

**THE NEED FOR CONVENING
THE INTERNATIONAL PEACE
CONFERENCE ON THE MIDDLE EAST
(IN ACCORDANCE WITH GENERAL ASSEMBLY
RESOLUTION 38/58 C**

*Prepared for, and under the guidance of,
the Committee on the Exercise
of the Inalienable Rights of
the Palestinian People*



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INTRODUCTION

Mankind witnessed numerous conflicts and wars in the twentieth century, conflicts of varying scope and destructiveness which have resulted in heavy human and material losses and indescribable suffering of peoples, even whole nations, i.e., two world wars, which brought our civilization to the brink of destruction, innumerable international crises and civil wars. Host of these conflicts have been resolved more or less definitively, such as the defeat of Nazism and fascism and the end of colonialism.

There is, however, one issue which, in spite of its gravity, possible consequences and importance, still remains unresolved, although it has existed for over seven decades. It is the Middle East problem at the core of which is the question of Palestine. In this issue, various political, strategic, economic and religious elements are superimposed but at the heart of this tragedy is the long-suffering Palestinian people who are denied the right to self-determination without external interference and the right to national independence and sovereignty.

It is no exaggeration to say that the Arab-Israeli problem is unparalleled among today's regional conflicts. In the period following the Second World War, the persistence of the problem, its intensity, the recurring violence it has caused and its potential threat to international peace and security, have transformed this conflict into one of the most explosive and destabilizing conflicts in contemporary politics.

Forty years have already passed since the second session of the United Nations General Assembly adopted resolution 181 (II), entitled "Future government of Palestine" (see annex I), which recommended and made specific provisions for the establishment of two independent States in lieu of mandated Palestine, an Arab State and a Jewish State. This resolution has been implemented only as far as the creation of the Jewish State of Israel was concerned. But the rights of the Palestinian people, including its rights to self-determination and statehood, still remain to be implemented.

The 1967 Arab-Israeli war broke the existing status quo in the Middle East. Israel came to occupy the whole territory that had been mandated Palestine, which dramatically affected the Palestinian people living there. Israel's policies had such a profound effect on the Palestinians that today a majority of Palestinian Arabs exit either as refugees, displaced and stateless persons without political identity, or civilian inhabitants of their own land under military occupation.

A comprehensive, just and durable peace in the Middle East cannot be achieved until this abnormality with all its privations, grievances and the sense of injustice is remedied and until a comprehensive solution to the Palestinian problem is found. In the course of the past decade an international consensus has emerged as to the prerequisites for a just and durable peace in the Middle East. It rests, inter alia, on two major propositions: Israel's withdrawal from all the Arab territories occupied since June 1967 and the recognition of the inalienable rights of the Palestinian people. It is now universally acknowledged that the Palestinian problem is the heart of the comprehensive resolution of the Arab-Israeli conflict and that the question of Palestine is central to war and peace in the Middle East.

I. THE 1973 INTERNATIONAL PEACE CONFERENCE ON THE MIDDLE EAST AND RELATED PRE- AND POST-CONFERENCE DEVELOPMENTS

A. Political situation in the Middle East preceding the Conference

Over the years the search for a peaceful resolution of the Arab-Israeli conflict has been associated with a number of peace plans, proposals, agreements, diplomatic initiatives and missions undertaken by individual governments, intergovernmental organizations and political figures. Since its early days the United Nations has been increasingly preoccupied with and deeply involved in this enormously complex and many-sided regional problem.

1947-1949. On 29 November 1947, the United Nations General Assembly, in its resolution 181 (II), endorsed a plan submitted by the United Nations Special Committee on Palestine for the partition of the territory of Palestine (see Annex II), providing for the creation of "independent Arab and Jewish States" as well as a "Special International Regime for the City of Jerusalem."

The plan was not accepted by the Palestinian Arabs or by the Arab States. Immediately following the adoption of the partition resolution, violence in the region dramatically increased.

Israel was proclaimed on 14 May 1948 by the National Council, representing the Jewish people in Palestine and the World Zionist Movement. The departure of the British High Commissioner the following day ceremonially signalled the termination of the British Mandate over Palestine.

The fighting between the Arab forces on the one hand and what were now Israeli forces on the other escalated into the first Middle East war. The Israeli forces were well manned and well trained, drawing on the Jewish Brigade Group formed during the Second World War, and on the various armed paramilitary and terrorist groups such as the Haganah, the Palmach, ETZEL (Irgun Zvei Leumi) and LEHI (The Stern gang). Upon the termination of the mandate, Israel had occupied most of the territory of Palestine, beyond the boundaries specified by the partition resolution, with the exception of the parts of the territories allocated for the independent Arab State, held by the Arab legion from Jordan, and the Gaza Strip, held by Egyptian forces. But for these exceptions, Israel now controlled virtually the entire territory claimed by the Zionist Movement at the Peace Conference in 1919 as the "Jewish National Home".

The General Assembly appointed Count Bernadotte as United Nations Mediator to supervise the cease-fire of 1948. General Assembly resolution 194 (III) of 11 December 1948, based on Count Bernadotte's recommendations provided for the establishment of a Conciliation Commission for Palestine (CCP) with France, Turkey and the United States of America as members. The Arab States had voted against the resolution, and refused to hold direct negotiations with Israel. They, however, co-operated with CCP since it offered the only hope of dealing with the return of refugees and of pressing Israel to withdraw to the partition lines and to respect the special international regime of the Holy City of Jerusalem. In defiance of the United Nations resolutions, Israel transferred its capital from Tel Aviv to the western part of Jerusalem. CCP was able to arrange a conference in Lausanne, Switzerland, in April 1949, consisting of separate talks with the two sides, since the Arab States consistently rejected direct negotiations with Israel. On 12 May 1949, two separate protocols were signed by the Arab States and Israel, agreeing to use the partition resolution's boundaries as a "basis for discussions with the Commission" (see Annex III). 1/ This act reiterated the international commitment to establish a Palestinian Arab State on the basis of the partition resolution, but this position was, as reported by CCP, subjected by Israel to certain reservations from which it was clear that Israel now envisaged a Palestinian Arab State United to the territories held by Egypt and Jordan, but this was unacceptable at the time to both the Palestinian Arabs and the Arab States.

The subsequent efforts of CCP to secure the right of peaceful return of the Palestinian Arabs, and to negotiate an international regime for Jerusalem, were inconclusive. It convened another conference in Paris in 1951, again without result.

Areas of Arab Palestine were formally united with the Hashemite Kingdom of Jordan on 24 April 1950. On that date, the Jordanian Majlis al-Ummah (Parliament), the representative of the two banks of the Jordan, adopted a resolution which, inter alia, confirmed:

"...the preservation of full Arab rights in (Palestine) and the defence of those rights by all legitimate means, as well as the fulfillment of all rights and non-interference without prejudice to the final settlement of the just Palestinian cause in a framework of national aspirations, Arab co-operation and international justice." 2/

Thirty eight years later, on 31 July 1988 in Amman, King Hussein of Jordan in his address declared:

"... we responded to the wish of the Palestinian people's representatives for unity with Jordan in 1950. From this premise, we respect the wish of the PLO, the sole and legitimate representative of the Palestinian people, to secede from us as an independent Palestinian state.

"... Since there is unanimous conviction that the struggle for liberating the occupied Palestinian territory can be bolstered by disengaging the legal and administrative relationship between the two banks, then we must perform our duty and do what is required of us. 3/

1956. On 26 July 1956, Egypt proclaimed the nationalization of the Suez Canal Company and placed management of the canal traffic in the hands of an Egyptian operating authority. Nationalization of the Suez Canal Company was immediately followed by a series of events which included lengthy negotiations over how to settle the Suez question. It also resulted in the further deterioration of the situation, especially along the Egypt-Israel and Jordan-Israel Armistice demarcation lines. On 29 October 1956, Israel penetrated deeply into Egyptian territory in the Sinai Peninsula in violation of the Armistice Agreement between Egypt and Israel. 4/

In its military intervention Israel was promptly joined by France and the United Kingdom of Great Britain and Northern Ireland which, on 31 October, began air attacks against targets on Egyptian territory. The Suez Canal was blocked when Egypt sank ships in it closing the canal to navigation. Meeting in its first emergency special session (1-10 November 1956), convened under the terms of General Assembly resolution 377 (V) of 3 November 1950, the General Assembly called for a cease-fire and withdrawal of the foreign invading forces. The crisis ended with the deployment of the United Nations Emergency Force (UNEF-I).

1967. Following the withdrawal of the United Nations force at the request of Egypt, tension in the area rose sharply. It further aggravated after the Israeli refusal to accept UNEF-I on its side of the border. On 5 June 1967 another Arab-Israeli war erupted. This conflict resulted in fundamental changes in the situation in the Middle East and became a turning point in contemporary Middle East history.

Fighting broke out between Israel and Egypt, Jordan and Syria. In a series of its resolutions (233 (1967) of 6 June 1967, 234 (1967) of 7 June 1967 and 235 (1967) of 9 June 1967), the Security Council demanded an immediate cease-fire and a cessation of all military activities in the area. In view of the gravity of the political situation in the region and a virtual inability of the Security Council to come to an accepted decision on the issue, the Government of the Union of Soviet Socialist Republics requested the convening of an emergency special session of the General Assembly.

The fifth emergency special session of the General Assembly, which was held in two parts from 17 June to 18 September, called upon Governments and international organizations to extend emergency humanitarian assistance to those affected by the war (resolution 2252 (ES-V) of 4 July 1967). The Assembly asked Israel to "rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem" (resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967). No resolution, however, was adopted regarding the need for Israel's immediate withdrawal from the occupied Arab territories.

When hostilities ended, Israel had occupied the Sinai and the Gaza Strip, the West Bank, including East Jerusalem, and part of the Golan Heights (see annex III). Later that year, on 22 November 1967, the Security Council unanimously adopted resolution 242 (1967) (see annex IV), which defined principles for a just and lasting peace in the Middle East. Among the principles to be applied were: withdrawal of Israeli armed forces from territories occupied in the 1967 conflict; and termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and its right to live in peace within secure and recognized boundaries, free from threats or acts of force. The Council further affirmed the need to guarantee free navigation through international waterways in the area, to settle the refugee problem justly and to guarantee the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones.

The June 1967 Arab-Israeli war had a tremendous impact on the fate of the Palestinians, the Majority of whom were made refugees - many for the second time - having sought refuge in the West Bank and Gaza during the first exodus of 1948. Those who stayed in Israeli occupied territory after 1967 came to form a new category distinct from those within Israel's pre-1967 borders, who were entitled to Israeli citizenship. This new class was one of a people under foreign military occupation, subject to military rule, its repercussions and its consequences for the suppression of civil liberties and rights.

But both the Palestinians inside Israel's pre-1967 borders and those in the territories occupied by Israel accounted for a minority of the Palestinian people. The majority were now in exile. In June 1967, of about 2.7 million persons of Palestinian origin, about 1.7 lived in Israel or the occupied territories - about one million in the West Bank, 400,000 in the Gaza Strip and 300,000 in the areas controlled by Israel.^{6/} As a result of the 1967 war, almost half a million fled their homes, leaving about 900,000 Palestinians in the areas newly occupied by Israel, a total of 1.2 million under Israeli control. ^{7/} One and a half million were refugees in exile - in countries other than their own, their homeland under the control of the Jewish State.

B. Security Council resolution 338 (1973)

After the 1967 Arab-Israeli war and into the 1970s efforts were undertaken by the international community to resume the negotiating process in order to resolve the diplomatic deadlock in the Middle East. On 4 November 1970, the General Assembly spelt out, in resolution 2628 (XXV), the principles which in its view would bring peace to the region. It reaffirmed that a just and lasting peace should include the application of the following two principles: withdrawal of Israeli armed forces from territories occupied in the recent conflict (of 1967); termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and its right to live in peace within secure and recognized boundaries free from threats or acts of force. The Assembly also recognized that respect for the rights of the Palestinians was indispensable for a just and lasting peace and urged the speedy implementation of Security Council resolution 242 (1967).

Another large-scale Arab-Israeli war broke out on 6 October 1973 when Egyptian forces in the Suez Canal sector and Syrian forces on the Golan Heights attacked Israeli positions. Following the outbreak of war, the Security Council met several times in an effort to halt the hostilities.

The Secretary-General appealed to the conflicting Governments to consider alternative courses, before it was too late, so that fighting and bloodshed might cease. On 21 October 1973 the Security Council met in a meeting convened at the urgent request of the USSR and the United States. The United States and the USSR submitted a joint draft resolution which, inter alia, envisaged that,

"... immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East."

On 22 October the two-power draft was immediately adopted (by 14 votes to none) as resolution 338 (1974) (see annex V). The adoption by the Council of this crucial and timely document highlighted the idea that the only practical way of bringing about a just and lasting political settlement to the war-torn Middle East was through an international forum, which could become a durable and solid guarantee of peace and security in the region.

As fighting continued, the Council adopted, on 25 October, its resolution 340 (1973) deciding to set up a United Nations Emergency Force (UNEF-II), which effectively restored quiet in the Egypt-Israel sector. On 15 December, the Council adopted another significant resolution, resolution 344 (1973) (see Annex VI), which specifically dealt with the issue of convening a peace conference on the Middle East.

C. The International Peace Conference on the Middle East

In accordance with the provisions laid out in Security Council resolution 338 (1973), a peace conference on the Middle East was convened by the Secretary-General at Geneva on 21 December 1973, at which Egypt, Israel, Jordan, the USSR and the United States were represented. The Conference, co-chaired by the USSR and the United States, was viewed as a unique event taking place under the auspices of the United Nations. Two public meetings and one closed meeting were held. The Secretary-General, in his opening statement, emphasized the significance of the gathering in the following words:

"This Conference presents a historic challenge to its participants not only because the eyes of the world are upon it but because the situation in the Middle East, with all its manifold implications, urgently demands the statesmanship, courage, patience and vision of each and all the participants. I know that these qualities are not lacking in this room. I am sure that all the participants share a sense of urgency and will not fail to seize the opportunity to build a lasting structure of peace in the area. It is an opportunity which may not recur for a very long time.^{8/}

Statements were made by all the delegations during the two public meetings, on 21 December.

In his statement the representative of the USSR stated that any document adopted by the Conference had to contain precise and clear obligations concerning the withdrawal of Israeli forces from the territories occupied by Israel in 1967. Without the achievement of an agreement by the parties on this question of principle there could be no settlement which would satisfy the interests of the Arab States and Israel, and the interests of international security. It was necessary to ensure respect for and recognition of the sovereignty, territorial integrity and political independence of all States of the region, and of their right to live in peace. The legitimate rights of the Arab people of Palestine had to be protected and the Palestinian problem could not be considered and decided without the participation of the Palestinians. ^{9/}

The United States representative declared that the United States would make a determined and unflagging effort to achieve peace in the Middle East. Progress towards peace should include all parties concerned. The most immediate problem of the Conference was the separation of military forces and that the disengagement of forces was an essential first step - a consolidation of the cease-fire and a bridge to the "peaceful and accepted settlement" called for in Security Council resolution 242 (1967). A peace agreement must include among others: withdrawals, recognized frontiers, security arrangements such as demilitarized zones, guarantees, a settlement of the legitimate interests of the Palestinians and a recognition that Jerusalem contains places considered holy by three great religions. ^{10/}

The representative of Egypt focused on the uniqueness and historic significance of the Conference. A just and durable peace in the area could not be based on the expansion by force of one country against another, the acquisition of foreign territories by force, the threatening of international and recognized boundaries under any pretext or argument, the infringement of the sovereignty of States and the violation of their territorial integrity, and the denial of the inalienable rights of the Palestinians to self-determination and to live in peace. The essentials for peace in the Middle East included the total withdrawal of Israeli troops from the occupied Arab territories, the liberation of the Arab city of Jerusalem and non-acceptance of any situation which may be injurious to complete Arab sovereignty over the Holy City, the exercise by the Palestinians of the right to self-determination and to live in peace and dignity, the right of every State in the area to enjoy territorial inviolability and political independence, and the introduction of international guarantees by the major Powers or the United Nations or both as an added safeguard to international peace and security in the area.

^{11/}

The representative of Jordan said that his Government's position had been that six major issues were to be decided upon at the Conference. They were to include Israel's complete withdrawal from all Arab territories, recognition of and respect for international boundaries of the States of the area as well as territorial integrity, sovereignty and independence of those States, establishment where absent of such boundaries between individual Arab States and Israel by agreement and on the basis of the inadmissibility of the acquisition of territory by force, the right of every State in the area to live in peace within secure and recognized boundaries, exercise of the legitimate rights of the Arab people of Palestine in accordance with the resolutions of the United Nations, and the status of Arab Jerusalem as an inseparable part of Arab territory occupied by Israel. The Jordanian delegation was not prepared to conclude any partial settlement on matters discussed at the Conference since the Government of Jordan viewed the Conference as a collective effort of all parties directly concerned. ^{12/}

The representative of Israel said that his country's aim at the Conference was a peace treaty defining the terms of Israel's co-existence with neighbouring States. The peace treaty to be negotiated with each neighbouring State should contain an agreement on boundaries. There could be no return to the Armistice lines of 1949-1967, which had proved to be inherently fragile and which served as a temptation to an aggressive design of encirclement and blockade, from which Israel had broken out in 1967 after weeks of solitude and peril. For Israel the overriding concern was that of security. Referring to Jerusalem as Israel's capital, he underlined that his country did not wish to exercise exclusive jurisdiction or unilateral responsibility in the Holy Places of Christendom and Islam. ^{13/}

Following the meetings, on 22 December, the Secretary-General summed up the conclusions of the Conference by stating that it had reached a consensus to continue its work through the setting up of a military working group, as well as other working groups which the Conference might wish to establish. The Military Working Group would discuss the question of disengagement of forces. The working groups would report their findings and recommendations to the Conference, which was continuing on an ambassadorial level. It would reconvene at the foreign minister level as needed in the light of developments. ^{14/}

The Conference adjourned sine die on 22 December 1973.

The Military Working Group subsequently played an important role in the conclusion of agreements on the disengagement of forces between Egypt and Israel in January

1974 and October 1975. The Military Working Group was also involved in the conclusion of a disengagement agreement between Syria and Israel in May 1974. These agreements were carried out with the assistance of the United Nations peace-keeping forces: UNEF-II in the Egypt-Israel sector and the United Nations Disengagement Observer Force (UNDOF) in the Israel-Syria sector.

Although the Conference did not succeed in yielding substantive practical decisions aimed at resolving the Arab-Israeli conflict, the very fact of its convening was an undertaking of international significance. It allowed the parties not only to exchange views but also to correlate their positions and differences. The convening of the Conference and its deliberations signified the setting up of a special international mechanism which by design was to deal with the broad spectrum of issues relating to the Middle East problem.

D. 1974: Turning point in the United Nations approach to the problem of the Palestinian people

Events that followed the Arab-Israeli war of October 1973 and the Geneva Peace Conference on the Middle East of December 1973 have become pivotal in many ways for the Palestinian people. They were marked by a considerable advancement of the status of the Palestine Liberation Organization (PLO) as well as by increasing recognition of the rights of the Palestinian people as a whole.

On 29 October 1974, the Conference of Arab Heads of State and Government, held at Rabat, Morocco, unanimously adopted a five-point resolution affirming the right of the Palestinian people to self-determination and to its own homeland, and recognizing the PLO as the sole legitimate representative of the Palestinian people. ^{15/} Meanwhile, the General Assembly was becoming increasingly involved in the Palestinian dimension of the Middle East problem. In September 1974, at the twenty-ninth session of the General Assembly, 56 Member States joined to propose that the item "The Question of Palestine" be included as a separate item in the Assembly's agenda. They pointed out that while various aspects of the problem had been addressed, the question of Palestine and the status and fate of the Palestinian people had not appeared on the agenda since 1952. The proposal was accepted and the question of Palestine has become part of the General Assembly's agenda. On 14 October 1974, by its resolution 3210 (XXIX) (see annex VII), the Assembly invited "the Palestine Liberation Organization, the representative of the Palestinian people, to participate in the deliberations of the General Assembly on the question of Palestine in plenary meetings."

On 22 November 1974, the inalienable rights of the Palestinian people to self-determination without external interference and to national independence and sovereignty along with its right to return to its homes and property, were reaffirmed by the General Assembly in its resolution 3236 (XXIX). It also recognized that the Palestinian people was a principal party in the establishment of a just and lasting peace in the Middle East.

Simultaneously, by its resolution 3237 (XXIX), the Assembly conferred on the PU the status of observer, inviting the organization to participate in the sessions and the work of the General Assembly and all international conferences convened under the auspices of the Assembly and of other organs of the United Nations.

E. Establishment of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

At its thirtieth session, by resolution 3375 (XXX) of 10 November 1975, the General Assembly requested the Security Council to act in order to enable the Palestinian people to exercise its rights. The Assembly also called for the participation of the PLO, on an equal footing with other parties, in all efforts, deliberations and conferences on the Middle East held under the auspices of the United Nations, and requested the Secretary-General to make efforts to secure the invitation of the PLO to the Peace Conference on the Middle East (first convened at Geneva in December 1973).

On the same day, by its resolution 3376 (XXX), the General Assembly decided to establish a Committee on the Exercise of the Inalienable Rights of the Palestinian People and requested it to consider and recommend a programme that would enable the Palestinian people to exercise the rights defined by the Assembly.

In view of the aggravating situation in the Middle East, the Government of the USSR, on 9 January 1976, called for the prompt consideration of this matter by the Security Council. ^{16/} The Council considered the agenda item "The Middle East problem including the Palestinian question" in a series of meetings in January 1976. ^{17/} Six members of the Council (Benin, Guyana, Pakistan, Panama, Romania and the United Republic of Tanzania) sponsored a draft resolution affirming, *inter alia*, "that the Palestinian people should be enabled to exercise its inalienable national right of self-determination, including the right to establish an independent state in Palestine in accordance with the Charter of the United Nations". ^{18/}

The draft resolution was vetoed by the United States, but, although the resolution was not adopted, the discussion which took place in the Council was marked by the affirmation by an overwhelming majority of the participants in the debate that the question of Palestine constituted the core of the Middle East conflict.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People held its first meetings between February and May 1976 and later that year issued a report containing recommendations addressed to the Security Council. ^{19/} The Committee in its report stated that "the question of Palestine is at the heart of the Middle East problem" and that "no solution in the Middle East can be envisaged which does not fully take into account the legitimate aspirations of the Palestinian people." ^{20/} It urged the Security Council to promote action for a just solution, taking into account all the powers conferred on it by the Charter. The participation of the PLO, as the representative of the Palestinian people, on an equal basis with other parties, was "indispensable", the Committee said, in all deliberations and conferences held under United Nations auspices.

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

The Committee considered that the evacuation of the occupied territories was vital for the exercise by the Palestinian people of its inalienable rights in Palestine. It also considered that upon the return of the Palestinians and with the establishment of an independent Palestinian entity, the Palestinian people would be able to exercise its right to self-determination and to decide its form of government without external interference.

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

The Committee's report was considered by the Security Council on 9 June 1976. This report was especially significant since it embodied in fact the Committee's first attempt to devise practical steps of implementing the General Assembly and Security Council resolutions. The Majority of speakers in the Council supported the Committee's recommendations during the discussion of the report. The delegations of Japan, Sweden, the United Kingdom and the USSR called for the reconvening of the Geneva Peace Conference with the participation of the PLO, as the appropriate international machinery for negotiating a just and lasting peace in the Middle East. The Security Council considered again the recommendations of the Committee in October 1977 and April 1980 but failed to take any action.

The draft resolution, affirming the inalienable rights of the Palestinians, was vetoed by the United States who charged that the draft had been devoid of balance and ignoring the rights and interests of other parties. The Council has not so far taken any action on the Committee's recommendations. The General Assembly, on the other hand, has at successive sessions since 1976 endorsed the recommendations as providing a solid basis for the solution of the core of the Middle East problem - the question of Palestine.

II. THE MIDDLE EAST PEACE INITIATIVES UNDERTAKEN BETWEEN OCTOBER 1977 AND AUGUST 1983

A. Initiatives preceding the International Conference on the Question of Palestine

In the late 1970s the situation in the occupied Arab territories was steadily deteriorating. Mass Palestinian protests against the military occupation in the West Bank and Gaza and, in particular, the increasing political influence and recognition of the PLO on the Arab and international levels did not bring about any change in the policies of Israel in those territories. Moreover, the Government of Israel made efforts to destroy the PLO in Lebanon in an all-out war against Palestinian refugee camps on the Lebanese territory, in which thousands of innocent civilian Palestinians became victims.

Against this background, endeavours were continuing within the framework of the United Nations and beyond to resume negotiations for a just and lasting settlement of the Middle East problem.

The General Assembly, at its thirty-first session, adopted resolution 31/61 of 9 December 1976 on the situation in the Middle East, in which it requested the Security Council to take effective measures for the implementation of all relevant resolutions of the Council and the Assembly. It also requested the Secretary-General to inform the Co-Chairmen of the Peace Conference on the Middle East of its resolution and to submit a report on its implementation to the Assembly at its thirty-second session. On the same day, the General Assembly adopted resolution 31/62, concerning the Peace Conference on the Middle East, in which it called for the early convening of the Peace Conference not later than the end of March 1977, and requested the Secretary-General to resume contacts with all the parties to the conflict and the Co-Chairmen of the Peace Conference, in accordance with his initiative of April 1976, with a view to convening the Peace Conference, and to submit a report to the Security Council on the results of his contacts and on the situation in the Middle East not later than 1 March 1977. The Assembly further requested the Security Council to convene, subsequent to the submission of the Secretary-General's report, in order to consider the situation in the area and to promote the process towards the establishment of a just and lasting peace in the area.

In pursuance of General Assembly resolution 31/62, the Secretary-General held initial consultations with the representatives of the parties and of the two Co-chairmen. In February 1977 he travelled to the Middle East, where he held extensive consultations with leaders of Egypt, the Syrian Arab Republic, Saudi Arabia, Lebanon, Jordan and Israel, as well as with the Chairman of the PLO. On 28 February 1977, he submitted a detailed report to the Security Council, ^{21/} in which he described the positions of the parties with regard to the questions of participation, timing, terms of reference, agenda and organization of the work of the Peace Conference. He also reported the views of the two Co-Chairmen on the need for and urgency of reconvening the Geneva Peace Conference. From his consultations, the Secretary-General concluded that, while all concerned were earnestly desirous of moving towards a negotiated settlement, a determined effort was necessary to overcome the lack of confidence and the natural

distrust and fears of all the parties as to the consequences of making compromises and concessions. He stated that although the main elements of the Middle East problem retained intractable, there was an increasing consciousness in the area that an opportunity existed at the time to resume negotiations in a meaningful way, and he warned that, if this opportunity were not seized, there were grave dangers that the situation would deteriorate once again.

Late in March 1977 the Security Council considered the situation in the Middle East in the light of the Secretary-General's report, but it adjourned without adopting a resolution.

In the following months, efforts were made at various levels to reach an agreement on the modalities for resumption of the Geneva Peace Conference. On 1 October 1977, after exchanging views regarding the unsafe situation which persisted in the Middle East, the United States Secretary of State, Mr. C. Vance, and the Minister for Foreign Affairs of the USSR, Mr. A. Gromyko, as Co-Chairman of the Geneva Peace Conference, issued a joint communiqué in which they outlined their common position on substantive as well as procedural questions connected with the search for a just and lasting settlement of the Middle East problem. In particular, they expressed their belief that the only right and effective way for achieving a fundamental solution to all aspects of the Middle East problem in its entirety was negotiation within the framework of the Geneva Peace Conference, specially convened for this purpose, with the participation in its work of the representatives of all the parties involved in the conflict, including those of the Palestinian people. ^{22/} The next day, the Secretary-General issued a statement welcoming the joint declaration.

The General Assembly considered again the situation in the Middle East during its thirty-second session. On 25 November 1977, it adopted resolution 32/20 in which, among other things, it reaffirmed that "a just and lasting peace in the Middle East, in which all countries and peoples in the region can live in peace and security within recognized and secure boundaries, cannot be achieved without Israel's withdrawal from all Arab territories occupied since 5 June 1967 and the attainment by the Palestinian people of its inalienable national rights", called anew "for the early convening of the Peace Conference on the Middle East, under the auspices of the United Nations and the co-chairmanship of the Union of Soviet Socialist Republics and the United States of America, with the participation on an equal footing of all parties concerned, including the Palestine Liberation Organization", and urged "the parties to the conflict and all other interested parties to work towards the achievement of a comprehensive settlement covering all aspects of the problem and worked out with the participation of all parties concerned within the framework of the United Nations." On 19 November 1977, President Anwar Sadat of Egypt visited Jerusalem and addressed the Israeli Knesset (Parliament) on 20 November. Subsequently, negotiations took place between Egypt and Israel under the auspices of the United States. In September 1979, the Camp David Accords were concluded: one on a framework for peace in the Middle East, and the other on a framework for the conclusion of a peace treaty between Egypt and Israel. The peace treaty between Egypt and Israel was signed on 26 March 1979 which led to the return of the Sinai Peninsula to Egypt.

The Arab Summit, convened in Baghdad on 31 March 1979, adopted a set of resolutions opposing the Camp David Accords. At its thirty-fourth session the General Assembly, in its resolution 34/65 B of 29 November 1979, declared that "the Camp David accords and other agreements have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967".

Moreover, the General Assembly has on several occasions opposed in principle any partial agreements or separate treaties that violate the inalienable rights of the Palestinian people, the principles of the Charter of the United Nations and relevant United Nations resolutions.

Countries of the European Community had also undertaken efforts to elaborate a joint position regarding the situation in the Middle East. On 13 June 1980, the European Council, meeting at Venice, Italy, adopted a declaration *inter alia* recognizing "the legitimate rights of the Palestinian people." It also stated that "a just solution must finally be found to the Palestinian problem which is not simply one of refugees. The Palestinian people ... must be placed in a position, by an appropriate process defined within the framework of the comprehensive peace settlement, to exercise fully its right to self-determination." ^{22/} While Israel denounced the declaration, many Arab States and the PLO welcomed it.

In July 1980, the General Assembly convened for its seventh emergency special session in the midst of a highly charged atmosphere. In the occupied territories, there had been attempted assassinations of the Palestinian mayors of the towns of Nablus, Ramallah and Al Bireh. The expulsion of other Palestinian leaders - the mayors of Hebron and Halhoul and the Sharia Judge of Hebron - by the Israeli military occupation authorities had led to public disturbances. In response to these events, the Security Council had urged the authorities to rescind the expulsion order and to allow the immediate return of the Palestinian leaders (resolution 484 (1980) of 19 December 1980). The Assembly, at the emergency special session, stated that the failure to resolve the question of Palestine posed a grave threat to international peace and security. It declared once again that a comprehensive, just and lasting Middle East settlement was not possible without Israeli withdrawal from all the occupied Arab territories, including Jerusalem, and without the achievement of a just solution based on the attainment by the Palestinian people of its inalienable rights (resolution ES-7/2 of 29 July 1980).

In early 1982, the situation in the Middle East started to dramatically deteriorate as a result of increasing instability in Lebanon. Israel built up a strong military force on the border with Lebanon and began its invasion of the south of Lebanon with an aerial bombardment of Beirut on 4 and 5 June. On 6 June, Israeli forces launched a massive land, sea and air invasion of Lebanon which eventually resulted in the occupation of one-third of the country, including the Beirut-Damascus highway. It also included the siege of the western part of Beirut which had a disrupting effect on the living conditions of the civilian population since electricity, water, food and medical supplies were interrupted.

The 1982 Israeli invasion of Lebanon was the most protracted and bloody conflict of all in the Middle East. The massacre of innocent Palestinians in the refugee camps of Sabra and Shatila became a gruesome hallmark of the Israeli invasion, strongly condemned by the international community.

In the wake of the Israeli invasion in Lebanon, on 1 September 1982, President Ronald Reagan of the United States made a statement calling for self-government by the Palestinians of the West Bank and Gaza in association with Jordan. He also pointed out that his Government would not support the establishment of new Israeli settlements. The President stressed that the Arab-Israeli conflict should be settled "through negotiations involving an exchange of territory for peace." He made it clear that the Camp David accords remained the foundations of the United States Middle East policy. ^{24/}

The plan was almost immediately criticized by the Israeli Government as well as the majority of Arab States.

On 9 September 1982, the Twelfth Arab Summit Conference, held at Fez, Morocco, adopted a declaration which included the following principles:

- "1. The withdrawal of Israel from all the Arab territories occupied by it in 1967, including Arab Jerusalem;
- "2. The dismantling of the settlements established by Israel in the Arab territories since 1967;
- "3. The guaranteeing of freedom of worship and performance of religious rites for all religions in the Holy Places;
- "4. The reaffirmation of the right of the Palestinian people to self-determination and to the exercise of their inalienable and imprescriptible national rights, under the leadership of the Palestine Liberation Organization, their sole and legitimate representative, and the indemnification of those who do not desire to return;
- "5. The placing of the West Bank and the Gaza Strip under the supervision of the United Nations for a transitional period not exceeding a few months;
- "6. The establishment of an independent Palestinian State with Jerusalem as its capital;
- "7. The establishment by the United Nations Security Council of guarantees of peace between all States of the region, including the independent Palestinian State;
- "8. The guaranteeing by the Security Council of the implementation of these principles." ^{25/}

The General Assembly welcomed the Arab peace plan (resolution 37/123 F of 20 December 1982).

On 15 September 1982, Mr. Leonid I. Brezhnev, the General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Presidium of the Supreme Soviet of the USSR, speaking at the Kremlin in Moscow, set out principles for a peaceful settlement of the Arab-Israeli conflict. This six-point plan included, among other things, the principle of the inadmissibility of the acquisition of foreign territories by aggression, the exercise of the inalienable rights of the Palestinian people; the return of the eastern part of Jerusalem to the Arabs as an integral part of the Palestinian State, the termination of the state of war between the Arab States and Israel, the obligation of all parties to the conflict, including Israel and the Palestinian State, to respect each other's sovereignty, independence and territorial integrity; establishment of international guarantees for the settlement in the region, where the permanent members of the Security Council or the Council as a whole could assume the role of guarantors. ^{26/}

Almost all the main principles of the Soviet Union's September 1982 peace plan largely coincided in substance with the Fez Declaration adopted earlier.

B. The International Conference on the Question of Palestine (1983) and its significance

At its thirty-sixth session, the General Assembly decided, by resolution 36/120 C of 10 December 1981, to convene, under the auspices of the United Nations, an International Conference on the Question of Palestine not later than 1984, in response to and on the basis of Assembly resolution ES-7/2 of 29 July 1980.

As a result, the General Assembly, in resolution 36/120 C, authorized the Committee on the Exercise of the Inalienable Rights of the Palestinian People to act as the Preparatory Committee for the Conference and to take all the necessary steps for its organization; it also invited all appropriate United Nations bodies, the specialized agencies and other intergovernmental and non-governmental organizations to co-operate with the Committee in the implementation of that resolution. The Secretary-General was requested to appoint a Secretary-General of the Conference and to provide all necessary assistance to the Committee in the organization of the Conference. In pursuance of General Assembly resolutions 36/120 C, ES-7/7 of 19 August 1982 and 37/86 C of 10 December 1982, the Conference was convened at the United Nations Office at Geneva from 29 August to 7 September 1983 to seek effective ways and means to enable the Palestinian people to attain and to exercise its inalienable rights.

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

- (a) To increase international awareness of the facts relating to the question of Palestine;
- (b) To attain governmental and non-governmental support for effective ways and means to enable the Palestinian people to exercise its inalienable rights in Palestine on

the basis of United Nations resolutions. 27/

More specifically, the purpose of the Conference was to ensure a universal commitment by all Member States to the achievement of Palestinian rights and the establishment of a Palestinian State within the framework of action adopted by the General Assembly at its thirty-first session.

The Conference was opened by Javier Perez de Cuellar, Secretary-General of the United Nations. In his statement he observed that the decision of the General Assembly to convene the International Conference underscored the importance attached by the international community to the question of Palestine and to the urgent need to find a just solution to that problem, based on the exercise by the Palestinian people of its inalienable rights.

The Secretary-General pointed out that the continued efforts of the United Nations had also produced a consensus on the fundamental elements required for a comprehensive settlement of the Middle East problem. In addition, peace initiatives proposed over the past year contained positive aspects, and the fact that disagreement persisted should not prevent a dialogue.

He stressed that the United Nations had a constructive and crucial role to play in the peace-making and peace-keeping process, and he reaffirmed his willingness to do everything in his power to advance that process. This Conference was the latest step in the search for a solution to the question of Palestine. It was his hope that it would contribute significantly to the attainment of a satisfactory solution.

The Conference adopted by acclamation two major political documents: the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights. The Conference laid down six fundamental guidelines for concerted international effort to resolve the question of Palestine. These guidelines were the following:

"(a) The attainment by the Palestinian people of its legitimate inalienable rights, including the right to return, the right to self-determination and the right to establish its own independent State in Palestine;

"(b) The right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East;

"(c) The need to put an end to Israel's occupation of the Arab territories, in accordance with the principle of the inadmissibility of the acquisition of territory by force, and, consequently, the need to secure Israeli withdrawal from the territories occupied since 1967, including Jerusalem;

"(d) The need to oppose and reject such Israeli policies and practices in the occupied territories, including Jerusalem, and any *de facto* situation created by Israel as are contrary to international law and relevant United Nations resolutions, particularly the establishment of settlements, as these policies and practices constitute major obstacles to the achievement of peace in the Middle East;

"(e) The need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, including the expropriation of land and property situated thereon, and in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel;

"(f) The right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people, the *sine qua non* of which is the recognition and attainment of the legitimate, inalienable rights of the Palestinian people as stated in paragraph (a) above." 28/

It was emphasized by the participants that the Conference, in order to give effect to these guidelines, considered it essential that an international peace conference on the Middle East be convened on the basis of the principles of the Charter of the United Nations and the relevant resolutions of the United Nations, with the aim of achieving a comprehensive, just and lasting solution to the Arab-Israeli conflict, an essential element of which would be the establishment of an independent Palestinian State in Palestine. It also stressed that such a peace conference should be convened under the auspices of the United Nations, with the participation of all parties to the Arab-Israeli conflict, including the PLO, the United States and the USSR as well as other concerned States, on an equal footing. In this context the Security Council would have a primary responsibility to create appropriate institutional arrangements on the basis of relevant United Nations resolutions in order to guarantee and to carry out the accords of the International Peace Conference.

The Conference underlined that partial solutions were inadequate and delays in the search for a comprehensive solution to the problem did not eliminate tensions in the region. It concluded that the time factor was of vital importance for the peoples of the area.

The Conference was pivotal in a number of ways. It became the largest scale forum to deal with one of the most acute and many-faceted issues of our times - the question of Palestine. Recognizing it as the heart of the Middle East problem, the Conference consolidated an international consensus with regard to the responsibility and duty of the world community, and particularly of the United Nations, to bring about a solution to the problem. Another important feature of the Conference was the participation of a large and diversified group of non-governmental organizations in its work.

III. THE NEED FOR CONVENING THE INTERNATIONAL PEACE CONFERENCE ON THE MIDDLE EAST

A. General Assembly resolution 38/58 C of 13 December 1983

At its thirty-eighth session, the General Assembly adopted resolution 38/58 C (see annex VIII) concerning the convening of an international peace conference on the Middle East. The resolution invited the Security Council to facilitate the organization of the Conference and also requested the Secretary-General to report on his efforts no later than 15 March 1984. It was further decided that the report of the Secretary-General on the subject would be considered by the General Assembly at its thirty-ninth session.

The resolution welcomed and endorsed the call for the convening of an international peace conference on the Middle East in accordance with the following major guidelines: the attainment by the Palestinian people of its legitimate inalienable rights; the right of the PLO to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East; the need to put an end to Israel's occupation of the Arab territories and the need to secure Israel's withdrawal from the territories occupied since 1967; the need to oppose Israeli policies and practices in the occupied Arab territories; the need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel; the right of all States in the region to existence within secure and internationally recognized boundaries.

As indicated in his report of 13 March 1984, 29/ following consultations with the Security Council, on 9 March 1984, the Secretary-General addressed letters to 19 Governments and the PLO to ascertain their views on all issues relevant to the organization and convening of an international peace conference on the Middle East as called for in General Assembly resolution 38/58 C, including the identification of participants. The 19 Governments were the 15 members of the Security Council* and the parties directly concerned in the Middle East conflict which were not members of the Security Council.**

The Secretary-General stated later on in his additional report 30/ that from the replies he had received and the discussions he had held with the Governments and authorities concerned, it was evident that the convening of the proposed Conference would require, in the first place, the agreement in principle of the parties directly concerned, as well as the United States of America and the Union of Soviet Socialist Republics, to participate in the Conference. The Secretary-General also stated that it was clear from the replies of the Governments of Israel and the United States that they were not prepared to participate in the proposed conference.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People expressed regret over the negative attitude of Israel and the United States and decided to maintain its efforts for the earlier convening of the proposed Conference, while urging the understanding and co-operation of all concerned for the resolution of a problem fundamental to the maintenance of international peace and security, and involving a clear case of the application of the inalienable rights of the Palestinian people to self-determination.

Concerted international effort on the question of convening the proposed Conference has been the Committee's priority objective since the adoption of resolution 38/58 C in 1983. Subsequent sessions of the General Assembly reaffirmed with increasing support the call for such a conference in resolutions 39/49 D, 40/96 D, 41/43 D (see annex IX), 42/66 D (see annex X) and 42/209 A (see annex XI).

The adoption of resolution 38/58 C clearly demonstrated that an international consensus had emerged regarding the idea of resolving the Middle East problem through the convening of an international conference on this issue under the auspices of the United Nations.

*China, Egypt, France, India, Malta, the Netherlands, Nicaragua, Pakistan, Peru, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Upper Volta and Zimbabwe.

**Israel, Jordan, Lebanon and Syrian Arab Republic.

B. The Middle East peace proposals after the thirty-eighth session of the General Assembly

In compliance with the provisions of the Programme of Action for the Achievement of Palestinian Rights aimed at a prompt convening of the International Peace Conference on the Middle East, 31/ the representative of the Union of Soviet Socialist Republic to the United Nations addressed, on 31 July 1984, to the Secretary-General a letter enclosing the text of a document dated 29 July 1984 entitled "Proposals by the Soviet Union on a Middle East settlement". 32/

The proposals made by the USSR once again focused on the imperative need of reaching a just and lasting settlement of the Middle East conflict "through collective efforts with the participation of all parties concerned." The Soviet Union proposed full withdrawal of Israeli troops from the Arab territories occupied since 1967, a just

solution to the key problem of the Middle East settlement - the Palestinian problem - on the basis of the implementation of the inalienable rights of the Palestinian people including, *inter alia*, the rights to self-determination and to the creation of its own independent State.

In his 1984 report on the situation in the Middle East, ^{33/} the Secretary-General stressed that the Middle East conflict, involving complex interrelated issues, could be fully resolved only by a comprehensive settlement covering all its aspects. In the Secretary-General's view a comprehensive settlement in the Middle East would have to meet these conditions: the withdrawal of the Israeli forces from occupied territories; respect and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries, free from threats or acts of force^{34/} and, lastly, a just settlement of the Palestinian problem based on the recognition of the legitimate rights of the Palestinian people, including self-determination. In this context, the question of Jerusalem also remains of primary importance. ^{34/}

He further observed that a comprehensive settlement would have to be reached at least in its final stage, if not earlier, through a process of negotiation in which all the parties concerned would participate. The Secretary-General stated that it was generally recognized that the support of the major Powers, especially the USSR and the United States, would be essential for any lasting settlement in the Middle East. From a purely rational point of view, all these requirements could best and most readily be met if negotiations were undertaken under some form of United Nations auspices. ^{35/}

Several regional initiatives were undertaken in 1985. The Secretary-General, in his report of 22 October 1985, ^{35/} stated that he had been informed by the Government of Jordan of "an agreement reached by King Hussein and Chairman Arafat of the PLO on 23 February 1985", under which Jordan and the PLO would move together toward the achievement of a peaceful and just settlement of the Middle East crisis and the termination of Israeli occupation of the occupied Arab territories". He further pointed out that the Government of Jordan "kept him informed of the efforts undertaken subsequently by King Hussein to bring about negotiations under the auspices of an international conference with the participation of the five permanent members of the Security Council and all the parties to the conflict. In this connection, it emphasized that the international conference should be in the framework of the United Nations". ^{36/}

The Committee on the Exercise of the Inalienable Rights of the Palestinian People continued its efforts aimed at solving the question of Palestine. In its 1985 report, it strongly pointed out that the question of Palestine had reached a critical phase and urged a renewed, concerted and collective action to find a just solution under United Nations auspices and on the basis of relevant United Nations resolutions to end the plight of the Palestinian people. The Committee also expressed its conviction that the International Peace Conference on the Middle East, as endorsed in General Assembly resolution 38/58 C, and generating quasi-unanimous support, could provide a comprehensive opportunity for all parties concerned to participate in negotiations which would lead to a just and lasting solution of the problem. ^{36/}

*The text of the agreement is contained in a study entitled "Approaches for the Practical Attainment of the Inalienable Rights of the Palestinian People" (1986), prepared by the Division for Palestinian Rights.

The idea of a comprehensive effort in any attempt to solve the Middle East problem has been consistently advocated by the Arab States. The communiqué of the Extraordinary Summit Conference of Arab States, held in Casablanca, Morocco, on 7-9 August 1985, reaffirmed the Arab States' long-standing support for an international peace conference on the Middle East. The Casablanca Summit emphasized the convening of such a forum within the United Nations framework with the attendance by, and participation of, the Soviet Union, the United States and the other permanent members of the Security Council, as well as of the PLO, the sole legitimate representative of the Palestinian people, and the other parties concerned, would help to bring about peace in the Arab region. ^{37/}

In the 1985 report of the Secretary-General on the situation in the Middle East, it was underlined that the Security Council had a major and universally recognized responsibility for this complex and potentially explosive issue and could play a vital role in the evolution of a just and lasting settlement in the region. The Secretary-General was aware of the many difficulties facing this endeavour, the success of which would depend on the agreement and co-operation of the major Powers. It would also require the necessary accommodations and adjustments by the parties directly concerned.^{38/}

During 1984-1985 and into 1986, the situation in the occupied Palestinian territories continued to deteriorate, according to reports issued by a variety of sources, such as Governments, United Nations agencies, intergovernmental and non-governmental organizations, individual experts and the media. The continuing worsening of the living conditions and situation of Palestinian refugees in south Lebanon, as a result of Israeli expansionist policies and practices was another distinctive feature of this period. The information reviewed by the Committee on the Exercise of the Inalienable Rights of the Palestinian People left no doubt that Israel had persisted in its policy of confiscating Arab-owned land in the occupied Palestinian territories and of increasing the size and number of its settlements, despite the fact that such policy is in violation of the Geneva Convention relative to the Protection of Civil Persons in Time of War, of 12 August 1949, ^{41/} and contrary to United Nations resolutions. At the same time, Israel had continued in its policy of Judaization of the occupied Palestinian territories through their gradual economic and administrative incorporation into the Israeli national system and the creation of conditions aimed at forcing the Palestinian population to emigrate from their land.

The process of annexation of the occupied Palestinian and Arab territories was accompanied by Measures designed to suppress all forms of resistance and of political, social, cultural and economic expression of the Palestinian people, as well as by acts of violence and provocation by Israeli troops and by armed Jewish settlers against Palestinians.

The Palestinians became the victims of the reinstatement, in August 1985, of the emergency regulations of 1945, introduced during the British Mandate, which provide for deportation of persons, administrative detention without charges or trial for renewable six-month periods, and the closing-down of newspapers. This measure was reported to have become the corner-stone of a new repressive policy of the Israeli authorities aimed at curbing activities in opposition to the occupation. ^{42/}

In this situation the General Assembly at its fortieth session adopted resolution 40/96 D of 12 December 1985 in which it, *inter alia*, reaffirmed again its endorsement of the call for convening the International Peace Conference on the Middle East and called upon the Governments of Israel and the United States to reconsider their positions towards the attainment of peace in the Middle East through the convening of the Conference.

Pursuant to the provisions of paragraph 6 of that resolution, the Secretary-General proceeded with his efforts aimed at creating conditions favourable for the convening of an international forum under United Nations auspices finally to break the stalemate in the issue and find a solution to the question of Palestine, the root cause of the Middle East conflict. In his letter to the President of the Security Council on the question of the Conference, the Secretary-General stated that the obstacles which had prevented the convening of the International Peace Conference on the Middle East as called for by the General Assembly still existed and that the observations contained in his report of 22 October 1985 remained valid. ^{43/}

During 1986 a number of proposals were advanced with the goal of bringing together all the parties genuinely interested in terminating the Arab-Israeli conflict in an international forum for peace in the area. The Soviet Union has made a series of calls over that year for the establishment of a preparatory committee within the framework of the Security Council. Constructive initiatives were undertaken by individual Arab and West European States. A strong support for the plight of the Palestinians and early convening of the Conference was contained in the Political Declaration adopted by the Eighth Conference of Heads of State or Government of the Non-Aligned Countries held at Harare from 1 to 6 September 1986. ^{44/} A significant contribution to the cause of convening the Conference was made by the non-governmental organizations throughout the world dedicated to the struggle for peace in the Middle East and the exercise by the Palestinian people of its inalienable rights.

The obstacles that remain to the convening of the Conference once again became obvious during the debate at the forty-first session of the General Assembly, which, by a vast majority, adopted resolution 41/43 D (see annex IX), which endorsed the call for convening the Conference. Moreover, the resolution called 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. By the same resolution the Secretary-General, in consultation with the Security Council, was requested to continue his efforts with a view of convening the Conference and to report on this matter to the General Assembly not later than 15 May 1987.

The search for a peaceful settlement of the Middle East problem was given a new impetus in early 1987. First, the idea of convening an international peace conference on the Middle East was strongly supported by the Fifth Islamic Summit Conference, held in Kuwait on 26-29 January 1987, in a resolution which stated, *inter alia*, that: "The Fifth Islamic Summit Conference,

"3. Reaffirms the commitment of the Member States to the convening of an International Conference for Peace in the Middle East under the aegis of the United Nations, with the participation of all the parties concerned in the Arab-Israeli conflict, including the Palestine Liberation Organization on an equal footing with them, as well as the rest of the permanent members of the Security Council, with a view to implementing the relevant United Nations resolutions, and the convening of a preparatory committee at which the five permanent members of the Security Council should also be represented." ^{45/}

On 23 February, the European Community meeting at Brussels voiced its endorsement for the convening of the Conference in a "Declaration of the Foreign Ministers of the Twelve Member States of the European Community on the Middle East" the text of which was contained in a letter addressed to the Secretary-General. ^{46/} Among other things related to the situation in the area, the Declaration pointed out that:

"...the Twelve would like to state that they are in favour of an international peace conference to be held under the auspices of the United Nations with the participation of the parties concerned and of any party able to make a direct and positive contribution to the restoration and maintenance of peace and to the region's

economic and social development. The Twelve believe this conference should provide a suitable framework for the necessary negotiations between the parties directly concerned." 47/

Foreign Ministers of the group of five Scandinavian States meeting at Reykjavik on 25 and 26 March 1987, had the Middle East problem high on their agenda. Upon the termination of the meeting, the Nordic Foreign Ministers issued a statement supporting the idea of the International Peace Conference on the Middle East under the auspices of the United Nations with the participation of the parties concerned.

The Non-Aligned Movement once again voiced its support for the convening of the Conference during the meeting of its Committee of Nine on Palestine held at Harare on 14 and 15 April 1987. The Committee also urged intensified efforts to begin the preparatory process for the early convening of the Conference.

The eighteenth session of the Palestine National Council, which took place at Algiers from 20 to 26 April 1987, in its report supported the convening of the International Peace Conference on the Middle East within the framework of the United Nations and under its auspices with the participation of the permanent members of the Security Council and the concerned parties, including the PLO on an equal footing with the other parties. The report also rendered support for the proposal regarding the establishment of the preparatory committee for the Conference.

Pursuant to General Assembly resolution 41/43 D of 2 December 1986, the Secretary-General submitted his report on the question of Palestine and the situation in the Middle East. 48/ The report was prepared on the basis of the Secretary-General's round of consultations with all the members of the Security Council and representatives of the Member States directly concerned - Egypt, Israel, Jordan, Lebanon, Syrian Arab Republic, and the PLO.

The report lays special emphasis on the attitude of the Security Council members towards the Secretary-General's effort to explore ways for a comprehensive settlement of the Middle East conflict in general, and for an International Peace Conference on the issue, in particular. Stressing the new elements in this process, the Secretary-General stated the following:

"All Members of the Security Council were concerned about the Middle East problem, and all expressed support for a continuation of the Secretary-General's efforts to bring about a just and lasting peace in the Middle East. Moreover, in contrast with the experience of recent years, none of the Council members opposed in principle the idea of an international conference under United Nations auspices." 49/

The report indicates, however, that despite the increased interest on the part of the international community in the idea of a conference that would be convened under the United Nations auspices and indications of greater flexibility on this issue amongst the parties, "very deep differences remain between the parties." 50/

The Secretary-General expressed his intention to step up in the coming months the contacts with the parties to try to find ways of bridging the gaps between them and keep the General Assembly and the Security Council informed of the progress.

In accordance with General Assembly resolution 41/162 A of 4 December 1986, the Secretary-General submitted his report on various aspects of the situation in the Middle East 51/ to the General Assembly at its forty-second session. Reporting on the developments related to negotiating a comprehensive settlement of the Arab-Israeli conflict and on the prospects for the convening of the International Peace Conference on the Middle East, the Secretary-General said that two factors - international backing as well as the support of the parties concerned - had provided an important basis for the several rounds of consultations.

Addressing the issue of the existing differences between the parties, the Secretary-General pointed out that those are "differences about the procedural aspects of a conference." He also expressed his hope that, with the principle accepted, the gaps on procedure could be bridged through patient diplomacy. He, however, clearly outlined the still existing obstacle to the convening of such a conference:

"The major obstacle at present, however, is one of a different kind, namely, the inability of the Government of Israel as a whole to agree on the principle of an international conference under United Nations auspices. Until the Israeli Government accepts that such a conference is the best way to negotiate a peace settlement, the way forward will remain difficult." 52/

The Secretary-General was nevertheless encouraged by the fact that

"...the idea of an international conference under United Nations auspices has been given high priority among the Arab parties to the conflict, and has been the subject of lively debate within Israel. These positive trends, combined with the growing international consensus in favour of the early convening of a conference, demand of us that we consolidate and build on the foundation that has so far been established." 53/

The Arab Summit held at Amman from 8 to 11 November 1987, *inter alia*, affirmed that the Palestinian issue was the core issue of the Middle East conflict. The Summit supported the convening of the United Nations-sponsored International Conference on the Middle East with the participation of all parties concerned, including the PLO, the sole legitimate representative of the Palestinian people, on an equal footing, in addition to the permanent members of the United Nations Security Council.

The issue of the convening of the International Peace Conference on the Middle East was one of the major issues discussed at the forty-second session of the General Assembly during the consideration of agenda items 38, "Question of Palestine" and 39, "The situation in the Middle East".

The general debate on the above agenda items clearly indicated that there is a growing understanding and awareness among Member States of the urgency and complexity of the question of Palestine, as the core of the Arab-Israeli conflict. The debate also reflected an increased interest in the international community in a just, peaceful and comprehensive settlement of the conflict. Almost all the delegations spoke in favour of convening the International Peace Conference on the Middle East under the aegis of the United Nations.

By an overwhelming majority of votes, the General Assembly adopted on 2 December 1987 resolution 42/66 D (see annex X) relating to the convening of such a conference. The resolution endorsed anew the call for the convening of the International Peace Conference on the Middle East stressing "the urgent need for additional concrete and constructive efforts by all Governments in order to convene the Conference without further delay."

CONCLUSION

The grave situation in the Middle East continues to deteriorate. The political *status quo* in the region and the lack of any real progress in the peace-making effort in the Middle East make it a potential threat to international peace and security. The cycle of violence and oppression exacerbates regional tension. At the heart of the existing problem is the question of Palestine which, over the years, has become a major concern of the United Nations. However, despite efforts that are being made by the United Nations, individual governments or groups of governments, there exists a gap between the diplomatic advancement of the question of Palestine in the United Nations resolutions and decisions and the steady worsening of the overall situation in the Middle East. The Israeli policy of establishing new settlements, violating the inalienable rights of the Palestinian population in the occupied Arab territories, expropriating Palestinian lands under existing emergency laws and regulations, diverting water resources from Arab to its own use, demolishing Palestinian housing facilities, inflicting collective punishment to villages and camps, etc. still continues and increases with the passage of time.

The vital interests of the peoples of the Middle East as well as the interests of international security urgently dictate the need for the speediest resolution of the Middle East conflict. While this conflict embraces various dimensions, it is the suffering of and injustice perpetrated against the Palestinian Arab people for decades that are the core of the conflict. Lasting peace in the area cannot be attained without a just solution to the question of Palestine. An overwhelming majority of States Members of the United Nations support the idea of convening the International Peace Conference on the Middle East as a means to advancing the cause of a just, comprehensive and lasting peace in the region. In their view, the Conference under United Nations auspices, with the participation of all the parties concerned, could work out practical and effective ways of reaching an agreement, *inter alia*, on the issues of withdrawal of Israeli troops from all the occupied Arab territories, the exercise by the Arab people of Palestine of its legitimate national rights, including its inalienable right to the establishment of its own independent State in Palestine, and respect and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area.

In view of the deteriorating situation in the region, the convening of the international Peace Conference on the Middle East is becoming increasingly essential and there is a consensus on the need and urgency to convene such a conference. This being so, it is important that the international community now begin to take practical steps to prepare for the Conference.

The commencement of preparatory work should be undertaken by the permanent members of the Security Council in consultation with the parties directly concerned, with a view to taking concrete steps for the convening of the Conference. This process would also contribute to the achievement of an immediate, just and comprehensive political settlement and give a real impetus to the movement towards peace.

Notes

1/ See United Nations Conciliation Commission for Palestine, Third Progress Report (for the period 9 April - 8 June 1949 inclusive), document A/927 of 21 June 1949, Annexes A and B, pp. 11 and 12.

2/ See Collection of Laws and Regulations Adopted and in Force up to 1956 in the Hashemite Kingdom of Jordan, vol. I, edited and compiled by Hanna al-Saa, Salah al-Din al-Abbasi, and Subhi al-Qutb. Arrangement, revision and printing co-ordinated by Subhi al-Qutb. Published by The Association of Lawyers, first impression, Amman, 1957, p. 4.

3/ Foreign Broadcast Information Service, Daily Report: Near East and South Asia, No. FBIS-NES-88-147, 1 August 1988, pp. 39-40.

- 4/ Letter dated 13 June 1967 from the representative of the United States of America (Official Records of the Security Council, Twenty-second Year, Supplement for April, May and June 1967, document S/3706).
- 5/ Letter dated 13 June 1967 from the representative of the Union of Soviet Socialist Republics requesting the convening of an emergency special session of the General Assembly "to consider the question of liquidating the consequences of Israel's aggression against the Arab States and the immediate withdrawal of Israeli troops behind the Armistice lines." (Official Records of the General Assembly, Fifth Emergency Special Session, Annexes, agenda item 5, document A/6717).
- 6/ Janet L. Abu-Lughod, The Transformation of Palestine, Evanston, Ill., Northwestern University Press, 1971, p. 162.
- 7/ Op.cit., p. 163.
- 8/ Report of the Secretary-General submitted in pursuance of Security Council resolution 344 (1973), (Official Records of the Security Council, Twenty-eighth Year, Supplement for October, November and December 1973, document S/11169).
- 9/ See Peace Conference on the Middle East, Verbatim record of the opening meeting (PCME/PV.I), p. 7.
- 10/ Ibid., pp. 12-14.
- 11/ Ibid., pp. 17-19.
- 12/ Ibid., pp. 23-25.
- 13/ Ibid., Verbatim record of the second meeting (PCME/PV.2), pp. 6, 8 and 9.
- 14/ Ibid., Statement by the Secretary-General of the United Nations (PCME/2).
- 15/ Arab Report and Record, 16-31 October 1974, Issue 20, p. 465; see also The Israel-Arab Reader: A Documentary History of the Middle East Conflict, Walter Laqueur and Barry Rubin, eds., New York, Facts on File Publications, 1984, p. 518.
- 16/ See Official Records of the Security Council, Thirty-First Year, Supplement for January, February and March 1976, document S/11928.
- 17/ Ibid., Thirty-First Year, 1870th to 1879th meetings.
- 18/ Ibid., Thirty-First Year, Supplement for January, February, and March 1976, document S/11940.
- 19/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 35 (A/31/35), Part two.
- 20/ Ibid., para. 59.
- 21/ Official Records of the Security Council, Thirty-second Year, Supplement for January, February and March 1977, document S/12290.
- 22/ The Search for Peace in the Middle East: Documents and Statements, 1967-79, Report prepared for the Sub-Committee on Europe and Middle East of the Committee of Foreign Affairs, U.S. House of Representatives by the Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress, Washington, D.C., 1979, pp. 159-160.
- 23/ See Official Records of the Security Council, Thirty-fifth Year, Supplement for April, May and June 1980, document S/14009, para. 6; see also The New York Times, 14 June 1980.
- 24/ The New York Times, 2 September 1982.
- 25/ See Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982, document S/15510, annex, sect. I.
- 26/ Ibid., document S/15403.
- 27/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 49 (A/37/49 and Corr.1), para. 19.
- 28/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. A, para. 4.
- 29/ Official Records of the Security Council, Thirty-ninth Year, Supplement for January, February and March 1984, document S/16409.
- 30/ Ibid., Supplement for July, August and September 1984, document S/16409/Add.1.
- 31/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. B, part II.A (2).
- 32/ Official Records of the Security Council, Thirty-ninth Year, Supplement for July, August and September 1984, document S/16685.
- 33/ Ibid., Supplement for October, November and December 1984, document S/16792.
- 34/ Ibid., para. 38.
- 35/ Ibid., para. 39.
- 36/ Ibid., Fortieth Year, Supplement for October, November and December 1985, document S/17581.
- 37/ Ibid., para. 31.
- 38/ See Official Records of the General Assembly, Fortieth Session, Supplement No.35 (A/40/35), paras. 167-168.
- 39/ Note verbale dated 19 August 1985 from the Permanent Mission of Morocco (A/40/564 and Corr.I), annex.
- 40/ Official Records of the Security Council, Fortieth Year, Supplement for October, November and December 1985, document S/17581, paras. 39 and 40.
- 41/ United Nations, Treaty Series, Vol. 75, No. 973, p. 287.
- 42/ See Official Records of the General Assembly, Fortieth Session, Supplement No. 35 (A/41/35), paras. 18 to 21.
- 43/ See Official Records of the General Assembly, Forty-First Year, Supplement for January, February and March 1986, document S/17916, para. 2.
- 44/ Letter dated 30 September 1986 from the representative of Zimbabwe (A/41/697-S/18392), annex, sect. I, paras. 175-191.
- 45/ Letter dated 3 March 1987 from the representative of Kuwait (A/42/178-S/18753), annex II, resolution no. 1/5-P(IS).
- 46/ Letter dated 24 February 1987 from the representative of Belgium (A/42/151-S/18718).
- 47/ Ibid., annex, para. 4.
- 48/ A/42/277-S/18849.
- 49/ Ibid., para. 3.
- 50/ Ibid., para. 6.
- 51/ See A/42/714-S/19249.
- 52/ Ibid., para. 33.
- 53/ Ibid., para. 34.

ANNEX I

GENERAL ASSEMBLY RESOLUTION [181 \(11\)](#) OF 29 NOVEMBER 1947

ANNEX II

U.U. PARTITION PLAN - 1947 AND U.N. ARMISTICE LINE - 1949

ANNEX A

RECORD OF A MEETING BETWEEN THE CONCILIATION COMMISSION AND THE DELEGATIONS OF EGYPT, JORDAN, LEBANON AND SYRIA held at Lausanne on 12 May 1949 at 11.30 a.m.

Present

| | |
|------------------------------------|--------------------------|
| Mr. De Boisanger (Chairman) | France |
| Mr. Yalcin | Turkey |
| Mr. Ethridge | United States of America |
| Mr. Azcarate (Principal Secretary) | |

| | |
|--------------------------|---------|
| H.E. Abdel Monem Mostafa | Egypt |
| H.E. Fauzi Pasha Mulki | Jordan |
| H.E. Faud Bey Ammoun | Lebanon |
| H.E. Adnan Atassi | Syria |

In the course of this meeting, the following Protocol was signed by the delegates of Egypt, Jordan, Lebanon and Syria, on the one hand and the members of the conciliation Commission on the other.

PROTOCOL

The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectivity of the General Assembly resolution of 11 December 1949 regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the delegations of the Arab States and to the delegation of Israel that the working document attached hereto be taken as a basis for discussions with the Commission.

The interested delegations have accepted this proposal with the understanding that the exchanges of view which will be carried on by the Commission with the two parties will bear upon the territorial adjustments necessary to the above-indicated objectives.

Lausanne, 12 May 1949

| | | | |
|---------------|-----------|---------------------|-------------------|
| (Signed) | | (Signed) | |
| Monem Mostafa | (Egypt) | Claude de Boisanger | (France) Chairman |
| Fauzi Mulki | (Jordan) | Cahid Yalcin | (Turkey) |
| F. Ammoun | (Lebanon) | Mark Ethridge | (USA) |
| Adnan Atassi | (Syria) | | |

ANNEX B

RECORD OF A MEETING BETWEEN THE CONCILIATION COMMISSION AND THE DELEGATION OF ISRAEL held at Lausanne on 12 May 1949 at 10.30 a.m.

Present

| | |
|------------------------------------|--------------------------|
| Mr. De Boisanger (Chairman) | France |
| Mr. Yalcin | Turkey |
| MR. Ethridge | United States of America |
| Mr. Azcarate (Principal Secretary) | |
| Dr. Walter Eytan | Israel |

In the course of this meeting, the following Protocol was signed by the delegation of Israel on the one hand, and the members of the Conciliation commission on the other:

PROTOCOL

The United Nations Conciliation commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly resolution of 11 December 1948 regarding refugees, the respect for their rights and the preservation of the their property, as well as territorial and other questions, has proposed to the delegation of Israel and to the delegations of the Arab States that the working document attached hereto be taken as a basis for discussions with the Commission.

The interested delegations have accepted this proposal with the understanding that the exchanges of view which will be carried on by the Commission with the two parties, will bear upon the territorial adjustments necessary to the above-indicated objectives.

Lausanne, 12 May 1949

| | | | |
|--------------|----------|---------------------|-------------------|
| (Signed) | | (Signed) | |
| Walter Eytan | (Israel) | Claude de Boisanger | (France) Chairman |
| | | Cahid Yalcin | (Turkey) |
| | | Mark Ethridge | (USA) |

SECURITY COUNCIL RESOLUTION [242 \(1967\)](#) OF 22 NOVEMBER 1967

ANNEX VI

SECURITY COUNCIL RESOLUTION [338 \(1973\)](#) OF 22 OCTOBER 1973

ANNEX VII

SECURITY COUNCIL RESOLUTION [344 \(1973\)](#) OF 15 DECEMBER 1973

ANNEX VIII

GENERAL ASSEMBLY RESOLUTION [3210 \(XXIX\)](#)
(Invitation to the Palestine Liberation Organization)

ANNEX IX

GENERAL ASSEMBLY RESOLUTION [38/58](#) (QUESTION OF PALESTINE)

ANNEX X

GENERAL ASSEMBLY RESOLUTION [41/43](#) (QUESTION OF PALESTINE)

ANNEX XI

GENERAL ASSEMBLY RESOLUTION [42/66](#) (QUESTION OF PALESTINE)

ANNEX XII

GENERAL ASSEMBLY RESOLUTION [42/209](#) (THE SITUATION IN THE MIDDLE EAST)
