation of the State of Palestine by the Palestine National Council in line with General Assembly resolution 181(II) and in exercise of the inalienable rights of the Palestinian people,

Affirming the urgent need to achieve a just and comprehensive settlement in the Middle East which, *inter alia*, provides for peaceful coexistence for all States in the region,

Recalling its resolution 3237(XXIX) of 22 November 1974 on the observer status for the Palestine Liberation Organization and subsequent relevant resolutions,

1. Acknowledges the proclamation of the State of Palestine by the Palestine National Council on 15 November 1988;

2. Affirms the need to enable the Palestinian people to exercise their sovereignty over their territory occupied since 1967;

3. Decides that, effective as of 15 December 1988, the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization" in the United Nations system, without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system, in conformity with relevant United Nations resolutions and practice;

4. Requests the Secretary-General to take the necessary action to implement the present resolution.

General Assembly resolution 43/177

15 December 1988 Meeting 82 104-2-36 (roll-call vote)

29-nation draft (A/43/L.54 & Add.1): agenda item 37.

Sponsors: Afghanistan, Angola, Bangladesh, Bulgaria, Cuba, Cyprus, Djibouti, Egypt, German Democratic Republic, India, Indonesia, Jordan, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Malta, Mongolia, Morocco, Pakistan, Senegal, Sri Lanka, Sudan, Ukrainian SSR, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zambia.

Meeting numbers. GA 43rd session: plenary 71, 77-82.

Roll-call vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cape Verde, Chad, China, Colombia, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.



Abstaining: Antigua and Barbuda, Australia, Austria, Bahamas, Barbados, Belgium, Bhutan, Canada, Central African Republic, Costa Rica, Côte d'Ivoire, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Italy, Japan, Lesotho, Liberia, Luxembourg, Malawi, Nepal, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Trinidad and Tobago, United Kingdom, Uruguay, Venezuela, Zaire

Activities of the Committee on Palestinian rights. In its October 1988 report to the General Assembly,<sup>(4)</sup> the Committee on Palestinian rights established in 1975<sup>(10)</sup> stressed that, since its first report in 1976,<sup>(7)</sup> it had made a number of annual recommendations, which the Assembly had as a basis for the resolution of the Palestinian question. However, despite the increasing urgency of its appeals, the Security Council had not acted on or implemented those recommendations. The Committee remained convinced that positive Council action would advance prospects for attaining a comprehensive, just and lasting solution.

The Committee's efforts to promote such a solution acquired particular urgency in the light of the grave deterioration of the situation in the territories. Despite the international outcry over repeated violations of human rights there and the adoption of several Council resolutions requesting the occupying Power to abide by relevant international instruments and United Nations resolutions, Israel continued to resort to military force against the Palestinians resisting occupation, and to engage in armed attacks against the integrity and sovereignty of countries in the region. The Committee expressed greatest concern at the mounting casualties and suffering inflicted on Palestinian civilians and warned that Israel's intransigence would further exacerbate the situation, jeopardize international efforts towards a just and lasting settlement, and further endanger international peace and security. It reasserted that no solution could be achieved as long as the Palestinian people was denied its inalienable rights, including those to self-determination, national independence and sovereignty, to return to homes and property, and to establish an independent and sovereign State.

Accordingly, the Committee repeatedly appealed to the Security Council to take appropriate action to secure United Nations objectives, and again accorded priority to the convening of the proposed international peace conference on the Middle East in conformity with the 1983 Assembly resolution.<sup>(11)</sup> In that respect, it stressed the urgent need for additional concrete and constructive efforts by all Governments.

The Committee continued monitoring developments relating to Palestine and exerted efforts to promote implementation of its recommendations. On an ongoing basis, it gathered information from the media, Governments and reports of missions, individuals, experts and eyewitnesses, which indicated a serious deterioration of the situation.

Among its 1988 recommendations, the Committee reaffirmed the need for positive action by the Security Council on its original recommendations<sup>(7)</sup> and those adopted by the 1983 International Conference on the Question of Palestine.<sup>(12)</sup> It reasserted that Israeli evacuation of the territories occupied by force and in violation of the Charter and United Nations resolutions was a *conditio sine qua non* for the exercise by the Palestinian people of its inalienable rights and the establishment of an independent Arab State in Palestine as envisaged in a 1947 resolution,<sup>(13)</sup> which had been implemented only in part. The Committee was further convinced that the United Nations and the international community as a whole must urgently intensify their efforts to bring this about. It considered it imperative for the Security Council to act towards convening an international peace conference in accordance with 1983<sup>(11)</sup> and 1986<sup>(14)</sup> resolutions, and appealed to the Secretary-General to ensure that active consultations were undertaken within the Council's framework for that purpose.

The Committee called on the international community, in particular on the parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (fourth Geneva Convention), to do all in their power to ensure respect for the Convention by Israel. It called on the Security Council to appeal to those parties that had diplomatic relations with Israel to ensure respect for the instrument under all circumstances and to urge Israel to abide by its provisions.

Annexed to the Committee's report were the conclusions and recommendations of symposia and seminars held in 1988 on the question of Palestine, organized by the Division for Palestinian Rights: the nineteenth and twentieth United Nations seminars (European regional seminar, Berlin, 25-29 April; and North American regional seminar, New York, 27 and 28 June); followed by the United Nations North American regional NGO symposium (New York, 29 June-1 July), the United Nations European regional NGO symposium (Geneva, 29 and 30 August) and the international NGO meeting (Geneva, 31 August-2 September).

#### GENERAL ASSEMBLY ACTION

Following consideration of the report of the Committee on Palestinian rights, the General Assembly adopted, on 15 December 1988, three resolutions on the question of Palestine (resolutions 3/175 A-C).

Resolution 43/175 A was adopted by roll-call vote.

The General Assembly,

Recalling its resolutions 181(II) of 29 November 1947, 194(III) of 11 December 1948, 3236(XXIX) of 22 November 1974, 3375(XXX) and 3376(XXX) of 10 November 1975, 31/20 of 24 November 1976, 32/40 of 2 December 1977, 33/28 of 7 December 1978, 34/65 A

and B of 29 November 1979 and 34/65 C and D of 12 December 1979, ES-7/2 of 29 July 1980, 35/169 of 15 December 1980, 36/120 of 10 December 1981, ES-7/4 of 28 April 1982, ES-7/5 of 26 June 1982, ES-7/9 of 24 September 1982, 37/86 A of 10 December 1982, 38/58 A of 13 December 1983, 39/49 A of 11 December 1984, 40/96 A of 12 December 1985, 41/43 A of 2 December 1986 and 42/66 A of 2 December 1987,

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

1. Expresses its appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its efforts in performing the tasks assigned to it by the General Assembly;

2. Endorses the recommendations of the Committee contained in paragraphs 141 to 148 of its report and draws the attention of the Security Council to the fact that action on the Committee's recommendations, as repeatedly endorsed by the General Assembly at its thirty-first session and subsequently, is still awaited;

3. Requests the Committee to continue to keep under review the situation relating to the question of Palestine as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights and to report and make suggestions to the General Assembly or the Security Council, as appropriate;

4. Authorizes the Committee to continue to exert all efforts to promote the implementation of its recommendations, including representation at conferences and meetings and the sending of delegations, to make such adjustments in its approved programme of seminars and symposia and meetings for non-governmental organizations as it may consider necessary, and to report thereon to the General Assembly at its forty-fourth session and thereafter;

5. Requests the Committee to continue to extend its co-operation to non-governmental organizations in their contribution towards heightening international awareness of the facts relating to the question of Palestine and creating a more favourable atmosphere for the full implementation of the Committee's recommendations, and to take the necessary steps to expand its contacts with those organizations;

6. Requests the United Nations Conciliation Commission for Palestine, established under General Assembly resolution 194(III), as well as other United Nations bodies associated with the question of Palestine, to co-operate fully with the Committee and to make available to it, at its request, the relevant information and documentation which they have at their disposal;

7. Decides to circulate the report of the Committee to all the competent bodies of the United Nations and urges them to take the necessary action, as appropriate, in accordance with the Committee's programme of implementation;

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

General Assembly resolution 43/175 A

15 December 1988 Meeting 92 123-2-20 (roll-call vote)

16-nation draft (A/43/L.50 & Corr.1 & Add.1); agenda item 37.

Sponsors: Afghanistan, Cuba, Cyprus, German Democratic Republic, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Pakistan, Senegal, Ukrainian SSR, Vanuatu, Yugoslavia, Zambia.

Meeting numbers. GA 43rd session: plenary 71, 77-82.

Roll-call vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Malta, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom.

The Assembly also adopted resolution 43/175 B by roll-call vote.

The General Assembly,

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

Taking note, in particular, of the relevant information contained in paragraphs 96 to 128 of that report,

Recalling its resolutions 32/40 B of 2 December 1977, 33/28 C of 7 December 1978, 34/65 D of 12 December 1979, 35/169 D of 15 December 1980, 36/120 B of 10 December 1981, 37/86 B of 10 December 1982, 38/58 B of 13 December 1983, 39/49 B of 11 December 1984, 40/96 B of 12 December 1985, 41/43 B of 2 December 1986 and 42/66 B of 2 December 1987,

Recalling that 1989 is the thirtieth anniversary of the Declaration of the Rights of the Child and the tenth anniversary of the International Year of the Child,

1. Takes note with appreciation of the action taken by the Secretary-General in compliance with General Assembly resolution 42/66 B;

2. Requests the Secretary-General to provide the Division for Palestinian Rights of the Secretariat with the necessary resources and to ensure that it continues to discharge the tasks detailed in paragraph 1 of General Assembly resolution 32/40 B, paragraph 2 (b) of resolution 34/65 D, paragraph 3 of resolution 36/120 B, paragraph 3 of resolution 38/58 B, paragraph 3 of resolution 40/96 B and paragraph 2 of resolution 42/66 B, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People and under its guidance;

3. Also requests the Secretary-General to direct the Division for Palestinian Rights to pay particular attention to the plight of Palestinian children in the occupied Palestinian territories in its programme of work for 1989;

4. Further requests the Secretary-General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Division for Palestinian Rights to perform its tasks and in covering adequately the various aspects of the question of Palestine;

5. Invites all Governments and organizations to lend their co-operation to the Committee on the Exercise of

the Inalienable Rights of the Palestinian People and the Division for Palestinian Rights in the performance of their tasks;

6. Takes note with appreciation of the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People, and of the issuance by them of special postage stamps for the occasion.

General Assembly resolution 43/175 B

15 December 1988 Meeting 82 123-2-20 (roll-call vote)

16-nation draft (A/43/L.51 & Corr.1 & Add.1); agenda item 37.

Sponsors: Afghanistan, Cuba, Cyprus, German Democratic Republic, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Pakistan, Senegal, Ukrainian SSR, Vanuatu, Yugoslavia, Zambia.

Meeting numbers. GA 43rd session: plenary 71, 77-82.

Roll-call vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom.

In related action, the Assembly, reaffirming the importance of implementing the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>(15)</sup> urged States, the United Nations system and international organizations to support the Palestinian people through PLO in its struggle for self-determination and independence in accordance with the Charter (resolution 43/106).

#### Public information activities

The Committee on Palestinian rights<sup>(4)</sup> followed up on the implementation of a 1987 General Assembly request<sup>(16)</sup> that DPI continue in 1988-1989 its special information programme on the question of Palestine, with particular emphasis on public opinion in Europe and North America.

DPI accordingly disseminated press releases, publications and audio-visual material, in addition to organizing fact-finding missions and regional and national encounters for journalists. Its coverage of the Palestine question focused increasingly on news items and information concerning the situation in the occupied territories in relation to the uprising, and on efforts to convene an international peace conference under United

Nations auspices. United Nations information centres (UNICs) throughout the world organized information activities and made available to the public United Nations information materials on the question of Palestine.

The UN Chronicle reported extensively on consideration given to the Palestine question by the Assembly and the Security Council, particularly since the beginning of the uprising. DPI continued to distribute in Arabic, English, French, German and Spanish a brochure on the Committee on Israeli practices as well as the booklet *The United Nations and the Question of Palestine*. The Arabic and Middle East Radio Unit provided broad coverage of the intifadah in its weekly programmes and telephone feeds to radio stations of the region. United Nations activities and events, including observance of 30 November 1988 as the International Day of Solidarity with the Palestinian People, received broad coverage. Two feature programmes in the Perspective series dealt with new initiatives to convene the proposed peace conference. A 22-minute film, *Palestinian Portraits*, was produced in English and widely screened and loaned out by 34 UNICs and film libraries of the United Nations Development Programme (UNDP). DPI prepared 241 television news packages for worldwide dissemination and provided delegations with video-cassette dubs and excerpts on subjects related to the question.

DPI once again organized activities to acquaint the media with facts and developments pertaining to the Palestine question. A team of 10 high-level journalists participated in a news mission to the Middle East, visiting Egypt, Jordan, the Syrian Arab Republic and Tunisia between 13 March and 2 April. It organized two regional encounters for journalists: the first (Nairobi, Kenya, 2-5 February) was attended by 18 journalists from Africa and the second (Vienna, 17-20 May) by 20 journalists from Europe. In addition, African national journalists encounters were held at Kinshasa (Zaire), Dar-es-Salaam (United Republic of Tanzania) and Addis Ababa (Ethiopia) between 29 January and 8 February. National encounters for Europe were held between 16 and 25 May at Madrid (Spain), Brussels (Belgium) and Stockholm (Sweden).

#### GENERAL ASSEMBLY ACTION

On 15 December, the General Assembly adopted resolution 43/175 C by roll-call vote.

The General Assembly,

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

Taking note, in particular, of the information contained in paragraphs 129 to 140 of that report,

Recalling its resolution 42/66 C of 2 December 1987,

Convinced that the world-wide dissemination of accurate and comprehensive information and the role of non-governmental organizations and institutions remain of

vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people to self-determination and to the establishment of an independent sovereign Palestinian State,

1. Takes note with appreciation of the action taken by the Department of Public Information of the Secretariat in compliance with General Assembly resolution 42/66 C;

2. Requests the Department of Public Information, in full co-operation and co-ordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue its special information programme on the question of Palestine in 1989, with particular emphasis on public opinion in Europe and North America and, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine, including reports of the work carried out by the relevant United Nations organs;

(b) To continue to issue and update publications on the various aspects of the question of Palestine, including Israeli violations of the human rights of the Arab inhabitants of the occupied territories as reported by the relevant United Nations organs;

(c) To expand its audio-visual material on the question of Palestine, including the production of special series of radio programmes and television broadcasts;

(d) To organize fact-finding news missions to the area for journalists;

(e) To organize regional and national encounters for journalists.

General Assembly resolution 43/175 C

15 December 1988 Meeting 82 127-2-17 (roll-call vote)

16-nation draft (A/43/L.52 & Corr.1 & Add.1); agenda item 37.

Sponsors: Afghanistan, Cuba, Cyprus, German Democratic Republic, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Pakistan, Senegal, Ukrainian SSR, Vanuatu, Yugoslavia, Zambia.

Meeting numbers. GA 43rd session: plenary 71, 77-82.

Roll-call vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaïre, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Belgium, Canada, Costa Rica, Denmark, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, United Kingdom.

## Jerusalem

The Secretary-General forwarded in October 1988<sup>(17)</sup> replies received from nine States to his notes verbales of 17 February on the implementation of a General Assembly resolution of 1987<sup>(18)</sup> concerning the transfer by some States of their

diplomatic missions to Jerusalem in violation of a Security Council resolution of 1980.<sup>(19)</sup> Since Israel's occupation in 1967 of Arab territories, including Jerusalem,<sup>(20)</sup> the Assembly had repeatedly determined that Israel's decision to annex Jerusalem and declare it the capital of Israel was null and void, as were its actions to alter the physical character, demographic composition, institutional structure and status of the city, and demanded that those measures be rescinded.

### GENERAL ASSEMBLY ACTION

On 6 December 1988, the General Assembly adopted resolution 43/54 C by recorded vote.

The General Assembly,

Recalling its resolutions 36/120 E of 10 December 1981, 37/123 C of 16 December 1982, 38/180 C of 19 December 1983, 39/146 C of 14 December 1984, 40/168 C of 16 December 1985, 41/162 C of 4 December 1986 and 42/209 D of 11 December 1987, in which it determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling Security Council resolution 478(1980) of 20 August 1980, in which the Council, *inter alia*, decided not to recognize the "Basic Law" and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City,

Having considered the report of the Secretary-General of 28 November 1988,

1. Determines that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of Jerusalem is illegal and therefore null and void and has no validity whatsoever;

2. Deplores the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478(1980), and their refusal to comply with the provisions of that resolution;

3. Calls once more upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations;

4. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

General Assembly resolution 43/54 C

6 December 1988 Meeting 71 143-2-7 (recorded vote)

25-nation draft (A/43/L.46 & Add.1); agenda item 40.

Sponsors: Algeria, Bahrain, Bangladesh, Cuba, Democratic Yemen, Djibouti, Egypt, Indonesia, Iraq, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, United Arab Emirates, Tunisia, Yemen, Yugoslavia, Zimbabwe. Meeting numbers. GA 43rd session: plenary 68-71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon,

Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: El Salvador, Israel.

Abstaining: Antigua and Barbuda, Cameroon, Honduras, Liberia, Malawi, Saint Kitts and Nevis, United States.

### Assistance to Palestinians

Under their respective mandates, various organizations of the United Nations system continued to provide assistance in 1988 to the Palestinian people. They responded in particular to the emergency conditions in the occupied territories due to the *intifadah* and repressive Israeli reactions. Notable among them were the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which maintained an extensive programme of education, health and relief services as well as humanitarian assistance to Palestine refugees (see below, under "Palestine refugees"), and UNDP, whose economic and social assistance programme was primarily for the non-refugee population.

As requested by the General Assembly in 1987,<sup>(9)</sup> the Secretary-General, in June 1988,<sup>(21)</sup> reported on progress in implementing the programme of economic and social assistance to the Palestinian people in: research, analysis and organization of data; infrastructure; agriculture; industry; employment; education and vocational training; health; social welfare; and human settlements. He also gave an overview of the United Nations response to the *intifadah*-related emergency situation in the territories. In addition to UNDP and UNRWA, the following reported on their implementation and development of the programme: ESCWA, FAO, ILO, ITC, UNCHS, UNCTAD, UNESCO, UNFPA, UNICEF, UNU, UPU, WHO and WIPO.

The Secretary-General recalled that in a January 1988 report to the Security Council,<sup>(22)</sup> he had asked the UNRWA Commissioner-General to prepare urgently proposals for improving the infrastructure of the refugee camps and to seek the necessary funds. In the past, refugees had sometimes expressed reservations about improving the infrastructure for fear that it would make the camps more permanent; the recent disturbances, however, had attracted world attention to the squalid living conditions in many camps, especially in the Gaza Strip.

In February/March, UNRWA prepared a package of projects, which were estimated at \$65 mil-

lion. The package was presented to an informal meeting of major donors and host Governments, immediately followed by a meeting of the UNRWA Advisory Commission. Proposed activities included improvement of sewerage, shelters, road maintenance, upgrading of health and education facilities, a new hospital block and water supply in Gaza, and expansion of vocational training and university scholarship programmes, as well as strengthening income-generating and small development projects. By June, some \$25 million was pledged in cash and kind.

UNRWA also expanded its educational, health and relief programmes to deal with the emergency situation. Additional budget provisions were made to meet hospitalization costs resulting from it. Emergency aid in the form of food, supplies and cash was provided to refugees and to a small number of non-refugees.

Many Palestinians expressed the hope that a concerted international effort would be undertaken to revive the territories' economy. In that context, the Secretary-General requested the UNDP Administrator to study the possibility of expanding the UNDP programme. Pursuant to that request, the Administrator in turn requested the UNDP Governing Council, at its special session in February, urgently to reinforce the programme through an additional allocation of \$4 million from Special Programme Resources, over and above the \$8 million previously allocated for 1987-1991.<sup>(23)</sup> The Council, on 19 February,<sup>(24)</sup> acceded to that request and appealed to Governments and inter-governmental institutions to respond immediately through further voluntary contributions.

At the special session, Japan announced a special contribution of \$1 million, subject to parliamentary approval. Italy indicated that it intended to select certain projects for official consideration for co-funding. The Administrator informed the Council that those and other indications made it appear that substantially increased resources would be available. In consultation with PLO, UNDP sought to attract additional financial support.

In May, UNDP sent a five-day programming and operational review mission to the West Bank and Gaza to discuss the implementation of its programme. The mission concluded that the unrest and demonstrations that characterized the situation there had an inevitable effect on programme delivery. Nevertheless, the programme continued to operate at full strength under the supervision of the UNDP office at Jerusalem, and UNDP continued to plan its activities in consultation with all parties directly concerned, in particular the Palestinian inhabitants. The mission found renewed interest by donor Governments in assistance to the

Palestinians, and agreement was reached on new projects proposed by UNDP.

In an April report,<sup>(25)</sup> the Administrator provided additional financial and programming information on UNDP's assistance to the Palestinians. He stated that, notwithstanding the recent tragic events in the territories, project planning and implementation continued at a satisfactory rate. A revised programme was designed in March to serve as a framework for full utilization of the \$8 million approved for the fourth programming cycle (1987-1991), plus the \$4 million approved in February 1988. Projects under the accrued \$12 million programme were formulated with an eye to the growing possibilities of attracting funds from Governments and non-governmental institutions. A list of 23 projects planned for implementation during the remainder of 1987-1991 was annexed to the report. UNDP reinforced its invitation to other United Nations organizations to utilize the management facilities and programming capacity of its Jerusalem office for projects sponsored by them. WHO, ILO and UNFPA had already launched projects with UNDP assistance, while consultations on possible co-operation were under way with the United Nations Industrial Development Organization (UNIDO).

UNDP's new role would provide a much larger range of project activities, greater emphasis on basic development projects, a structure for easy incorporation of external inputs and greater reliance on local assessment of basic needs. In addition to infrastructure projects already under implementation, UNDP proposed four new projects: a water-purification project in the Gaza Strip (\$400,000); a sewage system for the Nablus area (\$300,000); construction of commercial centres to establish income-generating small businesses (\$750,000); and assistance to municipalities (\$1 million). In agriculture, three UNDP projects were completed by March 1988, covering training, development and a hydrology laboratory at the cost of some \$619,000. FAO continued to provide two fellowships in agricultural economics and one in animal production, with a total budget of \$68,500. It also assisted Al-Quds University at Jerusalem to develop its curriculum in agriculture. In education, UNDP-assisted projects dealing with pre-primary education and promotion of vocational training were completed by March at a cost of \$1.8 million, to which UNDP contributed \$632,700.

On 29 April, pursuant to a decision of the Administrative Committee on Co-ordination,<sup>(26)</sup> the Director-General for Development and International Economic Co-operation convened a meeting of United Nations bodies to discuss assistance to the Palestinian people of the occupied territories. All participants expressed willingness to

expand their activities there, provided additional funding was available.

UNCTAD, through its Special Economic Unit (Palestinian people), continued to prepare reports and technical publications on developments in the economic conditions of the occupied territories. ESCWA collaborated with UNCTAD in preparing a study on the Palestinian financial sector under Israeli occupation. An August report by the UNCTAD secretariat<sup>(27)</sup> updated major economic developments in the territories and analysed their external trade (see below, under "Economic and social conditions of Palestinians").

UNICEF worked on reducing water-related diseases in 25 villages in the West Bank, Gaza and the Jordan Valley for the benefit of 140,000 people, in addition to health education campaigns, with estimated expenditures amounting to \$160,000 in 1988. A pilot project was initiated to introduce communities, on a self-help basis, to early childhood stimulation and development for, eventually, 10,000 children at a total cost of \$230,000. UNICEF also provided an expanded immunization programme and diarrhoeal disease control. UNFPA approved \$88,000 to support three WHO collaborating centres for primary health care research in the West Bank and Gaza.

UNCHS was preparing an in-depth study on future needs for infrastructure in the Palestinian territories. Pursuant to two 1987 resolutions of the Commission on Human Settlements,<sup>(28)</sup> UNCHS prepared reports on housing requirements of a future independent Palestinian State and on the reconstruction needed in Palestinian camps in Lebanon. By a resolution of 12 April 1988,<sup>(29)</sup> the Commission requested the UNCHS Executive Director to assist Palestinians in rebuilding their houses destroyed by the occupying authorities and to report on progress made.

UNDP completed in March 1988 a project on training in industrial management and had two others—on industrial olive-oil development and on glass and ceramics—under way with a funding of \$690,000, while UPU provided two training fellowships to the Arab Faculty of Posts (Damascus, Syrian Arab Republic) for two Palestinian nationals.

In conclusion,<sup>(21)</sup> the Secretary-General stated that the programme of assistance had inevitably been affected by the uprising in the territories. Nevertheless, in spite of serious disruptions due to strikes, curfews and violent actions during recent months, measurable progress had been achieved by all United Nations agencies involved. Additional projects had become operational or had been identified, even though the pace of project delivery slowed down from time to time.

Developments in the territories had the effect of attracting far greater international attention, and additional funds for development assistance,

as well as relief services, had been forthcoming. However, additional funding was urgently needed. As more resources became available, the Secretary-General would continue to implement and develop the programme further.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 26 July 1988, on the recommendation of its Third (Programme and Co-ordination) Committee, the Economic and Social Council adopted resolution 1988/54 by roll-call vote.

#### Assistance to the Palestinian people

The Economic and Social Council,

Recalling General Assembly resolution 42/166 of 11 December 1987,

Recalling also Economic and Social Council resolution 1987/77 of 8 July 1987.

Bearing in mind the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine,

Taking into account the uprising of the Palestinian people in the occupied Palestinian territories against the Israeli occupation, including its economic and social policies and practices,

Affirming that the Palestinian people cannot develop their national economy as long as the Israeli occupation persists,

Aware of the increasing need to provide economic and social assistance to the Palestinian people,

1. Takes note of the report of the Secretary-General on assistance to the Palestinian people;

2. Regrets that the programme of economic and social assistance to the Palestinian people has not been developed as requested by the General Assembly in its resolution 42/166;

3. Requests the Secretary-General to charge the United Nations Centre for Human Settlements (Habitat) with supervising the development of the programme and to provide it with the funds needed to engage twenty experts to prepare an adequate programme, in close co-operation with the Palestine Liberation Organization, taking into account the uprising of the Palestinian people in the occupied Palestinian territories and its implications;

4. Expresses its appreciation to those States, United Nations bodies and intergovernmental and non-governmental organizations that have provided assistance to the Palestinian people;

5. Urges the international community, the organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations to disburse their aid or any other forms of assistance to the occupied Palestinian territories solely for the benefit of the Palestinian people and in a manner that will not serve to prolong the Israeli occupation;

6. Calls for the provision of emergency assistance to the Palestinian people in the occupied Palestinian territories, including the dispatch of teams of orthopaedic surgeons;

7. Requests the international community, the organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations to sustain and increase their assistance to the

Palestinian people in close co-operation with the Palestine Liberation Organization;

8. Decides to extend to the occupied Palestinian territories the same preferential treatment accorded to the least developed countries, pending the elimination of the Israeli occupation and the assumption of full control by the Palestinian people over their national economy without external interference;

9. Calls for the treatment on a transit basis of Palestinian exports and imports passing through neighbouring ports and points of exit and entry;

10. Also calls for the granting of trade concessions and concrete preferential measures for Palestinian exports;

11. Further calls for the implementation of development projects in the occupied Palestinian territories, including the cement plant referred to in General Assembly resolution 39/223 of 18 December 1984;

12. Condemns the occupying Power, Israel, for its brutal economic and social policies and practices against the Palestinian people in the occupied Palestinian territories;

13. Requests United Nations bodies not to extend any form of assistance to the occupying Power, Israel;

14. Stresses that aid is not and cannot be a substitute for a genuine and just solution to the question of Palestine;

15. Requests the Secretary-General to issue immediately a corrigendum to his report on assistance to the Palestinian people, bringing the language strictly into line with General Assembly resolution 42/166 and the present resolution;

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

Economic and Social Council resolution 1988/54

26 July 1988 Meeting 38 33-1-17 (roll-call vote)

Approved by Third Committee (E/1988/107) by vote (29-1-15), 15 July (meeting 8); 18-nation draft (E/1988/C.3/L.5); amended in Council by 12 nations (E/1988/L.48); agenda item 19.

Sponsors of draft: Afghanistan, Algeria, Bangladesh, Democratic Yemen, Egypt, German Democratic Republic, Iraq, Kuwait, Libyan Arab Jamahiriya, Morocco, Pakistan, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, Yemen, Zimbabwe.

Sponsors of amendment: Egypt, German Democratic Republic, Iraq, Libyan Arab Jamahiriya, Morocco, Pakistan, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, Zimbabwe.

Financial implications. S-G, E/1988/C.3/L.13.

Roll-call vote in Council as follows:

In favour: Bolivia, Bulgaria, Byelorussian SSR, China, Cuba, Egypt, German Democratic Republic, Ghana, Guinea, India, Iran, Iraq, Lesotho, Liberia, Libyan Arab Jamahiriya, Mozambique, Oman, Pakistan, Panama, Peru, Philippines, Poland, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, USSR, Venezuela, Yugoslavia, Zaire.

Against: United States.

Abstaining: Australia, Belgium, Canada, Colombia, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Italy, Jamaica, Japan, Norway, Portugal, Trinidad and Tobago, United Kingdom, Uruguay.

An amendment in the Council calling for the insertion of paragraph 15, requesting the Secretary-General to issue a corrigendum to his report,<sup>(21)</sup> was adopted by a roll-call vote of 34 to 1, with 16 abstentions. The Sudan, introducing the amendment on behalf of its sponsors, said they had first acquiesced in the ruling by the President that the matter should be dealt with by the Secretariat, but had become convinced that the Secretariat found itself constrained. The language of the Secretary-General's report was not consistent with

the corresponding 1987 Assembly resolution,<sup>(9)</sup> as had been pointed out in the Third Committee on several occasions. By adopting the amendment, the Council could dispose of the issue.

#### GENERAL ASSEMBLY ACTION

On 20 December, on the recommendation of the Second (Economic and Financial) Committee, the General Assembly adopted resolution 43/178 by recorded vote.

Assistance to the Palestinian people  
The General Assembly,

Recalling its resolution 42/166 of 11 December 1987,  
Taking note of Economic and Social Council resolution 1988/54 of 26 July 1988,

Bearing in mind the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine,

Taking into account the intifadah of the Palestinian people in the occupied Palestinian territory, including Jerusalem, against the Israeli occupation including its economic and social policies and practices,

Affirming that the Palestinian people cannot develop their national economy as long as the Israeli occupation persists,

Taking into consideration the recent steps taken by Jordan concerning the occupied Palestinian West Bank,

Aware of the increasing need to provide economic and social assistance to the Palestinian people,

1. Takes note of the report of the Secretary-General on assistance to the Palestinian people;

2. Regrets that the programme of economic and social assistance to the Palestinian people has not been developed as requested by the General Assembly in its resolution 42/166;

3. Requests the Secretary-General to charge the United Nations Centre for Human Settlements (Habitat) with supervising the development of the programme and to provide it with the funds needed to engage twenty experts to prepare an adequate programme, in close co-operation with the Palestine Liberation Organization, taking into account the intifadah of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and its implications;

4. Expresses its appreciation to those States, United Nations bodies and intergovernmental and non-governmental organizations that have provided assistance to the Palestinian people;

5. Urges Member States, organizations of the United Nations system and intergovernmental and non-governmental organizations to disburse their aid or any other forms of assistance to the occupied Palestinian territory solely for the benefit of the Palestinian people and in a manner that will not serve to prolong the Israeli occupation;

6. Calls for the provision of emergency assistance to the Palestinian people in the occupied Palestinian territory, including the dispatch of teams of orthopaedic surgeons;

7. Requests Member States, organizations of the United Nations system and intergovernmental and non-governmental organizations to sustain and increase their

assistance to the Palestinian people, in close co-operation with the Palestine Liberation Organization;

8. Requests all Member States and donors that provide any form of assistance to the occupied Palestinian West Bank to sustain and increase that assistance and to channel it to the Palestinian people through their representative, the Palestine Liberation Organization;

9. Decides to extend to the occupied Palestinian territory the same preferential treatment accorded the least developed countries, pending the elimination of the Israeli occupation and the assumption of full control by the Palestinian people over their national economy without external interference;

10. Calls for treatment on a transit basis of Palestinian exports and imports passing through neighbouring ports and points of exit and entry;

11. Also calls for the granting of trade concessions and concrete preferential measures for Palestinian exports on the basis of certificates of origin issued by Palestinian bodies designated by the Palestine Liberation Organization;

12. Further calls for the implementation of development projects in the occupied Palestinian territory, including the projects mentioned in its resolution 39/223 of 18 December 1984;

13. Condemns the occupying Power, Israel, for its brutal economic and social policies and practices against the Palestinian people in the occupied Palestinian territory;

14. Requests United Nations bodies not to extend any form of assistance to the occupying Power, Israel;

15. Stresses that aid is not and cannot be a substitute for a genuine and just solution to the question of Palestine;

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

#### General Assembly resolution 43/178

20 December 1988 Meeting 83 118-14-13 (recorded vote)

Approved by Second Committee (A/43/750/Add.2) by recorded vote (90-14-14), 4 November (meeting 32); 10-nation draft (A/C.2/43/L.13/Rev.2): agenda item 12.

Sponsors: Algeria, Bahrain, Cuba, Democratic Yemen, Egypt, Iraq, Mauritania, Pakistan, Saudi Arabia, Tunisia.

Meeting numbers. GA 43rd session: 2nd Committee 24, 32; plenary 83.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, China, Congo, Cote d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

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

Abstaining: Austria, Chile, Colombia, Costa Rica, Fiji, Finland, Greece, Ireland, Italy, Japan, New Zealand, Spain, Sweden.



Speaking before the vote in the Second Committee, Israel supported the idea of assistance to the Palestinians through UNDP, but said it would not receive the experts mentioned in paragraph 3 or any mission of inquiry. Channelling assistance to the territories through PLO was preposterous, and the suggestion of granting the occupied territories the preferential treatment accorded to LDCs had nothing to do with assistance in the conventional sense. The suggestion that Palestinian exports be granted trade concessions and preferential measures on the basis of certificates of origin issued by Palestinian bodies designated by PLO was indicative of the text's true intentions: producers or exporters not paying ransom to PLO would not get such concessions or preferential treatment. Instead of assistance, the text called for international approval of a PLO boycott, discrimination, economic warfare and extortion; it was an attempt to politicize the Second Committee's work and its real intention was to call for sanctions against Israel.

#### REFERENCES

- <sup>(1)</sup>YUN 1987, p. 296. <sup>(2)</sup>A/43/273-S/19720. <sup>(3)</sup>A/43/407-S/19938. <sup>(4)</sup>A/43/35. <sup>(5)</sup>A/43/827-S/20278. <sup>(6)</sup>A/43/842. <sup>(7)</sup>YUN 1976, p. 235. <sup>(8)</sup>YUN 1980, p. 399. <sup>(9)</sup>YUN 1987, p. 272, GA res. 42/166, 11 Dec. 1987. <sup>(10)</sup>YUN 1975, p. 248, GA res. 3376(XXX), 10 Nov. 1975. <sup>(11)</sup>YUN 1983, p. 278, GA res. 38/58 C, 13 Dec. 1983. <sup>(12)</sup>Ibid., p. 274. <sup>(13)</sup>YUN 1947-48, p. 247, GA res. 181 A (II), 29 Nov. 1947. <sup>(14)</sup>YUN 1986, p. 267, GA res. 41/43 D, 2 Dec. 1986. <sup>(15)</sup>YUN 1960, p. 49, GA res. 1514(XV), 14 Dec. 1960. <sup>(16)</sup>YUN 1987, p. 267, GA res. 42/66 C, 2 Dec. 1987. <sup>(17)</sup>A/43/683 & Add.1. <sup>(18)</sup>YUN 1987, p. 269, GA res. 42/209 D, 11 Dec. 1987. <sup>(19)</sup>YUN 1980, p. 426, SC res. 478(1980), 20 Aug. 1980. <sup>(20)</sup>YUN 1967, p. 209. <sup>(21)</sup>A/43/367-E/1988/82 & Corr.1.2. <sup>(22)</sup>S/19443. <sup>(23)</sup>DP/1988/13. <sup>(24)</sup>E/1988/19 (dec. 88/10). <sup>(25)</sup>DP/1988/23 & Corr.1. <sup>(26)</sup>ACC/1988/DEC/1-18 (dec. 1988/5). <sup>(27)</sup>TD/B/1183 & Corr.1. <sup>(28)</sup>YUN 1987, pp. 720 & 721. <sup>(29)</sup>A/43/8 (res. 11/10).

### Incidents and disputes involving Arab countries and Israel

#### Israel and Iraq

At the close of its forty-second session on 19 September 1988, the General Assembly, by decision 42/463, included in the draft agenda of its forty-third session, beginning the following day, the item on armed Israeli aggression against Iraqi nuclear installations, which had been on its agenda since 1981<sup>(1)</sup> following the bombing that year by Israel of a nuclear research centre near Baghdad. However, the Assembly took no action on the item and, in suspending its forty-third session on 22 December, retained the item on the agenda of that session by decision 43/459.

#### Lebanon

Hostilities and violence continued to characterize the situation in Lebanon during 1988. Although the camps war in West Beirut between rival militias abated somewhat in July, new casualties continued to occur and hundreds of families were displaced by outbreaks of fighting. In central Lebanon, heavy shelling forced the closure of all schools in mid-March.

The fate of Alex Collett, a British journalist kidnapped in March 1985 while on assignment for UNWRA, remained unresolved, no word having been received from his kidnappers since 1986.

In February 1988, Lieutenant-Colonel William Higgins, a United States military observer of UNTSO serving with UNIFIL, was abducted in southern Lebanon, an action condemned by the Security Council (resolution 618(1988)).

#### Israel and Lebanon

The situation between Israel and Lebanon remained tense during 1988. Israel Defence Forces continued to occupy parts of southern Lebanon, which Israel had declared as its "security zone". Throughout the year, Lebanon addressed numerous communications to the Secretary-General and the Presidents of the Security Council and the General Assembly accusing Israel of ongoing military attacks against its territory, causing death and injury to many innocent civilians and widespread destruction and property damage. The Security Council convened throughout the year to consider aspects of the Middle East situation related to Lebanon. The Council met on three occasions (January, May and December) at Lebanon's request to consider specific charges of armed Israeli incursions, but was unable to take action due to the repeated negative vote of a permanent member (United States). By those resolutions, the Council would have called for urgent implementation of its previous resolutions demanding that Israel withdraw all its military forces from Lebanon. Israel maintained that it was forced to protect its territory and population from terrorist attacks launched from Lebanon.

In January and July, the Council unanimously extended UNIFIL's mandate for six months and, in July, demanded the immediate release of Lieutenant-Colonel William Higgins, who had been abducted while on duty on 17 February.

At the request of Lebanon for a Council meeting after bombing and rocket attacks by Israel, the Council convened on 15 and 18 January. Further hostile incidents were reported by Lebanon during March and April, as contained in the report of the Security Council for the period 16 June 1987 to 15 June 1988.<sup>(2)</sup> The incidents ranged from destruction of property to unlawful deportations,

detentions and deliberate bombings of houses, resulting in civilian deaths. On 3 May, Lebanon reported that Israel had again invaded its southern territory, and requested another Council meeting. The Council subsequently convened on 6, 9 and 10 May.

Lebanon continued to inform of deportations, air attacks, detentions, arrests and destruction by Israel, including deportations of Palestinians into Lebanon,<sup>(3)</sup> the bombings of refugee camps and clinics,<sup>(4)</sup> attacks on Lebanese villages with air-to-ground missiles<sup>(5)</sup> and the arrest of Lebanese citizens on Lebanese territory, with subsequent sentencing by Israeli courts under Israeli law,<sup>(6)</sup> in violation of the fourth Geneva Convention. On 9 December, Lebanon reported a further massive attack against its territory by Israeli air, land and sea forces and again requested a Council meeting; the Council met on 14 December.

#### SECURITY COUNCIL CONSIDERATION (January)

Following two incidents on 2 January—the bombing by Israel of blocks of flats near Sidon and rocket attacks against two villages 80 kilometres from the Israeli border,<sup>(7)</sup> which resulted in 26 deaths, dozens of wounded and substantial material damage—Lebanon requested on 7 January<sup>(8)</sup> an urgent meeting of the Security Council. Acceding to the request, the Council held one meeting on 15 January and two on 18 January.

Meeting numbers SC 2782-2784.

At their request, Israel, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Saudi Arabia and the Syrian Arab Republic were invited to participate without the right to vote. At the request of Algeria,<sup>(9)</sup> the Acting Permanent Observer of the League of Arab States (LAS) was invited under rule 39<sup>a</sup> of the Council's provisional rules of procedure. Also at Algeria's request,<sup>(10)</sup> the Council decided, by 10 votes to 1 (United States), with 4 abstentions (France, Germany, Federal Republic of, Italy, United Kingdom), that an invitation to participate also be accorded to the PLO Permanent Observer. The invitation, though not made pursuant to rules 37<sup>b</sup> or 39, conferred on PLO the same rights as those conferred on a Member State when invited pursuant to rule 37.

Before the vote, the United States, which had requested it, said the only legal basis on which the Council might grant a hearing to persons speaking on behalf of non-governmental entities was rule 39. The United States opposed extending to PLO the same rights to participate as if it represented a Member State and did not agree with recent practice in the Council which appeared selectively to try to enhance the prestige of those who wished to speak through a departure from the Council's rules.

On 18 January, the Council voted on a draft resolution<sup>(11)</sup> submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia. By that text, the Council would have strongly deplored Israel's repeated attacks against Lebanese territory and all other measures against the civilian population; strongly requested that Israel cease all acts of encroachment of land, construction of roads and setting up of fences that violated the border, and any attempts to occupy or change the status of Lebanese territory or impede the return of the effective authority of the Government of Lebanon in its sovereign territory; and reaffirmed its calls for strict respect for Lebanon's sovereignty, independence, unity and territorial integrity within its internationally recognized boundaries. It would also have reaffirmed Council resolutions of 1978<sup>(12)</sup> and 1982,<sup>(13)</sup> which demanded that Israel withdraw all its military forces unconditionally, and the Secretary-General would have been requested to continue consultations with Lebanon and other parties directly concerned with regard to implementing those resolutions.

The vote was 13 to 1, with 1 abstention, as follows:

In favour: Algeria, Argentina, Brazil, China, France, Germany, Federal Republic of, Italy, Japan, Nepal, Senegal, USSR, Yugoslavia, Zambia.

Against: United States.

Abstaining: United Kingdom.

The draft was not adopted owing to the negative vote of a permanent member.

Speaking before the vote, Lebanon charged Israel with violating its sovereignty. Any attempt by Israel to deny that violation and to justify it citing reasons of security was unacceptable. Israel's stepped-up inhuman policies and acts of oppression had claimed increasing numbers of civilian victims and caused widespread destruction of cities, villages and farmlands; the Council had a responsibility to impose security and peace in an extremely explosive area that might erupt at any moment.

Israel said that if Lebanon's sovereignty was in question, it was violated by Iran, the Syrian Arab Republic and PLO, which were using Lebanon for terrorist attacks against Israel. Israel itself was taking ongoing self-defence measures that were restrained,

<sup>a</sup>Rule 39 of the Council's provisional rules of procedure states: "The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence."

<sup>b</sup>Rule 37 of the Council's provisional rules of procedure states: "Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected, or when a Member brings a matter to the attention of the Council in accordance with Article 35(1) of the Charter."

temporary but necessary for its security in the absence of a Lebanese Government capable of assuming its responsibilities. Israel had no territorial claim against Lebanon but wanted restoration of Lebanese sovereignty by a strong central Government over all of Lebanon and security arrangements until such a Government emerged.

The PLO Observer averred that the exercise of State terrorism by Israel against Palestinian refugee camps and civilians in south Lebanon were acts of aggression and manifestations of genocide. Israel's total, unconditional and immediate withdrawal from Lebanon was a *conditio sine qua non* for achieving a comprehensive, just and lasting peace.

Speaking after the vote, the United States-stressing its support for Lebanon's independence, sovereignty and territorial integrity within its internationally recognized boundaries-said that continuing a review of the situation in southern Lebanon, without an attendant concern for the security of northern Israel, would have no consequence; peace and stability could not come to south Lebanon until the border between the two countries was secure.

#### SECURITY COUNCIL CONSIDERATION (May)

By a letter of 3 May,<sup>(14)</sup> Lebanon informed the Secretary-General that the day before large contingents of the Israeli army had again invaded southern Lebanon. An estimated 2,000 soldiers, supported by tanks, artillery and military helicopters, had crossed the southern Lebanese border, passed through the so-called security zone, an area Israel continued to occupy, and penetrated some 15 kilometres north to the town of Lebbaya. Lebanon charged Israel with heavy shelling of villages, raiding and destroying houses, ruining crops, terrorizing the population and arresting many. The invasion was accompanied by the deployment of Israeli navy vessels along the Lebanese coast between Sidon and Tyre, as well as overflights by the Israeli air force, which dropped flare canisters on those and other towns.

At the request of Lebanon,<sup>(15)</sup> the Council met on 6, 9 and 10 May to consider the situation in southern Lebanon.

Meeting numbers. SC 2811, 2813, 2814.

At their request, Bahrain, Israel, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Qatar, Saudi Arabia, Somalia, the Syrian Arab Republic and Tunisia were invited to participate without the right to vote. At Algeria's request,<sup>(16)</sup> an invitation was also extended to the Permanent Observer of LAS under rule 39<sup>a</sup> of the Council's provisional rules of procedure.

Algeria further requested<sup>(17)</sup> that an invitation be extended to the Permanent Observer of PLO to participate in the debate, in accordance with the

Council's past practice. The President stated that the proposal was not made pursuant to rule 37<sup>b</sup> or 39 but that, if approved, the invitation would confer on PLO the same rights of participation as those conferred on a Member State under rule 37.

The request was approved by 10 votes to 1 (United States), with 4 abstentions (France, Germany, Federal Republic of Italy, United Kingdom). The United States, which had requested the vote, reiterated its previously stated position (see above).

On 10 May, the Council voted on a draft resolution<sup>(18)</sup> sponsored by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia, by which the Council would have condemned Israel's recent invasion of southern Lebanon; repeated the call for immediate Israeli withdrawal and for the cessation of all acts violating Lebanon's sovereignty and its population's security; reaffirmed its call for strict respect for Lebanon's sovereignty, independence, unity and territorial integrity within its internationally recognized boundaries; reaffirmed the urgent need to restore international peace and security by implementing Council resolutions of 1978<sup>(12)</sup> and 1982;<sup>(13)</sup> and requested the Secretary-General to continue consultations with Lebanon and other parties directly concerned.

The vote was 14 to 1, as follows:

In favour: Algeria, Argentina, Brazil, China, France, Germany, Federal Republic of Italy, Japan, Nepal, Senegal, USSR, United Kingdom, Yugoslavia, Zambia.  
Against: United States.

The draft was not adopted owing to the negative vote of a permanent member.

Repeating its charges before the Council, Lebanon called the invasion an unjustified flagrant violation of its sovereignty, territorial waters and national airspace, flouting the Charter, international law and Council resolutions. The Council was duty-bound to act to pre-empt Israel from continuously perpetrating a policy of violence and expansion.

Israel reiterated that it had no territorial claims to any Lebanese territory. The current arrangements on Israel's northern border resulted from security constraints and were designed solely to protect its northern population centres against repeated attacks emanating from Lebanese territory. Those security arrangements would be essential only as long as there was no central Lebanese authority capable of preventing such attacks. Israel wished to see Lebanese sovereignty restored in all areas of the country by a central Government that would effectively unify the State and be responsible for security within its territory and borders.

During its two-day operation in southern Lebanon, carried out to prevent terrorist groups from re-establishing an infrastructure from which they launched attacks on Israel, Israel had made every effort to avoid civilian casualties. It respected the

universal principles of sovereignty and territorial integrity, but could not allow its own sovereignty and territorial integrity to be compromised. It believed that the only feasible solution to the problems on both sides of the border could be found in mutually agreed, adequate security arrangements, which were essential as long as there was no central Lebanese authority.

Speaking after the vote, the United States said the Council should not address the problems of southern Lebanon in resolutions that failed to recognize the attacks and reprisals originating on both sides of the Israeli-Lebanese border. The United States had called publicly and repeatedly for the withdrawal of all foreign troops from Lebanon and the extension of central-government authority through the Council.

#### SECURITY COUNCIL CONSIDERATION (December)

On 9 December, Israeli air and naval forces heavily bombarded the Lebanese town of Na'imah and the surrounding hills, as well as the Shuwayfat-Sa'diyat-Bi'wirta triangle 20 kilometres south of Beirut. Helicopters then carried out an airborne landing of Israeli troops, which was followed by severe clashes. According to Lebanon,<sup>(19)</sup> the attack and resistance to it resulted in large-scale human and material losses.

At Lebanon's request,<sup>(20)</sup> the Council met on 14 December to consider the situation. Israel and Lebanon were invited at their request to participate without the right to vote under rule 37<sup>b</sup> of the Council's provisional rules of procedure.

Meeting number. SC 2832.

The Council voted on a draft resolution by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.<sup>(21)</sup> By wording almost identical to the texts put forward in January and May, the Council would have strongly deplored the most recent attack, requested that Israel cease immediately all such attacks and reaffirmed the urgent need to implement the Council's resolutions on Lebanon.

The draft received 14 votes to 1, as follows:

In favour: Algeria, Argentina, Brazil, China, France, Germany, Federal Republic of Italy, Japan, Nepal, Senegal, USSR, United Kingdom, Yugoslavia, Zambia.

Against: United States.

The text was not adopted owing to the negative vote of a permanent member.

Lebanon stated that the attack was further proof that Israel considered as fair game Lebanon's sovereignty and territorial integrity, its soil and territorial waters. The operation, timed to mark the first anniversary of the intifadah, was aimed at restoring the confidence of the Israeli army, which had failed to quell the Palestinian uprising. Lebanon appealed to the Council—which, it said, was

responsible for protecting the sovereignty of Member States, as well as for maintaining international peace and security—to protect its sovereignty, redress the injustice inflicted on its people and stop the bloodshed, by deterring Israel through a firm and courageous stance.

Israel repeated its position that it had no territorial claims with regard to Lebanon; its mere desire was to ensure the security of its population from attacks emanating from there. On 9 December it had targeted in a limited operation the headquarters of the General Command of the Popular Front for the Liberation of Palestine—a PLO faction led by Ahmed Jibril—and its terrorist training camps in the hills north of Dammur.

After the vote, the United States explained that it opposed the draft resolution because it criticized action by one party while ignoring attacks originating from the other side of the border. Requesting Israel to cease all attacks against Lebanese territory regardless of provocation would deny its right to self-defence.

#### UNIFIL

During 1988, at the request of Lebanon and on the recommendation of the Secretary-General, the Security Council twice extended the mandate of the United Nations Interim Force in Lebanon, in January and July, each time for a six-month period. Established by the Council in 1978<sup>(22)</sup> following Israel's invasion of Lebanon in March of that year,<sup>(23)</sup> UNIFIL was entrusted with restoring international peace and security; confirming the withdrawal of Israeli forces from Lebanese territory; and re-establishing the Lebanese Government's effective authority in the area.

After a second Israeli invasion in 1982,<sup>(24)</sup> the Council authorized<sup>(25)</sup> the Force additionally to provide protection and humanitarian assistance to the local population.

#### Composition

As of July 1988,<sup>(26)</sup> UNIFIL had a strength of 5,844 troops. It was composed of contingents from nine countries: Fiji, 701; Finland, 543; France, 502; Ghana, 901; Ireland, 744; Italy, 52; Nepal, 856; Norway, 906; Sweden, 639. The Force was assisted by 64 unarmed military observers of UNTSO organized as Observer Group Lebanon (OGL). The Lebanese army unit serving with UNIFIL maintained a strength of 128.

On 30 March,<sup>(27)</sup> the Secretary-General informed the President of the Security Council that the current Commander of UNIFIL, Lieutenant-General Gustav Hagglund of Finland, in office since 1 June 1986, was being recalled by his Government to assume a new command. Therefore, the Secretary-General intended, subject to Council approval, to appoint Lieutenant-General

Lars-Eric Wahlgren of Sweden as the new Commander from 1 July 1988. The Council agreed to that appointment on 20 April.<sup>(28)</sup>

Report of the Secretary-General (January). The Secretary-General reported to the Security Council on developments in the UNIFIL area of operation from 25 July 1987 to 22 January 1988.<sup>(29)</sup>

During that period, seven members of the Force lost their lives, including two Nepalese soldiers killed by hostile firing and two French, one Irish, one Nepalese and one Swedish soldier who died from accidents or other causes. In addition, an Australian military observer from UNTSO assigned to OGL was killed by a mine and a Canadian observer was severely injured in the same incident; 11 soldiers were wounded by hostile action. Since the establishment of UNIFIL, 151 members of the Force had died, 60 of them as a result of firing and mine or bomb explosions, 63 in accidents and 28 from other causes. More than 200 had been wounded by firing and mine or bomb explosions.

The situation in UNIFIL's area of operation remained essentially unchanged. Israel continued to maintain in southern Lebanon its "security zone", manned by Israel Defence Forces (IDF) and the so-called South Lebanon Army (SLA). Within the UNIFIL area, IDF and SLA maintained 57 positions, 15 of which were located within the battalion sectors. Of these, 14 were manned permanently. During the reporting period, three IDF/SLA positions were closed in the Nepalese battalion sector and one was closed in the Finnish sector.

Armed resistance groups continued to launch frequent operations against IDF and SLA using small arms, rocket-propelled grenades, rockets and mortars, as well as mines and roadside bombs. UNIFIL recorded 60 such operations from August to December 1987, and nine in the first half of January 1988. In two cases, attacks were carried out by armed elements estimated to number up to 200 men.

Until the middle of October 1987, most of the resistance operations in the UNIFIL area were directed against two adjacent SLA positions on Tallet Huqban, overlooking the villages of Kafra and Yatar in the Nepalese battalion sector. In numerous instances, the personnel in those positions fired at civilian as well as UNIFIL targets within their range. During August 1987, 13 women and children were injured by unprovoked firing from those positions. In some instances, local armed elements retaliated, notably on 29 August when some 200 armed elements infiltrated the area and attacked the positions on Tallet Huqban with mortars, rocket-propelled grenades and machine-guns. On 14 October, IDF/SLA evacuated the two positions on Tallet Huqban and UNIFIL occupied one of them. The other position, heavily mined by IDF, was left vacant.

IDF/SLA continued firing frequently from their positions or when on patrol. When attacked, they generally responded with heavy artillery and tank and mortar shelling, also employing helicopter gunships. Such firing at or near UNIFIL positions increased, particularly in the Irish battalion sector. Frequently the firing was unprovoked and apparently deliberate, causing UNIFIL to protest some 300 such incidents to the Israeli military authorities.

While the Norwegian battalion sector had previously been relatively quiet, the situation changed in early August when IDF asserted its intention to operate in the area and SLA personnel increasingly objected to UNIFIL check-point controls. This resulted in harassment of and attacks on UNIFIL positions, including the shelling of a Norwegian patrol by an IDF tank and several instances of forced entry into UNIFIL positions by SLA personnel.

On 32 occasions, unidentified armed elements fired at or near UNIFIL positions, and, on 25 August 1987, a Nepalese soldier was killed and three others were wounded west of Kafra. On 12 January 1988, an Australian captain was killed and a Canadian major was seriously injured when their OGL patrol vehicle hit a land-mine west of the village of Shama in the "security zone".

The Force continued to co-operate with the Lebanese authorities and humanitarian assistance agencies in extending aid to the local population. Some 3,000 Lebanese civilians were treated at the UNIFIL hospital at Naqoura, including more than 250 in-patients.

In conclusion, the Secretary-General noted that UNIFIL had been prevented from making further progress to implement in full the objectives of Council resolution 425(1978).<sup>(22)</sup> Ten years later, the conditions still did not exist for UNIFIL to perform its functions fully or fulfil its mandate completely. Although the circumstances under which UNIFIL was established had changed, the objectives set by resolution 425(1978) remained valid. The Lebanese authorities maintained that Israel should withdraw completely and allow UNIFIL's deployment to the international border. Israel, however, with its own forces and those of SLA, continued to maintain a "security zone" in southern Lebanon, saying that it could not allow the deployment of UNIFIL to the border as there was no central Government in Beirut able to exercise authority throughout the area. In its view, UNIFIL as a peace-keeping force was not able, under its current terms of reference, to assume such responsibility.

The Secretary-General stressed that the Force could not implement its mandate successfully without the full co-operation of the Israeli authorities, whose position was an essential factor. He believed that the somewhat limited level of violence in southern Lebanon during the period under review was particularly due to the presence of UNIFIL,

which maintained calm in the area after IDF/SLA's withdrawal from Tallet Huqban and the subsequent return of thousands of inhabitants to Yatar and Kafra.

On 20 January 1988,<sup>(30)</sup> the Secretary-General received a request from Lebanon for UNIFIL's extension for a further six-month period. He observed that, although the state of affairs in which the Force found itself after 10 years of deployment was contrary to the expectations of the Council, UNIFIL remained an important mechanism for conflict control in a very volatile situation which, without UNIFIL, could quickly escalate into a wider conflict.

#### SECURITY COUNCIL ACTION (January)

The Security Council met on 29 January to consider the Secretary-General's report and, without debate, unanimously adopted **resolution 609(1988)**.

The Security Council,

Recalling its resolutions 425(1978) and 426(1978) of 19 March 1978, 501(1982) of 25 February 1982, 508(1982) of 5 June 1982, 509(1982) of 6 June 1982 and 520(1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 22 January 1988, and taking note of observations expressed therein,

Taking note of the letter dated 20 January 1988 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 July 1988;

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to co-operate fully with the Force for the full implementation of its mandate;

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

5. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Security Council thereon.

#### Security Council resolution 609(1988)

29 January 1988 Meeting 2788 Adopted unanimously  
Draft prepared in consultations among Council members (S/19461).

**Report of the Secretary-General (July).** In his report on UNIFIL covering the period from 23 January to 25 July 1988,<sup>(31)</sup> the Secretary-General stated that the situation in the UNIFIL area re-

mained essentially unchanged, with Israel continuing to control the so-called security zone in southern Lebanon, through IDF/SLA. Within the UNIFIL area, IDF and SLA maintained a total of 54 positions, with IDF personnel being observed in SLA positions on many occasions, especially at night.

Resistance groups continued to launch frequent attacks against IDF and SLA, using small arms, rocket-propelled grenades, rockets and mortars, as well as mines and roadside bombs. From January to June, UNIFIL recorded an average of 19 such operations each month, with many more in the "security zone" where UNIFIL was not deployed. On 28 January, some 150 men attacked SLA positions at Rshaf and Brashit. IDF/SLA continued to respond with heavy artillery, tank and mortar shelling, at times employing Israeli helicopter gunships and shelling villages in retaliation.

During the period under review, two Force members, an Irish and a French soldier, lost their lives in accidents; 15 soldiers suffered injuries, 1 as a result of hostile fire and 5 from mine explosions. This brought to 153 the number of killed and 220 wounded members of the Force since its establishment.

In addition to co-operating in rendering humanitarian assistance in the area, UNIFIL provided its Naqoura hospital to treat some 5,000 Lebanese civilians, 250 of them as in-patients.

The Secretary-General regretted to inform the Council that no further progress was made towards attaining the objectives of Council resolution 425(1978),<sup>(32)</sup> namely the withdrawal of Israeli forces from Lebanese territory, restoration of international peace and security, and re-establishment of the Lebanese Government's authority in the area.

The Secretary-General reported that the Lebanese authorities viewed with increasing frustration and apprehension the apparent permanence of the Israeli military presence on Lebanese territory, rejecting it as a matter of principle. They were convinced that Israel's early withdrawal and the deployment of UNIFIL to the internationally recognized boundary would improve considerably the prospects for solving the very serious problems facing Lebanon. Israel restated its position regarding the Lebanese Government's inability to exercise effective authority in preventing its territory from being used to launch attacks against Israel. The Secretary-General averred that, however much Israel had a legitimate interest in protecting itself, that interest was not legitimately served by maintaining Israeli military forces in Lebanon and thus infringing on Lebanon's sovereignty and territorial integrity.

He referred to a message received from the President of Lebanon on 11 July, urging a renewal of efforts aimed at exploring practical steps towards implementing the Council's requests, particularly

resolution 425(1978), and asking the United Nations to start a new momentum. Concerning Lebanon's request of 13 July for a renewal of UNIFIL's mandate,<sup>(31)</sup> the Secretary-General restated that the Force played an important role in controlling the level of violence in a very volatile situation prone to even wider conflict. Furthermore, the Force provided humanitarian support to the inhabitants of the area, a role which would be enhanced through co-operation with his newly appointed Special Representative for the Reconstruction and Development of Lebanon (see PART THREE, Chapter III). In recommending renewal of the UNIFIL mandate, the Secretary-General urged again that efforts be made to bring about Israel's withdrawal from Lebanon.

#### SECURITY COUNCIL ACTION (July)

On 29 July 1988, without debate, the Security Council, having considered the Secretary-General's report, unanimously adopted resolution 617(1988).

The Security Council,

Recalling its resolutions 425(1978) and 426(1978) of 19 March 1978, 501(1982) of 25 February 1982, 508(1982) of 5 June 1982, 509(1982) of 6 June 1982 and 520(1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 25 July 1988, and taking note of observations expressed therein,

Taking note of the letter dated 13 July 1988 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General,

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 January 1989;

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426(1978), and calls upon all parties concerned to co-operate fully with the Force for the full implementation of its mandate;

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425(1978), 426(1978) and all other relevant resolutions;

5. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Security Council thereon.

Security Council resolution 617(1988)

29 July 1988 Meeting 2822 Adopted unanimously  
Draft prepared in consultations among Council members (S/20069).

#### Financing

The Secretary-General reported in November 1988<sup>(32)</sup> that, as at 30 September, contributions

totalling \$1,208.5 million had been received for the operation of UNIFIL out of \$1,538.8 million apportioned among Member States since the inception of the Force on 19 March 1978. Of the unpaid balance of \$330.3 million, only \$105.1 million could be considered collectible, leaving a shortfall of \$225.2 million, including \$19.6 million due from China transferred to a special account in accordance with a 1981 General Assembly resolution.<sup>(33)</sup> As a consequence, UNIFIL was unable to meet its obligations on a current basis, particularly to troop-contributing countries, which had never been paid on a current and full basis in accordance with established rates. The UNIFIL Suspense Account, set up in 1979<sup>(34)</sup> to facilitate reimbursement to them for equipment and supplies, had thus far not achieved that purpose. Troop-contributing countries had expressed serious concern about the heavy burden placed on their Governments.

As at 30 September 1988, voluntary contributions totalling \$1.3 million had been received from Governments, in addition to \$3 million to defray expenses for the prospective acquisition of logistic equipment and supplies. Use of the latter voluntary contribution was subject to consultation with the donor Government based on proposals from the Secretariat.

For the mandate periods from 1 February 1988 to 31 January 1989, \$141,180,000 gross (\$139,416,000 net) was authorized for UNIFIL.<sup>(35)</sup> The costs of UNIFIL for the 12-month period beginning 1 February 1989 were estimated at \$143,340,000 gross (\$141,072,000 net), based on an average Force strength of 5,850 troops. On a net basis, that was \$1,656,000 (1.2 per cent) more than the estimate for the previous period. In the event that future decisions of the Security Council required additional commitments, authorization was to be sought from the General Assembly if in session at the time, or by recourse to the 1987 Assembly resolution on unforeseen and extraordinary expenses for the biennium 1988-1989,<sup>(36)</sup> with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions (ACABQ). In the latter case, if the amounts exceeded the financial limit stipulated in the resolution, a special Assembly session would have to be convened.

In December 1988,<sup>(37)</sup> ACABQ reported that the audited accounts for the UNIFIL Special Account indicated a "surplus" balance of \$6,313,362 as at 31 December 1987 for the 1986-1987 biennium, representing an excess of income over expenditure due to interest and miscellaneous credits accrued to the account, "income" referring to assessed contributions irrespective of collectibility. However, due to the withholding of contributions by Member States, the surplus balance had been drawn upon to the full extent. ACABQ was of the view that savings could be achieved in the maintenance

of transport equipment and supplies and services. It therefore recommended that the UNIFIL budget for the 12 months beginning 1 February 1989 not exceed \$142,842,000 gross (\$140,574,000 net) and that the Assembly approve accordingly commitment authority up to \$11,903,500 gross (\$11,714,500 net) per month.

#### GENERAL ASSEMBLY ACTION

On 21 December 1988, on the recommendation of the Fifth (Administrative and Budgetary) Committee, the General Assembly adopted resolution 43/229 by recorded vote.

#### Financing of the United Nations Interim Force in Lebanon

##### The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Interim Force in Lebanon and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 425(1978) of 19 March 1978, by which the Council established the United Nations Interim Force in Lebanon, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 617(1988) of 29 July 1988,

Recalling its resolution S-8/2 of 21 April 1978 on the financing of the United Nations Interim Force in Lebanon and its subsequent resolutions thereon, the latest of which was resolution 42/223 of 21 December 1987,

Reaffirming its previous decisions regarding the fact that, in order to meet the expenditures caused by such operations, a different procedure from the one applied to meet expenditures of the regular budget of the United Nations is required,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards peace-keeping operations involving heavy expenditures,

Bearing in mind the special responsibilities of the States permanent members of the Security Council in the financing of such operations, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963 and other resolutions of the Assembly,

Having regard to the financial position of the Special Account for the United Nations Interim Force in Lebanon, as set forth in the report of the Secretary-General, and referring to paragraph 18 of the report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling its resolution 34/9 E of 17 December 1979 and the subsequent resolutions in which it decided that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations should be suspended, the latest of which was resolution 42/223,

Mindful of the fact that it is essential to provide the United Nations Interim Force in Lebanon with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Noting with appreciation that voluntary contributions have been made to the United Nations Interim Force in Lebanon by certain Governments,

Concerned that the Secretary-General is continuing to face increasing difficulties in meeting the obligations of the United Nations Interim Force in Lebanon on a current basis, including reimbursement to current and former troop-contributing States, resulting from the withholding of contributions by certain Member States,

Concerned also that the surplus balances in the Special Account for the United Nations Interim Force in Lebanon have, in effect, been drawn upon to the full extent to supplement the income received from contributions for meeting expenses of the Force,

Concerned further that the application of the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations would aggravate the already difficult financial situation of the United Nations Interim Force in Lebanon,

1. Decides to appropriate to the Special Account referred to in section I, paragraph 1, of General Assembly resolution S-8/2 an amount of 141,180,000 United States dollars authorized by the Assembly in paragraph 3 of its resolution 42/223 for the operation of the United Nations Interim Force in Lebanon from 1 February 1988 to 31 January 1989, inclusive;

2. Decides, as an ad hoc arrangement, without prejudice to the positions of principle that may be taken by Member States in any consideration by the General Assembly of arrangements for the financing of peace-keeping operations, to apportion the amount of 141,180,000 dollars among Member States in accordance with the scheme set out in Assembly resolution 33/14 of 3 November 1978 and the provisions of section V, paragraph 1, of resolution 34/9 B of 17 December 1979, section VI, paragraph 1, of resolution 35/115 A of 10 December 1980, section VI, paragraph 1, of resolution 36/138 A of 16 December 1981, section IX, paragraph 1, of resolution 37/127 A of 17 December 1982, and section VII, paragraphs 1 and 2, of resolution 39/71 A of 13 December 1984; the scale of assessments for the year 1988 shall be applied against a portion thereof, that is, 129,415,000 dollars being the amount pertaining on a pro rata basis to the period from 1 February to 31 December 1988 inclusive, and the scale of assessments for the year 1989 shall be applied against the balance, that is, 11,765,000 dollars for the period thereafter;

3. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 2 above, their respective share in the estimated income of 20,000 dollars other than staff assessment income approved for the period from 1 February 1988 to 31 January 1989, inclusive;

4. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 2 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,744,000 dollars approved for the period from 1 February 1988 to 31 January 1989, inclusive;

5. Authorizes the Secretary-General to enter into commitments for the United Nations Interim Force in Lebanon at a rate not to exceed 11,903,500 dollars gross (11,714,500 dollars net) per month for the twelve-month period beginning 1 February 1989, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 617(1988), the said amount to be apportioned among Member



States in accordance with the scheme set out in the present resolution and the scale of assessments for the years 1989 and 1990;

6. Decides that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations shall be suspended in respect of the amount of 6,313,362 dollars, which otherwise would have to be surrendered pursuant to those provisions, this amount to be entered in the account referred to in the operative part of General Assembly resolution 34/9 E and held in suspense until a further decision is taken by the Assembly;

7. Requests the Secretary-General to take all necessary measures to ensure that the United Nations Interim Force in Lebanon shall be administered with a maximum of efficiency and economy;

8. Renews its invitation to Member States and other interested parties to make voluntary contributions to the United Nations Interim Force in Lebanon both in cash and in the form of services and supplies acceptable to the Secretary-General, and also to make voluntary contributions in cash to the Suspense Account established in accordance with resolution 34/9 D of 17 December 1979.

#### General Assembly resolution 43/229

21 December 1988 Meeting 84 134-1-8 (recorded vote)

Approved by Fifth Committee (A/43/957) by recorded vote (103-1-7), 12 December (meeting 45); 18-nation draft (A/C.5/43/L.7). orally revised; agenda item 124 (b).

Sponsors: Austria, Canada, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Iceland, Ireland, Italy, Lebanon, Nepal, Netherlands, New Zealand, Norway, Samoa, Sweden.

Meeting numbers. GA 43rd session: 5th Committee 45, 45; plenary 84.

Recorded vote in Assembly as follows:

In favour: Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenade, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Syrian Arab Republic.

Abstaining: Cuba, Iran, Iraq, Libyan Arab Jamahiriya, Maldives, Poland, Viet Nam, Yemen.

#### Abduction of OGL Chief William Higgins

Special report of the Secretary-General (March). In March 1988, the Secretary-General reported<sup>(38)</sup> to the Security Council on developments relating to the kidnapping, on 17 February, of Lieutenant-Colonel William Richard Higgins, a United States officer serving since January as Chief of Observer Group Lebanon of UNTSO. According to the testimony of Lebanese eyewitnesses, Colonel Higgins was abducted from his car by armed men in the Tyre Pocket outside the UNIFIL

area on his way to UNIFIL headquarters at Naqoura after having met with a local leader of the Amal movement. UNIFIL headquarters was alerted by radio and numerous additional checkpoints were established and patrols increased, but subsequent search measures were to no avail.

On 18 February, the Under-Secretary-General for Special Political Affairs, Marrack Goulding, met at Beirut with Lebanon's President Amin Gemayel and Acting Prime Minister Salim Hoss, who both pledged their full support for efforts to free the Colonel, as well as with the Minister of State for Southern Affairs, Nabih Berri, who promised that the Amal movement he headed would do what it could to find him.

On 19 February, the kidnappers sent to a news agency in Beirut copies of Colonel Higgins' identity card and on 23 February a video tape showing him reading their conditions for his release. Continuing searches by UNIFIL and the Amal movement were not successful; however, UNIFIL received a number of reports suggesting that he might be held north of the Litani River.

The Secretary-General affirmed that UNIFIL would maintain all possible efforts to locate the Colonel and secure his release.

Report of the Secretary-General (July). In his July report on UNIFIL,<sup>(26)</sup> the Secretary-General expressed distress that, despite continuing efforts to obtain his release, Colonel Higgins remained in captivity. He underlined that at the time of his abduction the Colonel was serving the United Nations under the authority of the Security Council. The Secretary-General appealed to Member States having influence in the matter to do everything in their power to help secure the officer's release.

#### SECURITY COUNCIL ACTION

On 29 July, after extending UNIFIL's mandate (see above), the Security Council unanimously adopted resolution 618(1988).

#### The Security Council,

Taking note of paragraph 23 of the Secretary-General's report on the United Nations Interim Force in Lebanon concerning the abduction of Lieutenant-Colonel William Richard Higgins, a military observer of the United Nations Truce Supervision Organization serving with the Force,

Recalling the Secretary-General's special report on the United Nations Interim Force in Lebanon,

Recalling also its resolution 579(1985) of 18 December 1985, which, inter alia, condemned unequivocally all acts of hostage-taking and abduction and called for the immediate release of all hostages and abducted persons wherever and by whomever they are being held,

1. Condemns the abduction of Lieutenant-Colonel Higgins;

2. Demands his immediate release;

3. Calls upon Member States to use their influence in any way possible to promote the implementation of the present resolution.

Security Council resolution 618(1988)

29 July 1988 Meeting 2822 Adopted unanimously

6-nation draft (S/20070).

Sponsors: Argentina, France, Italy, Nepal, USSR, United States.

### Israel and the Syrian Arab Republic

#### UNDOF

The United Nations Disengagement Observer Force, established by the Security Council in 1974<sup>(39)</sup> and headquartered at Damascus, continued to supervise the observance of the cease-fire in the Golan Heights, as called for by the Agreement on Disengagement of Forces between Israel and the Syrian Arab Republic.<sup>(40)</sup> Its mandate was renewed by the Council, in May and November 1988, each time for six months. The General Assembly and the Commission on Human Rights also dealt with the situation in the Golan Heights in the light of Israel's 1981 decision<sup>(41)</sup> to impose its laws, jurisdiction and administration on the area (see also PART THREE, Chapter X).

#### Composition

As of November 1988,<sup>(42)</sup> UNDOF had a strength of 1,350 troops, up from 1,339 in May. It had contingents from four countries-Austria, 536; Canada, 227; Finland, 419; and Poland, 161, including four officers deployed to the United Nations Good Offices Mission in Afghanistan and Pakistan in accordance with Security Council resolution 622(1988) (see PART TWO, Chapter III)-and seven United Nations military observers assigned from UNTSO. In addition, UNTSO observers of the Israel-Syria Mixed Armistice Commission assisted UNDOF as needed.

On 23 June,<sup>(43)</sup> the Secretary-General informed the President of the Security Council that Major-General Gustaf Welin (Sweden), the Commander of UNDOF since 1 July 1986, was being recalled by his Government to assume a new command. Therefore, the Secretary-General intended, subject to Council approval, to appoint Major-General Adolf Radauer (Austria) as the new Commander with effect from 10 September 1988. The Council agreed to the appointment on 29 June.<sup>(44)</sup>

#### Activities

Reports of the Secretary-General. Before the expiration of the mandate of UNDOF on 31 May and 30 November 1988, the Secretary-General reported to the Security Council on UNDOF activities for two six-month periods, from 14 November 1987 to 20 May 1988<sup>(45)</sup> and from 21 May to 17 November 1988.<sup>(42)</sup>

The functions and guidelines of UNDOF remained as mandated in 1974<sup>(39)</sup> and the Force continued to fulfil its tasks effectively with the co-operation of the parties, facilitated by close contact of the Force

Commander and his staff with the military liaison staff of Israel and the Syrian Arab Republic. Restrictions on freedom of movement still existed and the Secretary-General engaged in efforts to correct the problem. The cease-fire was maintained and no serious incidents occurred.

UNDOF supervised the area of separation by means of static positions and observation posts, manned 24 hours a day, and by foot and mobile patrols operating at irregular intervals on predetermined routes by day and night, in addition to temporary outposts and patrols. It also conducted fortnightly inspections of armament and forces in the area of limitation. The safety of Syrian shepherds grazing their flocks close to and west of the separation area continued to be of concern to UNDOF and intensified patrolling of new mine-cleared paths helped prevent incidents. Mines continued to pose a threat to the Force; during the two reporting periods, mine-clearing teams cleared 39,159 and 44,820 square metres, respectively, destroying a considerable number of mines and quantities of other military explosives, including ammunition. The Force also continued to assist the International Committee of the Red Cross in its humanitarian activities.

Despite the current quiet in the Israel-Syria sector, the Secretary-General cautioned that the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so, unless a comprehensive settlement of all aspects of the problem was reached. Stating in each report that he considered UNDOF'S continued presence in the area to be essential, the Secretary-General, with the agreement of the Syrian Arab Republic and Israel, recommended that its mandate be extended for a further six months.

#### SECURITY COUNCIL ACTION (May and November)

On 31 May 1988, without debate, the Security Council adopted resolution 613(1988) unanimously.

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,  
Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338(1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1988;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338(1973).

Security Council resolution 613(1988)

31 May 1988 Meeting 2815 Adopted unanimously

Draft prepared in consultations among Council members (S/19911).

On 30 November, again without debate, the Council adopted resolution 624(1988) unanimously.

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,  
Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338(1973) of 22 October 1973;

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1989;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338(1973).

Security Council resolution 624(1988)

30 November 1988 Meeting 2831 Adopted unanimously

Draft prepared in consultations among Council members (S/20300).

Following the adoption of each resolution, the President of the Council made the following statement:<sup>(46)</sup>

"As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 24: 'Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached.' That statement of the Secretary-General reflects the view of the Security Council."

#### Financing

The Secretary-General reported<sup>(47)</sup> that, as at 30 September 1988, assessments totalling \$843.4 million had been apportioned among Member States for UNDOF since its inception on 31 May 1974<sup>(39)</sup> to 30 November 1988 and for the second United Nations Emergency Force (UNEF-II), established in 1973<sup>(48)</sup> and liquidated in 1980.<sup>(49)</sup> Contributions received from 1973 to 1988 amounted to \$768.4 million. Of the unpaid assessed balance due of \$75 million, only \$6.4 million was considered collectible, leaving a shortfall of \$68.6 million. That amount represented \$32.6 million in payments withheld by Member States and \$36 million transferred to a special account in accordance with a 1981 General Assembly resolution.<sup>(33)</sup> Therefore, troop contributors had not been reimbursed in full or on time.

In 1987,<sup>(50)</sup> the Assembly had appropriated \$17,664,000 for UNDOF for the period from 1 December 1987 to 31 May 1988 and authorized the commitment of a rate not to exceed \$2,944,000 gross (\$2,893,000 net) per month for the period from 1 June to 30 November 1988 should the Security Council decide to continue UNDOF beyond 31 May, which it did (see above). For the 12-month period starting 1 December 1988, the estimated

costs were \$3,019,000 gross (\$2,963,000 net) per month. Those estimates assumed an average force strength of 1,327 troops, all ranks, as well as the continuance of existing responsibilities. On a net basis, that was \$840,000 (2.4 per cent) more than the estimate for the previous period.

In December 1988,<sup>(37)</sup> ACABQ reported that the audited accounts of UNEF/UNDOF for the 1986-1987 biennium showed a "surplus" balance of \$2,413,235 as at 31 December 1987, representing excess of income over expenditures due to interest and miscellaneous credits accrued to the account, with "income" referring to "assessed contributions" irrespective of collectibility. As a consequence of contributions withheld by Member States, the surplus had in effect been drawn upon in full. ACABQ recommended that the Secretary-General's cost estimate for UNDOF in 1988/89 be approved and that its requirements for the 12-month period beginning 1 December 1988 not exceed \$36,228,000 gross (\$35,556,000 net).

#### GENERAL ASSEMBLY ACTION

On 21 December 1988, the General Assembly, on the recommendation of the Fifth Committee, adopted resolution 43/228 by recorded vote.

#### Financing of the United Nations Disengagement Observer Force

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Disengagement Observer Force, as well as the related report of the Advisory Committee on Administrative and Budgetary Questions,

Bearing in mind Security Council resolution 350(1974) of 31 May 1974, by which the Council established the United Nations Disengagement Observer Force, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 624(1988) of 30 November 1988,

Recalling its resolution 3211 B (XXIX) of 29 November 1974 on the financing of the United Nations Emergency Force and the United Nations Disengagement Observer Force and its subsequent resolutions thereon, the latest of which was resolution 42/70 A of 3 December 1987,

Reaffirming its previous decisions regarding the fact that, in order to meet the expenditures caused by such operations, a different procedure from the one applied to meet expenditures of the regular budget of the United Nations is required,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards peace-keeping operations involving heavy expenditures,

Bearing in mind the special responsibilities of the States permanent members of the Security Council in the financing of such operations, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963 and other resolutions of the Assembly,

Having regard to the financial position of the Special Account for the United Nations Emergency Force and the United Nations Disengagement Observer Force, as set forth in the report of the Secretary-General, and referring to paragraph 6 of the report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling its resolution 33/13 E of 14 December 1978 and the subsequent resolutions in which it decided that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations should be suspended, the latest of which was resolution 42/70 B of 3 December 1987,

Mindful of the fact that it is essential to provide the United Nations Disengagement Observer Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

Concerned that the Secretary-General continues to face difficulties in meeting the obligations of the Forces on a current basis, particularly those due to the Governments of troop-contributing States,

Recognizing that, in consequence of the withholding of contributions by certain Member States, the surplus balances in the Special Account for the United Nations Emergency Force and the United Nations Disengagement Observer Force have, in effect, been drawn upon to the full extent to supplement the income received from contributions for meeting expenses of the Forces,

Concerned that the application of the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations would aggravate the already difficult financial situation of the Forces,

1. Decides to appropriate to the Special Account referred to in section II, paragraph 1, of General Assembly resolution 3211 B (XXIX) the amount of 17,664,000 United States dollars gross (17,358,000 dollars net) authorized and apportioned by section III of Assembly resolution 42/70 A for the operation of the United Nations Disengagement Observer Force for the period from 1 June to 30 November 1988, inclusive;

2. Decides also to appropriate to the Special Account an amount of 18,114,000 dollars for the operation of the United Nations Disengagement Observer Force for the period from 1 December 1988 to 31 May 1989, inclusive;

3. Decides further, as an ad hoc arrangement, without prejudice to the positions of principle that may be taken by Member States in any consideration by the General Assembly of arrangements for the financing of peace-keeping operations, to apportion the amount of 18,114,000 dollars among Member States in accordance with the scheme set out in Assembly resolution 3101(XXVIII) of 11 December 1973 and the provisions of section II, paragraph 2 (b) and (c), and section V, paragraph 1, of resolution 3374 C (XXX) of 2 December 1975, section V, paragraph 1, of resolution 31/5 D of 22 December 1976, section V, paragraph 1, of resolution 32/4 C of 2 December 1977, section V, paragraph 1, of resolution 33/13 D of 8 December 1978, section V, paragraph 1, of resolution 34/7 C of 3 December 1979, section V, paragraph 1, of resolution 35/45 A of 1 December 1980, section V, paragraph 1, of resolution 36/66 A of 30 November 1981, section V, paragraph 1, of resolution 37/38 A of 30 November 1982 and section V, paragraphs 1 and 2, of resolution 39/28 A of 30 November 1984; the scale of assessments for the year 1988 shall be applied against a portion thereof, that is,

3,019,000 dollars, being the amount pertaining on a pro rata basis to the period ending 31 December 1988, and the scale of assessments for the year 1989 shall be applied against the balance, that is, 15,095,000 dollars, for the period thereafter;

4. Decides that there shall be set off against the apportionment among Member States, as provided for in paragraph 3 above, their respective share in the estimated income of 6,000 dollars other than staff assessment income approved for the period from 1 December 1988 to 31 May 1989, inclusive;

5. Decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 3 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 330,000 dollars approved for the period from 1 December 1988 to 31 May 1989, inclusive;

6. Authorizes the Secretary-General to enter into commitments for the United Nations Disengagement Observer Force at a rate not to exceed 3,019,000 dollars gross (2,963,000 dollars net) per month for the period from 1 June to 30 November 1989, inclusive, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 624(1988), the said amount to be apportioned among Member States in accordance with the scheme set out in the present resolution;

7. Decides that the provisions of regulations 5.2 (b), 5.2 (d), 4.3 and 4.4 of the Financial Regulations of the United Nations shall be suspended in respect of the amount of 2,413,235 dollars, which otherwise would have to be surrendered pursuant to those provisions, this amount to be entered into the account referred to in the operative part of General Assembly resolution 33/13 E and held in suspense until a further decision is taken by the Assembly;

8. Stresses the need for voluntary contributions to the United Nations Disengagement Observer Force, both in cash and in the form of services and supplies acceptable to the Secretary-General;

9. Requests the Secretary-General to take all necessary action to ensure that the United Nations Disengagement Observer Force is administered with a maximum of efficiency and economy.

General Assembly resolution 43/228

21 December 1988 Meeting 84 133-2-8 (recorded vote)

Approved by Fifth Committee (A/43/956) without vote, 12 December (meeting 451; 13-nation draft (A/C.5/43/L.6); agenda item 124 (a).

Sponsors: Australia, Austria, Canada, Denmark, Fiji, Finland, Germany, Federal Republic of Ghana, Ireland, Nepal, New Zealand, Norway, Sweden. Meeting numbers. GA 43rd session: 5th Committee 44, 45; plenary 84.

Recorded vote in Assembly as follows:

In favour: Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania,

Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Libyan Arab Jamahiriya, Syrian Arab Republic.

Abstaining: Algeria, Cuba, Iran, Iraq, Maldives, Sudan, Viet Nam, Yemen,

## Israel and Tunisia

### Assassination of PLO

#### Executive Committee member in Tunis

By a letter of 19 April 1988,<sup>(51)</sup> Tunisia informed the President of the Security Council that, on 16 April, a terrorist commando unit had killed a Tunisian citizen and three Palestinians, one of whom was Khalil al-Wazir, also known as Abu Jihad, a member of the PLO Executive Committee and deputy commander-in-chief of its forces, in his residence in the northern suburbs of Tunis. The preliminary investigation indicated that the commando unit had sophisticated naval and aerial military support, the latter through an Israeli Boeing 707, which was in fact a military aircraft whose electronic equipment jammed the local telecommunications network. Statements by Israeli officials confirmed that direct responsibility for the action lay with the Israeli Government, which had financed and ordered Mr. al-Wazir's execution.

Tunisia requested an urgent meeting of the Council to consider what it called a new deliberate attack on its territorial integrity and sovereignty, in violation of an October 1985 Council resolution,<sup>(52)</sup> adopted after an Israeli air raid on a Tunis suburb. It invited the Council to take appropriate steps to prevent the repetition of such acts.

In response to Tunisia's request, the Council held four meetings between 21 and 25 April. At their request, the following States were invited to participate without the right to vote: Bahrain, Bangladesh, Congo, Cuba, Djibouti, Egypt, Gabon, Greece, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Mozambique, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, Turkey, Ukrainian SSR, United Arab Emirates, Yemen, Zimbabwe.

At Algeria's request,<sup>(53)</sup> an invitation under rule 39<sup>a</sup> of the Council's provisional rules of procedure was extended to the Permanent Observer of LAS. Also at Algeria's request,<sup>(54)</sup> the Council decided, by 10 votes to 1 (United States), with 4 abstentions (France, Germany, Federal Republic of Italy, United Kingdom), that an invitation be accorded to the Observer of PLO. The invitation, though not made pursuant to rules 37<sup>b</sup> or 39, conferred on PLO the same rights as those conferred on a Member State when invited under rule 37. The United States, which had requested the vote, reiterated its previously stated position, objecting

to giving PLO the same rights as a Member State (see above, under "Israel and Lebanon").

Tunisia charged that the attack was premeditated, as evidenced clearly by the preliminary findings of a committee of inquiry set up by the Government, namely: at the very time when the assassination took place, an Israeli military aircraft, disguised as a civilian airliner, was flying not far from the Tunisian coast, providing logistic support to a group of terrorists, and the plane was equipped with ultra-sophisticated electronic equipment which was able to jam the telecommunications network in the area. The terrorists fled in rented vehicles, which were left on the beach 15 kilometres from the scene of the crime; footprints showed that they entered and left Tunisia by sea. Statements by Israeli leaders also established the Israeli Government's responsibility for the operation.

Recalling that this was not the first Israeli terrorist attack on its territory, Tunisia said the Council was duty-bound to condemn the political assassination and State terrorism practised by Israel, whose involvement in the assassination was a violation of the sovereignty and territorial integrity of an independent State, showing the terrorist nature of its practices and its defiance of international law.

Israel, which did not participate in the Council's proceedings, said in a 21 April statement that the request for Council action was based on unsubstantiated allegations and that it was saddening, in view of the need for action against international terrorism, that the Council was discussing the fate of a terrorist who had openly accepted responsibility for the murder of many innocent men, women and children.

Before the vote, the United States explained that it would abstain because the draft resolution disproportionately placed all blame for the latest round in the rising spiral of violence in the Middle East on one event, while failing to mention other actions that preceded it. It also included language that was suggestive of sanctions under Chapter VII of the Charter.

The Council adopted resolution 611(1988) on 25 April.

#### The Security Council,

Having considered the letter dated 19 April 1988, in which Tunisia made a complaint against Israel following the new act of aggression committed by the latter against the sovereignty and territorial integrity of Tunisia,

Having heard the statement by the Minister for Foreign Affairs of Tunisia,

Having noted with concern that the aggression perpetrated on 16 April 1988 in the locality of Sidi Bou Said has caused loss of human life, particularly the assassination of Mr. Khalil al-Wazir,

Recalling that in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity

or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations,

Considering that in its resolution 573(1985) of 4 October 1985, adopted following the act of aggression committed on 1 October 1985 by Israel against the sovereignty and territorial integrity of Tunisia, it has condemned Israel and has demanded that Israel refrain from perpetrating such acts of aggression or from threatening to do so,

Gravely concerned by the act of aggression which constitutes a serious and renewed threat to peace, security and stability in the Mediterranean region,

1. Condemns vigorously the aggression, perpetrated on 16 April 1988 against the sovereignty and territorial integrity of Tunisia in flagrant violation of the Charter of the United Nations, international law and norms of conduct;

2. Urges Member States of the United Nations to take measures to prevent such acts against the sovereignty and territorial integrity of all States;

3. Expresses its determination to take the appropriate steps to ensure the implementation of the present resolution;

4. Requests the Secretary-General to report urgently to the Security Council any new elements available to him and relating to this aggression;

6. Decides to remain seized of the matter.

Security Council resolution 611(1988)

25	April	1988	Meeting	2810	14-0-1
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6-nation draft (S/19819).

Sponsors: Algeria, Argentina, Nepal, Senegal, Yugoslavia, Zambia.

Meeting numbers. SC 2807-2810.

Vote in Council as follows:

In favour: Algeria, Argentina, Brazil, China, France, Germany, Federal Republic of, Italy, Japan, Nepal, Senegal, USSR, United Kingdom, Yugoslavia, Zambia.

Against: None.

Abstaining: United States.

#### REFERENCES

- (<sup>1</sup>)YUN 1981, p. 275. (<sup>2</sup>)A/43/2. (<sup>3</sup>)A/43/541-S/20132. (<sup>4</sup>)A/43/737-S/20235. (<sup>5</sup>)A/43/746-S/20240. (<sup>6</sup>)A/43/661-S/20207. (<sup>7</sup>)A/43/79-S/19406. (<sup>8</sup>)S/19415. (<sup>9</sup>)S/19432. (<sup>10</sup>)S/19433. (<sup>11</sup>)S/19434. (<sup>12</sup>)YUN 1978, p. 312, SC res. 425(1978) & 426(1978), 19 Mar. 1978. (<sup>13</sup>)YUN 1982, p. 450, SC res. 509(1982), 6 June 1982. (<sup>14</sup>)A/43/350-S/19860. (<sup>15</sup>)S/19861. (<sup>16</sup>)S/19867. (<sup>17</sup>)S/19870. (<sup>18</sup>)S/19868. (<sup>19</sup>)A/43/927-S/20317. (<sup>20</sup>)S/20318. (<sup>21</sup>)S/20322. (<sup>22</sup>)YUN 1978, p. 312, SC res. 425(1978), 19 Mar. 1978. (<sup>23</sup>)Ibid., p. 296. (<sup>24</sup>)YUN 1982, p. 428. (<sup>25</sup>)Ibid., p. 450 SC res. 511(1982), 18 June 1982. (<sup>26</sup>)S/20053 & Corr.1. (<sup>27</sup>)S/19808. (<sup>28</sup>)S/19809. (<sup>29</sup>)S/19445. (<sup>30</sup>)S/19440. (<sup>31</sup>)A/43/461-S/20014. (<sup>32</sup>)A/43/826 & Corr.1. (<sup>33</sup>)YUN 1981, p. 1299, GA res. 36/116 A, 10 Dec. 1981. (<sup>34</sup>)YUN 1979, p. 352, GA res. 34/9 D, 17 Dec. 1979. (<sup>35</sup>)YUN 1987, p. 293, GA res. 42/223, 21 Dec. 1987. (<sup>36</sup>)Ibid., p. 1110, GA res. 42/227, 21 Dec. 1987. (<sup>37</sup>)A/43/941. (<sup>38</sup>)S/19617. (<sup>39</sup>)YUN 1974, p. 205, SC res. 350(1974), 31 May 1974. (<sup>40</sup>)Ibid., p. 198. (<sup>41</sup>)YUN 1981, p. 309. (<sup>42</sup>)S/20276. (<sup>43</sup>)S/19972. (<sup>44</sup>)S/19973. (<sup>45</sup>)S/19895. (<sup>46</sup>)S/19912, S/20306. (<sup>47</sup>)A/43/769. (<sup>48</sup>)YUN 1973, p. 213, SC res. 340(1973), 25 Oct. 1973. (<sup>49</sup>)YUN 1980, p. 361. (<sup>50</sup>)YUN 1987, p. 291, GA res. 42/70 A, 3 Dec. 1987. (<sup>51</sup>)S/19798. (<sup>52</sup>)YUN 1985, p. 287, SC res. 573(1985), 4 Oct. 1985. (<sup>53</sup>)S/19815. (<sup>54</sup>)S/19814.

#### Territories occupied by Israel

The territories occupied by Israel as a result of previous armed conflicts in the Middle East com-

prised the Gaza Strip, the West Bank of the Jordan River, including East Jerusalem, and the Golan Heights in the Syrian Arab Republic. The political and security situation in the West Bank and Gaza Strip deteriorated progressively during 1988, following the beginning in late 1987 of the uprising, or intifadah, and with tensions remaining high in the Golan Heights. The Security Council and the General Assembly took action on various aspects of that situation.

The uprising also brought a noticeable increase in deportations of Palestinians from the occupied territories. The Security Council, by resolution 607(1988) in January, called on Israel to refrain from such deportations and requested it to abide by the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (fourth Geneva Convention). The Council called again in January on Israel to rescind the order to deport Palestinian civilians and to ensure their safe and immediate return, requesting that it desist from deporting any others (608(1988)).

In November, the Assembly, addressing the uprising, condemned Israel's persistent policies and practices violating the human rights of Palestinians in the occupied territories, in particular the opening of fire by the Israeli army and settlers that resulted in the killing and wounding of defenceless Palestinians; beatings and breaking of bones; deportation and detention of Palestinian civilians; restrictive economic measures; demolition of houses; collective punishment; and denial of access to the media. The Assembly reaffirmed that Israel's occupation in no way changed the territories' status and demanded that Israel abide by the fourth Geneva Convention (resolution 43/21).

In seven resolutions adopted in December, dealing with aspects of the situation considered by the Committee on Israeli practices, the Assembly reaffirmed that occupation itself was a grave violation of the human rights of the civilian population in those Arab territories, and condemned Israeli policies and practices affecting a variety of aspects of Palestinian life (43/58 A); condemned Israel's failure to acknowledge the applicability of the fourth Geneva Convention to the territories (43/58 B); demanded that Israel rescind the illegal measures of deporting Palestinians and facilitate their immediate return (43/58 E); called on Israel to release all Palestinians and other Arabs arbitrarily detained or imprisoned (43/58 D) and to rescind all measures taken against Palestinian educational institutions (43/58 G); condemned Israel's persistence in changing the physical character, demographic composition, institutional structure and legal status of the occupied Golan Heights (43/58 F); and demanded that Israel desist from such action in all of the occupied territories (43/58 C).

The Economic and Social Council condemned the application of an iron-fist policy by Israel

against Palestinian women and their families in the occupied territories (1988/25).

Report of the Committee on Palestinian rights. Repressive Israeli measures to quell the Palestinian uprising led to a grave deterioration of the situation, the Committee on Palestinian rights reported in October 1988.<sup>(1)</sup> Despite the international outcry over repeated violations of human rights in the occupied territories and requests by the Security Council to abide by the relevant international instruments and United Nations resolutions, Israel continued to resort to military force against the Palestinians resisting the occupation and to engage in armed attacks against the integrity and sovereignty of countries in the region.

The Committee expressed great concern at the mounting casualties and suffering inflicted on the Palestinians and warned that Israel's intransigence would further exacerbate the situation and jeopardize international efforts towards a just and lasting settlement. The urgency of taking measures to protect Palestinians under occupation, to guarantee the safety and security and the legal and human rights of Palestinian refugees in the territories and to alleviate their suffering were paramount concerns in the Committee's programme of work during the year under review.

The Committee estimated that, by 27 September, 248 Palestinians had been shot to death by Israeli armed forces since the beginning of the uprising; another 126 had died from beatings, tear-gas inhalation and other causes related to actions by those forces and Israeli settlers. Thousands of Palestinians had been wounded or had suffered crushed bones in random beatings by Israeli soldiers implementing a policy of might to suppress the uprising, announced by the Israeli Defence Minister in January.

A high proportion of the victims were youths and children, the Committee noted with alarm, adding that the casualty toll was probably higher than reported since many feared arrest if they sought hospital treatment. Furthermore, repeated sealing off of areas, measures restricting activities of the press, and detention and harassment of journalists and human rights workers made it difficult to collect systematic information. At the same time, the growing involvement of armed Israeli settlers in attacks against the Palestinians seemed to be endorsed through an announced policy by the authorities allowing settlers to shoot demonstrators carrying what appeared to be fire-bombs. Humanitarian assistance organizations reported that medical personnel were refused access to camps and villages closed by the military, that hospitals had been attacked, and that patients and medical personnel had been beaten and arrested. In view of the high number of casualties, the Committee noted that the health situation—particularly in Gaza—had reached catastrophic

proportions and that hospitals were facing severe shortages because the authorities were restricting access to medical supplies.

Israeli authorities had resorted to a policy of mass arrests, administrative detention without charge or trial, and deportations, in attempts to eradicate the leadership of the uprising. Human rights organizations estimated that, by the end of September, about 5,500 Palestinians were in detention, of whom 2,500 were under administrative detention without charge or trial, and that 33 had been deported, with deportation orders on another 25, in defiance of Security Council resolutions and the fourth Geneva Convention (see below). Collective punishment against the entire Palestinian population also escalated, including the closing off of areas as military zones; prevention of the delivery of foodstuffs, fuel and medicines; disruption of electricity and telephone services; and mass destruction of trees, crops and homes. Some 236 homes were reported destroyed as at 23 September, displacing thousands of Palestinians, while hundreds more were reportedly scheduled for demolition.

Other measures to suppress the uprising included restrictions on freedom of movement or travel and the intensification of measures against Palestinian economic, social and cultural institutions. West Bank universities were repeatedly closed, as were most schools in the Gaza Strip. A large number of schools were sequestered by the Israeli army for its own use, and school property was destroyed. The Palestinian Press Service was closed for six months, and other publications were harassed through closings, disruption of distribution and arrest of journalists. Trade unions and community groups were also harassed, and stringent administrative and economic measures were directed at strengthening Israel's hold on the territories at the same time that it intensified its de facto annexation.

By May 1988, the area of land confiscated by Israel since 1967 was almost 2.8 million dunums (1 dunum = 1,000 square metres), which was more than half the land area of the occupied Palestinian territories. The number of settlements had reached 170 in the West Bank and 20 in the Gaza Strip, with plans for new settlements and expansion of existing ones. Concurrently, stringent restrictions continued to be imposed on water use, new construction, the granting of credit and other activities necessary to develop the territories.

The Committee considered that every effort should be made to ensure the safety and protection of Palestinians in the occupied territories.

Report of the Committee on Israeli practices. In its report covering the period from 4 September 1987 to 26 August 1988,<sup>(2)</sup> the Committee on Israeli practices reflected on the overall situation

in the territories, the uprising and specific incidents as they occurred. It described changes instituted by the Israeli Government in the administration of justice as a consequence of the uprising and followed up on practices by Israeli settlers and underground activists. The report included examples of harassment and physical mistreatment, collective punishment, expulsions and deportations, economic and social maltreatment, and unduly harsh treatment of detainees.

While Israel had continued to withhold its co-operation, the Committee benefited from the co-operation of Egypt, Jordan, the Syrian Arab Republic and PLO. The report was based on oral and written evidence presented to the Committee by Governments, organizations and individuals, as well as media sources.

The accumulation of frustrations suffered by the civilian population over the years as a result of Israel's persistent policy of annexation and colonization in the territories occupied in June 1967, and the humiliation and suffering brought about by that policy, were bound to provoke a violent reaction, the Committee stated. The restrictions imposed in the framework of the "iron-fist policy" since 1985 and the increasing determination of the young generation of Palestinians to oppose the arbitrary rules set by the occupants had prepared the ground for such confrontation. Thus, the explosion of violence sparked off by an incident in the Gaza Strip in December 1987 had quickly spread to the entire occupied territories.

The uprising was marked by heavy casualties, with hundreds of civilians killed by security forces or settlers, or under other circumstances. The death toll included casualties caused by shooting, beating, gas inhalation or electrocution. While several thousands of civilians were physically injured, the entire Palestinian population suffered as a result of Israel's policy of "force, power and blows".

Day-to-day life in the territories since the start of the uprising was characterized by constant unrest and violent clashes, sparing almost no single village or locality. The pattern of disturbances included demonstrations, stone-throwing and commercial strikes on the one hand, and the use of tear-gas, clubs, rubber and live bullets, curfews and various economic sanctions by the occupation authorities on the other. Acts of aggression by Israeli settlers against Palestinians contributed to a further deterioration in the climate of tension and terror. Information and evidence collected by the Committee also revealed the arbitrary deportation of Palestinians; the illegal demolition of houses as a form of collective punishment; severe limitations on the freedom of expression, which tended in particular to limit or prevent adequate media coverage of events related to the uprising; and the general closure of all educational institutions for several months.

The new situation in the territories engendered a considerable amount of administrative and other forms of detention. Several thousand Palestinians, including minors, had been or continued to be detained in various prisons and detention centres, sometimes even inside Israel itself, illustrating that legal guarantees such as the right to fair trial were often denied to Palestinians. Furthermore, the unprecedented increase in the prison population aggravated already critical detention conditions and the plight of detainees.

The Committee stressed that a year earlier it had warned of an explosive situation that seemed bound to provoke yet more dramatic events. The tragic developments stemmed from the basic reality that occupation itself constituted a violation of human rights, a fact consistently denied by Israel, which asserted that the territories it had occupied in 1967 constituted part of the State of Israel and that therefore measures such as the establishment of colonies and the transfer of Israeli citizens thereto did not constitute annexation. That attitude, the Committee said, was a violation by Israel of its international obligations as a party to the fourth Geneva Convention.

In view of the grave developments, the Committee stressed the responsibility of the international community to prevent a further deterioration of the situation and to protect the civilian population, whose basic rights could be ensured in the long run only through negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict. In the mean time, the Committee made specific recommendations to restore the basic rights of the civilians in the territories. It recommended full application by Israel of the relevant provisions of the fourth Geneva Convention, that Israel give the International Committee of the Red Cross (ICRC) access to detained persons, and that Israel and other Member States fully support the activities of ICRC and UNRWA.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, acting on the recommendation of the Special Political Committee and following consideration of the report of the Committee on Israeli practices, the General Assembly adopted resolution 43/58 A by recorded vote.

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and by the principles and provisions of the Universal Declaration of Human Rights,

Aware of the uprising (intifadah) of the Palestinian people since 9 December 1987 against Israeli occupation, which has received significant attention and sympathy from world public opinion,

Deeply concerned at the alarming situation in the Palestinian territory occupied since 1967, including Jerusalem, as well as in the other occupied Arab territories,



as a result of the continued occupation by Israel, the occupying Power, and of its persistent policies and practices against the Palestinian people.

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, as well as of other relevant conventions and regulations,

Taking into account the need to consider measures for the impartial protection of the Palestinian people under the Israeli occupation,

Recalling all its resolutions on the subject, in particular resolutions 32/91 B and C of 13 December 1977, 33/113 C of 18 December 1978, 34/90 A of 12 December 1979, 35/122 C of 11 December 1980, 36/147 C of 16 December 1981, ES-9/1 of 5 February 1982, 37/88 C of 10 December 1982, 38/79 D of 15 December 1983, 39/95 D of 14 December 1984, 40/161 D of 16 December 1985, 41/63 D of 3 December 1986, 42/160 D of 8 December 1987 and 43/21 of 3 November 1988,

Recalling also the relevant Security Council resolutions, in particular resolutions 605(1987) of 22 December 1987, 607(1988) of 5 January 1988 and 608(1988) of 14 January 1988,

Recalling further the relevant resolutions adopted by the Commission on Human Rights, in particular its resolutions 1983/1 of 15 February 1983, 1984/1 of 20 February 1984, 1985/1 A and B and 1985/2 of 19 February 1985, 1986/1 A and B and 1986/2 of 20 February 1986, 1987/1, 1987/2 A and B and 1987/4 of 19 February 1987, 1988/1 A and B and 1988/2 of 15 February 1988 and 1988/3 of 22 February 1988, and by other United Nations organs concerned and the specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which contains, *inter alia*, self-incriminating public statements made by officials of Israel, the occupying Power,

Having also considered the reports of the Secretary-General of 21 January 1988, 29 September 1988 and 21 November 1988,

1. Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its thoroughness and impartiality;

2. Deplores the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. Demands that Israel allow the Special Committee access to the occupied territories;

4. Reaffirms the fact that occupation itself constitutes a grave violation of the human rights of the civilian population of the occupied Arab territories;

5. Condemns the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments, and condemns in particular those violations which the Convention designates as "grave breaches" thereof;

6. Declares once more that Israel's grave breaches of that Convention are war crimes and an affront to humanity;

7. Reaffirms, in accordance with the Convention, that the Israeli military occupation of the Palestinian and other Arab territories is of a temporary nature, thus giving no right whatsoever to the occupying Power over the territorial integrity of the occupied territories;

8. Strongly condemns the following Israeli policies and practices:

(a) Annexation of parts of the occupied territories, including Jerusalem;

(b) Imposition of Israeli laws, jurisdiction and administration on the Syrian Arab Golan, which has resulted in the effective annexation of that territory;

(c) Illegal imposition and levy of heavy and disproportionate taxes and dues;

(d) Establishment of new Israeli settlements and expansion of the existing settlements on private and public Arab lands, and transfer of an alien population thereto;

(e) Eviction, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories and denial of their right to return;

(f) Confiscation and expropriation of private and public Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand and the inhabitants or institutions of the occupied territories on the other;

(g) Excavation and transformation of the landscape and the historical, cultural and religious sites, especially at Jerusalem;

(h) Pillaging of archaeological and cultural property;

(i) Destruction and demolition of Arab houses;

(j) Collective punishment, mass arrests, administrative detention and ill-treatment of the Arab population;

(k) Ill-treatment and torture of persons under detention;

(l) Interference with religious freedoms and practices as well as family rights and customs;

(m) Interference with the system of education and with the social and economic and health development of the population in the Palestinian and other occupied Arab territories;

(n) Interference with the freedom of movement of individuals within the Palestinian and other occupied Arab territories;

(o) Illegal exploitation of the natural wealth, resources and population of the occupied territories;

9. Strongly condemns, in particular, the following Israeli policies and practices:

(a) Implementation of an "iron-fist" policy against the Palestinian people in the occupied Palestinian territory since 4 August 1985;

(b) Escalation of Israeli brutality since the beginning of the uprising (intifadah) on 9 December 1987;

(c) Ill-treatment and torture of children and minors under detention and/or imprisonment;

(d) Closure of headquarters and offices of trade unions and social organizations and harassment of their leaders, as well as attacks on hospitals and their personnel;

(e) Interference with the freedom of the press, including censorship, detention or expulsion of journalists, closure and suspension of newspapers and magazines, as well as denial of access to international media;

(f) Killing and wounding of defenceless demonstrators;

(g) Breaking of bones and limbs of thousands of

(h) House and/or town arrests;

(i) Usage of toxic gas, which resulted, *inter alia*, in the killing of many Palestinians;

10. Condemns also the Israeli repression against and closing of the educational institutions in the occupied Syrian Arab Golan, particularly the prohibition of

Syrian textbooks and the Syrian educational system, the deprivation of Syrian students from pursuing their higher education in Syrian universities, the denial of the right to return to Syrian students receiving their higher education in the Syrian Arab Republic, the forcing of Hebrew on Syrian students, the imposition of courses that promote hatred, prejudice and religious intolerance, and the dismissal of teachers, all in clear violation of the Geneva Convention;

11. Strongly condemns the arming of Israeli settlers in the occupied territories to commit acts of violence against Palestinian and Arab civilians and the perpetration of acts of violence by these armed settlers against individuals, causing death and injury and wide-scale damage to Arab property;

12. Requests the Security Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories;

13. Urges the Security Council to consider the current situation in the Palestinian territory occupied by Israel since 1967, taking into account the recommendations contained in the reports of the Secretary-General of 21 January 1988 and 21 November 1988, and with a view to securing international protection for the defenceless Palestinian people until the withdrawal of Israel, the occupying Power, from the occupied Palestinian territory;

14. Reaffirms that all measures taken by Israel to change the physical character, demographic composition, institutional structure or legal status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the Geneva Convention and of the relevant resolutions of the United Nations;

15. Demands that Israel desist forthwith from the policies and practices referred to in paragraphs 8, 9, 10 and 11 above;

16. Calls upon Israel, the occupying Power, to take immediate steps for the return of all displaced Arab and Palestinian inhabitants to their homes or former places of residence in the territories occupied by Israel since 1967, in implementation of Security Council resolution 237(1967) of 14 June 1967;

17. Urges international organizations, including the specialized agencies, in particular the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to continue to examine the educational and health conditions of Palestinian and Arab workers in the occupied Palestinian and other Arab territories, including Jerusalem;

18. Reiterates its call upon all States, in particular those States parties to the Geneva Convention, in accordance with article 1 of that Convention, and upon international organizations, including the specialized agencies, not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including those in the field of aid, which might be used by Israel in its pursuit of the policies of annexation and colonization

or any of the other policies and practices referred to in the present resolution;

19. Requests the Special Committee, pending early termination of Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

20. Also requests the Special Committee to submit regularly periodic reports to the Secretary-General on the present situation in the occupied Palestinian territory;

21. Further requests the Special Committee to continue to investigate the treatment of civilians in detention in Arab Palestinian and other Arab territories occupied by Israel since 1967;

22. Condemns Israel's refusal to permit persons from the occupied territories to appear as witnesses before the Special Committee and to participate in conferences and meetings held outside the occupied Palestinian territory;

23. Requests the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To circulate regularly and periodically the reports mentioned in paragraph 20 above to the States Members of the United Nations;

(d) To ensure the widest circulation of the reports of the Special Committee and of information regarding its activities and findings, by all means available, through the Department of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee that are no longer available;

(e) To report to the General Assembly at its forty-fourth session on the tasks entrusted to him in the present resolution;

24. Calls upon Israel, the occupying Power, to allow the reopening of the Roman Catholic Medical Facility Hospice at Jerusalem in order to continue to provide needed health and medical services to the Arab population in the city;

25. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

General Assembly resolution 43/58 A

6 December 1988 Meeting 71 106-2-43 (recorded vote)

Approved by Special Political Committee (A/43/904) by recorded vote (89-2-32), 28 November (meeting 341; draft by Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, India, Indonesia, Jordan (for Arab Group), Madagascar, Malaysia, Nicaragua, Pakistan, Zambia (A/SPC/43/L.26): agenda item 77.

Financial implications. 5th Committee. A/43/931: S-G. A/SPC/43/L.33, A/C.5/43/51.

Meeting numbers. GA 43rd session: SPC 28-32, 34; 5th Committee 41; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR,

Cape Verde, China, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Antigua and Barbuda, Australia, Austria, Barbados, Belgium, Belize, Cameroon, Canada, Central African Republic, Colombia, Costa Rica, Côte d'Ivoire, Denmark, Dominican Republic, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Haiti, Iceland, Ireland, Italy, Japan, Liberia, Luxembourg, Malawi, Malta, Netherlands, New Zealand, Norway, Portugal, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Spain, Sweden, United Kingdom, Uruguay, Zaire.

Before adopting the text as a whole, the Assembly adopted paragraph 6 by a recorded vote of 80 to 23, with 45 abstentions. The paragraph was approved by the Committee by a recorded vote of 71 to 20, with 29 abstentions.

#### The Palestinian uprising

Gravely concerned at the situation created by the widespread uprising of Palestinians in the occupied territories and the resulting massive Israeli repression, the Security Council had, in December 1987,<sup>(3)</sup> deplored Israel's practices, particularly the Israeli army's firing at defenceless civilians, and called on Israel to abide immediately by the fourth Geneva Convention and to desist from such practices. The Secretary-General was requested to examine the situation by all available means and to recommend ways to ensure the safety of Palestinians under Israeli occupation.

During 1988, the uprising gained momentum, with its escalation exponentially increasing international attention to the inhuman conditions in the territories occupied by Israel. Avenues open to negotiation were blocked by deep mutual distrust on both the Arab and Israeli sides and by diametrically opposed political and legal positions. The Security Council did not adopt an operational resolution on the conflict due to the repeated negative vote of a permanent member.

Report of the Secretary-General. On 21 January 1988,<sup>(4)</sup> in response to the December 1987 Security Council resolution,<sup>(3)</sup> the Secretary-General reported on the results of a visit to Israel and the occupied territories by the Under-Secretary-General for Special Political Affairs, Marrack Goulding, from 8 to 17 January, which was undertaken to examine the situation on the spot and make recommendations to the Council on ways to ensure the safety and protection of the Palestinian population. At meetings with Mr. Goulding, the Israeli Minister for Foreign Affairs,

the Defence Minister and the Co-ordinator of Government Operations in the territories stated that, since Israel did not accept the applicability of the fourth Geneva Convention, the Council had no role to play in the security of the territories, for which Israel itself was exclusively responsible.

The Ministers agreed that the situation was serious, with the Israel Defence Forces (IDF) being surprised by the extent of the disturbances. As a largely conscript army trained to defend against external attack, IDF lacked expertise in riot control and, although Israel regretted the civilian casualties, the current disorder in the refugee camps could not be tolerated and firm measures would, if necessary, be taken to suppress it. A political solution had to be found to the underlying problem, and Israel remained committed to the search for a negotiated settlement. Meanwhile, law and order had to be restored.

Throughout Mr. Goulding's visit, nearly all camps in the Gaza Strip were under curfew or had been declared closed military areas, as were many of the West Bank camps. However, during visits to Rafah (Gaza Strip), Dheisheh (Bethlehem) and Balata (Nablus) camps and in other meetings, about 200 Palestinian men and women indicated that they rejected Israeli occupation and insisted that the Palestinian problem was not one of refugees but a political problem requiring a political solution. They complained bitterly about Israeli practices, especially the behaviour of the security forces, and about the Israeli settlements and the obstruction of Palestinian economic development. It was widely maintained that the practices had to be made known to a world which, after 20 years of occupation, seemed to have forgotten the territories. There was criticism of the failure of Member States to secure implementation of the dozens of United Nations resolutions, both on the situation in the territories and on the wider political issue of a just and lasting settlement.

Overall, the atmosphere in the territories, especially in the refugee camps, was marked by tension and unrest, with commercial strikes in almost all towns and most educational institutions closed. More than 2,000 Palestinians, many under the age of 16 and some as young as 11 or 12, had been detained in the month since the beginning of the uprising, while deportations continued. Most acutely affected were residents of the refugee camps, particularly in the Gaza Strip, where normal life had been totally disrupted by curfews and the closing off of camps to non-residents, including relief workers. While at first the Israeli Ministers had believed the rebellion leading to such a situation had been orchestrated by PLO and fundamentalist Islamic groups, they had since concluded that the situation was a spontaneous outburst. It was a reaction supported by Palestinians of all ages and

walks of life to 20 years of occupation and to a lack of hope for its early end.

The behaviour of the Israeli security forces was described by the Palestinians consulted, without exception, as not only harsh but random and capricious, in such incidents as the beating of bystanders, the deliberate humiliation of Palestinians who refused to co-operate with Israeli forces, the use of physical and psychological pressure at detention centres and during interrogations, and the prevention of medical assistance to the wounded and injured. Other complaints concerned the lack of outlets for political activity; the taking of land, especially for Israeli settlements; deportations and other human rights violations; interruption of education; shortcomings in the judicial system; and heavy taxation and economic discrimination.

The Co-ordinator of Government Operations said that the security forces had very strict orders against mistreatment of the civilian population; there were isolated cases in which those orders were not properly observed but such cases were severely dealt with by the Israeli authorities. He offered to investigate any individual case that was brought to his attention and to take up any specific case of alleged obstruction of UNRWA activities by the security forces. On the economic questions, he asserted that Israel spent more in the territories than it received in tax revenue and that health and education services there were better than the Palestinians would admit. Israel wanted foreign countries to contribute to the territories' development and would give them a free hand, subject only to security requirements and observance of Israeli procedures.

While the report emphasized that assistance and protection could not be a substitute for a political settlement, it considered forms of protection available to the international community to help the population in the territories. The Secretary-General noted that, unless there was a change in Israel's position, the deployment of United Nations forces in the territories was not currently practicable, but should not be lost sight of. Such forces could be a valuable ingredient in implementing a negotiated settlement or in transitional arrangements that might be agreed on. A measure of legal protection to the population was nevertheless provided by ICRC, whose activities the Secretary-General commended. He recommended a concerted international effort to induce Israel to comply with relevant United Nations resolutions and the fourth Geneva Convention, and the working towards a peaceful, just settlement through an international conference under United Nations auspices.

The negotiation of a settlement would be exceptionally difficult, requiring all concerned to move from positions to which they were strongly attached. The Secretary-General's fundamental

recommendation focused on an urgent effort by the international community, led by the Security Council, to promote an effective negotiating process as required by the Charter, thereby unblocking the current impasse.

#### SECURITY COUNCIL CONSIDERATION (January/February)

The Security Council considered the Secretary-General's report at live meetings held between 27 January and 1 February.

Meeting numbers. SC 2785-2787, 2789, 2790.

With the consent of the Council, the President invited Czechoslovakia, Egypt, India, Indonesia, Israel, Jordan, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Morocco, Qatar, the Sudan, the Syrian Arab Republic and Zimbabwe, at their request, to participate without the right to vote. PLO's participation, requested by Algeria,<sup>(5)</sup> was approved by 10 votes to 1 (United States), with 4 abstentions (France, Germany, Federal Republic of Italy, United Kingdom). The United States, which had requested the vote, took the position that, under the Council's provisional rules of procedure, rule 39<sup>a</sup> was the only legal basis on which the Council might grant a hearing to non-governmental entities. It had for decades supported a generous interpretation of that rule and would not object had the matter been raised under it. However, the United States opposed special ad hoc departures from orderly procedure and consequently opposed extending to PLO the same rights of participation as a Member State. It believed in listening to all points of view, but not if that required violating the rules; in particular, it did not agree with recent Council practice that appeared to try to enhance selectively the prestige of those wishing to speak through a departure from the rules of procedure.

At Algeria's request,<sup>(6)</sup> LAS was invited to participate under rule 39, as was the Organization of the Islamic Conference (OIC), at Kuwait's request.<sup>(7)</sup>

After discussing the Secretary-General's report and the issues raised in it, the Council voted on 1 February on a draft resolution<sup>(8)</sup> submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia. By the text, the Council would have called again on Israel to desist from its policies and practices violating the human rights of the Palestinian people and accept the applicability of the fourth Geneva Convention; requested that it facilitate the tasks of ICRC and UNRWA and that all Member States give them their full support; and affirmed the urgent need to achieve a comprehensive settlement under United Nations auspices.

The vote was 14 to 1, as follows:

In favour: Algeria, Argentina, Brazil, China, France, Germany, Federal Republic of Italy, Japan, Nepal, Senegal, USSR, United Kingdom, Yugoslavia, Zambia.  
Against: United States.

The draft was not adopted owing to the negative vote of a permanent Council member.

Israel told the Council that it was not dealing with peaceful, non-violent demonstrations, but with violent disturbances deliberately geared to undermine normal life, employing means to kill and maim. Having failed in war, terrorism and all other violent means at their disposal, the Arab rejectionists now sought the strategy of anarchy. Israel maintained that it had decided to act *de facto* in accordance with the humanitarian provisions of the fourth Geneva Convention and to co-operate with ICRC, but not to accept its *de jure* applicability to the territories.

The PLO Observer stressed that the issue was not the restoration of law and order, but a confrontation by the occupying Power with the Palestinians and their rising up to demand the right to life in peace and freedom, untarnished by the presence of Israeli occupation, military or otherwise; all iron-fist measures would not bend that determination. Ending Israeli occupation of Palestinian and other Arab territories, including Jerusalem, would definitely contribute to the endeavours of a comprehensive settlement and to peace. Meanwhile, in addressing immediate ways to protect the civilian population in the territories, the mere presence of the United Nations there as a symbol of protection and admission of responsibility was important. The Council should respond to the tragic situation and address the root cause, in keeping with the remedy prescribed in the relevant Assembly resolutions.

Explaining its negative vote, the United States said the text could detract from ongoing diplomatic efforts with the parties directly concerned on ways to resolve the Palestinian conflict; agreement on a negotiating process and the appropriate auspices for negotiations could not be imposed on those parties even by implication, which the draft resolution attempted to do.

#### SECURITY COUNCIL CONSIDERATION (March and April)

At the request of Tunisia,<sup>(9)</sup> as Chairman of the Group of Arab States, the Security Council held further meetings on the situation in the occupied territories, on 30 March and 14 and 15 April.

Meeting numbers. SC 2804-2806.

At their request, Bangladesh, India, Israel, Jordan, Kuwait, the Libyan Arab Jamahiriya, Pakistan, Saudi Arabia, the Syrian Arab Republic and Tunisia were invited to participate without voting rights. The Acting Chairman of the Committee on Palestinian rights was invited, at his own request, under rule 39<sup>a</sup> of the provisional rules of procedure.

Algeria requested<sup>(10)</sup> PLO's participation, which was approved by the same vote as in January, after the United States restated its negative position on

such participation (see above). LAS was invited to participate at Algeria's request,<sup>(11)</sup> as was OIC, as requested by Jordan.<sup>(12)</sup>

On 15 April, the Council voted on a draft resolution<sup>(13)</sup> put forward by the same six States that had proposed the February text (see above). By wording similar to that text, the Council would have condemned Israel for violating the Palestinians' human rights, particularly the killing and wounding of defenceless civilians; urged it to abide immediately and scrupulously by the fourth Geneva Convention, to rescind its deportation orders on Palestinian civilians and ensure the safe and immediate return of those already deported, and to desist from such deportations; and affirmed the need to achieve a comprehensive, just and lasting settlement of the Arab-Israeli conflict under United Nations auspices.

The vote was 14 to 1 (United States), following the same voting pattern as on 1 February, and the draft was thus rejected owing to the negative vote of a permanent member.

Although opposing the deportations, the United States felt the Council should desist from rhetoric and unproductive texts which would cut across the objective of finding a way to peace in the Middle East. The draft neither contributed to easing tension nor promoted the cause of peace.

Israel said that, during the disturbances, its soldiers had found themselves in extremely trying conditions but had exercised utmost restraint. It regretted any loss of life but, when confronted with unbridled mob violence, it had to quell it to restore order. Those who readily relied on the fourth Geneva Convention could not deny that that remained any administration's foremost responsibility. Also, political negotiations could not proceed under the threat of any violence.

The PLO Observer stressed that the Council was called upon to adopt all measures ensuring the effective protection of Palestinians and to require the occupying forces to cease immediately arbitrary measures violating human rights and international law. The Council must follow closely the situation through measures available to the United Nations, entrust the Secretary-General with the task of pursuing constructive efforts along those lines, and support the Secretary-General's endeavours to convene an international peace conference under United Nations auspices.

The Acting Chairman of the Committee on Palestinian rights appealed to the Secretary-General to implement his recommendations<sup>(4)</sup> calling for the provision of necessary humanitarian assistance to suffering Palestinians.

#### SECURITY COUNCIL ACTION (August)

After consultations, the President of the Security Council, on 26 August, issued a statement on behalf of its members:<sup>(14)</sup>

"The members of the Security Council are gravely concerned by the continued deterioration of the situation in the Palestinian territories occupied by Israel since 1967, including Jerusalem, and especially by the current grave and serious situation resulting from the closing-off of areas, the imposition of curfews and the consequent increase in the numbers of injuries and deaths that have occurred.

"The members of the Council are profoundly concerned by the persistence of Israel, the occupying Power, in continuing its policy of deporting Palestinian civilians in contravention of Security Council resolutions and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, as demonstrated on 17 August 1988 by its expulsion of four Palestinian civilians to Lebanon and its decision to expel 40 more. The members of the Council request Israel immediately to desist from deporting any Palestinian civilians and immediately to ensure the safe return of those already deported.

"The members of the Council consider that the current situation in the occupied territories, described in the first paragraph above, has grave consequences for endeavours to achieve a comprehensive, just and lasting peace in the Middle East.

"They reaffirm that the above-mentioned Geneva Convention is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and request the high contracting parties to ensure respect for the Convention.

"Recalling Security Council resolutions, the members of the Council will keep the situation in the occupied Palestinian territories, including Jerusalem, under review."

#### GENERAL ASSEMBLY ACTION (November)

On 3 November, the General Assembly adopted resolution 43/21 by recorded vote.

#### The uprising (intifadah) of the Palestinian people

##### The General Assembly,

Aware of the uprising (intifadah) of the Palestinian people since 9 December 1987 against Israeli occupation, which has received significant attention and sympathy from world public opinion,

Deeply concerned at the alarming situation in the Palestinian territories occupied since 1967, including Jerusalem, as well as in the other occupied Arab territories, as a result of the continued occupation by Israel, the occupying Power, and of its persistent policies and practices against the Palestinian people,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its relevant resolutions as well as Security Council resolutions 605(1987) of 22 December 1987, 607(1988) of 5 January 1988 and 608(1988) of 14 January 1988,

Recognizing the need for increased support and aid for, and solidarity with, the Palestinian people under Israeli occupation,

Conscious of the urgent need to resolve the underlying problem through a comprehensive, just and lasting settlement, including a solution to the Palestinian problem in all its aspects,

1. Condemns Israel's persistent policies and practices violating the human rights of the Palestinian people in the occupied Palestinian territories, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers that result in the killing and wounding of defenceless Palestinian civilians, the beating and breaking of bones, the deportation of Palestinian civilians, the imposition of restrictive economic measures, the demolition of houses, collective punishment and detentions, as well as denial of access to the media;

2. Strongly deplores the continuing disregard by Israel, the occupying Power, of the relevant decisions of the Security Council;

3. Reaffirms that the occupation by Israel of the Palestinian territories since 1967, including Jerusalem, in no way changes the legal status of those territories;

4. Demands that Israel, the occupying Power, abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and desist forthwith from its policies and practices that are in violation of the provisions of the Convention;

5. Calls upon all the High Contracting Parties to the Convention to take appropriate measures to ensure respect by Israel, the occupying Power, for the Convention in all circumstances, in conformity with their obligation under article 1 thereof;

6. Invites Member States, the organizations of the United Nations system, governmental, intergovernmental and non-governmental organizations, and the mass communications media to continue and enhance their support for the Palestinian people;

7. Urges the Security Council to consider the current situation in the occupied Palestinian territories, taking into account the recommendations contained in the report of the Secretary-General;

8. Requests the Secretary-General to examine the present situation in the occupied Palestinian territories by all means available to him and to submit periodic reports thereon, the first such report no later than 17 November 1988.

#### General Assembly resolution 43/21

3 November 1988 Meeting 45 130-2-16 (recorded vote)

54-nation draft (A/43/L.21 & Add.1); agenda item 77.

Sponsors: Afghanistan, Algeria, Bahrain, Bangladesh, Brunei Darussalam, Bulgaria, Burkina Faso, Byelorussian SSR, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Egypt, Gambia, German Democratic Republic, Ghana, India, Indonesia, Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Malta, Mauritania, Mongolia, Morocco, Nicaragua, Niger, Oman, Pakistan, Poland, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Tunisia, Ukrainian SSR, USSR, United Arab Emirates, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, India,

Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Antigua and Barbuda, Belize, Canada, Costa Rica, Dominica, Dominican Republic, El Salvador, Equatorial Guinea, Grenada, Iceland, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, United Kingdom, Zaire.

In Israel's view, the text encouraged intransigence, incited hostility and promoted even more violence. It did not call on the residents of the territories to exercise restraint and ignored completely the violent nature of the activities directed against both Jews and Arabs, which had obliged Israel to take measures in order to restore calm. Furthermore, the text did not even allude to a political solution on the basis of Security Council resolutions 242(1967) and 338(1973).

Report of the Secretary-General (November). In response to the Assembly's request, the Secretary-General noted in a follow-up report of 21 November<sup>(15)</sup> that the Secretariat's Centre for Human Rights had on 10 November contacted Israel regarding the dispatch of a senior official to the occupied territories to examine the situation on the spot. On 14 November, Israel replied that the request was being considered by the Government, but, having received no further word, the Secretary-General requested an update of the information in the October report<sup>(2)</sup> of the Committee on Israeli practices (see above).

The update, annexed to the Secretary-General's report, summarized Israeli press reports from 1 September to 1 November, as well as information from UNRWA and ICRC, concluding that the situation in the occupied territories had worsened, with civilian deaths and injuries continuing to be widespread, along with other serious violations of human rights. The Secretary-General was deeply distressed by the high number of casualties, stating that the Israeli counter-measures of deportations, administrative detentions and collective punishments such as the imposition of curfews, the blowing up of houses and the closure of schools could only aggravate the tension already prevailing in the area. He reaffirmed that under the fourth Geneva Convention, the civilian population of the territories was entitled to safety and protection. However, those measures, urgent as they were, would not resolve the conflict's underlying problem. The Secretary-General, therefore, remained fully committed to the search for a comprehensive, just and lasting settlement.

#### Fourth Geneva Convention

In 1988, the General Assembly and the Commission on Human Rights (see PART THREE, Chapter X) again reaffirmed that the fourth Geneva Convention of 12 August 1949 applied to the Israeli-occupied territories. Continuing disregard of the Convention-the main international instrument in humanitarian law that applied to the occupied territories-was reported throughout the year by the Committee on Israeli practices, which cited Israel's policy of annexation, settlements, deportations and ill-treatment of detainees in flagrant violation of the Convention.

Report of the Committee on Israeli practices. In its October 1988 report,<sup>(2)</sup> the Committee on Israeli practices stressed that Israel's general policy towards the occupied territories was based on the principle that they were part of the State of Israel and that therefore measures such as the establishment of colonies in the occupied territories and the transfer of Israeli citizens thereto did not constitute a process of annexation. That represented a flagrant violation of Israel's international obligations as a State party to the fourth Geneva Convention, which stipulated that military occupation was to be considered as a temporary, *de facto* situation, giving no right to the occupying Power over the territorial integrity of occupied territories. Israel's attitude was reflected in Prime Minister Shamir's statement (reported in Ha'aretz on 19 October 1987) that Jerusalem, Samaria, the Sharon, the Galilee and the Golan Heights were one entity and that it was a dangerous illusion to say that the people of Israel would ever cut itself from those areas.

Reports of the Secretary-General. In his January report to the Security Council,<sup>(4)</sup> the Secretary-General stated that Palestinians had requested the deployment of United Nations forces in the occupied territories, either to protect the inhabitants against Israeli security forces or to replace those forces in the populated areas. The Secretary-General stated that he had considered both possibilities, but, under the fourth Geneva Convention, the occupying Power was responsible for maintaining law and order and for protecting the civilian population. Since the prior consent of the parties to a conflict was a principle of United Nations peace-keeping operations, Israel's non-agreement was a serious deterrent.

With regard to the civilian population's entitlement to safety under the Convention, the Secretary-General reported that ICRC, the guardian of the 1949 Geneva Conventions, had frequently alluded to Israeli violations, which had also been the subject of numerous Security Council resolutions. Those violations included attempts to alter the status of Jerusalem, the establishment of Israeli settlements

in the territories, deportations of Palestinian civilians, collective punishments such as curfews applied to whole districts, and the destruction of houses. There was also evidence that IDF used disproportionate force in dealing with demonstrations, leading to fatalities.

Pending a political settlement, the most effective way to ensure the safety and protection of the civilian population of the territories would be for Israel to apply in full the Convention's provisions. To that end, the Secretary-General recommended that the Security Council appeal to all the High Contracting Parties having diplomatic relations with Israel to use all means at their disposal to persuade Israel to change its position. Meanwhile, he urged Israel to introduce temporary measures, including: training IDF personnel in the rules of international humanitarian law (an obligation under the Convention); issuing orders for IDF personnel to assist, in all circumstances, in the provision of medical care to wounded persons; and ordering IDF not to obstruct delivery of essential food and medical supplies.

The Secretary-General, in November,<sup>(15)</sup> again stressed that it was essential that the occupying Power scrupulously apply the Convention's provisions.

In September,<sup>(16)</sup> the Secretary-General reported, in accordance with a 1987 General Assembly resolution<sup>(17)</sup> on the application of the fourth Geneva Convention, that, in a letter of 7 July 1988, Israel had maintained that, in view of the *sui generis* status of Judaea, Samaria and the Gaza District, the *de jure* applicability of the Convention to those areas was doubtful. Israel preferred to leave aside the legal question of the status of those areas and had decided, since 1967, to act in *de facto* accordance with the Convention's humanitarian provisions.

#### GENERAL ASSEMBLY ACTION

On 6 December, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/58 B by recorded vote.

#### The General Assembly

Recalling Security Council resolution 465(1980) of 1 March 1980, in which, *inter alia*, the Council affirmed that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling also its resolutions 3092 A (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974, 3525 B (XXX) of 15 December 1975, 31/106 B of 16 December 1976, 32/91 A of 13 December 1977, 33/113 A of 18 December 1978, 34/90 B of 12 December 1979, 35/122 A of 11 December 1980, 36/147 A of 16 December 1981, 37/88 A of 10 December 1982, 38/79 B of 15 December 1983, 39/95 B of 14 December 1984, 40/161 B of 16 December 1985, 41/63 B of 3 December 1986 and 42/160 B of 8 December 1987,

Taking note of the reports of the Secretary-General of 21 January 1988, 15 September 1988 and 21 November 1988,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention,

Noting that Israel and the concerned Arab States whose territories have been occupied by Israel since June 1967 are parties to the Convention,

Taking into account that States parties to the Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Condemns once the failure of Israel, the occupying Power, to acknowledge the applicability of the Convention to the territories it has occupied since 1967, including Jerusalem;

3. Strongly demands that Israel acknowledge and comply with the provisions of the Convention in the Palestinian and other Arab territories it has occupied since 1967, including Jerusalem;

4. Urgent& culls upon all States parties to the Convention to exert all efforts in order to ensure respect for and compliance with its provisions in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

5. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

General Assembly resolution 43/58 B

6 December 1988 Meeting 71 148-1-4 (recorded vote)

Approved by Special Political Committee (A/43/904) by recorded vote (121-1-4), 28 November (meeting 34); draft by Afghanistan. Bangladesh. Brunei Darussalam. Burkina Faso. Comoros. Cuba. Egypt. India. Indonesia. Jordan (for Arab Group). Madagascar. Malaysia. Nicaragua. Pakistan. Zambia (A/SPC/43/L.27); agenda item 77.

Meeting numbers. GA 43rd session: SPC 28-32. 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Côte d'Ivoire, Liberia, United States, Zaire.



Before adopting the text as a whole, the Assembly adopted paragraph 1 by a recorded vote of 150 to 1. The Special Political Committee had approved the same provision by a recorded vote of 122 to 1. The vote had been requested by Israel, which stated that it supported paragraph 1, but not the text as a whole, as it did nothing to resolve the problems it sought to address.

#### Deportation of Palestinians

According to the Committee on Israeli practices,<sup>(2)</sup> the period since the beginning of the uprising was characterized by a noticeable increase in expulsions and deportations from the occupied territories, carried out in spite of international protest against such illegal practices.

On 5 January,<sup>(18)</sup> the Chairman of the Committee on Palestinian rights reported that Israeli authorities had decided to expel nine Palestinians, five from the West Bank and four from the Gaza Strip, accusing them of being instigators of the intifadah. The nine had been on a protest hunger strike in their respective prisons, where they were to remain until a decision was taken on their appeal against the expulsion orders.

By a letter of 12 January,<sup>(19)</sup> the Committee Chairman drew the urgent attention of the Security Council to the continuing deterioration of the situation in the territories owing to Israel's policies and practices, including use of live ammunition against demonstrators, mass arrests, detentions and deportations.

Reports of further expulsions continued to be received during 1988. On 12 April,<sup>(20)</sup> Lebanon protested that the previous day Israel had transported eight Palestinians by helicopter into the so-called security zone, then forcing them out of there, so that later that day they arrived at Rachaya in southern Lebanon. Lebanon condemned the deportations and Israel's exploitation of its territory for that purpose, in violation of Lebanese sovereignty. In reporting the same incident on 13 April,<sup>(21)</sup> the Acting Chairman of the Committee on Palestinian rights added that Israel had decided to deport another 12 Palestinians, according to *The New York Times*. Seventeen citizens from the village of Chabaa inside the so-called "security zone" who had committed no crime were deported by Israeli forces on 24 May, according to a communication by Lebanon of the following day.<sup>(22)</sup>

On 4 August, the Committee's Acting Chairman stated that on 1 August, as also communicated by Mauritania,<sup>(23)</sup> eight Palestinians from the West Bank and Gaza were deported to southern Lebanon on charges of inciting the uprising, and Israel declared its intention to deport six more. An additional four Palestinians from Gaza were

deported to southern Lebanon on 17 August, an action protested by Lebanon the following day.<sup>(24)</sup>

The Committee on Palestinian rights, in October,<sup>(1)</sup> stated that a total of 33 Palestinians had been deported and there were deportation orders for another 25.

#### SECURITY COUNCIL ACTION (January and August)

At the request of Jordan on behalf of the Arab Group,<sup>(25)</sup> the Security Council convened on 5 January to consider the question of deportations of Palestinians from the occupied territories.

Israel, at its own request, was invited to participate without the right to vote under rule 37<sup>b</sup> of the Council's provisional rules of procedure. At Algeria's request,<sup>(26)</sup> the Council decided by 10 votes to 1 (United States), with 4 abstentions (France, Germany, Federal Republic of Italy, United Kingdom), that PLO also be invited to participate. Though not made pursuant to rules 37 or 39,<sup>a</sup> the invitation gave PLO the same rights as those of a Member State invited under rule 37.

In requesting the vote, the United States reiterated its position that PLO should not be given the same rights as a Member State; it believed in hearing all points of view but not if that required violating the Council's rules.

Speaking before the Council, Israel maintained that the recent violence was not spontaneous and that a network of subversive organizers had been apprehended. In a few hard-core cases, Israel had decided on deportation—a right it had under international law; it would not countenance attempts to interfere with its legitimate responsibility of maintaining orderly government in all areas under its control.

The United States found that harsh deportation measures were unnecessary to maintain order; they increased tension rather than creating a political atmosphere conducive to reconciliation.

On 5 January, the Council unanimously adopted resolution 607(1988).

The Security Council,

Recalling its resolution 605(1987) of 22 December 1987, Expressing grave concern over the situation in the occupied Palestinian territories,

Having been apprised of the decision of Israel, the occupying Power, to "continue the deportation" of Palestinian civilians in the occupied territories,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular articles 47 and 49 of same,

1. Reaffirms once again that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Calls upon Israel to refrain from deporting any Palestinian civilians from the occupied territories:

3. Strongly requests Israel, the occupying Power, to abide by its obligations arising from the Convention;

4. Decides to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review.

Security Council resolution 607(1988)

5 January 1988 Meeting 2780 Adopted unanimously

6-nation draft (S/19403).

Sponsors: Algeria, Argentina, Nepal, Senegal, Yugoslavia, Zambia,

On 13 January, four Palestinians were deported to Lebanon, while five others received deportation notices which were under appeal.

The following day, the Council again took up the question of deportations, inviting Israel and Lebanon to participate without voting rights. As it had done in January, the Council also invited PLO to participate, at Algeria's request.<sup>(27)</sup> It did so after voting on the matter at the request of the United States. The pattern of the voting was identical to that at the previous meeting, with the United States maintaining its position on PLO's eligibility to participate (see above).

Lebanon said the four Palestinians were currently in the Israeli-occupied "security zone" of southern Lebanon, without shelter or home; ICRC should be allowed to meet those individuals and bring them to Palestinian territory. The Council had the responsibility to adopt prompt measures required by international humanitarian law.

Israel rejected as false the depiction of its actions to remove a handful of leading terrorists of the Habash and Fatah groups in words appropriate to mass expulsion and uprooting of entire populations. In its recent meetings and resolutions, the Council had condoned all Palestinian violence and condemned all Israeli countermeasures, thus pushing the peace process farther away.

PLO refuted Israel's argument that it had to deport the Palestinians in question because they rejected due process of justice, and reasserted that in any case under article 49 of the fourth Geneva Convention the occupying Power was prohibited from deporting persons. The deportations also violated the Universal Declaration of Human Rights, article 9 of which stated that no one should be subjected to arbitrary arrest, detention or exile.<sup>(28)</sup>

On 14 January, the Council adopted resolution 608(1988).

The Security Council,

Reaffirming its resolution 607(1988) of 5 January 1988,

Expressing its deep regret that Israel, the occupying Power, has, in defiance of that resolution, deported Palestinian civilians,

1. Calls upon Israel to rescind the order to deport Palestinian civilians and to ensure the safe and immediate return to the occupied Palestinian territories of those already deported;

2. Requests that Israel desist forthwith from deporting any other Palestinian civilians from the occupied territories;

3. Decides to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review.

Security Council resolution 608(1988)

14 January 1988 Meeting 2781 14-0-1

6-nation draft (S/19429).

Sponsors: Algeria, Argentina, Nepal, Senegal, Yugoslavia, Zambia.

Vote in Council as follows:

In favour: Algeria, Argentina, Brazil, China, France, Germany, Federal Republic of, Italy, Japan, Nepal, Senegal, USSR, United Kingdom, Yugoslavia, Zambia.

Against: None.

Abstaining: United States.

The United States said that, while not minimizing the seriousness of deportations and urging Israel to avoid further deportations, it did not believe that selective attention to that issue in the Council was justified or served a useful purpose. It also noted that the four deported individuals declined to appeal to the Israeli Supreme Court, thus not allowing the judicial process to run its course.

In a 26 August statement on behalf of the Council members<sup>(14)</sup> (see above, under "The Palestinian uprising"), the Council President expressed profound concern over Israel's policy of deporting Palestinians, as demonstrated by the four expelled on 17 August and its decision to expel 40 more. He requested Israel to desist from those policies and to ensure immediately the safe return of those already deported.

Report of the Secretary-General (August). Israel's position on the deportation question, as reported by the Secretary-General in August 1988,<sup>(29)</sup> in response to a 1987 request of the General Assembly,<sup>(30)</sup> was that the continuing threat posed by terrorist activity to Israel's security accounted for its measures to ensure the maintenance of public order as contemplated by international law. Expulsion orders against individuals had been issued in the most extreme cases and were subject first to the review of an advisory committee and then to Israel's High Court of Justice. That Court had upheld the legality of such expulsion orders on appeal. An addendum to the report contained responses by the Byelorussian SSR and the Ukrainian SSR, condemning Israel's actions and supporting United Nations resolutions concerning protection of the population of the occupied territories.

GENERAL ASSEMBLY ACTION (December

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/58 E by recorded vote.

The General Assembly,  
Recalling Security Council resolutions 605(1987) of 22 December 1987, 607(1988) of 5 January 1988 and 608(1988) of 14 January 1988,

Taking note of the reports of the Secretary-General of 21 January 1988, 25 August 1988 and 21 November 1988,  
Alarmed by the deportation of Palestinians from the occupied Palestinian territory by the Israeli authorities, especially in 1988,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in particular article 1 and the first paragraph of article 49, which read as follows:

“Article 1

“The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.”

“Article 49

“Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. . .”,

Reaffirming the applicability of the Geneva Convention to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

1. Strongly deplores the continuing disregard by Israel, the occupying Power, of the relevant decisions of the Security Council and resolutions of the General Assembly;

2. Demands that the Government of Israel, the occupying Power, rescind the illegal measures taken by the Israeli authorities in deporting Palestinians, especially in 1988, and that it facilitate their immediate return;

3. Calls upon Israel, the occupying Power, to cease forthwith the deportation of Palestinians and 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;

4. Requests the Secretary-General to report to the General Assembly as soon as possible but not later than the beginning of its forty-fourth session on the implementation of the present resolution.

General Assembly resolution 43/58 E

6 December 1988 Meeting 71 152-1-1 (recorded vote)

Approved by Special Political Committee (A/43/904) by recorded vote (121-1-3), 28 November (meeting 34); draft by Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, India, Indonesia, Jordan (for Arab Group), Madagascar, Malaysia, Nicaragua, Pakistan, Zambia (A/SPC/43/L.30/Rev.1); agenda item 77.

Meeting numbers. GA 43rd session: SPC 28-32, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia,

Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: United States.

## Palestinian detainees

Report of the Committee on Israeli practices. In its October 1988 report,<sup>(2)</sup> the Committee on Israeli practices cited extensive evidence of detainees being treated under harsh conditions in the occupied territories. The exceptional situation created by the uprising had resulted in an unprecedented increase in the number of detainees, which had led to the opening of new detention centres and to a worsening of already critical conditions. By mid-May, an estimated 1,900 Palestinians were held in administrative detention. In addition to existing prisons, army detention centres had increased in number, and Israeli military government buildings and police stations were often used temporarily for detention purposes. Detainees were also held in centres inside Israel itself, in violation of the fourth Geneva Convention. Inmates were faced with overcrowding, physical and psychological ill-treatment, and lack of adequate health services, nutrition and clothing. Some of those detained were no older than 11 or 12 years. Testimonies also referred to the practice of repeatedly detaining the same persons, turning them into so-called special cases who spent most of their lives in prison, or to the arbitrary detention of several members of the same family.

Written information submitted to the Committee referred to incidents where individuals had died during interrogation, where prison staff were replaced by harsher military police, and where prisoners had been tortured, beaten and kept in wretched conditions without adequate sanitation, water, food and medical care. When brought to light through the Israeli judicial system, punishments for serious, routine ill-treatment of prisoners took the form of demotions in rank or imprisonment for several months.

Reports of the Secretary-General. In January,<sup>(4)</sup> the Secretary-General reported to the Security Council allegations of routine violence in detention centres, as well as in the whole system of administrative detention, with the purpose of interrogation being normally to extract a confession for use in proceedings in the military courts. Heavy physical and psychological pressure was used for that purpose by the General Security Services, which applied techniques such as hooding to prevent permanent physical disfigurement.

Annexed to the Secretary-General's 21 November 1988 report on the intifadah<sup>(15)</sup> were summaries

of events in the occupied territories reported in the Israeli press from 1 September to 1 November, including details on Arab detainees. ICRC delegates were visiting approximately 6,200 persons in eight military detention centres, more than 2,100 of whom were administrative detainees.

In August,<sup>(31)</sup> the Secretary-General reported that, in response to his 5 February note verbale to Israel regarding steps it had taken to implement the 1987 General Assembly resolution on arbitrary detentions,<sup>(32)</sup> Israel stated on 7 July that that resolution bore unconcealed bias; detention and imprisonment in Judaea, Samaria and Gaza were legal measures taken against terrorism and violence. Israel was responsible under international law for maintaining public order and security, a duty it carried out in conformity with the utmost regard to preserving the rule of law and protecting human rights. Due process was guaranteed by allowing detainees and prisoners to petition Israel's High Court of Justice, and ICRC delegates were allowed regular visits to prisons and detention centres.

#### GENERAL ASSEMBLY ACTION

On 6 December, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/58 D by recorded vote.

The General Assembly,

Recalling Security Council resolution 605(1987) of 22 December 1987,

Recalling also its resolutions 38/79 A of 15 December 1983, 39/95 A of 14 December 1984, 40/161 A of 16 December 1985, 41/63 A of 3 December 1986, 42/160 A of 8 December 1987 and 43/21 of 3 November 1988,

Taking note of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,

Taking note also of the reports of the Secretary-General of 21 January 1988, 25 August 1988 and 21 November 1988,

1. Deplores the Israeli arbitrary detention or imprisonment of thousands of Palestinians;

2. Calls upon Israel, the occupying Power, to release all Palestinians and Arabs arbitrarily detained and imprisoned as a result of their resistance against occupation in order to attain self-determination;

3. Requests the Secretary-General to report to the General Assembly as soon as possible but not later than the beginning of its forty-fourth session on the implementation of the present resolution.

General Assembly resolution 43/58 D

6 December 1988 Meeting 71 150-2 (recorded vote)

Approved by Special Political Committee (A/43/904) by recorded vote (118-2-2), 28 November (meeting 34); draft by Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, India, Indonesia, Jordan (for Arab Group), Madagascar, Malaysia, Nicaragua, Pakistan, Zambia (A/SPC/43/L.29/Rev.1): agenda item 77.

Meeting numbers. GA 43rd session: SPC 28-32, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, China,

Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

#### Israeli settlements

Report of the Committee on Palestinian rights. In its October 1988 report,<sup>(1)</sup> the Committee on Palestinian rights drew attention to the increasing demolition of houses by Israel in the occupied territories and the growing involvement of Israeli settlers in attacks against the Palestinian population, which seemed to be endorsed by the authorities' announced policy of allowing settlers to shoot demonstrators carrying what appeared to be fire-bombs. The number of settlements had reached 170 in the West Bank and 20 in Gaza, with new construction and expansion announced. On the other hand, stringent restrictions were imposed for Arabs on water use, new construction, credit-granting and other activities necessary to develop the territories.

Report of the Committee on Israeli practices. Similarly, the Committee on Israeli practices, also in October,<sup>(2)</sup> reported that Israel continued to annex Palestinian territory and establish or plan settlements. In April, following a drastic drop in the sale of flats in the territories, owing to unrest, Israel decided on measures to boost construction there and, in June, it was announced that 10 provisional settlements were to be converted into permanent ones. According to the Jerusalem Post of 4 March, the Israeli Finance Minister had agreed to add \$6.5 million to funds available for Jewish settlements in the territories.

Reports of the Secretary-General. The Secretary-General reported in January<sup>(4)</sup> to the Security Council on complaints by Palestinians that land was being taken for Israeli settlements and that those settlements were given privileged access to water supplies. Israeli Ministers rejected those and other complaints, describing them as politically motivated exaggerations or distortions.

In September,<sup>(33)</sup> the Secretary-General reported that, in response to his query of 5 February on the implementation of a 1987 General Assembly resolution<sup>(34)</sup> demanding that Israel desist from changing the legal status or demographic composition

of the territories, Israel had stated on 7 July that, in view of the sui generis status of Judaea, Samaria and the Gaza District, the de jure applicability of the fourth Geneva Convention to those areas was doubtful and it preferred to leave aside the legal question of status, having decided since 1967 to act in de facto accordance with the humanitarian provisions of that Convention.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/58 C by recorded vote.

The General Assembly,

Recalling Security Council resolution 465(1980) of 1 March 1980,

Recalling also its resolutions 32/5 of 28 October 1977, 33/113 B of 18 December 1978, 34/90 C of 12 December 1979, 35/122 B of 11 December 1980, 36/147 B of 16 December 1981, 37/88 B of 10 December 1982, 38/79 C of 15 December 1983, 39/95 C of 14 December 1984, 40/161 C of 16 December 1985, 41/63 C of 3 December 1986 and 42/160 C of 8 December 1987,

Expressing Grave anxiety and concern at the present serious situation in the Palestinian and other occupied Arab territories, including Jerusalem, as a result of the continued Israeli occupation and the measures and actions taken by Israel, the occupying Power, designed to change the legal status, geographical nature and demographic composition of those territories,

Taking note of the reports of the Secretary-General of 21 January 1988, 15 September 1988 and 21 November 1988,

Confirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all Palestinian and other Arab territories occupied by Israel since June 1967, including Jerusalem,

1. Determines that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, are in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and constitute a serious obstacle to the efforts to achieve a comprehensive, just and lasting peace in the Middle East and therefore have no legal validity;

2. Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the Palestinian and other occupied Arab territories, including Jerusalem;

3. Demands that Israel comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Geneva Convention;

4. Demands once more that Israel, the occupying Power, desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the Palestinian and other Arab territories occupied since 1967, including Jerusalem;

5. Urgently calls upon all States parties to the Geneva Convention to respect and to exert all efforts in order

to ensure respect for and compliance with its provisions in all Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

6. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

General Assembly resolution 43/58 C

6 December 1988 Meeting 71 149-1-2 (recorded vote)

Approved by Special Political Committee (A/43/904) by recorded vote (119-1-4), 28 November (meeting 34); draft by Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, India, Indonesia, Jordan (for Arab Group), Madagascar, Malaysia, Nicaragua, Pakistan, Zambia (A/SPC/43/L.28); agenda item 77.

Meeting numbers. GA 43rd session: SPC 28-32. 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Liberia, United States.

#### Golan Heights

Report of the Committee on Israeli practices. In its October 1988 report,<sup>(2)</sup> the Committee on Israeli practices indicated that tension prevailed in the Syrian territory under Israeli occupation, with reported disturbances and arrests of residents of Majdal Shams in the northern Golan Heights. The Syrian Arab Republic reported to the Committee in May that Israeli human rights violations in the Golan Heights had intensified. Annexation, introduction of settlers, Judaization and expropriation of water continued, as confirmed by official Israeli statements. In addition, detention and imprisonment, oppression, house arrest and raids, imposition of curfews and repression of freedom of expression escalated.

Meanwhile, the economic position of the population was increasingly deteriorating as a result of Israeli policies, which treated the occupied areas as dependent on the Israeli economy and as a major consumer market for Israeli products. Israel had blocked the marketing of agricultural produce, the mainstay of the population there. Furthermore, the occupation authorities insisted on eliminating any national character from the population and cutting the people off from their

national historic and cultural roots with the Syrian Arab Republic. The level of education and health care provided in the schools also deteriorated.

Report of the Secretary-General. In response to a 1987 resolution of the General Assembly<sup>(35)</sup> calling on Member States not to recognize Israel's imposition of its laws, jurisdiction and administration on the occupied Syrian Arab Golan, the Secretary-General reported on 26 August 1988<sup>(36)</sup> that seven States had expressed support for the provisions of that resolution. Israel's position remained as first expressed in 1981,<sup>(37)</sup> namely, that it could not be expected to maintain indefinitely a military administration merely to accommodate the Syrian Arab Republic's interest in persistent conflict and that its legislation applied to the Golan Heights did not diminish the local population's rights.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, the General Assembly adopted resolution 43/54 B by recorded vote.

The General Assembly,

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

Taking note of the report of the Secretary-General of 28 November 1988,

Recalling Security Council resolution 497(1981) of 17 December 1981,

Reaffirming its resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/123 A of 16 December 1982, 38/180 A of 19 December 1983, 39/146 B of 14 December 1984, 40/168 B of 16 December 1985, 41/162 B of 4 December 1986 and 42/209 C of 11 December 1987,

Recalling its resolution 3314(XXIX) of 14 December 1974, in which it defined an act of aggression, *inter alia*, as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof" and provided that "no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression",

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories,

Noting that Israel's record, policies and actions establish conclusively that it is not a peace-loving Member State and that it has not carried out its obligations under the Charter of the United Nations,

Noting also that Israel has refused, in violation of Article 25 of the Charter, to accept and carry out the numerous relevant decisions of the Security Council, in particular resolution 497(1981), thus failing to carry out its obligations under the Charter,

1. Strongly condemns Israel for its failure to comply with Security Council resolution 497(1981) and General

Assembly resolutions 36/226 B, ES-9/1, 37/123 A, 38/180 A, 39/146 B, 40/168 B, 41/162 B and 42/209 C;

2. Declares once more that Israel's continued occupation of the Syrian Arab Golan and its decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations and General Assembly resolution 3314(XXIX);

3. Declares once more that Israel's decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is illegal and therefore null and void and has no validity whatsoever;

4. Declares all Israeli policies and practices of, or aimed at, annexation of the Palestinian territory occupied since 1967, including Jerusalem, and of the other occupied Arab territories, to be illegal and in violation of international law and of the relevant United Nations resolutions;

5. Determines once more that all actions taken by Israel to give effect to its decision relating to the occupied Syrian Arab Golan are illegal and invalid and shall not be recognized;

6. Reaffirms its determination that all relevant provisions of the Regulations annexed to the Hague Convention IV of 1907, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under these instruments in all circumstances;

7. Determines once more that the continued occupation of the Syrian Arab Golan since 1967 and its annexation by Israel on 14 December 1981, following Israel's decision to impose its laws, jurisdiction and administration on that territory, constitute a continuing threat to international peace and security;

8. Strongly deplores the negative vote by a permanent member of the Security Council which prevented the Council from adopting against Israel, under Chapter VII of the Charter, the "appropriate measures" referred to in resolution 497(1981) unanimously adopted by the Council;

9. Further deplores any political, economic, financial, military and technological support to Israel that encourages it to commit acts of aggression and to consolidate and perpetuate its occupation and annexation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories;

10. Firmly emphasizes once more its demand that Israel, the occupying Power, rescind forthwith its illegal decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which resulted in the effective annexation of that territory;

11. Reaffirms once more the overriding necessity of the total and unconditional withdrawal by Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories: which is an essential prerequisite for the establishment of a comprehensive and just peace in the Middle East;

12. Determines once more that Israel's record, policies and actions confirm that it is not a peace-loving Member State, that it has persistently violated the principles contained in the Charter and that it has carried out neither its obligations under the Charter nor its commitment under General Assembly resolution 273(III) of 11 May 1949;

13. Calls once more upon all Member States to apply the following measures:

(a) To refrain from supplying Israel with any weapons and related equipment and to suspend any military assistance that Israel receives from them;

(b) To refrain from acquiring any weapons or military equipment from Israel;

(c) To suspend economic, financial and technological assistance to and co-operation with Israel;

(d) sever diplomatic, trade and cultural relations with Israel;

14. Reiterates its call to all Member States to cease forthwith, individually and collectively, all dealings with Israel in order totally to isolate it in all fields;

15. Urges non-member States to act in accordance with the provisions of the present resolution;

16. Calls upon the specialized agencies and other international organizations to conform their relations with Israel to the terms of the present resolution;

17. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

General Assembly resolution 43/54 B

6 December 1988 Meeting 71 83-21-45 (recorded vote)

22-nation draft (A/43/L.45 & Add.1); agenda item 40.

Sponsors: Algeria, Bahrain, Bangladesh, Cuba, Democratic Yemen, Djibouti, Indonesia, Iraq, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, United Arab Emirates, Yemen, Zimbabwe.

Meeting numbers. GA 43rd session: plenary 68-71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian SSR, Cape Verde, China, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Leo People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Poland, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

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

Abstaining: Antigua and Barbuda, Argentina, Austria, Bahamas, Barbados, Bolivia, Brazil, Burma, Cameroon, Central African Republic, Chad, Colombia, Côte d'Ivoire, Ecuador, Egypt, El Salvador, Fiji, Grenada, Guatemala, Haiti, Honduras, Jamaica, Liberia, Malawi, Malta, Nepal, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Singapore, Solomon Islands, Spain, Swaziland, Thailand, Togo, Trinidad and Tobago, Uruguay, Venezuela, Zaire.

On the same date, the Assembly, on the recommendation of the Special Political Committee, adopted resolution 43/58 F by recorded vote.

The General Assembly,

Deeply concerned that the Arab territories occupied since 1967 have been under continued Israeli military occupation,

Recalling Security Council resolution 497(1981) of 17 December 1981,

Recalling also its resolutions 36/226 B of 17 December 1981, ES-9/I of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F

of 3 December 1986, 42/160 F of 8 December 1987 and 43/21 of 3 November 1988,

Having considered the report of the Secretary-General of 26 August 1988,

Recalling its previous resolutions, in particular resolutions 3414(XXX) of 5 December 1975, 31/61 of 9 December 1976, 32/20 of 25 November 1977, 33/28 and 33/29 of 7 December 1978, 34/70 of 6 December 1979 and 35/122 E of 11 December 1980, in which, *inter alia*, it called upon Israel to put an end to its occupation of the Arab territories and to withdraw from all those territories,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the Charter of the United Nations and that all territories thus occupied by Israel must be returned,

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

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly Council resolution 497(1981), in which the Council, *inter decised* decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan are null and void and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Strongly condemns Israel for its attempts to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Arab Golan, and calls upon it to desist from its repressive measures against the population of the Syrian Arab Golan;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

General Assembly resolution 43/58 F

6 December 1988 Meeting 71 149-1-3 (recorded vote)

Approved by Special Political Committee (A/43/904) by recorded vote (118-1-5), 28 November (meeting 34); draft by Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, India, Indonesia, Jordan (for Arab Group), Madagascar, Malaysia, Nicaragua, Pakistan, Zambia (A/SPC/43/L.31): agenda item 77.

Meeting numbers. GA 43rd session: SPC 28-32, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe. Against: Israel.

Abstaining: Liberia, United States, Zaire.

<sup>1</sup>Later advised the Secretariat it had intended to abstain.

### Israeli measures against educational institutions

Report of the Committee on Palestinian rights. The Committee on Palestinian rights reported in October 1988<sup>(1)</sup> that universities and other educational institutions in the West Bank, which had suffered frequent closings and disruptions prior to the uprising, were closed from December 1987 to May 1988, and then again for varying periods. Most schools in the Gaza Strip were also repeatedly closed. A large number of schools were sequestered by the army for its own use and school property was destroyed. All teachers newly appointed for the 1987/88 academic year were dismissed.

Report of the Committee on Israeli practices. The Committee on Israeli practices<sup>(2)</sup> detailed information it had received regarding freedom of education for Palestinians in the territories during the current academic year. That included the killing and physical mistreatment of students, detention of some 1,000 students as well as teachers, and the fining of students. Israel was charged with trying to change the entire structure of universities by interfering in their internal affairs and by preventing the appointment of professors and the admission of students. It was also accused of imposing financial constraints and taxes on the educational institutions and of trying to modify their curriculum to suit its views.

Reports of the Secretary-General. The Secretary-General reported to the Security Council in January 1988<sup>(4)</sup> that education in the territories had been interrupted through the closing of schools and universities, especially through the denial of laissez-passers for an adequate period to Palestinian students pursuing higher education in other countries. In November,<sup>(15)</sup> the Secretary-General summarized reports

in the Israeli press from 1 September to 1 November on instances of Israeli military forces interfering with Palestinian educational facilities. In September, it was reported, several vocational training centres at Tulkarm were raided and 14 educational centres were shut down, on the grounds that they had violated an order closing down all educational institutions in the West Bank until 1 October.

The Secretary-General informed the General Assembly<sup>(38)</sup> that no reply had been received by 25 August from Israel to his February request for information on steps it had taken or envisaged to implement a 1987 Assembly demand<sup>(39)</sup> that it rescind all actions and measures against universities and educational institutions, ensure their freedom and refrain from hindering their effective operation.

### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/58 G by recorded vote.

The General Assembly:

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

Deeply concerned at the continued and intensified harassment by Israel, the occupying Power, against educational institutions in the occupied Palestinian territories,

Recalling Security Council resolution 605(1987) of 22 December 1987,

Recalling also its resolutions 38/79 G of 15 December 1983, 39/95 G of 14 December 1984, 40/161 G of 16 December 1985, 41/63 G of 3 December 1986, 42/160 G of 8 December 1987 and 43/21 of 3 November 1988,

Taking note of the reports of the Secretary-General of 21 January 1988, 25 August 1988 and 21 November 1988,

Taking note of the relevant decisions adopted by the Executive Board of the United Nations Educational, Scientific and Cultural Organization concerning the educational and cultural situation in the occupied territories,

1. Reaffirms the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Condemns Israeli policies and practices against Palestinian students and faculties in schools, universities and other educational institutions in the occupied Palestinian territories, especially the opening of fire on defenceless students, causing many casualties;

3. Condemns the systematic Israeli campaign of repression against and closing of universities, schools and other educational and vocational institutions in the occupied Palestinian territory, restricting and impeding the academic activities of Palestinian universities by subjecting the selection of courses, textbooks and education programmes, the admission of students and the appointment of faculty members to the control and supervision of the military occupation authorities, in clear contravention of the Geneva Convention;



4. Demands that Israel, the occupying Power, comply with the provisions of that Convention, rescind all actions and measures against all educational institutions, ensure the freedom of those institutions and refrain forthwith from hindering the effective operation of the universities, schools and other educational institutions;

5. Requests the Secretary-General to report to the General Assembly as soon as possible but not later than the beginning of its forty-fourth session on the implementation of the present resolution.

General Assembly resolution 43/58 G

6 December 1988 Meeting 71 147-2-3 (recorded vote)

Approved by Special Political Committee (A/43/904) by recorded vote (116-2-5), 28 November (meeting 34): draft by Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, India, Indonesia, Jordan (for Arab Group), Madagascar, Malaysia, Nicaragua, Pakistan, Zambia (A/SPC/43/L.32); agenda item 77.

Meeting numbers. GA 43rd session: SPC 28-32, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

Against: Israel, United States.

Abstaining: Chile, Liberia, Zaire.

<sup>1</sup>Later advised the Secretariat it had intended to abstain.

#### Economic and social conditions of Palestinians

Report of the Secretary-General. In his January report to the Security Council on the situation in the occupied territories,<sup>(4)</sup> the Secretary-General stated that the recent disturbances had attracted world attention to the squalid living conditions in many of the refugee camps in the territories, especially in the Gaza Strip, resulting from the lack of such basic amenities as paved roads, sewerage, water, lighting and minimum-standard housing. The Commissioner-General of UNRWA had expressed an urgent need to rehabilitate many UNRWA installations, such as schools, health centres and food distribution centres. Therefore, the Secretary-General had asked the Commissioner-General to prepare urgently proposals for improving the camps' infrastructure.

The Secretary-General also stated that Palestinians felt it was a deliberate Israeli policy to obstruct the territories' economic development. Israeli authorities maintained that the accusation was unfounded and that they would welcome foreign assistance for the development of the territories, provided that each project complied with Israel's overriding security requirements and with Israeli procedures. Many Palestinians consulted said they hoped for a concerted international effort to revive the territories' economy, perhaps initially through an expansion of UNDP's programme. The Secretary-General asked the UNDP Administrator to study that possibility (see above, under "Assistance to Palestinians").

Heavy taxation was a frequent complaint, many of the proceeds benefiting Israel rather than the territories, for which the budget was not published. Economic discrimination was also frequently cited, with the purpose of hindering agricultural and industrial development and keeping the Palestinians as both a captive market and a source of cheap labour for Israel.

Israeli Ministers meeting with Under-Secretary-General Goulding said, to the contrary, that there had been great improvements in the economic and social situation since 1967, especially regarding consumption and social services. They drew a favourable comparison between Israel's record and that of Egypt and Jordan during 1948-1967. They agreed that more needed to be done to enhance the economic and social conditions, but were disappointed by the poor response of the international community to Israel's invitation to provide funds for developing the territories.

Report of the Committee on Palestinian rights. In its October report,<sup>(1)</sup> the Committee on Palestinian rights noted that the Israeli authorities had adopted a number of stringent administrative and economic measures directed at further strengthening their control over key aspects of life in the territories and at stifling Palestinian resistance. Back taxes were collected aggressively and the direct export of agricultural produce from the territories was prohibited. In addition, the amount of money Palestinians were permitted to bring into the territories was reduced to one fifth of the amount previously allowed, thus almost eliminating the possibility of indirect export and severely reducing remittances from Palestinians working abroad, on which many families depended. Shops of an essential nature, such as bakeries and pharmacies, were repeatedly closed by the authorities, while others were forcibly opened to break protest strikes.

#### Finance and trade

In response to a 1987 Economic and Social Council resolution,<sup>(40)</sup> the Secretary-General submitted in June 1988 a note<sup>(41)</sup> on a number of studies under way on finance and trade in the occupied territories. In addition to compiling information on Israeli financial practices in the

occupied Golan Heights to complete an in-depth study on the financial sector in the territories, submitted in part in 1987,<sup>(42)</sup> a second study on recent economic developments in the territories with special reference to the external trade sector was being conducted by UNCTAD in co-operation with the Economic and Social Commission for Western Asia as part of its 1988/89 work programme.

That report<sup>(43)</sup> was before the Trade and Development Board when it met in September/October 1988. The report showed that most of the key economic indicators analysed by UNCTAD's Special Economic Unit (Palestinian people) reflected basic structural deficiencies owing to a lack of indigenous institutions to steer the economy and the predominance of Israeli economic interests.

The potential for sustained development of the Palestinian economy was constrained by a process of transformation in the traditional sector, unaccompanied by policies and measures to absorb and regulate the pressures of readjustment. Israeli occupation brought a host of pressures on the Palestinian economy, which aggravated its development performance and resulted in a steady decline in traditional branches without parallel encouragement of growth in modern sectors. The effects of occupation reduced agricultural employment opportunities; encouraged the flight of labour from the traditional sector into labour-intensive sectors of the Israeli economy; neglected the needs of Palestinian productive sectors or reoriented them to serving Israeli production and consumption interests; and imposed control over trade channels, ensuring Israeli domination of Palestinian trade. Those effects were profoundly felt by the small and unsophisticated Palestinian economy, confronted with the challenge of competing on unequal and unprotected terms with the articulated, highly capitalized and technologically advanced Israeli economy.

The mechanisms for better planning and supporting the Palestinian economy had been eroded through 21 years of occupation. While power over economic management had been assumed by the Israeli authorities, they failed to fulfil the concomitant responsibilities; moreover, the concentration of that power within the jurisdiction of the Israeli military authorities continued to inhibit economic performance and potential. In those circumstances, stable and rational development and concomitant policies and measures could not emerge spontaneously.

The problems plaguing the Palestinian economy had acquired fresh urgency and significance after the beginning of the intifadah, which had many economic implications and repercussions and posed new development challenges for both the Palestinians and the Israeli occupation authorities.

By July 1988, there were few indications that the Israeli authorities intended to rescind restric-

tions affecting Palestinian development, including those instituted since the beginning of the year. Their main concern regarding the economic effects of the uprising was the damage to the Israeli economy as a result of Palestinian labour absenteeism, particularly in agriculture, construction, services and industry, and the reduced market for certain Israeli exports such as textiles, foodstuffs and other consumer goods, which featured prominently in Palestinian markets. The economic costs to Israel during the first five months of unrest were estimated at \$800 million and included increased security costs and declines of 15-20 per cent in tourism revenues, 20 per cent in construction activities and more than 3 per cent in agricultural and industrial output, as well as indirect costs caused by manpower shortages arising from extra duty in the Israeli armed forces.

Palestinian economic resistance measures included: proposals for a boycott of Israeli products and promotion of Palestinian self-sufficiency; calls for supporting indigenous Palestinian production facilities; a return to agriculture; creation of alternative employment opportunities for Palestinians who ceased to work as migrant labourers in Israel or resigned their posts in the Israeli civil administration; and a "tax revolt".

The trade sector was increasingly being linked to the economy of Israel, with a growing deficit in merchandise trade, resulting in unfavourable patterns and terms of trade for the territories. Whereas there was no trade with Israel until 1967, the growth of imports from Israel over the occupation period was more than nine-and-a-half-fold between 1970 and 1986, bringing Israel's share of Palestinian imports to 90 per cent. A number of recommendations contained in the report for policy action were aimed at relaxing the severe constraints on external trade and therefore on the growth and development of the Palestinian economy.

Despite numerous measures aimed at constraining Palestinian economic activities during the uprising, the Palestinian people had demonstrated initiatives aimed at promoting self-reliance, which deserved to be supported by international development assistance.

The Board, on 5 October,<sup>(44)</sup> took note of the report.

#### ECONOMIC AND SOCIAL COUNCIL ACTION

On 28 July 1988, the Economic and Social Council adopted resolution 1988/65 by roll-call vote.

Israeli economic practices in the occupied  
Palestinian and other Arab territories

The Economic and Social Council,

Recalling General Assembly decision 40/432 of 17 December 1985, in which the Assembly requested the

Secretary-General to prepare a report on the financial and trade practices of the Israeli occupation authorities in the occupied Palestinian and other Arab territories, Recalling also Economic and Social Council resolution 1987/87 of 8 July 1987 and General Assembly decision 42/449 of 17 December 1987,

1. Takes note of the note by the Secretary-General concerning progress in the implementation of General Assembly decision 40/432 and Economic and Social Council resolution 1987/87;

2. Requests the Secretary-General to speed up the preparation of the required report on the trade practices of the Israeli occupation authorities in the occupied Palestinian territories and on the financial and trade practices of the Israeli occupation authorities in the occupied Syrian Arab Golan and to report to the General Assembly at its forty-fourth session, through the Economic and Social Council, on the implementation of the present resolution;

3. Also requests the Secretary-General to use the terminology decided upon in the relevant General Assembly resolutions.

Economic and Social Council resolution 1988/65

28 July 1988 Meeting 40 49-1 (roll-call vote)

11-nation draft (E/1988/L.44); agenda item 6.

Sponsors: Bulgaria, German Democratic Republic, Iran, Iraq, Libyan Arab Jamahiriya, Oman, Pakistan, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic.

Meeting numbers. ESC 32, 33, 37, 40.

Roll-call vote in Council as follows:

In favour: Australia, Belgium, Bolivia, Bulgaria, Byelorussian SSR, Canada, China, Colombia, Cuba, Denmark, Egypt, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, India, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Lesotho, Liberia, Libyan Arab Jamahiriya, Mozambique, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, USSR, United Kingdom, Uruguay, Venezuela, Yugoslavia, Zaire

Against: United States.

#### Palestinian women

Following consideration of a report by the Secretary-General on the situation of Palestinian women living within and outside the occupied territories<sup>(45)</sup> (see PART THREE, Chapter XIII), the Economic and Social Council, by resolution 1988/25 of 26 May 1988, condemned the application of an "iron-fist" policy by Israel against Palestinian women and their families and requested the Commission on the Status of Women to monitor the implementation of the 1985 Nairobi Forward-looking Strategies for the Advancement of Women<sup>(46)</sup> concerning assistance to Palestinian women. The Council reaffirmed that Palestinian women could not participate in attaining the objectives of equality, development and peace without realizing their inalienable rights to return to their homes, to exercise self-determination and to establish an independent State. The Secretary-General was urgently requested to send an expert mission to investigate the situation of Palestinian women and children, in the light of the recent tragic developments in the territories.

#### REFERENCES

- (1) A/43/35. (2) A/43/694. (3) YUN 1987, p. 305, SC res. 605(1987), 22 Dec. 1987. (4) S/19443. (5) S/19455. (6) S/19456. (7) S/19453. (8) S/19466. (9) S/19700. (10) S/19706. (11) S/19705, S/19776. (12) S/19773. (13) S/19780. (14) S/20156. (15) A/43/806. (16) A/43/608. (17) YUN 1987, p. 308, GA res. 42/160 B, 8 Dec. 1987. (18) A/43/77-S/19405. (19) A/43/86-S/19424. (20) A/43/296-S/19758. (21) A/43/302-S/19769. (22) A/43/377. (23) A/43/504-S/20090. (24) A/43/541-S/20132. (25) S/19402. (26) S/19404. (27) S/19430. (28) YUN 1948-49, p. 535, GA res. 217 A (III), 10 Dec. 1948. (29) A/43/558 & Add.1. (30) YUN 1987, p. 314, GA res. 42/160 E, 8 Dec. 1987. (31) A/43/557. (32) YUN 1987, p. 311, GA res. 42/160 A, 8 Dec. 1987. (33) A/43/609. (34) YUN 1987, p. 312, GA res. 42/160 C, 8 Dec. 1987. (35) Ibid., 318, GA res. 42/160 F, 8 Dec. 1987. (36) A/43/559. (37) YUN 1981, p. 312. (38) A/43/560. (39) YUN 1987, p. 316, GA res. 42/160 G, 8 Dec. 1987. (40) Ibid., p. 324, ESC res. 1987/87, 8 July 1987. (41) A/43/432-E/1988/68. (42) YUN 1987, p. 323. (43) TD/B/1183 & Corr.1. (44) A/43/15, vol. II. (45) E/CN.6/1988/8 & Corr.1. (46) YUN 1985, p. 937.

#### Palestine refugees

More than 2 million refugees were registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East as at 30 June 1988<sup>(1)</sup> in live areas of the Middle East: in and outside camps in the Israeli-occupied West Bank (385,634) and Gaza Strip (459,074); Jordan (870,490); Lebanon (288,176); and the Syrian Arab Republic (265,221).

The General Assembly addressed the Palestinian refugee problem and UNRWA's relief activities in 10 resolutions adopted in December 1988. The resolutions dealt with: assistance to Palestine refugees (43/57 A) and to displaced persons (43/57 C); the Working Group on the Financing of UNRWA (43/57 B); scholarships for higher education and vocational training (43/57 D); a proposed University of Jerusalem "Al-Quds" for Palestine refugees (43/57 J); Palestine refugees in Palestinian territory occupied by Israel since 1967 (43/57 E); resumption of the ration distribution to Palestine refugees (43/57 F); refugee protection (43/57 I); revenues from refugee properties (43/57 H); and the return of population and refugees displaced since 1967 (43/57 G).

#### UN Agency for Palestine refugees

As at 30 June 1988,<sup>(1)</sup> Palestine refugees registered with UNRWA in its five areas of operation numbered 2,268,595, to whom the Agency rendered educational, health and relief services, in addition to emergency measures in response to the Palestinian uprising. Emergency situations, such as the civil war in Lebanon ongoing since 1978,<sup>(2)</sup> seriously challenged the Agency in carrying out its mandate, while the evolving intifadah required

UNRWA throughout 1988 to work under emergency measures in the West Bank and Gaza Strip.

The UNRWA Commissioner-General's reports on the Agency's work during the periods 1 July 1987-30 June 1988<sup>(1)</sup> and 1 July 1988-30 June 1989<sup>(3)</sup> indicated that, since the beginning of the uprising, various developments had affected the Agency's operations and its ability to discharge its functions effectively. UNRWA repeatedly called on Israeli authorities to respect its privileges and immunities, as well as its premises. Nevertheless, camps were barricaded, access roads were blocked and the telephone connection between UNRWA's Vienna headquarters and its field office in the Gaza Strip was inoperative after 16 March 1988. The number of refugee shelters sealed or demolished for punitive reasons increased, as did the number of staff arrested and detained without charge or trial. Interference with the movement of staff increased due to obstructions in obtaining clearances and to frequent curfews. Many staff members also complained of maltreatment. With UNRWA becoming increasingly involved in emergency operations, a Programme Planning and Evaluation Office was established at headquarters to examine the longer-term implications of that trend.

UNRWA's education programme provided nine grades of general education, vocational and technical training, in-service teacher training and some higher education for Palestine refugees. The curricula followed those prescribed in the respective host countries. Despite adversarial circumstances, 349,321 Palestine refugee children served by 10,101 teachers enrolled in 1988 in 633 UNRWA elementary and preparatory schools. An additional 58,941 pupils attended government and private schools. Vocational, technical and pre-service teacher training was provided in eight training centres with a total enrolment of 4,668 teachers and 468 instructors. The UNRWA Institute of Education provided in-service training courses for 572 teachers and, at the university level, 297 scholars benefited from the Agency's scholarship programme. Some 27 new classrooms were completed or under construction during the year. Total 1988 expenditure on the education programme was \$112.6 million.

The UNRWA health programme provided sanitation services and curative and preventive medical services through 100 health clinics and 35 subsidized hospitals, which counted 228,785 bed-days utilized by refugees during 1988. Some 35,500 school-children received full mid-day meals in 92 supplementary feeding centres six days a week. Fifteen new dental units were provided through the UNRWA budget or donations, with six of them including a mobile unit-in Jordan, five in the West Bank and two each in Gaza and Lebanon. Dental teams to service those units and new posts of den-

tal hygienists were established to assist in the preventive oral health programme. Four new clinical laboratories were established, two in the West Bank and one each in Lebanon and the Syrian Arab Republic, while other health facilities were upgraded. Expenditures on the health programme amounted to \$38.3 million during 1988.

Under the relief service programme, 32,560 families, representing 7.6 per cent of the registered refugee population, received, as special hardship cases, assistance consisting of food, clothing, blankets, cash aid, cash grants for income-generating projects, assistance in the repair or reconstruction of shelters and preferential access to vocational and teacher training. The general welfare programme comprised casework, women's activities, adult training courses, education and training of the disabled, self-support projects and assistance to refugees in emergency situations. The cost in 1988 of the relief services programme amounted to \$19.7 million.

Lebanon. UNRWA operations were profoundly affected by the conditions of emergency prevailing throughout much of Lebanon due to recurrent waves of intense armed conflict, which also impeded compliance with a 1987 Assembly request that UNRWA headquarters be relocated to its former Beirut site.<sup>(4)</sup>

Nearly all schools stayed open most of the time; basic health services, bolstered by mobile medical teams in heavily damaged areas, continued to operate with only limited interruptions related to security conditions; and the relief programme was expanded to include four general distributions of emergency rations to all registered and non-registered Palestine refugees in Lebanon.

UNRWA again sought access to the three besieged refugee camps-Shatila and Burj el-Barajneh in the southern outskirts of Beirut and Rashidieh near Tyre-which had not been possible since 1985. Several hundred families from camps in southern Lebanon fled north seeking alternative shelter, with nearly 100 of them occupying UNRWA schools in the Saida region. The Agency made representations to government officials, leaders of militias and popular committees to stem the new flow of refugees and obtain assurances for their safe return to Rashidieh and other camps in the vicinity of Tyre. Despite continuing high tension in the region, those displaced eventually returned or found alternative accommodations.

In the wake of the wholesale damage inflicted on Shatila and Burj el-Barajneh, UNRWA continued emergency operations and began repairing roads, water supplies and piping, as well as removing heavy rubble. In September, UNRWA started payments to selected families to help them repair their shelters. In October, it began clearance and repair operations in both camps and, after infra-

structural restoration, distributed cash grants to families whose shelters were destroyed or damaged.

Damage to UNRWA installations and refugee shelters was estimated to be 85 per cent in Shatila (1,530 shelters) and 60 per cent in Burj el-Barajneh (2,390 shelters), with repair costs of \$3.2 million. A further \$1.2 million was required to repair some 2,100 damaged shelters in three camps south of the Litani River: El-Buss, Burj el-Shemali and Rashidieh.

Following the abduction of two Agency staff—a Norwegian and a Swede—on 5 February, who were released unharmed on 1 March, UNRWA reduced the number of international staff in Lebanon to the minimum required to maintain essential services at levels permitted by the security conditions.

Renewed fighting in May and June between rival Palestinian factions in the Beirut camps resulted in an estimated 100 killed, 500 wounded and many newly displaced refugee families, and had an adverse effect on UNRWA programmes. By the end of June, heavy shelling by artillery, mortars, rockets and machine-guns had all but destroyed the Shatila camp, where only about 40 families remained.

West Bank and Gaza Strip. In the West Bank and Gaza, the intifadah and Israel's response affected virtually all Agency activities, stretching its health services to the limit due to the increased case-load. Individuals, including UNRWA personnel, were arrested or detained without charge or trial in substantial numbers. There were indiscriminate beatings and deliberate damage to property, including Agency premises, which were used as observation posts and interrogation or detention centres. Houses were demolished or sealed and entrances to refugee camps were blocked, while economic pressures by Israel multiplied.

The freedom of movement of staff was increasingly interfered with, particularly after the requirement of passes, in late 1988, following imposition of curfews. Few such passes were allotted to UNRWA staff, seriously affecting essential services, including delivery of emergency health care.

To aid the West Bank and Gaza, UNRWA, at an informal meeting (Vienna, 29 February and 1 March) with representatives of major donor and host Governments, presented a plan of action estimated at some \$65 million and requiring three years (1988-1990) for implementation. It related to the expansion of relief activities, improvement of camp infrastructure and creation of new employment opportunities through economic development schemes. As at 30 June, some \$32.2 million had been pledged or paid in cash and commodities, more than half of which was specified for food, medical supplies and equipment, hospitalization and related costs. More than \$10 million was also pledged towards special projects to improve the living conditions of refugees in the occupied territories.

Health services, with emphasis on preventive rather than curative care, were provided through a network of 41 health centres, 6 maternal and child health sub-centres, 15 dental clinics, 8 maternity wards, 13 laboratories and 46 supplementary feeding centres. The Agency subsidized more than 400 beds in private hospitals for use by Palestine refugees, which was, however, insufficient for all cases requiring in-patient care.

Starting in September, 15 additional emergency medical teams were established to reinforce the available infrastructure of the 33 health centres or points throughout the West Bank. Duty hours were extended to provide afternoon shifts in the camps where confrontations between the inhabitants and Israeli security forces occurred most frequently. Six additional health buses were acquired to improve the transportation of injured persons, and equipment was procured to upgrade services and capacities in casualty care. Nutritional support was expanded and additional funds were earmarked to cover emergency medical supplies and extra hospital expenses. In February, after establishing eight additional medical teams to operate clinics in Gaza, UNRWA opened an emergency clinic in Beach camp and two night-duty clinics. In September, the first physiotherapy clinic was established in the Balata health centre near Nablus.

Education was seriously affected by a loss of instruction time in schools and training centres. As a result of the enforced closure of all educational institutions in the West Bank from 4 February until late May, pupils in elementary and preparatory schools missed approximately 40 per cent of scheduled class time. The authorities allowed elementary schools to reopen on 23 May and preparatory schools on 29 May but directed them to close on 21 July, despite an earlier declaration to extend the school year to 18 August. The 1987/88 school year in the Gaza Strip, which was seriously affected by curfews, strikes and violent incidents, was not completed until late October, following the implementation of a crash programme after the summer recess to make up for time lost during the first half of 1988.

In its medium-term plan for 1988-1990, UNRWA identified priority school-construction requirements, including the construction of additional classrooms, replacement of unsuitable premises and improvements to existing facilities. The impact on training centres was more devastating, with three of them in the West Bank closed, along with other educational institutions, by a February order of the Israeli Government, causing the loss of all but 44 days of the scheduled instruction time. The centre in Gaza had been closed since the beginning of January, completing only about 50 days. Thus, would-be 1988 graduates had to enrol for the 1988/89 academic year.

Addressing the need for small-scale income-generating enterprises, 51 projects were given loans in the West Bank for industrial workshops, food production and essential services under a joint programme established in January by UNRWA and other aid agencies.

Jordan and the Syrian Arab Republic. Due to the weakening economies of Jordan and the Syrian Arab Republic, Palestine refugees faced difficulties there. The economy also slackened in the Persian Gulf States, which had traditionally absorbed an important share of the Palestinian skilled and semi-skilled labour force. UNRWA schools in Jordan and the Syrian Arab Republic operated satisfactorily throughout the year. The Amman and Wadi Seer training centres in Jordan provided 28 courses in vocational and technical fields for 1,170 students; the centre in Amman also provided 300 places for trainee teachers.

Under the Agency's health programme, two new health centres in the Jordanian Baqa'a and Marka refugee camps, funded by Canada, were completed in August 1987 and April 1988, respectively. A survey of the Qabr Essit camp near Damascus, Syrian Arab Republic, found that the water used in refugee shelters was often contaminated and that 60 per cent of the children suffered from intestinal parasites. That led to the launching of a health education campaign and the subsequent upgrading of the water system and sewer lines with UNICEF funds.

Report of the Secretary-General. The Secretary-General reported in January to the Security Council<sup>(5)</sup> that UNRWA played the leading role in providing registered refugees in the Gaza Strip with a wide variety of assistance and protection, as well as support for their day-to-day efforts to cope with life under occupation. ICRC assisted especially the families of detainees, and many Palestinian and international voluntary agencies played their part.

The Secretary-General concluded that in the case of registered refugees in the West Bank and Gaza, who numbered 818,983 (373,586 in the West Bank and 445,397 in Gaza) or about 55 per cent of the Palestinian population there, UNRWA was clearly best placed to provide general assistance. However, the number of UNRWA international staff had declined over the years, to nine in the West Bank (where there were 19 refugee camps) and six in Gaza (where there were eight camps) as at the uprising's initiation. The Secretary-General believed that international staff currently played an especially valuable role, as they could gain easier access to Israeli authorities in emergency situations. Their mere presence at points of confrontation had a significant impact on the way the civilian population was treated by the security forces. He therefore asked the UNRWA Commissioner-General to examine the addition of extra international staff in the territories

to enhance general refugee assistance and urged Member States to respond generously to the appeal for their financing.

The Secretary-General deemed it essential that Israel honour UNRWA privileges and immunities in full, especially the right of its personnel to freedom of movement in all circumstances and the inviolability of its premises and installations. In view of the current disturbances, it also seemed desirable that the Commissioner-General be permitted to provide humanitarian assistance, on an emergency basis and as a temporary measure, to non-refugees in serious need of assistance.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/57 A by recorded vote.

#### Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 42/69 A of 2 December 1987 and all its previous resolutions on the question, including resolution 194(III) of 11 December 1948,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1987 to 30 June 1988,

1. Notes with deep regret that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194(III) has not been effected, that no substantial progress has been made in the programme endorsed by the Assembly in paragraph 2 of its resolution 513(VI) of 26 January 1952 for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern;

2. Expresses its thanks to the Commissioner-General and to all the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, recognizing that the Agency is doing all it can within the limits of available resources, and also expresses its thanks to the specialized agencies and private organizations for their valuable work in assisting the refugees;

3. Reiterates its request that the headquarters of the Agency should be relocated to its former site within its area of operations as soon as practicable;

4. Notes with regret that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194(III), and requests the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 1989;

5. Directs attention to the continuing seriousness of the financial position of the Agency, as outlined in the report of the Commissioner-General;

6. Notes with profound concern that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions, this increased level of income to the Agency is still insufficient to cover essential budget requirements in the present year and

that, at currently foreseen levels of giving, deficits will recur each year;

7. Calls upon all Governments, as a matter of urgency, to make the most generous efforts possible to meet the anticipated needs of the Agency, particularly in the light of the budgetary deficit projected in the report of the Commissioner-General, and therefore urges non-contributing Governments to contribute regularly and contributing Governments to consider increasing their regular contributions.

General Assembly resolution 43/57 A

6 December 1988 Meeting 71 152-0-1 (recorded vote)

Approved by Special Political Committee (A/43/903) by recorded vote (121-0-1), 28 November (meeting 341); draft by United States (A/SPC/43/L.14); agenda item 76.

Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Israel.

#### UNRWA financing

The Agency's income to its General Fund and ongoing activities amounted to \$206.1 million in 1988.<sup>(5)</sup> To maintain the regular programmes at their planned levels, UNRWA spent \$204.3 million; the balance enabled it to replenish its much-depleted working capital reserve, which amounted to \$29.3 million-considered inadequate when measured against UNRWA's size of operation and manner of funding. Thus, the Commissioner-General stressed that the financial position still needed strengthening to achieve a measure of fiscal security. Expenditure on capital and special projects was planned at \$14.9 million for 1988, of which \$6.8 million was funded by special donations and \$2.3 million from the General Fund.

According to the financial report and audited financial statements of UNRWA for the year ended 31 December 1988,<sup>(6)</sup> the 1988 budget of UNRWA amounted to \$247 million, of which \$190.2 million was for the General Fund. Project funds were \$18.6 million for ongoing activities and \$14.9 million for capital and special projects, giving \$223.7 million for the regular budget.

Extraordinary emergency budgets included the Lebanon Emergency Fund of \$8 million, representing the unspent balance of funds donated in 1987, and two new funds established during 1988 in response to the emergency situation created by the uprising in the occupied territories. The Extraordinary Measures in the Occupied Territories Fund had a budget of \$15.1 million in response to increasing needs. It was intended for extra-regular activities in the territories to alleviate the hardship of the Palestine refugees owing to the civil unrest. A second fund-the Expanded Programme of Assistance-was established to improve the infrastructure in terms of better housing and new or expanded sewerage systems, and to provide UNRWA with better facilities to run its education, health and relief programmes in the territories. For 1988, \$200,000 was budgeted under that programme, representing first allotments set up for the initial preparation and administration of funds received in response to the Commissioner-General's presentation to major donors in February 1988, the aim of which was to solicit about \$65 million for various projects to improve the environmental conditions of the refugee population in the West Bank and Gaza.

The Agency ended 1988 with an excess of income over expenditure under the General Fund amounting to \$3.5 million, largely owing to the unexpected depreciation of the Jordanian dinar during the second half of 1988. However, the large deficits of earlier years had left a much depleted working capital.

Reallocations from the General Fund to projects totalled \$2.3 million for such urgent construction projects as class-rooms in Jordan, the Syrian Arab Republic, the West Bank and Gaza to avoid triple shifts; a new field office in the Syrian Arab Republic; moving an education development centre at Amman; the Baqa'a school in Jordan; and warehouses in Gaza. In 1988, 70 UNRWA projects funded by special contributions were under implementation, and a loan scheme, running in its fourth year to assist housing and education projects, had outstanding loans of \$3.8 million as at 31 December 1988, as compared with \$5.8 million a year earlier.

The Commissioner-General noted that, in response to his February 1987 appeal<sup>(7)</sup> for \$20.6 million to cover UNRWA emergency operations in Lebanon, \$15.5 million had been received or pledged, of which some \$9.8 million was obligated or expended. Major items funded through 30 June 1988 included \$4.9 million for food and other emergency supplies, \$1.6 million for hospitalization and other health services, \$1 million for additional staff and \$650,000 for replacement of school supplies and furniture. The remaining \$5.7 million was to be used for additional emergency

relief expenditures, the repair of Agency installations and cash grants under the accommodation assistance programme to refugee families whose homes in the camps were damaged or destroyed. Although that programme was not under way in Lebanon as at 30 June, the balance of the \$20.6 million requested would be needed once UNRWA was allowed to proceed with those activities.

On 21 December, the General Assembly, by resolution 43/216, accepted the financial report and audited financial statements of UNRWA for the year ended 31 December 1987,<sup>(8)</sup> together with the report of the Board of Auditors, and requested the Commissioner-General to report in 1989 on steps taken to implement the Board's recommendations.

#### Working Group on UNRWA financing

In a report covering its meetings of 14 September and 11 October 1988,<sup>(9)</sup> the Working Group on the Financing of UNRWA expressed concern that income in 1988 might be insufficient to cover the cost of maintaining services. The Agency's financial situation promised to be less healthy than in 1987. Projections indicated that cash contributions to the General Fund would fall short by \$2 million of the budgeted requirements of \$176.6 million. Under the two special emergency programmes funded by special contributions, the \$7 million balance remaining at the start of 1988 in the Lebanon Emergency Fund, earmarked to repair shelters, was expected to be exhausted by the end of the year, and the expanded programme in the occupied territories, operative since February 1988, had funding assured only to the end of the year.

The budget for 1989 was estimated to increase by \$11 million (or 5 per cent), to about \$218 million, which would meet growing requirements for UNRWA services brought about by increases in the school population, expanded use of Agency health services and unavoidable staff salary increases. A corresponding increase in contributions would have to be sought. Moreover, construction costs were expected to be about \$15 million, a substantial increase over 1988, as many projects had been delayed due to insufficient contributions. Should the Lebanon Emergency Fund be continued, additional funds would have to be sought, and although funds specially pledged for projects in the occupied territories were available through 1989, only a limited amount of funding for the emergency measures would extend beyond 1988.

The Working Group took note that the Commissioner-General envisaged an annual growth of 5 per cent in expenditure over the next few years simply to maintain UNRWA's regular programmes at current levels. That would require a corresponding increase in contributions and continued strict control over expenditure if deficits and eventual cuts in services were to be avoided.

To circumvent the projected deficit, the Working Group urged that Governments start contributing or make more generous contributions, make additional contributions for construction projects and pay their contributions as early as possible in the calendar year.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/57 B without vote.

#### Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 2656(XXV) of 7 December 1970, 2728(XXV) of 15 December 1970, 2791(XXVI) of 6 December 1971, 2964(XXVII) of 13 December 1972, 3090(XXVIII) of 7 December 1973, 3330(XXIX) of 17 December 1974, 3419 D (XXX) of 8 December 1975, 31/15 C of 23 November 1976, 32/90 D of 13 December 1977, 33/112 D of 18 December 1978, 34/52 D of 23 November 1979, 35/13 D of 3 November 1980, 36/146 E of 16 December 1981, 37/120 A of 16 December 1982, 38/83 B of 15 December 1983, 39/99 B of 14 December 1984, 40/165 B of 16 December 1985, 41/69 B of 3 December 1986 and 42/69 B of 2 December 1987,

Recalling also its decision 36/462 of 16 March 1982, whereby it took note of the special report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and adopted the recommendations contained therein,

Having considered the report of the Working Group,

Taking into account the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1987 to 30 June 1988,

Deeply concerned at the critical financial situation of the Agency, which permits the provision of only minimum services to the Palestine refugees,

Emphasizing the continuing need for extraordinary efforts in order to maintain, at least at their present minimum level, the activities of the Agency, as well as to enable the Agency to carry out essential construction,

1. Commends the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for its efforts to assist in ensuring the Agency's financial security;

2. Takes note with approval of the report of the Working Group;

3. Requests the Working Group to continue its efforts, in co-operation with the Secretary-General and the Commissioner-General, for the financing of the Agency for a further period of one year;

4. Requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work.

General Assembly resolution 43/57 B

6 December 1988 Meeting 71 Adopted without vote

Approved by Special Political Committee (A/43/903) without vote, 28 November (meeting 34); 16-nation draft (A/SPC/43/L.15); agenda item 76.



Sponsor: Austria, Bangladesh, Canada, Denmark, Germany, Federal Republic of, India, Indonesia, Liberia, Malaysia, Netherlands, New Zealand, Pakistan, Philippines, Spain, Sweden, Yugoslavia.  
Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34; plenary 71.

## Legal matters

### UNRWA staff and premises

During the 1987/88 reporting period, the number of UNRWA staff arrested and detained without charge continued to increase.<sup>(1)</sup> Israeli authorities also deported one staff member from the Gaza Strip. However, the number of staff kidnapped or detained in Lebanon decreased.

As UNRWA remained unable to obtain adequate, timely information on reasons for the arrests and detentions, it was unable to ascertain whether the staff members' official functions were involved or whether their rights and duties flowing from the Charter, the 1946 Convention on the Privileges and Immunities of the United Nations<sup>(10)</sup> and UNRWA Staff Regulations and Rules were duly respected.

Staff movements in and out of the occupied territories continued to be restricted; sometimes entry permits were refused. From late 1988 on, the authorities insisted that local staff in the Gaza Strip could move during curfew only if they possessed permits; however, very few staff were issued curfew permits, which were often of limited duration, with time-consuming renewal procedures. Israeli authorities continuously summoned Agency staff for interrogation during official hours without adequate notice.

UNRWA also stated increasing concern over forcible entries of its premises by Israeli military personnel, sometimes accompanied by injuries to staff and damage to property. UNRWA protested such actions as a violation of its privileges and immunities.

### Compensation claims

In 1988, UNRWA reported that no progress had been made with regard to its claims against the Governments of: Israel (for loss of and damage to UNRWA property during the 1967 hostilities, Israel's invasion of Lebanon in 1982 and its military action before then); Jordan (arising from the 1967 hostilities and the disturbances in 1970 and 1971); and the Syrian Arab Republic (relating mainly to the levy of certain taxes from which UNRWA believed it was exempt under existing agreements). Those claims had been reported in 1986.<sup>(11)</sup> The Secretary-General, in September 1988,<sup>(12)</sup> also stated that there had been no progress with regard to UNRWA claims against Israel resulting from its 1982 invasion of Lebanon.

In resolution 43/57 I, the General Assembly called anew on Israel to compensate UNRWA for damage to its property and facilities resulting from Israel's invasion of Lebanon, without prejudice to Israel's responsibility for all damages resulting from that invasion.

In July, Israel informed UNRWA that, because of temporary budgetary constraints, it had to withhold payment of clearance, warehousing and transport charges payable to the Agency under the 1967 Comay-Micheltmore provisional agreement concerning assistance to Palestine refugees. To prevent delayed clearance of goods and to minimize costs, UNRWA temporarily advanced the sums needed, on the understanding that the amount would be reimbursed, and requested Israel to revert as at 1 January 1989 to the status quo ante and the procedures envisaged under the agreement. As a result of Israel's failure to do so due to its alleged financial situation, the Agency had to spend an additional \$800,000 to carry out its programmes in the occupied territories.

## Other aspects

### Humanitarian assistance to displaced and other persons

During 1988, in addition to providing relief in the form of basic food commodities, blankets, clothing, shelter repair and cash grants, UNRWA continued to provide a small measure of humanitarian assistance to persons who had been displaced as a result of the June 1967 and subsequent hostilities but who were not registered with UNRWA as refugees.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, the General Assembly, on the recommendation of the Special Political Committee, adopted resolution 43/57 C without vote.

Assistance to persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolution 42/69 C of 2 December 1987 and all its previous resolutions on the question,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1987 to 30 June 1988,

Concerned about the continued human suffering resulting from the hostilities in the Middle East,

1. Reaffirms its resolution 42/69 C and all its previous resolutions on the question;

2. Endorses, bearing in mind the objectives of those resolutions, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;

3. Strongly appeals to all Governments and to organizations and individuals to contribute generously for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and to

the other intergovernmental and non-governmental organizations concerned.

General Assembly resolution 43/57 C

6 December 1988 Meeting 71 Adopted without vote

Approved by Special Political Committee (A/43/903) without vote. 28 November (meeting 341; 20-nation draft (A/SPC/43/L.16); agenda item 76.

Sponsors: Austria, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Greece, India, Indonesia, Ireland, Italy, Japan, Malaysia, Mali, Netherlands, Norway, Pakistan, Philippines, Sri Lanka, Sweden.

Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34; plenary 71.

### Repatriation of refugees

In September 1988,<sup>(13)</sup> the Secretary-General reported on compliance with the General Assembly's 1987 call<sup>(14)</sup> on Israel to take immediate steps for the return of all displaced inhabitants and to desist from measures obstructing their return. By a note verbale of 7 July, Israel had stated that its position had been fully set out in successive annual replies to the Secretary-General, most recently in 1987.<sup>(15)</sup> It continued to make every effort to review individual cases of resettlement based on their merits and, as a result, the total number of persons returned to the administered territories was approximately 75,000.

The Commissioner-General pointed out to the Secretary-General that UNRWA was not involved in arrangements for the return of either refugees or displaced persons who were not registered with it. Its information was based on requests made by returning registered refugees who wanted a transfer of their benefit entitlements and a correction of their records; thus, it would not necessarily be aware of registered refugees not requesting services. As far as was known to UNRWA, 181 registered refugees had returned to the West Bank between 1 July 1987 and 30 June 1988, and 27 had returned to the Gaza Strip. The number of displaced registered refugees who were known by UNRWA to have returned to the occupied territories since June 1967 was about 11,300. Those records, however, might be incomplete.

### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/57 G by recorded vote.

The return of population and refugees  
displaced since 1967

The General Assembly,

Recalling Security Council resolution 237(1967) of 14 June 1967,

Recalling also its resolutions 2252(ES-V) of 4 July 1967, 2452 A (XXIII) of 19 December 1968, 2535 B (XXIV) of 10 December 1969, 2672 D (XXV) of 8 December 1970, 2792 E (XXVI) of 6 December 1971, 2963 C and D (XXVII) of 13 December 1972, 3089 C (XXVIII) of 7 December 1973, 3331 D (XXIX) of 17 December 1974, 3419 C (XXX) of 8 December 1975, 31/15 D of 23 November 1976, 32/90 E of 13 December 1977,

33/112 F of 18 December 1978, 34/52 E of 23 November 1979, ES-7/2 of 29 July 1980, 35/13 E of 3 November 1980, 36/146 B of 16 December 1981, 37/120 G of 16 December 1982, 38/83 G of 15 December 1983, 39/99 G of 14 December 1984, 40/165 G of 16 December 1985, 41/69 G of 3 December 1986 and 42/69 G of 2 December 1987,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1987 to 30 June 1988, and the report of the Secretary-General,

1. Reaffirm the inalienable right of all displaced inhabitants to return to their homes or former places of residence in the territories occupied by Israel since 1967, and declares once more that any attempt to restrict, or to attach conditions to, the free exercise of the right to return by any displaced person is inconsistent with that inalienable right and inadmissible;

2. Considers any and all agreements embodying any restriction on, or condition for, the return of the displaced inhabitants as null and void;

3. Strongly deplores the continued refusal of the Israeli authorities to take steps for the return of the displaced inhabitants;

4. Calls once more upon Israel:

(a) To take immediate steps for the return of all displaced inhabitants;

(b) To desist from all measures that obstruct the return of the displaced inhabitants, including measures affecting the physical and demographic structure of the occupied territories;

5. Requests the Secretary-General, after consulting with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report to the General Assembly, before the opening of its forty-fourth session, on Israel's compliance with paragraph 4 above.

General Assembly resolution 43/57 G

6 December 1988 Meeting 71 129-2-23 (recorded vote)

Approved by Special Political Committee (A/43/903) by recorded vote (99-2-23), 28 November (meeting 34); 17-nation draft (A/SPC/43/L.20); agenda item 76.

Sponsors: Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, India, Indonesia, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Yugoslavia, Zambia, Zimbabwe.

Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Canada, Costa Rica, Côte d'Ivoire, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Liberia, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Swaziland, Sweden, United Kingdom, Zaire.

### Food aid

The Secretary-General reported in September 1988<sup>(16)</sup> that UNRWA had continued distributing rations to the most needy sector of the refugee population, known as special hardship cases, who numbered 119,512 in December 1987. The Agency provided emergency food assistance in Lebanon, the West Bank and Gaza. Two distributions of food were made to all registered refugees in Lebanon and ad hoc distributions were made to camp inhabitants and others affected by the fighting. In the West Bank, food supplies had been distributed in camps and other areas of refugee concentration, as well as to some 87,000 schoolchildren in the Gaza Strip. However, due to continued financial constraints, a general ration distribution to all refugees, as requested by the General Assembly in 1987,<sup>(17)</sup> was not possible.

The Commissioner-General noted<sup>(1)</sup> that, whenever possible, normal relief programmes were carried out and additional measures were adopted. In the Gaza Strip, dry food commodities sufficient for one person for one month, pre-packed in plastic bags, were distributed through schools, and ad hoc arrangements were made to reach families without school-age children. Approximately 2,750 tons of supplies, either purchased by or donated to UNRWA, were distributed to registered refugees in the Gaza Strip, with about 87,000 schoolchildren and 6,166 families benefiting monthly from the distributions. In the West Bank, some 1,840 tons of commodities were distributed to registered refugees and non-refugees, with an average of 62,770 refugees, 4,700 non-refugees and 14,500 schoolchildren benefiting monthly.

### GENERAL ASSEMBLY ACTION

On 6 December, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/57 F by recorded vote.

#### Resumption of the ration distribution to Palestine refugees

The General Assembly,

Recalling its resolutions 36/146 F of 16 December 1981, 37/120 F of 16 December 1982, 38/83 F of 15 December 1983, 39/99 F of 14 December 1984, 40/165 F of 16 December 1985, 41/69 F of 3 December 1986, 42/69 F of 2 December 1987 and all its previous resolutions on the question, including resolution 302(IV) of 8 December 1949,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1987 to 30 June 1988, and the report of the Secretary-General,

Deeply concerned at the interruption by the Agency, owing to financial difficulties, of the general ration distribution to Palestine refugees in all fields,

1. Regrets that its resolutions 37/120 F, 38/83 F, 39/99 F, 40/165 F, 41/69 F and 42/69 F have not been implemented;

2. Calls once again upon all Governments, as a matter of urgency, to make the most generous efforts possible and to offer the necessary resources to meet the needs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, particularly in the light of the interruption by the Agency of the general ration distribution to Palestine refugees in all fields, and therefore urges non-contributing Governments to contribute regularly and contributing Governments to consider increasing their regular contributions;

3. Requests the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to resume on a continuing basis the interrupted general ration distribution to Palestine refugees in all fields;

4. Requests the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

### General Assembly resolution 43/57 F

6 December 1988 Meeting 71 130-20-3 (recorded vote)

Approved by Special Political Committee (A/43/903) by recorded vote (100-20-4), 28 November (meeting 34); 16-nation draft (A/SPC/43/L.19); agenda item 76.

Sponsors: Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, Indonesia, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Yugoslavia, Zambia, Zimbabwe.

Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

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

Abstaining: Austria, Greece, Spain.

### Education and training services

#### Schools and teacher training

UNRWA's education programmes continued to provide nine grades of general education, vocational and technical training, pre-service teacher training and scholarships for higher education for Palestine refugees. The programme operated with technical assistance from UNESCO.

In 1988, expenditures on the education programme amounted to \$112.4 million: \$43.3 million in Jordan; \$30.9 million in the Gaza Strip; \$18.1 million in the West Bank; \$11.7 million in the Syrian Arab Republic; \$5.5 million in Lebanon; and \$2.8 million at headquarters (Vienna).

As at 15 October, 351,136 pupils were enrolled in UNRWA schools, some 1,750 more than the previous year, as follows: 134,435 in Jordan; 91,222 in the Gaza Strip; 53,378 in the Syrian Arab Republic; 39,275 in the West Bank; and 32,826 in Lebanon. In addition, 110,339 refugee pupils attended government and private schools.

In the West Bank, 90 of 98 schools remained closed by the Israeli authorities for a large part of 1988. In the Gaza Strip, there was considerable disruption due to frequent curfews, strikes and widespread unrest. In Jordan and the Syrian Arab Republic, schools operated satisfactorily. In Lebanon, despite the generally disturbed situation, the majority of schools functioned with only local and short-lived interruptions.

During the 1987/88 academic year, UNRWA provided places for 3,904 vocational trainees and 850 teacher trainees in its eight training centres.

#### Proposed University of Jerusalem "Al-Quds"

In keeping with a General Assembly request of 1987,<sup>(18)</sup> the Secretary-General reported in June 1988<sup>(19)</sup> on the establishment of a university for Palestine refugees at Jerusalem. The proposed "Al-Quds" University, first considered by the Assembly in 1980,<sup>(20)</sup> had since been the subject of annual reports by the Secretary-General with regard to measures taken towards its establishment, including a functional feasibility study. To assist in the preparation of the study and at the Secretary-General's request, the United Nations University made available the services of an expert who was to visit the area and meet with Israeli officials. By a note verbale of 3 May, the Secretary-General requested Israel to facilitate the expert's visit at a mutually convenient date.

Israel replied on 24 May that its position remained unchanged;<sup>(21)</sup> it had consistently voted against the resolution calling for the establishment of the University, whose sponsors sought to exploit higher education in order to politicize issues totally extraneous to genuine academic pursuits. Therefore, Israel was unable to assist in taking the matter further.

In view of Israel's position, the feasibility study could not be completed as planned.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/57 J by recorded vote.

#### University of Jerusalem "Al-Quds" for Palestine refugees

The General Assembly,

Recalling its resolutions 36/146 G of 16 December 1981, 37/120 C of 16 December 1982, 38/83 K of 15 December 1983, 39/99 K of 14 December 1984, 40/165 D and K of 16 December 1985, 41/69 K of 3 December 1986 and 42/69 K of 2 December 1987,

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1987 to 30 June 1988,

1. Emphasizes the need for strengthening the educational system in the Arab territories occupied since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;

2. Requests the Secretary-General to continue to take all necessary measures for establishing the University of Jerusalem "Al-Quds", in accordance with General Assembly resolution 35/13 B of 3 November 1980, giving due consideration to the recommendations consistent with the provisions of that resolution;

3. Calls once more upon Israel, the occupying Power, to co-operate in the implementation of the present resolution and to remove the hindrances that it has put in the way of establishing the University of Jerusalem "Al-Quds";

4. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the progress made in the implementation of the present resolution.

#### General Assembly resolution 43/57 J

6 December 1988 Meeting 71 152-2 (recorded vote)

Approved by Special Political Committee (A/43/903) by recorded vote (122-2-1), 28 November (meeting 341; 18-nation draft (A/SPC/43/L.23); agenda item 76.

Sponsors: Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Yugoslavia, Zambia, Zimbabwe.

Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenade, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitt and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

#### Scholarships

The Secretary-General reported in September 1988<sup>(22)</sup> on responses to the General Assembly's 1987 appeal<sup>(23)</sup> to augment special allocations for

scholarships and grants to Palestine refugees, for which UNRWA acted as recipient and trustee.

The 1988 activities of responding States and institutions included the provision by Japan of 15 fellowships to UNRWA vocational training instructors. The Federal Republic of Germany offered 25 scholarships in 1988 to Palestine refugee graduates of UNRWA vocational training centres, to be awarded in 1989. UNESCO granted six fellowships in 1988 and WIPO and UPU also followed up in offering additional fellowships. WHO sponsored nine regional and international fellowships to Palestine refugee health staff in its post-graduate training programme aimed at developing the technical and managerial skills of UNRWA's department of health staff and at meeting future replacement needs. Three Palestinians continued their studies in agricultural economics and animal production through the FAO project on specialized training in agricultural development, which also provided expertise to the Al-Quds Open University.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/57 D by recorded vote.

Offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees  
The General Assembly,

Recalling its resolution 212(III) of 19 November 1948 on assistance to Palestine refugees,

Recalling also its resolutions 35/13 B of 3 November 1980, 36/146 H of 16 December 1981, 37/120 D of 16 December 1982, 38/83 D of 15 December 1983, 39/99 D of 14 December 1984, 40/165 D of 16 December 1985, 41/69 D of 3 December 1986 and 42/69 D of 2 December 1987,

Cognizant of the fact that the Palestine refugees have, for the last four decades, lost their homes, lands and means of livelihood,

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1987 to 30 June 1988,

1. Urges all States to respond to the appeal contained in General Assembly resolution 32/90 F of 13 December 1977 and reiterated in subsequent relevant resolutions in a manner commensurate with the needs of Palestine refugees for higher education, including vocational training;

2. Strongly appeals to all States, specialized agencies and non-governmental organizations to augment the special allocations for grants and scholarships to Palestine refugees in addition to their contributions to the regular budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

3. Expresses its appreciation to all Governments, specialized agencies and non-governmental organizations that responded favourably to General Assembly resolutions 41/69 D and 42/69 D;

4. Invites the relevant specialized agencies and other organizations of the United Nations system to continue, within their respective spheres of competence, to extend assistance for higher education to Palestine refugee students;

5. Appeals to all States, specialized agencies and the United Nations University to contribute generously to the Palestinian universities in the Palestinian territory occupied by Israel since 1967, including, in due course, the proposed University of Jerusalem "Al-Quds" for Palestine refugees;

6. Also appeals to all States, specialized agencies and other international bodies to contribute towards the establishment of vocational training centres for Palestine refugees;

7. Requests the United Nations Relief and Works Agency for Palestine Refugees in the Near East to act as the recipient and trustee for the special allocations for grants and scholarships and to award them to qualified Palestine refugee candidates;

8. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

#### General Assembly resolution 43/57 D

6 December 1988 Meeting 71 153-0-1 (recorded vote)

Approved by Special Political Committee (A/43/903) by recorded vote (123-0-1), 28 November (meeting 34); 17-nation draft (A/SPC/43/L.17); agenda item 76.

Sponsors: Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, Indonesia, Jordan, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Yugoslavia, Zambia, Zimbabwe.

Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Israel.

#### Property rights

Report of the Secretary-General. In September 1988,<sup>(24)</sup> the Secretary-General reported on responses to his request for information on steps taken to implement the General Assembly's 1987 resolution<sup>(25)</sup> on revenues derived from Palestinian refugee properties.

In its reply of 7 July 1988, Israel reiterated its position as set out in statements to the Special Political Committee, most recently in 1987,<sup>(26)</sup> that

there was no legal basis for taking the steps proposed, as property rights within the borders of a sovereign State were subject exclusively to the domestic laws of that State. The right of States to regulate and dispose of property within their territory and the income derived from that property was a generally accepted principle. Significantly, the resolution's sponsors made no suggestion regarding confiscated property in Arab countries of some 800,000 Jewish refugees as a result of the 1948 war, estimated to be worth billions of dollars. Israel stressed that there could be no difference in law, justice or equity between the claims of Arab and Jewish property owners.

No reply had been received from any other Member State regarding implementation of the resolution.

Report of the Conciliation Commission. The United Nations Conciliation Commission for Palestine, in its report covering the period from 1 September 1987 to 31 August 1988,<sup>(27)</sup> stated that events that had occurred in the area since the preceding reporting period had further complicated an already very complex situation. As far as the Commission was concerned, the circumstances that had limited its possibilities of action remained essentially unchanged. Nevertheless, it continued to hope that the situation would improve towards the achievement of a comprehensive, just and lasting peace in the Middle East, thus enabling it to carry forward its work in accordance with its mandate as defined by the Assembly in 1948.<sup>(28)</sup>

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/57 H by recorded vote.

Revenues derived from Palestine refugee properties

The General Assembly,

Recalling its resolutions 35/13 A to F of 3 November 1980, 36/146 C of 16 December 1981, 37/120 H of 16 December 1982, 38/83 H of 15 December 1983, 39/99 H of 14 December 1984, 40/165 H of 16 December 1985, 41/69 H of 3 December 1986, 42/69 H of 2 December 1987 and all its previous resolutions on the question, including resolution 194(III) of 11 December 1948,

Taking note of the report of the Secretary-General,

Taking note also of the report of the United Nations Conciliation Commission for Palestine, covering the period from 1 September 1987 to 31 August 1988,

Recalling that the Universal Declaration of Human Rights and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her private property,

Considering that the Palestine Arab refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of justice and equity,

Recalling in particular its resolution 394(V) of 14 December 1950, in which it directed the United Nations Conciliation Commission for Palestine, in consultation with the parties concerned, to prescribe measures for the pro-

tection of the rights, property and interests of the Palestine Arab refugees,

Taking note of the completion of the programme of identification and evaluation of Arab property, as announced by the United Nations Conciliation Commission for Palestine in its twenty-second progress report, and of the fact that the Land Office had a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

1. Requests the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection and administration of Arab property, assets and property rights in Israel and to establish a fund for the receipt of income derived therefrom, on behalf of the rightful owners;

2. Calls once more upon Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

3. Calls upon the Governments of all the other Member States concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel, which would assist the Secretary-General in the implementation of the present resolution;

4. Deplores Israel's refusal to co-operate with the Secretary-General in the implementation of the resolutions on the question;

5. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

General Assembly resolution 43/57 H

6 December 1988 Meeting 71 124-2-25 (recorded vote)

Approved by Special Political Committee (A/43/903) by recorded vote (97-2-24), 28 November (meeting 34); 17-nation draft (A/SPC/43/L.21); agenda item 76.

Sponsors: Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, India, Indonesia, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Yugoslavia, Zambia, Zimbabwe.

Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Australia, Austria, Belgium, Cameroon, Canada, Costa Rica, Côte d'Ivoire, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Liberia, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom, Zaire.

#### Refugee protection

Reports of the Secretary-General. In his January 1988 report to the Security Council on the situation in the occupied territories,<sup>(5)</sup> the Secretary-

General explored four possible ways of protecting the civilian population in the territories, some 55 per cent of which were refugees registered with UNRWA. One such way was physical protection by United Nations peace-keeping forces. Another was legal protection, meaning intervention with the security or judicial authorities on behalf of those threatened. Protection could also take the form of general assistance, with an outside agency intervening to help individuals or groups to resist violations of rights and cope with life under occupation. Finally, protection by publicity was afforded through the presence of the international media, ready to publish events.

On the basis of those definitions, the Secretary-General explored ways for the international community to help ensure the civilian population's protection. With regard to physical protection, he said the introduction of United Nations forces into the territories could detract from the occupying Power's responsibilities under the fourth Geneva Convention. Also, their deployment would require the consent of Israel, which had voiced its disagreement. The idea, however, should not be lost sight of, as Israel had accepted international forces in other contexts of the Arab-Israeli conflict and United Nations forces could again be a valuable ingredient in implementing a negotiated settlement or in transitional arrangements for the territories.

A measure of legal protection was provided by ICRC, and general assistance was provided by agencies, most prominently UNRWA. In order to improve general assistance, the Secretary-General had requested the UNRWA Commissioner-General to examine the possibility of extra international staff, stressing at the same time that Israel should honour UNRWA privileges and immunities in full. The Commissioner-General should be permitted to extend humanitarian assistance on an emergency basis and as a temporary measure to non-refugees in serious need because of the recent disturbances.

The need to publicize the situation in the territories was stressed by the Palestinians, as was the importance of unhindered access by the international media. It was argued that world attention had a potentially beneficial influence, both on Israel's practices in the territories and on its willingness to negotiate. It was suggested that the Secretary-General appoint a United Nations ombudsman to reside in the territories. The Secretary-General concluded that the practicability of all the aforementioned ideas depended on Israel's full consent and co-operation.

The Secretary-General reported in September 1988<sup>(12)</sup> on implementation of a 1987 Assembly resolution<sup>(29)</sup> holding Israel responsible for the security of the Palestine refugees in the occupied territories and calling on it to compensate UNRWA

for the damage to its property and facilities resulting from Israel's 1982 invasion of Lebanon.

The report reproduced Israel's reply of 7 July 1988 to the Secretary-General's request for information on steps taken or envisaged to comply with the resolution. Israel said it had fully set forth its position on the subject in statements to the Special Political Committee and in a 1987 report of the Secretary-General.<sup>(30)</sup> The adoption of the resolution was hypocritical, anachronistic and out of place. Despite its withdrawal from Lebanon in 1985, Israel was still being blamed for the "suffering" of Palestinians there and, not surprisingly, for Arab persecution of Palestinian refugees. In recent years, thousands of Palestinians had been killed and wounded in Lebanese refugee camps in vicious fighting totally unconnected with Israel; likewise, Palestinian refugee camps in Jordan and the Syrian Arab Republic were the scenes of considerable human misery. The selective and distorted presentation of the Palestinian refugees' situation in Arab countries clearly illustrated the resolution's double standards and its disregard for the refugees' general welfare.

The Secretary-General cited the UNRWA Commissioner-General's report for the period 1 July 1987 to 30 June 1988<sup>(1)</sup> to the effect that the Commissioner-General had continued his efforts to do everything feasible to contribute to the refugees' safety and security.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/57 I by recorded vote.

#### Protection of Palestine refugees

The General Assembly,

Recalling Security Council resolutions 508(1982) of 5 June 1982, 509(1982) of 6 June 1982, 511(1982) of 18 June 1982, 512(1982) of 19 June 1982, 513(1982) of 4 July 1982, 515(1982) of 29 July 1982, 517(1982) of 4 August 1982, 518(1982) of 12 August 1982, 519(1982) of 17 August 1982, 520(1982) of 17 September 1982 and 523(1982) of 18 October 1982,

Recalling in particular recent Security Council resolutions 605(1987) of 22 December 1987, 607(1988) of 5 January 1988 and 608(1988) of 14 January 1988,

Recalling its resolutions ES-7/5 of 26 June 1982, ES-7/6 and ES-7/8 of 19 August 1982, ES-7/9 of 24 September 1982, 37/120 I of 16 December 1982, 38/83 I of 15 December 1983, 39/99 I of 14 December 1984, 40/165 I of 16 December 1985, 41/69 I of 3 December 1986, 42/69 I of 2 December 1987 and 43/21 of 3 November 1988,

Taking note of the report of the Secretary-General dated 21 January 1988, submitted in accordance with Security Council resolution 605(1987),

Having considered the report of the Secretary-General,

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency

for Palestine Refugees in the Near East, covering the period from 1 July 1987 to 30 June 1988,

Gravely concerned and alarmed by the deteriorating situation in the Palestinian territory occupied by Israel since 1967, including Jerusalem,

Taking into account the need to consider measures for the impartial protection of the Palestinian civilian population under Israeli occupation,

Referring to the humanitarian principles of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to the obligations arising from the regulations annexed to the Hague Convention IV of 1907,

Deeply concerned at the marked deterioration in the security situation experienced by the Palestine refugees as stated by the Commissioner-General in his report,

Deeply distressed at the suffering of the Palestinian and Lebanese population which resulted from continuing Israeli acts of aggression against Lebanon and other hostile acts,

Deeply distressed at the tragic situation of the civilian population in and around the Palestinian refugee camps in Lebanon which resulted from the fighting,

Noting with appreciation the efforts of the Secretary-General and the support of the Commissioner-General for organizing a co-ordinated and comprehensive programme of assistance for Lebanon by the United Nations inter-agency group, as reflected in paragraph 17 of the Commissioner-General's report,

Reaffirming its support for the sovereignty, unity and territorial integrity of Lebanon, within its internationally recognized boundaries,

1. Holds Israel responsible for the security of the Palestine refugees in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and calls upon it to fulfil its obligations as the occupying Power in this regard, in accordance with the pertinent provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

2. Calls upon all the High Contracting Parties to the Convention to take appropriate measures to ensure respect by Israel, the occupying Power, for the Convention in all circumstances in conformity with their obligation under article I thereof;

3. Urges the Security Council to consider the current situation in the occupied Palestinian territory, taking into account the recommendations contained in the report of the Secretary-General;

4. Urges the Secretary-General, in consultation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to continue their efforts in support of the upholding of the safety and security and the legal and human rights of the Palestine refugees in all the territories under Israeli occupation in 1967 and thereafter;

5. Calls once again upon Israel, the occupying Power, to release forthwith all arbitrarily detained Palestine refugees, including the employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

6. Welcomes the provision by the Commissioner-General, in consultation with the Government of Leb-

anon, to provide housing to the Palestine refugees whose houses were demolished or razed;

7. Welcomes also the provision by the Commissioner-General, in consultation with the Government of Lebanon, to provide emergency housing repairs for the shelters and Agency installations that have been partly damaged or destroyed in the fighting;

8. Calls once again upon Israel to compensate the Agency for the damage to its property and facilities resulting from the Israeli invasion of Lebanon, without prejudice to Israel's responsibility for all damages resulting from that invasion;

9. Requests the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly, before the opening of its forty-fourth session, on the implementation of the present resolution.

General Assembly resolution 43/57 I

6 December 1988 Meeting 71 151-2-1 (recorded vote)

Approved by Special Political Committee (A/43/903) by recorded vote (121-2), 28 November (meeting 34); 16-nation draft (A/SPC/43/L.22/Rev.1); agenda item 76.

Sponsors: Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, Indonesia, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Yugoslavia, Zambia, Zimbabwe.

Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34; plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Zaire.

## Removal and resettlement of refugees

Reports of the Secretary-General. The Secretary-General reported in September 1988<sup>(31)</sup> that, in response to his request for information on steps taken to implement a 1987 General Assembly resolution<sup>(32)</sup> calling on Israel to refrain from resettling Palestine refugees in the West Bank and from destroying their camps, Israel replied on 7 July that its position had been fully set out in annual statements to the Special Political Committee and in a 1987 report of the Secretary-General.<sup>(33)</sup>

The Secretary-General noted that the UNRWA Commissioner-General would not object if refugees in the camps voluntarily sought better housing, whether by improving existing housing or by



moving into new housing. He would, however, strongly object if any pressure or coercion were used to make refugees move or comply with any scheme. Refugees would not lose eligibility for UNRWA services on relocation outside the camps.

In another September report, the Secretary-General reproduced<sup>(34)</sup> Israel's response of 7 July to a 1987 Assembly resolution<sup>(35)</sup> demanding that it desist from removing and resettling Palestine refugees in the Gaza Strip and from destroying their shelters. Israel said its position had been set out in successive annual replies to the Secretary-General, most recently in 1987.<sup>(36)</sup> It considered the resolution distorted, unbalanced and inaccurate, in that it intentionally ignored the improved living conditions in the Gaza District since 1967, the considerable increase of pupils attending school, the significant drop in illiteracy, the development of medical care, the improvement in environmental services such as water supply and sewage and waste disposal, and the community development projects initiated by Israel that had enabled 10,000 families to leave refugee camps and relocate to new residential areas. Notwithstanding the omission of those facts, Israel continued to undertake and encourage assistance and rehabilitation projects for refugees.

The Secretary-General stated that, according to UNRWA, house demolitions as punitive actions continued during 1988, as did the practice of requiring refugee families to demolish their shelters as a pre-condition for new housing. Also, refugee shelters were demolished on the grounds that they had been built without proper authority on State land outside camp boundaries. Families affected by demolitions from as far back as 1971, including those categorized as living in hardship conditions, continued to live in unsatisfactory circumstances despite Israel's assurances that they would be housed.

According to information available to the Commissioner-General, Israeli authorities had to date allocated 3,914 plots of land in the Gaza Strip for housing projects. A total of 2,583 plots had been built on by 3,673 refugee families comprising 22,732 persons, buildings on 257 plots were under construction, 937 plots were vacant and 137 had been built on by non-refugees. In addition, 3,034 refugee families, consisting of 18,823 persons, had moved into 2,666 completed housing units, comprising 5,893 rooms. Refugee families were continuing to purchase plots of land at subsidized rates for construction of houses in projects developed by the Israeli authorities.

Palestine refugees in the Palestinian territory occupied by Israel since 1967

The General Assembly,

Recalling Security Council resolution 237(1967) of 14 June 1967,

Recalling also its resolutions 2792 C (XXVI) of 6 December 1971, 2963 C (XXVII) of 13 December 1972, 3089 C (XXVIII) of 7 December 1973, 3331 D (XXIX) of 17 December 1974, 3419 C (XXX) of 8 December 1975, 31/15 E of 23 November 1976, 32/90 C of 13 December 1977, 33/112 E of 18 December 1978, 34/52 F of 23 November 1979, 35/13 F of 3 November 1980, 36/146 A of 16 December 1981, 37/120 E and I of 16 December 1982, 38/83 E and J of 15 December 1983, 39/99 E and J of 14 December 1984, 40/165 E and J of 16 December 1985, 41/69 E and J of 3 December 1986 and 42/69 E and J of 2 December 1987,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1987 to 30 June 1988, and the two reports of the Secretary-General,

Recalling the provisions of paragraph 11 of its resolution 194(III) of 11 December 1948, and considering that measures to resettle Palestine refugees in the Palestinian territory occupied by Israel since 1967 away from their homes and property from which they were displaced constitute a violation of their inalienable right of return,

Alarmed by the reports received from the Commissioner-General that the Israeli occupying authorities, in contravention of Israel's obligation under international law, persist in their policy of demolishing shelters occupied by refugee families,

1. Reiterates strongly its demand that Israel desist from the removal and resettlement of Palestine refugees in the Palestinian territory occupied by Israel since 1967 and from the destruction of their shelters;
2. Requests the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to address the acute situation of the Palestine refugees in the Palestinian territory occupied by Israel since 1967 and accordingly to extend all the services of the Agency to those refugees;
3. Requests the Secretary-General, in co-operation with the Commissioner-General, to resume issuing identification cards to all Palestine refugees and their descendants in the occupied Palestinian territory, irrespective of whether or not they are recipients of rations and services of the Agency;
4. Requests the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly, before the opening of its forty-fourth session, on the implementation of the present resolution and in particular on Israel's compliance with paragraph 1 above.

General Assembly resolution 43/57 E

6 December 1988 Meeting 71 152-2 (recorded vote)

Approved by Special Political Committee (A/43/903) by recorded vote (121-2), 28 November (meeting 34); 18-nation draft (A/SPC/43/L.18/Rev.1); agenda item 76.

Sponsors: Afghanistan, Bangladesh, Brunei Darussalam, Burkina Faso, Comoros, Cuba, Egypt, India, Indonesia, Madagascar, Malaysia, Mali, Nicaragua, Pakistan, Sierra Leone, Yugoslavia, Zambia, Zimbabwe.

#### GENERAL ASSEMBLY ACTION

On 6 December 1988, on the recommendation of the Special Political Committee, the General Assembly adopted resolution 43/57 E by recorded vote.

Meeting numbers. GA 43rd session: SPC 22, 24, 26, 27, 34: plenary 71.

Recorded vote in Assembly as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Kingdom, United Republic of

Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

#### REFERENCES

- <sup>(1)</sup>A/43/13 & Add.1. <sup>(2)</sup>YUN 1978, p. 358. <sup>(3)</sup>A/44/13 & Corr.1 & Add.1. <sup>(4)</sup>YUN 1987, p. 327, GA res. 42/69 A, 2 Dec. 1987. <sup>(5)</sup>S/19443. <sup>(6)</sup>A/44/5/Add.3. <sup>(7)</sup>YUN 1987, p. 285. <sup>(8)</sup>A/43/5/Add.3. <sup>(9)</sup>A/43/702. <sup>(10)</sup>YUN 1946-47, p. 100, GA res. 22 A (I), annex, 13 Feb. 1946. <sup>(11)</sup>YUN 1986, p. 342, <sup>(12)</sup>A/43/656. <sup>(13)</sup>A/43/655. <sup>(14)</sup>YUN 1987, p. 331, GA res. 42/69 G, 2 Dec. 1987. <sup>(15)</sup>Ibid., p. 331. <sup>(16)</sup>A/43/654. <sup>(17)</sup>YUN 1987, p. 332, GA res. 42/69 F, 2 Dec. 1987. <sup>(18)</sup>Ibid., p. 334, GA res. 42/69 K, 2 Dec. 1987. <sup>(19)</sup>A/43/408. <sup>(20)</sup>YUN 1980, p. 443, GA res. 35/13 B, 3 Nov. 1980. <sup>(21)</sup>YUN 1987, p. 333. <sup>(22)</sup>A/43/652. <sup>(23)</sup>YUN 1987, p. 335, GA res. 42/69 D, 2 Dec. 1987. <sup>(24)</sup>A/43/581. <sup>(25)</sup>YUN 1987, p. 336, GA res. 42/69 H, 2 Dec. 1987. <sup>(26)</sup>Ibid., p. 337. <sup>(27)</sup>A/43/582. <sup>(28)</sup>YUN 1948-49, p. 174, GA res. 194(III), 11 Dec. 1948. <sup>(29)</sup>YUN 1987, p. 337, GA res. 42/69 I, 2 Dec. 1987. <sup>(30)</sup>Ibid., p. 337. <sup>(31)</sup>A/43/657. <sup>(32)</sup>YUN 1987, p. 341, GA res. 42/69 J, 2 Dec. 1987. <sup>(33)</sup>Ibid., p. 341. <sup>(34)</sup>A/43/653. <sup>(35)</sup>YUN 1987, p. 340, GA res. 42/69 E, 2 Dec. 1987. <sup>(36)</sup>Ibid., p. 339.