

## TWELFTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

Theme: "The inalienable rights of the Palestinian people"

New York, 8 and 9 July 1985

### CONTENTS

		Page
I.	Report of the Twelfth United Nations Seminar on the Question of Palestine	1
II.	Statement by the representative of the Secretary-General, Mr. William B. Buffum, Under-Secretary-General for Political and General Assembly Affairs	8
III.	Statement by His Excellency Mr. Oscar Oramas-Oliva, Permanent Representative of Cuba to the United Nations and Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	10
IV.	Message from Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization	13
V.	Statement by His Excellency Mr. Natarajan Krishnan, Permanent Representative of India to the United Nations on behalf of the Chairman of the Movement of Non-Aligned Countries	16
VI.	Statement by His Excellency Dr. Clovis Maksoud, Permanent Observer of the League of Arab States to the United Nations	19
VII.	Statement by Mr. Mamoudou Kane, Assistant Executive Secretary of the Organization of African Unity	23
VIII.	Statement by His Excellency Mr. Youssouf Sylla, Permanent Observer of the Organization of the Islamic Conference	25
IX.	Statement by Mr. Ben Mokwena on behalf of the African National Congress of South Africa	30
X.	Papers presented at the Seminar	32
	A. The role of the Palestine Liberation Organization	32
	1. Ibrahim Abu-Lughod (Palestinian), Professor of Political Science at Northwestern University, Evanston, Illinois, United States of America	32
	B. <u>The International Peace Conference on the Middle East, the need for such a conference, efforts and prospects to promote a successful outcome, and benefits thereof</u>	42
	1. Victor J. Gauci (Malta), Permanent Observer of Malta to the United Nations and Rapporteur of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People	42
	2. Naseer Aruri (United States of America), Professor of Political Science, Southeastern Massachusetts University, North Dartmouth, Massachusetts, United States of America	50
	3. W. Thomas Mallison (United States of America), Professor of Law and Director of the International and Comparative Law Program at George Washington University, Washington, D.C., United States of America	58
	4. Igor Petrovich Belyaev (Union of Soviet Socialist Republics), member of the Soviet Afro-Asian Solidarity Committee and correspondent of the magazine <u>Literaturnaya Gazeta</u> , specializing in Middle Eastern affairs	75
XI.	<u>Statements by Representatives of United Nations Organs</u>	84
	A. United Nations Council for Namibia	84
	B. Special Committee with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples	86
	C. Special Committee against Apartheid	88
XII.	List of participants and observers	90

#### I. REPORT OF THE TWELFTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

1. The Twelfth United Nations Seminar on the Question of Palestine, with its central theme "The inalienable rights of the Palestinian people",

was held at United Nations Headquarters, New York, on 8 and 9 July 1985 in accordance with the terms of General Assembly resolution 38/58 B. Four meetings were held at which five panelists presented papers on different aspects of the Question of Palestine.

2. His Excellency Mr. Oscar Oramas-Oliva (Cuba), Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, was Chairman of the Seminar and Mr. Boris Tarasyuk (Ukrainian SSR), Rapporteur of the Seminar. In the absence of the Chairman, H.E. Mr. Farid Zarif (Afghanistan), Vice-Chairman of the Committee, acted as Chairman of the Seminar.

#### Opening statements

3. The opening session of the Seminar on 8 July 1985 was addressed by Mr. William B. Buffum, Under-Secretary-General for Political and General Assembly Affairs of the United Nations. In welcoming the participants on behalf of the Secretary-General, Mr. Buffum stated that the convening of the Seminar underscored the importance that the international community attached to solving the question of Palestine, which was at the very heart of the Middle East conflict. It was moreover a reflection of the realization that to permit a situation to remain critical to the point of endangering international peace and security had adverse effects not only on the States and peoples of the region but also on the entire international community.

4. The persistent efforts of the United Nations had over the years produced at least a consensus on the fundamental elements required for a comprehensive settlement of the Middle East problem. The call for an international peace Conference on the Middle East and the continued efforts for its convening could not but be viewed as a recognition of the fact that a comprehensive settlement would have to be reached through a process of negotiations with the participation of the parties concerned under the auspices of the United Nations. Any solution would have to take into consideration the interests and concerns of all States and peoples in the region including those of the Palestinian people.

5. H.E. Mr. Oscar Oramas-Oliva, welcoming the participants, recalled the importance the Committee on the Exercise of the Inalienable Rights of the Palestinian People attached to the question of Palestine and its commitment to finding a solution to the problem. He gave a brief account of the Committee's work and highlighted the significance of ensuring that all facts surrounding the question of Palestine reached the public so that a proper understanding of the issues would be achieved.

6. The Committee also, along with the majority of States, fully endorsed the convening of an international peace conference on the Middle East as a valuable step forward in the search for peace, security and stability in the region. Consequently, it had made this the focus of its work in 1985. It was for this reason that one of the panels of the Seminar was devoted exclusively to the International Peace Conference. It was the Committee's hope that the views expressed at the Seminar would help to promote the convening of such an important conference.

7. Mr. Zehdi L. Terzi, Permanent Observer of the Palestine Liberation Organization to the United Nations conveyed a message from H.E. Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization and Commander-in-Chief of the Forces of the Palestine Revolution. In his message, Chairman Arafat thanked the participants in the Seminar for their continued efforts in defence of the inalienable rights of the Palestinian people.

8. Israel's aggressive policies, supported by successive American Administrations, had resulted in the Palestinian cause entering a dangerous phase. However, in spite of enormous challenges the Palestinians continued their struggle and resistance. The ordeals and hardships they had to undergo did not impair their resolve to continue this struggle which met with the support of the peoples of the world.

9. The Palestine Liberation Organization had availed itself of every opportunity in the search for peace and would continue its efforts to achieve a joint Arab political plan which aimed to contribute to the attainment of a comprehensive, just and lasting solution to the Middle East conflict.

10. It was significant that the Committee on the Exercise of the Inalienable Rights of the Palestinian People was organizing two distinct activities - the Seminar and a symposium. The message carried by the non-governmental organizations (NGOs) of Canada and the United States of America would focus on the negative attitude of those two States to the International Peace Conference on the Middle East, with the hope that it would result in a positive response in those States.

11. Chairman Arafat extended to the representatives of the NGOs his great appreciation for their unrelenting efforts to mobilize public opinion in support of the peace process as particularly manifested in their signature campaign launched internationally on 29 November 1984.

12. The opening session was also addressed by H.E. Mr. Natarajan Krishnan on behalf of the non-aligned Movement; Mr. Jonathan Mataa Sibitwa Lichilana on behalf of the United Nations Council for Namibia; H.E. Mr. Gennady Oudovenko on behalf of the United Nations Special Committee against Apartheid; Mr. Ahmad Farouk Amouss on behalf of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; H.E. Dr. Clovis Maksoud on behalf of the League of Arab States; Mr. Mamadou Kane on behalf of the Organization of African Unity and H.E. Mr. Youssouf Sylla on behalf of the Organization of the Islamic Conference. At the fourth meeting, the Seminar was addressed by Mr. Ben Mokwena on behalf of the African National Congress of South Africa.

13. Two panels were established at the Seminar. These, and the panelists who presented papers on these aspects of the question of Palestine, were as follows:

a. The Role of the Palestine Liberation Organization - Prof. Ibrahim Abu-Lughod (Palestinian)

b. The International Peace Conference on the Middle East, the need for such a Conference; efforts and prospects to promote a successful outcome and benefits thereof - Prof. Naseer Aruri, H.E. Mr. Victor J. Gauci, Prof. W. Thomas Mallison, Dr. Igor Petrovich Belaeu.

14. In view of the well researched and in depth analysis contained in the papers presented at the Seminar and in accordance with established practice, the papers will be published in full, together with the report of the Seminar, as a contribution to a wider understanding of the question of Palestine. The report of the Seminar would reflect only the main points that emerged during the discussions.

#### The role of the Palestine Liberation Organization

15. The Seminar heard an analysis of the role of the Palestine Liberation Organization. It was noted that the Palestinians today neither enjoyed nor exercised political rights as Palestinians anywhere in the world. Nevertheless their determination, despite many adversities, to normalize their political status was reflected in their struggle to retrieve their national rights, including their rights to independence and sovereignty in Palestine, to recovery of their national identity and representation by their own chosen representatives, namely, the Palestine Liberation Organization.

16. The Palestine Liberation Organization and the Palestinian people were not two distinct entities, nor was it possible to deal with the Palestinian people without dealing with the Palestine Liberation Organization. The development of the Palestine Liberation Organization was nothing but the result of the development of the social, economic and political institutions of the Palestinian people and, particularly, their social and political conscience. Consequently, the Palestine Liberation Organization had assumed the responsibility for the cultural, economic, social and political development of the Palestinian people.

17. The Palestine Liberation Organization viewed the struggle of the Palestinian people as a struggle of a colonial population against a form of colonialism described as settler colonialism. In that sense Israel is viewed as a colonial settler State that was implanted on part of an Arab national homeland with the active support and sustenance of the European/American system of power. To attain justice, the Palestinians would have to obtain the support of States that reject colonialism ideologically, structurally and culturally.

18. The Palestine Liberation Organization had defined the nature of Palestinian rights. It had articulated these national rights in the broad terms of self-determination. It was this articulation of Palestinian national rights that was essentially affirmed by the United Nations when it supported the Palestinian rights to independence and of return.

19. The Palestine Liberation Organization had struggled since 1968 for a democratic non-sectarian State. While conceiving of coexistence with the Jewish people in peace within the framework of a unitary State, the Organization recognized the difficulties in the way of the acceptance of such a solution, not only by Israel but by other States as well. The Palestine Liberation Organization had therefore elaborated its provisional solution which conceived of the possibility of a *de facto* coexistence of two States in Palestine, one principally Jewish-Israeli and the other Palestinian Arab. By this it had placed itself in a position of antagonism, both in relations to Israel and Zionism as well as to United States interest. It had also become a kind of vanguard of the anti-imperialist struggle in the Arab world. Moreover, its structure had proved that it was capable of not only resisting political pressure, but also, and most importantly, military aggression.

20. In the 21 years since the establishment of the Palestine Liberation Organization, it had experienced various tests and hardships and become overwhelmingly recognized as the sole, legitimate representative of the Palestinian people and as an active force to be reckoned with in the Middle Eastern political arena. In this regard, it has had a decisive influence in the search for a solution of the Palestine question, as well as the problem of the Middle East as a whole.

#### The International Peace Conference on the Middle East

21. The Seminar concluded its deliberations by discussing in depth the question of the International Peace Conference on the Middle East. It was noted that, although almost 40 years had passed since the United Nations General Assembly had adopted resolution 181 (II), which recommended the creation of two States - an Arab State and Jewish State - so far it has been implemented only to the extent of the creation of the State of Israel. One of the foremost commitments

of the international community was to ensure the restoration of the rights of the Palestinian people, including its right to self-determination and creation of its own independent State in Palestine. It was felt that the principles enunciated by the United Nations commanded universal adherence, and should be supported accordingly, within the framework of a comprehensive solution to the Arab-Israeli conflict. The question of Palestine represents a continuing responsibility of the United Nations and of all its members who cherished the purposes and principles enshrined in the United Nations Charter and the Universal Declaration of Human Rights and who respected the very decisions taken in the United Nations to which they have subscribed.

22. In that connection, it was strongly reaffirmed that the question of Palestine was at the core of that conflict, which itself was a multi-faceted problem. Over the years, a broad international consensus had been achieved on the necessity of a comprehensive, just and durable settlement of the problem. This consensus has been defined in the Geneva Declaration adopted by the International Conference on the Question of Palestine in 1983, and also stressed in United Nations General Assembly resolution 38/58 C which called for the convening of an International Peace Conference on the Middle East. It was noted that the International Conference on the Question of Palestine, held in Geneva from 29 August to 7 September 1983 which adopted the Geneva Declaration, was the first occasion at which so broad an international forum met to consider the Palestinian question. No less than 117 States had participated fully in the Conference while 20 others took part as observers; in addition, for the first time ever, approximately 100 non-governmental organizations and several eminent personalities had been invited for that occasion. Amongst the NGOs several came from Israel, thus demonstrating by their presence that there exists within Israel a group of peace-loving persons who also strove for a just and lasting peace in the Middle East.

23. The Geneva Declaration adopted by the International Conference on the Question of Palestine envisioned that the Peace Conference would be convened under the auspices of the United Nations. The United Nations, in addition to its sacred trust and responsibility to the Palestinian people, constituted the only forum for negotiation and to facilitate the meeting of all the parties to the conflict. The existing procedures at the United Nations enabled the participation of all parties concerned.

24. The Geneva Declaration had also called for the participation of all parties to the conflict, including the Palestine Liberation Organization as well as the United States of America, the Union of Soviet Socialist Republics and other concerned States on an equal footing and would take as its guidelines the various proposals consistent with the principles of international law.

25. The guidelines adopted by acclamation by the Conference and endorsed by the United Nations General Assembly were:

- (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 decisions 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 appropriation 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 subparagraph (a) above.

26. These guidelines were important and relevant for the focus on the central issues whilst fully acknowledging that the inalienable rights of the Palestinian people remained fundamental to any solution. They were based on a recognition of the indispensable role of law in achieving the greatest possible measure of justice and security for both Israelis and Palestinians. Law was not only the basis of a just solution, but provided the only practical solution. It was maintained that justice and coercion were required in peace settlements and where justice was used less, coercion needed to be used more.

27. An international peace conference on the Middle East could lead to the establishment of a just and lasting peace in the region and to the attainment of the inalienable rights of the Palestinian people and guarantee the existence and the security of all States in the region, including Israel; lead to the development of economic ties between all nations of the world with the Arab States and with Israel; and lead to agreements which would satisfy all the parties concerned, put an end to the recurring Israeli-Arab wars and thus remove a constant threat to international peace and security. It would furthermore restore the authority of the United Nations and make it once more a potent force in the maintenance of peace.

28. The Seminar regarded the fact that the majority of States in the international community as well as several major intergovernmental organizations had expressed their strong support for the holding of the Conference to be a significant factor and testimony to the vital importance of such a conference. Its central task would be to implement the existing legal right of Palestinian self-determination. The Seminar urged the Governments of the United States of America and Israel to reconsider their negative attitude to the ongoing peace process within the United Nations system.

29. It also hoped that all those in support of the Conference, and this was the overwhelming majority of the international community, would unite to overcome the obstacles posed by the refusal of Israel and the United States of America to agree to participate in such a Conference. It was the refusal of those two States alone that obstructed the progress desired by the international community. When the other States Members of the United Nations acted without hesitancy to assert leadership on achieving a peaceful settlement under law, that would have a significant effect upon the United States of America, and bring it back to its principled advocacy and practical support for the self-determination of the Palestinian people, which it had recognized at the time of the adoption of the Partition resolution (General Assembly resolution 181 (II)).

30. In this same connection, the Seminar appreciated the consistency and continuity of the Union of Soviet Socialist Republics policy towards the Middle East settlement, as reiterated in its latest proposals of 29 July 1984, entitled "The proposals of the Soviet Union on the Middle East settlement", which took into account the basic interests of all sides involved in the conflict, including the PLO as the sole legitimate representative of the Palestinian people, and suggested the convocation of an international conference on the Middle East as an instrument for such a settlement.

31. In confirmation of its efforts to bring about progress and to maintain the momentum of hope, the Committee on the Exercise of the Inalienable Rights of the Palestinian People had decided to exert every effort towards the early convening of the proposed Conference. The Committee therefore had made this aspect the main focus of its work programme in 1985. Consequently, in all the seminar and symposia organized this year, one panel would exclusively deal with the International Peace Conference on the Middle East. Furthermore, the Committee had decided to send delegation of its members to a selected number of countries and, in particular, those who were members of the Security Council, with a view to promoting the early convening of the International Peace Conference.

32. The Seminar therefore considered that it was of paramount importance that the international community should intensify and unite its efforts to ensure the convening without delay of the International Peace Conference on the Middle East, as an instrument to ensure the establishment of a just and comprehensive peace and of security and stability in the Middle East, while at the same time ensuring the attainment and exercise, long overdue, of the inalienable rights of the Palestinian people, long overdue.

33. The Seminar conveyed to Chairman Arafat of the Palestine Liberation Organization its thanks for his message to the Seminar and expressed its support for the just cause of the Palestinian people. It also conveyed its strong support for the early convening of the International Peace Conference on the Middle East with the participation of the permanent members of the Security Council, as well as of the parties most directly involved in the conflict, particularly the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, as a positive and constructive step in the search for a solution to the question of Palestine.

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## II. STATEMENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL, W. WILLIAM B. BUFFUM, UNDER-SECRETARY-GENERAL FOR POLITICAL AND GENERAL ASSEMBLY AFFAIRS

It is a distinct privilege for me to welcome you, on behalf of the Secretary-General, to the Twelfth United Nations Seminar on the Question of Palestine.

The convening of this Seminar, the second to be held for the North American region in accordance with General Assembly resolution 38/58 B, organized by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, underscores the importance that the international community attaches to solving the question of Palestine which is at the very heart of the Middle East conflict. It also highlights the fact that the efforts to find a solution to this question continue to be one of the main preoccupations of the United Nations.

The fate of Palestine has engaged the attention of the United Nations almost since its inception. No other single international problem has claimed more of the time and attention of the world Organization. While a solution to the question has eluded us for 38 years, the continuing danger of further conflict in the area underscores the necessity of finding a just, comprehensive and lasting settlement. It is, moreover, the reflection of the realization that permitting a situation to remain critical to the point of endangering international peace and security has adverse effects not only on the states and peoples of the region, but also on the entire international community. The extent of involvement in this issue by several committees of the General Assembly and several other organs of the United Nations attest to the importance which the international community attaches to it.

The continuing and persistent efforts of the Organization have, over the years, produced at least a consensus on the fundamental elements required for a comprehensive settlement of the Middle East problem. Such a settlement must meet the following conditions: the withdrawal of Israeli forces from occupied territories, respect for 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 and, finally, a just settlement of the Palestinian problem based on the recognition and the exercise of the legitimate rights of the Palestinian people, including self-determination. In this connection, the question of Jerusalem remains of primary importance.

In its search for a solution to the question of Palestine as the core of the Middle East conflict, the International Conference on the Question of Palestine held in August and September 1983, called for the convening of an International Peace Conference on the Middle East. This call for a Middle East Peace Conference was endorsed by the General Assembly at its thirty-eighth session and reaffirmed at its thirty-ninth session. The renewed request for the continued efforts for its convening cannot but be viewed as a recognition of the fact that a comprehensive settlement will have to be reached through a process of negotiations with the participation of parties concerned under the auspices of the United Nations. Any solution will have to take into consideration the interest and concerns of all states and peoples in the region, including those of the Palestinian people. Let us hope that soon, whatever obstacles remain will be removed and that an opportunity will be given for negotiations that will lead to a comprehensive, just and lasting peace.

The eminence of the diplomats, scholars and experts gathered here on this occasion is impressive. It is vivid testimony to the seriousness of purpose and to the urgency attached to the need to seek an equitable solution to what has unfortunately proved so far to be an intractable problem.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People was established by the General Assembly at its thirtieth session to draw up a programme for the implementation of the rights of the Palestinian people enumerated in General Assembly resolution 3236 (XXIX). In spite of the complexity of its tasks, the Committee has worked untiringly to serve its mandate under the capable leadership of its Chairman, Ambassador Massamba Sarre and a distinguished Bureau, including your present Chairman, Ambassador Oramas-Oliva.

I believe the Committee's efforts have effectively helped to focus attention on the inalienable rights of the Palestinian people and given the widest possible exposure to the facts relating to those rights.

One of your panels at this Seminar will deal exclusively with the International Peace Conference on the Middle East. No doubt the views that will be expressed and the suggestions that will be made in the discussions will contribute to the promotion of an early convening of the International Peace Conference on the Middle East. As you begin your important deliberations, I should like, on behalf of the Secretary-General, and on my own behalf, to wish to the Seminar every success.

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### III. STATEMENT BY HIS EXCELLENCY MR. OSCAR ORAMAS-OLIVA, PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS AND VICE-CHAIRMAN OF THE COMMITTEE ON THE EXERCISE OF INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I have the pleasure to welcome you to the Twelfth United Nations Seminar on the Question of Palestine. At the same time, I would like to extend my heartfelt thanks to the representative of the Secretary-General, Mr. William B. Buffum.

In convening this Seminar the Committee continues to fulfil the mandate entrusted to it by the General Assembly. The results of our previous Seminars have convinced us both of the usefulness of the exchange of views such as we are about to embark on and of the importance of the contribution our deliberations will make towards a better and deeper understanding of the problem of Palestine.

The tragedy of the Palestinian people has engaged the attention of the United Nations almost since its very inception. Although almost 40 years have passed since the United Nations General Assembly adopted resolution 181 (II), which recommended the creation of two States - an Arab and a Jewish State - so far it has been implemented only to the extent of the creation of the State of Israel. The struggle of the Palestinian people for the self-determination and independence it has unjustly been denied has not only led to conflict in the region but constitutes a permanent danger for international peace and security.

Because of this danger, all nations in every region of the world today feel concerned by and are more and more aware of the implications of this difficult and complex question of Palestine. Indeed, the basic elements of the question are so closely interwoven that any partial or unbalanced settlement could only place greater obstacles in the way of a solution. Then again, there is a further element in this tragic situation. Whilst strenuous attempts have been made to break the deadlock, the already complex situation is further complicated by actions taken in the region - oppressive measures taken by the occupying Power against the Palestinians of the occupied West Bank and Gaza, the illegal establishment of Israeli settlements in those areas and the implementation of policies which are also in direct contravention of United Nations resolutions and international law - actions which by exacerbating tension in the area can only hinder the attempt to find a peaceful solution. Those actions by the Government of Israel and its persistent refusal to abide by international law and conventions bring about a daily deterioration in the situation and highlight the urgency of a just solution of the problem of Palestine, which is recognized by the international community as the core of the conflict in the Middle East.

It was as a result of this recognition that the question of Palestine is at the core of the conflict of the Middle East as well as the realization by the international community that no solution to that problem is possible until the Palestinian people has achieved its inalienable rights that the Committee on the Exercise of the Inalienable Rights of the Palestinian People was established in 1975.

The Committee was given the mandate of studying and recommending to the United Nations General Assembly a programme of action to enable the Palestinian people to exercise its inalienable rights, previously defined by the General Assembly as

- a. The right of self-determination without external interference;
- b. The right of independence and national sovereignty;
- c. The right of Palestinians to return to their homeland.

A programme of action, drawn up in 1976, was immediately confirmed by the General Assembly, which has reaffirmed its validity and relevance at each of its subsequent sessions.

However, the implementation of this programme has so far come up against the intransigent opposition of the State of Israel, which persists in denying the Palestinians their inalienable right to a homeland, encouraged in that, it must be said, by the situation in the Security Council, the organ charged with maintaining international peace and security which, owing to the exercise of the veto by one of its permanent members, has still not approved the Committee's recommendations. This has been most discouraging. There are obstacles, therefore, in the path of any significant progress, and the Committee has found it necessary to take every action that might contribute to overcoming the impasse.

The Committee has always felt the need to disseminate objective information on the question of Palestine as a means of building up public opinion and ensuring objective coverage of developments in the region with a view to promoting a solution on the basis of United Nations resolutions. We are convinced that it is essential to present all the facts surrounding the question of Palestine because there is no doubt that, once these facts are known, the resultant understanding of the question will convince those in the international community who have not so far been convinced of the justice of the Palestinian people's cause.

It is for this reason that the Committee has taken the initiative in organizing seminars such as we have here today, as well as symposia for non-governmental

organizations and journalists' encounters, indeed, this was the reason behind the Committee's initiative in calling for the International Conference on the Question of Palestine which took place two years ago.

That Conference, which was attended by 137 nations, formulated a number of basic principles, including the right of all States in the region to exist within secure and internationally recognized boundaries with justice and security for all people, including, of course, a future Palestinian State. It went on to recommend the convening of an international peace conference on the Middle East under the auspices of the United Nations, with the participation of all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, the United States of America and the Union of Soviet Socialist Republics, on an equal footing. The Conference did this in the conviction that the best way out of the impasse was to bring the parties concerned together around the same table and that the United Nations was the most appropriate means for that purpose.

Our Committee fully recognizes, along with the majority of the States Members of the United Nations, the importance of such a peace conference. It is indeed necessary that the international community should intensify and unite its efforts to ensure the convening without delay of the International Peace Conference on the Middle East, as an instrument for the establishment of a just and comprehensive peace, and of security and stability in the Middle East, while at the same time ensuring the attainment of the inalienable rights of the Palestinian people. Accordingly, the Committee has decided that, this year, it should make the International Peace Conference on the Middle East the focal point of its work programme.

It is for this reason that we have in this Seminar, and in fact in all our other Seminars and symposia for this year, a panel which deal exclusively with the question of the Peace Conference. We have also attempted to mobilize all non-governmental organizations throughout the world that are interested in the question of Palestine in an effort which, we hope, will have a profound effect in bringing about the convening of the Peace Conference.

In our dealings with non-governmental organizations we have repeatedly stressed the importance of this Conference, and those non-governmental organizations themselves took the initiative of launching, on 29 November last year, a signature campaign throughout the world appealing for the convening of this Peace Conference. Already several thousand signatures have been collected. It is our hope that those gathered here today will participate actively in that signature campaign in their countries and help to make it a complete success.

The Committee is convinced that this Seminar will sensitize world public opinion to the question of Palestine and contribute to ensuring that the Palestinians will one day be able to exercise their civil and political rights on their own soil. As we commence our work, we can be confident in the knowledge that ours is a noble task and one of which we can all be justifiably proud.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to take this opportunity to express my gratitude to all of you who are here with us today and to those of you who have taken the time in preparing papers which will contribute to the success of this Seminar.

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IV. MESSAGE FROM M. YASSER ARAFAT, CHAIRMAN  
OF THE EXECUTIVE COMMITTEE OF THE  
PALESTINE LIBERATION ORGANIZATION,  
CONVEYED BY MR. ZEHDI L. TERZI,  
PERMANENT OBSERVER OF THE  
PALESTINE LIBERATION ORGANIZATION  
TO THE UNITED NATIONS

Revolutionary greetings,

It gives me great pleasure, on this day of the convening of your Seminar on the rights of the Palestinian people, to express to you, in the name of our Palestinian Arab people, in the name of my brothers, members of the Executive Committee of the Palestine Liberation Organization and in my personal name, our heartiest greetings.

We express to you our high esteem and profound gratitude for your efforts to promote the legitimate struggle of our people and for your infallible support to the national inalienable rights of our people, including their right to return, to self-determination without external interference and to the establishment of their independent State, and to the attainment of those rights.

It gives me also great pleasure to express to you the tremendous pride that we feel for your continuous efforts in defence of the inalienable rights of the Palestinian people and for the fulfilment of peace in one of the most dangerous, tense and explosive regions of the world.

You are fully aware that our Palestinian cause is presently witnessing a dangerous phase as a result of the intensification of the aggressive Israeli politics which receive the support of successive American Administrations.

The Government of the Zionist Israeli enemy is intensifying its repression, oppression and terror against our Palestinian people inside and outside our occupied homeland and persistently exercises illegitimate racial practices by dispossessing them of their basic human rights, paralysing civilian life, destroying the Palestinian economy, expropriating land and water resources, establishing armed colonial settlements in the occupied territories, encouraging, supporting and financing the terrorist Zionist gangs whose aim is to perpetrate criminal actions against our people.

All these acts are being perpetrated with the sole aim of expulsion and forced deportation of our people from their land and homes, for the implementation of the Israeli plan of Judaization of the occupied Palestinian areas and the achievement of their ultimate annexation to the Zionist enemy entity.

The Zionist parties compete in the expression of their hostility and racial Extremism against our Palestinian people by granting protection and by preserving rules and regulations based on the Zionist racist ideology.

Additionally, there is the declared policy of Israel of non-withdrawal from the occupied Palestinian Arab territories, the non-recognition and non-respect of the right of self-determination of the Palestinian people, the non-return of Jerusalem to Palestinian sovereignty and the non-establishment of the Palestinian State in Palestine and the rejection of the will of the Palestinian people and their right to designate their representative - the Palestine Liberation Organization.

On the other hand, the American Administration is intensifying its hostile policies and stands against our Palestinian people, and continues to increase its support to the Israeli enemy entity and to its aggressive expansionist policies, by establishing with the said enemy a strategic military alliance aimed against our Palestinian people and the peoples of our Arab nation.

The American Administration also establishes with the Israeli entity a free-trade zone to support its deteriorated economy, which is basically devoted to war, to expansionism and to the establishment of colonial settlements. This is in addition to the financial and military aid provided to Israel in the form of non-refundable grants and the moral, political and diplomatic support granted by the United States Administration on all international levels to the extent that it hinders the implementation of the international laws of the international community and impedes the condemnation of the crimes and aggressive measures against the Palestinian people under occupation.

The American Administration similarly denies our people their inalienable rights as endorsed and reaffirmed by the resolutions of the entire international community and permanently attempts to bypass the Palestine Liberation Organization, the sole and legitimate representative of the Palestinian people, and attempts to distort its image by all possible means.

In the face of these enormous challenges imposed on our people, our people nevertheless continue their struggle and resistance to the oppressive and aggressive Israeli policies and to the hostile United States policies.

The ordeals and hardships will never dissuade nor impair our people's resolve in their struggle, which meets with the support of the peoples of the world, and of their democratic, peace and justice-loving forces.

Similarly, the Palestine Liberation Organization has availed itself of every opportunity in the search for peace. This emanates from its firm belief in the need to achieve justice, peace, stability and development in our explosive area, in the interest of international peace and security.

This feeling of responsibility has prevailed among our people and their representatives in the consecutive Palestine National Councils, which have repeatedly reaffirmed the determination of our Palestinian people to attain a just peace based on the fulfilment and exercise of the national inalienable rights of our people, including their right to return, to self-determination without external interference, and to the establishment of their independent Palestinian State in Palestine.

Based on the resolutions of our consecutive Palestine National Council sessions, and in particular the sixteenth and seventeenth sessions, and also based on the principles of the Fez summit, which reflect the peaceful will of our Arab nation, and in accordance with international resolutions, the Palestine Liberation Organization continues its efforts to achieve a joint Arab political plan which aims to contribute to the attainment of a comprehensive, just and lasting solution to the Middle East

conflict.

It is significant that your Committee is organizing two distinct activities, distinct yet inseparable. The Seminar in which illustrious personalities participate will be complemented by a symposium of the determined "grass roots", the representatives of non-governmental organizations. The message to North America, especially to Canada and the United States of America, will be carried by the militant grass roots with the sincere hope that it will meet with positive response from the Washington Administration and the Government in Ottawa. The message is focused on the attitude of the two States Members of the United Nations which have opted to cast a negative vote when the General Assembly addressed the issue of and recommended a modality, a process, a mechanism for achieving a comprehensive, just and lasting peace in the Middle East. Your Committee did not hesitate in expressing its "regret over the negative attitude of Israel and the United States" and decided to "maintain its efforts for the earlier convening of the International Peace Conference".

The General Assembly, almost unanimously, with the exception of Canada, Israel and the United States, reaffirmed its endorsement of the call for convening the International Peace Conference on the Middle East in conformity with this provisions of its earlier resolutions. Regrettably the United States and Canada responded in the negative. We are not aware of even their response to the appeal of the international community "urging all Governments to make additional constructive efforts and to strengthen their political will in order to convene the Conference without delay and for the achievement of its peaceful objectives".

At this juncture, I wish to extend to the representatives of the NGOs our great appreciation for their unrelenting efforts to mobilize public opinion and to raise their voice in support of the peace process. Such efforts are being concretely manifested in the internationally launched appeal.

In the name of the people who are suffering the immense ordeals of war, oppression and occupation and who strive to achieve peace, in the name of the Executive Committee of the Palestine Liberation Organization, and in my own personal name, I wish to express to you our profound gratitude for the valuable efforts deployed by the Committee on the Exercise of the Inalienable Rights of the Palestinian People and by holding symposia and international conference which have greatly contributed to clarifying and unveiling the justice of the Palestinian cause and in informing the peoples of the world of the legitimacy of the Palestinian struggle for liberation as well as in acquiring the respect and esteem of the peoples of the world to the struggle of our people.

I wish to express here my profound gratitude to Mr. Javier Pérez de Cuéllar, Secretary-General of the United Nations, to Ambassador Massamba Sarré, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and to all those who have contributed to the success of these seminars and symposia in the service of the justice of the Palestinian cause.

I extend to you my sincerest wish for the success of the work of this Seminar and the NGO Symposium.

Revolution until victory.

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V. STATEMENT BY HIS EXCELLENCY MR. NATARAJAN KRISHNAN,  
PERMANENT REPRESENTATIVE OF INDIA TO THE  
UNITED NATIONS, ON BEHALF OF THE CHAIRMAN  
OF THE MOVEMENT OF NON-ALIGNED COUNTRIES

It is indeed a privilege for me to participate in the Twelfth North American Regional Seminar on the Inalienable Rights of the Palestinian People being convened in pursuance of General Assembly resolution 38/58 B. I would like to thank the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People for the invitation to address the Seminar extender to the Movement of Non-Aligned Countries, which it is my honour to represent today.

Non-aligned countries - and naturally the Government and people of India among them - have always felt a particular bond of kinship with the Palestinian people. From the time of the first non-aligned summit meeting, held in Belgrade in 1961, the question of Palestine has been in the forefront of the deliberations and activities of the non-aligned Movement. Non-aligned countries have been particularly active in mobilizing international support in favour of the inalienable rights of the Palestinians and against Israel's action in the occupied territories. It has largely been at their initiative that the majority of United Nations resolutions on the subject have been adopted. Indeed, the support of the non-aligned Movement for the just Palestinian cause and the solidarity of the non-aligned countries with the Palestinian people have been firm, continuous and unwavering, and there is an overwhelming consensus within the Movement on the basic principles pertaining to Palestine and West Asia.

The heads of State or Government of non-aligned countries, meeting in New Delhi in March 1983, had the opportunity to re-examine exhaustively the question of Palestine. They affirmed that:

"A just and durable peace in the Middle East cannot be established without the total and unconditional withdrawal of Israel from all Palestinian and other Arab territories occupied by it since 1967, including Jerusalem, and without the achievement of a just solution of the problem of Palestine on the basis of the attainment and exercise in Palestine of the inalienable rights of the Palestinian people, including the right... to establish the Palestinian independent State in its homeland, Palestine."

The meeting of ministers and heads of delegations of the non-aligned countries to the thirty-eighth session of the United Nations General Assembly in October 1983 reaffirmed their total support of and determination to work for the early attainment of the legitimate inalienable rights of the Palestinian people, including their right to self-determination and to the establishment of an independent State in Palestine. The Ministers endorsed the Geneva Declaration and the Programme of Action adopted at the International Conference on the Question of Palestine, held in Geneva in August and September 1983 and called for the speedy implementation of the recommendations contained in the Geneva Declaration issued at the end of that Conference. In particular, they supported the call for an International Peace Conference on the Middle East to be convened under the auspices of the United Nations with the participation, on an equal footing and with equal rights, of all parties to the conflict, including the PLO as well as the United States and the USSR and other concerned States. They further stressed the primary responsibility of the Security Council to create appropriate institutional arrangements in order to guarantee and carry out any accords that may emerge from such an International Peace Conference.

The New Delhi summit also decided to set up a Committee of Eight at the level of heads of State or Government to support the rights of the Arab Palestinian people in accordance with international law and the will of the non-aligned countries and their peoples and with the specific objective of working to achieve a just, durable and comprehensive peace in the Middle East, enabling the Palestinian people to exercise their rights in freedom and sovereignty in their independent homeland.

The Committee of Eight, at the level of ministers and senior officials, has held several meetings over the last two years and has addressed itself to efforts that should be made in the light of the rapidly deteriorating situation in the region. At its recent meeting at ministerial level, held in New Delhi on 20 April 1985, the non-aligned Committee of Eight reviewed the situation particularly in the light of United Nations General Assembly resolution 39/49 D, which endorses the proposal for the convening of an International Peace Conference on the Middle East. The Ministers greatly appreciated the efforts of the Secretary-General of the United Nations to convene the Peace Conference and expressed their regret at the negative response of some Governments for the proposed conference. They decided to continue actively their collective and individual efforts to mobilize all means available with a view to realizing the implementation of General Assembly resolutions and ensure the convening of the Peace Conference in which all parties to the Arab-Israeli conflict would be invited to participate, including the PLO as the sole and legitimate representative of the Palestinian people. The ministers were of the opinion that the convening of this Conference, under the aegis of the United Nations and with the particular involvement of the Security Council, offers the best if not the only path to the attainment and exercise of the inalienable rights of the Palestinian people and to a comprehensive, just and durable peace in the Middle East.

The meeting of ministers and heads of delegations of non-aligned countries to the thirty-ninth session of the United Nations General Assembly, held in New York in October 1984, stressed anew the necessity for the early convening of the International Peace Conference on the Middle East. They stressed that every encouragement and support should be extended to the Secretary-General to pursue his consultations for the convening of the International Peace Conference on the Middle East. The meeting reaffirmed that the question of Palestine was the core of the Middle East problem and the root cause of the Arab-Israeli conflict. Therefore, any partial solution or any solution limited to some aspects of the conflict and excluding the rest would not be possible. The ministers further stated that "a just peace cannot be established in the region except on the basis of Israel's total and unconditional withdrawal from all Palestinian and Arab lands occupied since 1967; the inadmissibility of obtaining land by force; and the regaining of all the inalienable rights of the Palestinian people, including the right to return to their homes, to self-determination without external interference and to establish their independent sovereign State on their own land."

If I have gone into the activities of the non-aligned Movement in support of the Palestinian cause at some length, it is to emphasize that support for and solidarity with our Palestinian brothers and sisters has been a fundamental feature of our Movement.

I wish to take this opportunity to pay tribute to the Committee on the Exercise of the Inalienable Rights of the Palestinian People in its search for a just solution to the question of Palestine. The Committee's contribution in this regard has been significant. The programme of implementation of the inalienable rights of the Palestinian people drawn up by the Committee has repeatedly been endorsed by the General Assembly by large majorities. The efforts of the Committee towards the early convening of the peace conference and to mobilize public support for the Palestinian cause have been untiring. I am confident that this Twelfth Regional Seminar will contribute greatly to the efforts of the Committee. I wish your deliberations every success.

India's sympathy for the Palestinian Arabs has been part of our foreign policy since its very inception. Their struggle may be long and arduous; but we have no doubt that the ultimate victory will belong to them. India has consistently advocated that a just and comprehensive solution to the problems of West Asia should comprise the exercise by the Palestinian people of their inalienable natural and human rights, including the right to establish an independent State in their homeland, the total and unconditional withdrawal by Israel from all Arab territories occupied since 1967, including the city of Jerusalem and a guarantee for all States in the region, including Palestine, to live within secure and recognized borders.

In conclusion, I quote from the message addressed by H.E. Mr. Rajiv Gandhi, Prime Minister of India and Chairman of the Non-Aligned Movement, on the occasion of the International Day of Solidarity with the Palestinian People, 29 November 1984:

India has always seen the Palestinian struggle as an unfinished resolution that began with the great freedom movements in the early part of this century against imperialism and colonial rule. While almost all ex-colonial countries have attained independence, the Palestinians continue their search for a national homeland.

The Non-aligned Movement recognized the Palestine Liberation Organization as the sole and legitimate representative of the Palestinian people. There is a major struggle ahead. To achieve success we must remain steadfast and united as only then can we succeed. On its part India remains committed to exert all efforts in the cause of our Palestinian brothers."

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#### VI. STATEMENT BY HIS EXCELLENCY DR. CLOVIS MAKSOUD, PERMANENT OBSERVER OF THE LEAGUE OF ARAB STATES TO THE UNITED NATIONS

I would like to convey to your Excellency, to Ambassador Sarré and to the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the greetings and the support of the League of Arab States (LAS). The Palestine Liberation Organization (PLO) is a full member of LAS, and the Arab nations as a whole are committed to the realization of the legitimate objectives to which this Seminar is dedicated.

This regional Seminar is targeting, as we know, North America, namely the United States of America and Canada, two countries that have repeatedly stood in a state of confrontation against the realization by the Palestinian people of their right to self-determination. In so doing, they have produced all sorts of reasonings.

Inasmuch as the two countries have been targeted by this regional Seminar in order to mobilize and raise the consciousness of the American and Canadian peoples, it might be worthwhile during these deliberations for the Arab League to try to spell out some of the talking points that are necessary to challenge the reasons why the United States, in particular, and Canada, stand in such a state of confrontation.

We have been entrusted in this regional Seminar with the task of mobilization and consciousness raising. This means that we have to spell out some of the talking points. In other words, we have to undertake two simultaneous processes. One is the challenge and confrontational times of the policy of the United States on the Palestinian question. The second is how to persuade the peoples of these two great countries to publicize the situation and to endeavour to bring about an erosion of the bias that characterizes the policies of the United States with regard to the Palestinian people. The task, as we conceive it, of this regional Seminar is to decide how the United Nations, through the input that we are going to make, can realize a breakthrough into the constituency of conscience that lies in the United States and Canada. This undoubtedly involves a strategy of information, and as elaboration of the mechanisms and modalities by which the United Nations can be energized further in publicizing the basic objectives of the international community and of the United Nations resolutions pertaining to the right of the Palestinians to self-determination.

The focus we envisage is the approach, the mechanism, the modalities and the instrumentality by which the United Nations can make its resolutions more relevant to a wider sector of public opinion in the United States and Canada. We all know what the international community wants and we all know what ought to be done. It is important that we ask ourselves how it can be done, especially such a difficult and challenging arena as the United States.

It is in this direction that I think we should spell out some of the talking points by which we can discuss, dispute and confront some of the attitudes that are held very strictly by the United States Government and, unfortunately, by a large number of opinion formers and decision-makers in the United States and Canada.

Let us at the outset not only satisfy ourselves by repeating what we believe in and describing the measure of our commitment to our beliefs and convictions, but more importantly, let us translate those convictions into concrete position-taking, debating points, reasoning, persuasions and ultimately, perhaps, the use of sanctions if that is needed. We will try to avoid sanctions because it is necessary for those who are interested in a dialogue with the United States and Canada to persuade them to join in the international consensus. For that reason, we should spell out some of our beliefs and the best means of conveying them.

One, what is the Palestine Liberation Organization (PLO)? PLO has been defined and recognized as the sole legitimate representative of the Palestinian people. That is true, the United Nations knows that. Everybody in the world knows that, even the United States. The problem is not the awareness of this legal and political and national reality; the problem is why the United States does not find it possible to join the international community in granting PLO the legal, political and national status to which it is entitled. The answer is that we have to convey to the American and Canadian people the fact that PLO is not only the representative of the Palestinian people and the leader of a struggle for national liberation and self-determination, it is the framework of Palestinian peoplehood and, more than that, it is, for the Palestinians, a state of mind in the absence of their State.

Therefore any attempt to circumvent the representativity of PLO or to procrastinate about its role and the commanding aspirations that it has for the Palestinian people under occupation and for those who have been dispersed must be seen by such pragmatic societies as the United States and Canada as, ultimately, as exercise in futility if there is a serious commitment on the part of those States to achieve a comprehensive, durable and just peace in the Middle East.

Hence, it is important that we convey, in so far as possible, the facts and realities of the role of PLO and how it is perceived by the Palestinian people. It has been argued that within PLO there are differences of opinions that sometimes reach acute disputes. Let it be said to the American and Canadian public that the disputes among the Palestinians concern the potential for persuading the United States to join in the international consensus.

Most Palestinians still believe, as do many of the Arab States, that it is possible to persuade the United States that some of the obstacles and constraints regarding recognition of and dealing with PLO that were imposed by the former Secretary of State and still remain can be abandoned. A growing minority feel that the United States Government and its policy makers are unpersuadable and that they will continue to attempt to erode the credibility, and effectiveness and representativity of PLO. Hence, the function of this regional seminar, in our opinion, is to decide how to convince those in the United States and among the Palestinian constituency that persuading the American public is not, ultimately, an exercise in futility.

My second point concerns the United Nations-sponsored International Conference. What can the talking points be on this level? One, it is the objective of the Palestinians, as well as of the Arab States as manifested in the resolutions of the Arab League Summit Conference held at Fez, that we enable the United Nations to play a constructive role in achieving a durable and just peace in the Middle East.

We do not want, and I think that there is a growing number of people in the United States and Canada who also do not want, to see the conflict and crisis management in the Middle East dealt with from the viewpoint of East-West confrontation or the cold war. It is therefore crucial that one of the talking points that this regional seminar can make is to enable the American and Canadian public to realize that crisis management and conflict resolution in the Middle East can be in their own interest, namely the permeation of détente and coexistence among the super-Powers.

Instead of enabling the resolution of the crisis in the Middle East to be a further manifestation of confrontation of the super-Powers and other international interests, we consider that, as the United Nations Secretary-General spelt out in his call to an international conference, not only would this enable the resolution of the conflict in the Middle East to have a better chance, it would be a contributing factor to the relaxation of international tension and the achievement of coexistence. And if the leaders of the Soviet Union and the United States are intending to meet, and we welcome this meeting, at Geneva next November, it behoves us at this moment to intensify our efforts at the United Nations to link the international conference with the prospects of consequential results on the Middle East towards these two basic objects.

In the United States and Canada, there has long been a false debate, which unfortunately has surfaced in the mass media, pertaining to which Palestinians will talk to

the United States. This is a false debate, intensified in a further attempt to circumvent. Never in the history of modern diplomacy has there been an instance where an adversary has sought to choose the negotiator. Even if he wanted to do so, he would not find one in the Palestinian community. If a negotiator were found, he would not be able to deliver on whatever commitment was made during the negotiating process. Therefore, this would not only be an exercise in futility, but a deliberate attempt to circumvent the will of the Palestinian people and their reasonable expectation of consequential negotiations, wherever they might take place. While we appreciate the endeavours and the tasks of this regional Seminar, we hope that, in addition to confirming existing commitments and positions, it will try to evolve the talking points in an articulate manner so that the United Nations, through its information centres in the United States and Canada end through a direct commitment not to consider this Seminar as just another regional seminar, will inform the public of the region, in particular, that the challenge is at its maximum and we therefore need maximum mobilization. In that respect, Mr. Chairman, the Arab League, its Palestinian Department, and the League's missions to the United States and the United Nations, as well as its information centres in the United States and Canada, will be at your disposal, in the light of these suggestions you might take.

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VII. STATEMENT BY M. MAMOUDOU KANE,  
ASSISTANT EXECUTIVE SECRETARY  
OF THE ORGANIZATION OF AFRICAN UNITY

First of all, on behalf of the Organization of African Unity, I wish to thank you for the invitation to participate in the Twelfth United Nations Seminar on the Question of Palestine. OAU is pleased that the United Nations, through the Committee on the Exercise of the Inalienable Rights of the Palestinian People is continuing to hold this kind of very important international meeting in order to sensitize and mobilize international public opinion with regard to the tragedy that the martyred people of Palestine has been experiencing for well nigh forty years. I avail myself of this opportunity to say how much OAU appreciates the untiring efforts of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to achieve that people's reinstatement in its rights. The members of this Committee and its Chairman, the distinguished Ambassador Sarré of Senegal, deserve to be congratulated.

At its twentieth ordinary session, held at Addis Ababa in November 1984, the Assembly of Heads of State and Government of OAU adopted resolution 123 on the situation in the Middle East, operative paragraph 11 of which reads: "LAUNCHES AN URGENT APPEAL to the international community to exert on Israel a really effective pressure in all fields in order to compel it to comply with the decisions of the international community and REITERATES its request to the Security Council to take the necessary measures to compel Israel to put an end to its occupation of the Arab and Palestinian territories and to enable the Palestinian people to exercise their national rights in conformity with the recommendations adopted by the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People."

You will understand why the numerous resolutions on the question of Palestine adopted by the United Nations, the Movement of Non-Aligned Countries, OAU and other international organizations have so far all remained a dead letter owing to Israel's refusal to comply with them thereby flouting the will of the entire international community. This is the sad conclusion that one must draw today.

Ever since it was founded, Israel has been presenting the world with faits accomplis. Since that time, it has embarked upon a dangerous, large-scale policy of expansionism, systematically annexing Palestinian territories, and establishing there settlers who are estimated today at tens of thousands; it has thus uprooted the Palestinian people from its land, expropriated that land and driven the Palestinian people into exile. These terrorist methods applied by Israel for the acquisition of land by force, which violate the rules of international law, are the same ones employed by the racist régime in South Africa and Namibia against the peoples of those countries. In the land of apartheid too, the black population is robbed of its land, dispossessed, harried and stripped of its nationality. In both countries, there is the same denial of fundamental human rights, the same terror and the same savage repression which force hundreds of thousands of men, women and children to flee their country and go into exile. The Palestinian people, like the peoples of South Africa and Namibia, is enduring the same suffering and going through a similar tragedy because of the existence of two racist and Zionist doctrines, which constitute a real threat to international peace and security, and have been rightly characterized, respectively, by the United Nations, as a crime against humanity and as a form of racism and racial discrimination. The similar nature of the racist and Zionist régimes in South Africa and Israel led them to collaborate in a number of areas in order to maintain their domination over the Palestinian and African peoples. OAU very quickly became aware of the danger of this collusion and strongly condemned it. That is why, at its Twelfth Summit Conference, held at Kampala, Uganda, in 1975, OAU adopted a resolution in which it declared that the racist régime in occupied Palestine and the régime in South Africa had a common imperialist origin, formed as a single whole, had the same racist structure and were organically linked in their policy of trampling upon the dignity and integrity of human beings. The support of the international community for the just cause of the Palestinian people and the struggle which it wages, under the leadership of the PLO, its sole, legitimate and authentic representative, for the recovery of its national rights in Palestine, represents the duty of all peoples who love peace, freedom and justice. It is the duty of member States of OAU to give their unswerving support to the Palestinian cause, a duty which requires Afro-Arab solidarity. Our two worlds are united by historic links of brotherhood and solidarity and thus for OAU, the Palestinian cause is both an African and an Arab cause.

Today, as the international community is preparing to commemorate the fortieth anniversary of the United Nations, it is fitting to remember that the people of Palestine has endured and continue to endure unspeakable suffering. It is time, high time, for this martyred people to enjoy its inalienable national rights: its right to return to its homeland, Palestine, its right to self-determination and to establish an independent State in the land of its ancestors. The time has come for the international community to put an end to the conspiracy against this people that has had to face massacre, emigration and exile. It is urgent, therefore, that the strongest pressure be exerted on Israel to compel it to comply with the Charter of the United Nations. This pressure is particularly necessary since Israel has once again displayed its bad faith by rejecting the idea of holding an international peace conference on the Middle East, an idea which was put forward by the Geneva International Conference on the Question of Palestine, held by the United Nations in 1983, and was subsequently endorsed by a resolution of the General Assembly at its thirty-eighth session.

Those member States of OAU which gave their support to this resolution feel that any search for a comprehensive and lasting solution to the conflict in the Middle East, of which the question of Palestine is the very core, that does not allow the PLO, the sole legitimate representative of the Palestinian people, full participation, will be futile.

Before concluding, let me reaffirm the steadfast resolve of OAU to strive earnestly, and to do everything in its power to achieve a just and lasting solution to the question of Palestine.

The Palestinian cause is a just cause and it will triumph in the end. We in OAU are sure of this.

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VIII. STATEMENT BY HIS EXCELLENCY MR. YOUSSEF SYLLA,  
PERMANENT OBSERVER OF THE  
ORGANIZATION OF THE ISLAMIC CONFERENCE

It is a great privilege for me to participate in the twelfth Seminar on Palestine on behalf of the Secretary-General of the Organization of the Islamic Conference, who has requested me to transmit to you his greetings and his support for all the actions of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. In so doing, I should like to express here the gratitude of my organization to the organizers of this important Seminar. The Palestine Liberation Organization (PLO), is a full-fledged member of the Organization and we support and defend wherever necessary its interests, both material and others.

The Organization of the Islamic Conference has, since its very beginning, supported the Palestinian cause. This support has been manifested in the many resolutions and declarations adopted by the Conference of Heads of State and Foreign Ministers of the Organization of the Islamic Conference and its positions have, without doubt, played a role in the efforts undertaken by the international community to find a just and lasting solution to this difficult and vital question for international peace and security, that is, the question of Palestine.

The Palestine question is undoubtedly at the heart of the Middle Eastern problem and is the most important problem, as well as the most dangerous one, in the world,



and has been for the second half of this twentieth century. As is well-known, this region has seen a series of destructive wars which were basically aimed at depriving the region of security and liberty the origin of which as the persistence of the Zionist entity in depriving the Palestinian people of their right to self-determination and their right to a homeland.

The historical and legal aspects of the Palestinian problem are the main topics of deliberations during this Seminar. These aspects remain important and they should continue to be highlighted. But preceding conferences have been fairly exhaustive in highlighting the solid legal arguments and there is now no doubt whatsoever that the Palestinian people were driven from their lands after having lived there since time immemorial. These lands have always been an integral part of the region from a physical and an ethnic point of view and also as a result of geographical, linguistic and sociological affinities based on tradition and customs. There is no doubt that the Zionists, with the support of the great Powers, drove the Palestinians from their homes and implanted in occupied Palestine an entity which from the very beginning was an avowed enemy of the Arab nations and of Muslims.

Therefore, we must pay tribute here to this Seminar and to other conferences organized by the various regional institutions for their contribution to a better understanding by world public opinion of the Palestinian cause. One of the most obvious results of such conferences is the firm conviction which we can see everywhere in the world evidence of the legitimacy of this cause and the right of the Palestinian people to return to their homeland, to determine their own fate and to establish an independent State on the land of their ancestors.

What cannot be denied is that, as this conviction becomes firmer and as resolutions in the United Nations multiply, the Israeli occupation of Palestine unfortunately remains, with new settlements being established by the Zionist entity and new aggressions being committed in the region. The most serious of these was the invasion of a sovereign Arab country, Lebanon. Pressure on this country to force it to conclude unequal treaties, unprecedented massacres in the camps of Sabra and Shatila, the bombing of the Iraqi nuclear reactor and the sacrilege committed in Al-Quds, as well as many other war-like acts, were all aimed at stamping out Palestinian characteristics. The world press reports on such events every day.

More than once, the world has supported the rights of the Palestinians and has proclaimed its indignation against Israel and its actions against this fighting people and the neighbouring peoples. The most surprising thing is that Israel is at present almost totally isolated but, nevertheless, it has not hesitated to continue to defy the international community by pursuing a policy that the world has condemned on many occasions. What must we deduce from this? Does Israel have sufficient means to defy the world? Or is it because of the lack of seriousness shown by the world so far in dealing with Israel's intransigence?

The world knows that Israel is an artificial entity and that it lacks the necessary means to confront the international community alone either politically, economically or militarily. It cannot rely only on its own potential; it derives most of its power from the continued political, economic and military support of the United States. Thus, it is able to violate all customs and laws while being assured of this support. We also must say that Israel takes advantage of the passive character of the verbal positions adopted towards the Palestinian people and their fight for their rights, positions that ultimately have not stopped carefully drawn-up plans of aggression.

Bitter realities confront us today, realities that have included the criminal aggression against Lebanon, in the face of which the world has remained passive in spite of Security Council resolutions demanding the unconditional withdrawal of foreign troops from this peaceful country. The resolution of this question has, as usual remained a dead letter. Even worse, one of the super-Powers, which has assumed enormous responsibility in the world, has concluded an agreement between Israel and Lebanon which only complicates the situation and poisons the conflict even more instead of solving the problem. Under these conditions, how can the United Nations and especially the United States maintain their credibility when the United States has behaved so arbitrarily and so abusively in violation of international law and Security Council resolutions which have remained without effect?

We cannot help recalling the carnage of Sabra and Shatila which will be commemorated in a few days. The United Nations has done nothing to establish the responsibility and culpability of Israel for this abominable crime. We also cannot help citing the crimes committed against people praying in Al-Khalil, which have also been known throughout the world. Nothing has been done to prevent the aggressors from repeating these acts.

This is the situation of the Palestinian cause today, a cause of a people of whom, half have been exiled and the other half threatened daily with extermination by an artificial entity that defies the international community. This community has supported the rights of the Palestinian people but has done nothing to stop the criminal frenzy of Israel. What are the positive means that the international community could have used to put pressure on the United States within the framework of international law recognized by all? The answer is clear. International forums have simply appeased their consciences in order to preserve their positions among the Arab and Islamic countries, limiting themselves to professions of faith and exclamations of indignation. The psychological impact of these professions of faith grow fainter but concrete reality remains, that is, the criminal and war-like plans of Israel. This is why the Conference of Heads of States and Foreign Ministers of the Organization of the Islamic Conference have on many occasions reaffirmed the foremost cause of Muslims, and have insisted that peace cannot be achieved in the Middle East except by the re-establishment of the full rights of the Palestinian people and the global and just settlement of the Palestinian problem with the participation of the main parties involved, in keeping with the principles of the Fez Plan and those set forth by the International Conference on the Question of Palestine held at Geneva and endorsed by the United Nations.

Once again, we must recall before the whole world that the Zionist entity, far from being contented with ignoring international resolutions and world opinion which support the historic rights of the Palestinians, has, since its creation, resorted to all forms of terrorism, oppression and repression against this people and their land, in order to change its composition and to Judaize it before forcibly annexing it. On behalf of millions of Muslims scattered throughout the world, the Organization of the Islamic Conference condemns the fascist Zionist aggressions against the Islamic holy places and the Palestinian people in the West Bank and Gaza, totally rejects the plan to Judaize the holy city of Al-Quds, and condemns Israel's colonialist policy and the annexation of territory by force. The Organization of the Islamic Conference reaffirms its solidarity with and absolute support for the struggle of the Palestinian people, both within and without, and salutes the revolts and uprisings of Al-Aqsa, Harem Al-Ibrahimi and all sanctuaries in the occupied territories.

We cannot overemphasize the fundamental points of the various OIC resolutions that the Palestinian people have:

- a. the right to their homeland;
- b. the right to return home to Palestine and to recover their goods in keeping with the United Nations resolutions;
- c. the right to self-determination and to be protected from outside intervention;
- d. the right to exercise freely their sovereignty on the soil of Palestine and the right to its natural resources;
- e. the right to establish a national, independent and sovereign State in Palestine with Al-Quds al-Sharif as the capital under the aegis of the PLO.

All Muslim peoples, aware of the importance of the United States of America, must pray that justice is rendered to the Palestinian people in keeping with international law and the resolutions adopted at international forums and must patiently wait to see if the United States takes the path dictated by its own principles in the matter of human rights and the rights of peoples freely to determine their own future.

They also call upon the European countries and the international community to assume their responsibilities and adopt the measures necessary to stop Zionist arrogance, to freeze the colonizing policy to evacuate the occupied Arab territories and to recognize the inalienable rights of the Palestinian people and, in particular, their right to create an independent Palestinian State led by the PLO, its sole legitimate representative.

What we would like to stress here is our absolute certainty that there will be no peace or stability in the Middle East without a settlement of the Palestine problem and that the situation in this dangerously sensitive part of the world threatens world peace and exacerbates international tension.

Today, the States Members of the United Nations are called upon to strike a balance between their words and their deeds, between their principles and their commitments to carry out United Nations resolutions. Their task involves nothing that is new or unexpected: it is merely to apply the provisions of the Charter of the United Nations which concern the sanctions to be imposed on any State which refuses to co-operate with the United Nations in the maintenance of world peace and respect for the right of peoples to self-determination.

The Zionist entity will have noted the sterile manner in which the world community has so far reacted to its policy. It has thus become convinced that everything that this community passively rejects today will become in time an acceptable reality. As a result, the just settlement of the Palestine problem will become more and more difficult while the annexation of the Arab territories occupied by force will end up by becoming an irreversible fait accompli.

In these important circumstances, we can only exhort the international community to take a realistic view of the situation and to recognize that the Israeli entity is pursuing its aggressive plans and is totally unconcerned about the reaction of the international community. That community remains entrenched in formal positions which are of no benefit to the Palestinian people.

The United Nations has the responsibility for taking action to extricate the Palestinian problem from this impasse by carrying out the measures laid down in the Charter. Such an important initiative requires the adoption of a courageous attitude by the United States and their allies. This will not be difficult provided that their actions are based on international principles and laws and provided that the big Powers understand that, if they persist in taking negative positions vis-à-vis the

aggravation of the Palestine problem, they will only encourage Israel to persevere with its aggression, will jeopardize their own present and future interests, and consequently seriously endanger world peace.

Whatever the attitude of the United Nations and the big Powers and whatever the contradiction between the principles of those countries and their attempts to shirk their responsibilities in order to pursue their immediate interests, the Muslim world will never abandon Al-Quds or Palestine. We shall never rest until we have attained our objectives.

However big the setbacks and disasters that may lie in our path, they will never retard the advance of the Muslim countries towards their objectives. In other words, Israel cannot both keep the territories and live in peace. It must choose one or the other. Israel and its allies must choose between a peace that would soon be established and a state of perpetual instability. This is a truth of which everyone is convinced.

We are on the eve of a new session of the United Nations General Assembly. We all hope that this problem, which will be brought once more before this body, will be dealt with more seriously and more responsibly. We hope that the Assembly will realize more clearly the gravity of the situation which has resulted from Israel's persistence in its aggressive practices, its disdain for the wishes of the international community and its intransigence in opposing all efforts to establish a just peace in the region.

In other words, this Seminar has a vitally important role. It must convince the participants in the coming session of the General Assembly that the time for empty resolutions and positions of principle is past. It must take positive action to apply United Nations resolutions and the provisions of the Charter, which reflect the unanimous desire to guarantee respect for the rule of law, the maintenance of world peace and the upholding of justice.

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#### IX. STATEMENT BY MR. BEN MOKWENA ON BEHALF OF THE AFRICAN NATIONAL CONGRESS OF SOUTH AFRICA

The African National Congress of South Africa (ANC) is proud to have been given this opportunity to express its unflinching solidarity with the Palestinian people and also to reiterate to this gathering its position on this Middle East conflict. Our proud feeling is motivated by the fact that we are supporting a just people's cause. ANC has always considered and continues to consider the struggle of the Palestinians under their authentic liberation organization, the Palestine Liberation Organization (PLO), a just struggle for self-determination. To ANC, the right of the Palestinians to self-determination remains one of their inalienable rights and is, therefore, not negotiable.

What has to be negotiated is how to stop Israel's aggression in the Middle East, its destabilization policies and its violation of the rights of the Palestinians. There is no doubt in our minds that the source of the conflict in that region is the violent régime in Tel Aviv whose main aim is to evict the Palestinian people from their homes and to turn them into foreigners in the land of their own birth. Such actions, Tel Aviv hopes, will enable it to establish itself as a regional, political and military Power and therefore give it unlimited control over the mineral wealth of the entire region. It is such imperialistic and hegemonistic plans that ANC unambiguously condemns. We hope that there is no confusion as to who the subject is in the Middle East. Israel is the problem, not those who are fighting for their rights and freedom.

We also would like to express our opinion that the Middle East conflict is being complicated and prolonged by the all-round support that the Tel Aviv régime continues to receive from the United States of America. American military and financial assistance to Tel Aviv has undoubtedly hardened Israel's attitude towards the question of Palestinian self-determination. It is this support that has made it possible for Israel to occupy the Arab territories and to carry out its general expansionist plans. As long as Tel Aviv is assured of this support, as long as it is guaranteed political and diplomatic protection by the Government in this country, Israel will continue to resist all international efforts to find a long and lasting peaceful settlement.

ANC maintains, therefore, that the withdrawal of military, financial and diplomatic support to Tel Aviv is as essential an element if the peace effort is to be facilitated and to be successful.

Let us also register our complete support for the proposal of an international conference on the Middle East, a conference which we believe will be a milestone in finding a genuine settlement. Such a conference, we believe, would also serve further to highlight the underlying problem in that region, thereby allowing peace-loving peoples the world over to pool resources and work out further strategies and actions against the intransigent régime in Tel Aviv.

Yet, we must point out that the success of this conference would depend partly on the amount of co-operation that the peace forces received from the United States. It would depend on America's acceptance of the fact that the policies of the Tel Aviv régime, and not PLO, is the source of the conflict in that régime.

In conclusion, I would like to make a direct quote from the 1985 year message of the ANC President to the people of South Africa with regard to the Palestinian problem.

"We congratulate our Palestinian brothers and sisters for successfully overcoming attempts to liquidate the Palestinian struggle. We support the call by PLO for an international conference in furtherance of the struggle for a sovereign Palestinian homeland."

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#### X. PAPERS PRESENTED AT THE SEMINAR

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##### A. The role of the Palestine Liberation Organization

##### 1. Ibrahim Abu-Lughod, Professor of Political Science at Northwestern University, Evanston, Illinois, United States of America

There are slightly more than four and a half million Palestinians today, constituting those who were born in Palestine and their offspring who were born there or in other areas of their dispersion, they neither enjoy nor exercise any political rights as Palestinians anywhere in the world today. Yet they have a deep sense of political obligation to normalize their political status which is reflected in their struggle to retrieve their national rights to self-determination, including their right to independence and sovereignty in Palestine, their return to national identity and representation by their own representative. Over the past three decades, the Palestinians largely succeeded in maintaining that identity despite the forcible measures carried out to obliterate it and in designating their own representative, namely, the Palestine Liberation Organization. By maintaining their identity and having succeeded in designating and sustaining their own representative, they have been endeavouring, by various means, to realize the other components of the right to self-determination. Thus far their endeavour has met with partial political success. Despite many adversities the Palestinians today demonstrate their absolute resolve to press for the attainment of those rights.

The existential reality of the Palestinians today is rooted in a concrete historical event, namely, the dismemberment of Palestine in May 1948. Israel's emergence then on a portion of Palestine had two consequences. First there was the expulsion of Palestinians from areas that came under Israel's control and jurisdiction, who henceforth became known to the world community as the Palestine refugees. Then they numbered about 800,000 and now are slightly more than 2 million. The social, educational and economic development of the refugees became a shared responsibility between the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), created by the United Nations in 1950, the "host" Arab States and later on the Palestine Liberation Organization. Second was the incorporation, juridical or administrative, of the remaining areas of Palestine by Jordan and Egypt. That part of Palestine which came under Jordan's control eventually was legitimated by an act of the Jordanian Parliament in 1950 and became known to posterity as the West Bank; whereas the southern part of Palestine came under

Egypt's control and administration and is referred to as the Gaza Strip. Both parts were to come under Israel's occupation in 1967. Thus the entire area of Mandate Palestine is now exclusively controlled by Israel.

In the period between 1948 and 1967, Palestine as a political and administrative entity ceased to exist. Only in the Gaza Strip was the term Palestine, used without incurring political opprobrium or punishment. Israel displaced its portion of Palestine, Jordan gradually ceased to refer to Palestine and substituted for it the term West Bank. Only in the Gaza Strip, with the approval of the Egyptian Administration, did the term Palestine live on and was used for political and cultural discourse. The cessation of the use of the term Palestine had a corresponding political, juridical and social designation. Palestinians who continued to reside and live in Mandate Palestine acquired, by decrees, a new legal designation. Israel, by its nationality and naturalization law, made it possible for Palestinians who were physically present in their normal residence when the first Israeli census was conducted in 1949 to be given Israeli national status. They are today's Israeli Arabs. Quite a number of Palestinians who were physically present on the territory which was incorporated by Israel but were not physically present in their own normal residence at the time of the census became known to Israeli law and politics as the "absentee-present" persons. The Palestinians living on the West Bank, irrespective of place of origin, were naturalized in accordance with Jordanian law; similarly, Palestinians who found refuge on the east bank of the river Jordan were given the same privilege. Those that remained in the Gaza Strip, who found refuge in Syria, Lebanon, Iraq and Egypt, became stateless but under the control and subject to the rules of the countries in which they resided. A limited number of individuals in the latter category succeeded eventually in acquiring the nationality of the country in which they lived. But today the vast majority of this category of Palestinians remain stateless. Clearly these number over a million persons today. The following table summarizes the national status of Palestinians today:

National status of Palestinians, 1985	
Jordanians in Jordan, the West Bank and elsewhere	2 652 000
Arab nationalities	106 900
Israelis	578 000
Foreign nationalities	158 620
Stateless	1 182 060
Total	4 677 580

The fragmentation of the Palestinian people and their separate and distinct political status and type of political and juridical control exercised on them had practical effects on their lives. As a people they ceased to possess a national authority to guide, direct and sustain their national life. Their cultural, social and economic institutions were no longer under their own control or volition. In terms of work and individual social, economic and political rights these were, when exercised, acquired as a result of their new status.

Thus, in political terms, Palestinians residing anywhere except in the Gaza Strip until 1967 were proscribed from organizing themselves into political parties, were prevented from campaigning on a Palestinian political platform and were unable to project a Palestinian political leadership that would speak for or represent the entirety of the Palestinian political community. Even today, with the assumption by the Palestine Liberation Organization of the leadership of the Palestinian people, specifically Palestinian political activity designed to enhance their social, economic or cultural rights is proscribed in most States where Palestinians reside. As a result of such externally placed constraints, Palestinians tend to, when wishing to organize themselves for national Palestinian endeavour, to do so in semi-legal or illegal fashion. Today, the Palestinian movements comprehended by the Palestine National Council and generally identified as the constituting elements of the Palestine Liberation Organization are essentially organized for the specific purpose of liberating Palestine and for the most-part exist on the margin of legality of the States where they function. In Israeli-occupied Palestine any association with a specifically Palestinian organization or national goal conforming to the Palestine National Charter is contrary to Israeli law or the decrees of the Israeli military occupation of the West Bank and the Gaza Strip.

The disabilities described above have not prevented the Palestinians from engaging actively in politics. Their activity was essentially motivated by two broad considerations: on the one hand, to continue their struggle to retrieve their national rights which therefore pushed them to engage in Palestinian national politics; second, to take advantage of existing political opportunities to improve their social, economic and educational conditions. As a consequence of these two considerations, Palestinians pressed for a national Palestinian authority that would address itself to their national rights.

The eventually materialized when the Palestine Liberation Organization emerged. That came about in 1964 in the wake of the Palestinian National Congress that was held in May in Jerusalem. The Congress, convened largely as a result of the initiative of a previously active Palestinian national leader, Mr. Ahmad Shukairi, blessed by the Government of Egypt, then led by the late President Jamal Abd al-Nasser, resolved to establish the Palestine Liberation Organization and mandated that organization to mobilize the Palestinian people for the task of liberating Palestine (then simply Israel). From a very simple and controversial beginning, the Palestine Liberation Organization in due course acquired its legitimacy from the Palestinian consensus which made it possible for the Arab States collectively at the Rabat Summit Conference in 1974 to recognize it as the legitimate representative of the Palestinian people. It was eventually to obtain similar recognition from the majority of the States of the world. Once that was accomplished, its acceptance by the United Nations as the representative of the Palestinian people followed. That took place also in 1974, when the General Assembly adopted a resolution (3210 (XXIX)) inviting the Palestine Liberation Organization to participate in the United Nations as an observer. The PLO acquired similar status in all specialized agencies of the United Nations. At present, the PLO maintains diplomatic/informational missions in all United Nations agencies and in the capitals of some 90 countries.

The Palestine National Charter adopted in 1964 by the Palestine National Congress outlined the general principles and ideas which should guide Palestinian action. In addition, it defined with considerable ambiguity the path to the realization of the formulated goal of liberating Palestine (which then meant only Israel). The National Council of 1968 and its later amplifications projected a solution to the question of Palestine that was consistent with Palestinian self-determination as well as the reality of an Israeli Jewish presence in Palestine/Israel. Similarly, the projected solution dealt forthrightly with the anomalous status of both the West Bank and Gaza. Under the guidance of the highly organized militant group of which the PLO was composed, the vision of a democratic secular polity for Palestine was projected. That vision in essence rejected any sectarian or national basis for the future Palestinian polity. Underlying that vision was the concrete existence of two peoples on the same land, one Palestinian Arab --the other Israeli Jewish. The national affiliation of the Palestinians with the Arab people was of no consequence to the political organization of the projected Palestine; similarly, the religious affinity of Israelis with Jews elsewhere was to entail no special political right or obligation. Instead of accepting the two people as separate and hostile communities, the vision of the democratic secular polity was predicated on the assumption that Palestine was to be constituted of persons whose individual rights were primary and equal. The democratic secular concept challenged both Israeli Jews and Palestinian Arabs to accept coexistence in the same polity on the basis of full equality.

The Palestinian movement of national liberation, in its organizational form, was fully aware that this goal conflicts with Zionism and its embodiment in Israel. Additionally, the movement viewed Israel as an extension of European/American imperialism which would therefore marshal its resources to resist the new formulation. Thus the Palestine Liberation Organization adhered to the second principle: that the democratic secular polity in Palestine will not be realized except by engaging in armed struggle by Palestinian masses. Towards that end, the PLO undertook more effective measures to mobilize the Palestinians and organize them, recruited military cadres and obtained material and political support for that programme. In the process of doing so, the Palestine Liberation Organization succeeded in reorganizing the Palestinian people, in refocusing the loyalty of the Palestinians as well as in challenging the legitimacy of the Arab States' exercise of control over Palestinians within their domain. The PLO additionally undertook that Israel's control of the West Bank and Gaza must be challenged by all means, including militant action, and it rendered material, political and economic support to Palestinians there to resist Israel's occupation. Finally, as an organization that spoke for and represented the Palestinian people everywhere, the PLO viewed its functions as including its duty to organize the Palestinian communities everywhere and to provide them with support, security and welfare.

To translate these visions and goals into reality, the PLO had to create a viable organizational structure to enable it to carry them out programmatically and concretely, hence the emergence of the bureaucratic structures of the Palestine Liberation Organization to serve the manifold needs of its constituency. It is now possible to specify the principal roles which the Palestine Liberation Organization has played nationally, regionally and internationally. For it should be clear, on the basis of a careful reading of the Palestine National Charter, that the PLO, conceived of as the principal national authority of the Palestinian people, was to carry out the tasks assigned to it in three different arenas: among the Palestinian community regardless of its locale, within the region of the Arab States among

which a majority of the Palestinians now live and whose connection with the Palestinians is national and political; and internationally. The international dimension of the question of Palestine was long recognized by the Palestinians since it was all too evident that the success of the Zionist movement was made possible by its affiliation with the Euro/American system of power; in the wake of the transformation of the world system and the emergence of both the socialist system and the non-aligned States, Palestinians perceived among these a critical potential for support for their struggle for self-determination, for independence and sovereignty in Palestine. Hence today, as it has been since its emergence in 1964, the PLO has been active and perceives its roles in these three arenas.

Today the Palestine Liberation Organization represents the embryonic Palestinian State and Government. In that sense its first role is that of a State and government. As a State, its constituency is the entirety of the Palestinian people, who, as a consequence of their historic development and encounter with Israeli control and their dispersion, have solidified their national identity and specificity. Over time, their consciousness of themselves as a distinct national community has become the justification of their consideration as a nation, either subjugated or displaced. The PLO, a representative of this nation, is predicated on the right of this national community to determine its destiny. Accordingly, this is translated in a formal sense in the Palestinian National Council, which is the highest policy-making body of the Palestine Liberation Organization. At present, the Council is composed of approximately 400 members presumed to represent all sectors of the Palestinian people, geographically and functionally. The Council has allotted certain seats to Palestinians in the occupied areas, but Israel's control has prevented those members from attending regularly the sessions of the Council. The membership of the Council is drawn from three separate categories: the militant organizations (Fath, Popular Front for the Liberation of Palestine, Popular Democratic Front, etc.) in proportion to their actual or presumed strength; popular associations such as teachers' unions, women's unions, students' union, writers, workers, etc.; and independents, that is, individuals who are not affiliated with any of the above or designated by the above. While representation is not solely premised on geographic principles of distribution, geography does play an important role in designating members of the Council. Thus members drawn from the three categories mentioned usually are drawn from the geographic spread of the Palestinian people. In short, function, geography and politics play an important role in the designation of the membership of the Council. Looked at in a different way, the Council, as a representative of the Palestinian people, reflects Palestinian pluralism. It is a multi-party Council and reflects all political tendencies present in the Palestinian political community. The Council debates all Palestinian issues at its annual meetings. Usually these meetings last about one week, at the end of which two sets of actions are adopted: one is the complex set of Policies that the Executive is to pursue in the coming period. Such policies relate to finance, to military activities, to political strategy or to programmatic functions such as the creation of functional departments -- education, social welfare, culture, etc. In this regard it is perhaps appropriate to point out that major political programmes become binding on the Executive only when so mandated by the Council. For example, the modification of the Palestinian programme aiming at the creation of a democratic secular State took place within the Council at three separate sessions: first, at its meeting in 1974, the Council adopted a Provisional Programme that accepted de facto Palestinian authority over the West Bank and Gaza should Israel withdraw, this was subsequently amended in 1977 to demand an independent Palestinian State under the control of the Palestine Liberation Organization. It was in the pursuit of that modified programme that the Executive Committee made its appeal to the United Nations in 1981 to support the establishment of an independent Palestine specifically in the West Bank and Gaza. The second action of the Council is the election of the Executive Committee and its Chairman. Thus far the practice has been to elect, by secret ballot, 15 persons who for all practical purposes act as the Palestinian cabinet. The Committee is responsible for implementing administratively, politically and militarily the policies which the Council has adopted. The Committee elects its Chairman; for the past 16 years, Mr. Yasser Arafat has been its Chairman. Essentially he assumes the functions of president and prime minister; each member of the Executive Committee is responsible for a particular functional department. These departments perform functions that advance the social, economic, cultural, educational and military interests of the Palestinian people. Over the years, a distinct Palestinian bureaucracy to man the various tasks and functions of these departments emerged and it is subjected to rules and regulations of service approved by the Palestine National Council. Excluding the military cadres of the Palestine Liberation Organization, the Palestinian bureaucracy comprises approximately 5,000 persons whose jobs and livelihood are directly connected with their functions as Palestinian civil servants in the PLO.

The Council has also created additional authorities to facilitate Palestinian national retrieval. It has created higher councils for education, for culture, for literacy, for economic development, a Palestine National Fund (combining treasury and commerce), a Palestine Red Crescent Society (public health) and so forth. It has granted recognition to syndicalist and professional associations. In that sense it plays the role of a government. As a government, it supervises the Palestine Liberation Army and other militant groups; it has taxing powers; it maintains the Palestinian civil service; it sends and receives ambassadors; it has a legal system and so forth. And as a government, it is accountable to its Parliament -- the Palestine National Council. The following organizational chart illustrates the structure and component units of the PLO (see end of text of statement).

Perhaps the second most important role, implicit in our earlier discussion, is the ideological one. By that it should be understood that the PLO put forth a number of ideas which are intended to clarify the goals for which it was striving on behalf of the Palestinian people. Ideologically the PLO conceptualized the nature of the question of Palestine. Adhering to the principles of the National Charter, the PLO views the Palestinian people as an indivisible national community -- therefore rejecting its current forced dispersion and national fragmentation -- rooted in a specific land, namely, Palestine. Additionally, it views the Palestinian people as constituting a part of the Arab national community and at the same time conceives Palestine to be (1) the national homeland of the Palestinian Arab people and (2) part of the Arab national homeland. In that sense, then, the PLO will strive to maintain Palestinian Arab culture, sustain it and contribute to its growth and development by various institutional means. At the same time, it will strive to maintain the cultural basis of Palestine itself as a part of the Arab national homeland. Therefore Israel's actual policies of erasing the Arab cultural basis of Palestine, or transforming its character, will be opposed, similarly, Israel's efforts to undermine the cultural basis of Palestinian life will be resisted by all means.

Second, the PLO views Israel as being the outcome of the colonial effort of Europe to colonize part of the Afro-Asian world and therefore has identified the question of Palestine as a question of national liberation. Put in the simplest terms, the PLO views the struggle of the Palestinian people as a struggle of a colonized population against a form of colonialism known as settler colonialism. In that sense Israel is viewed as a colonial settler State that was implanted on a part of the Arab national homeland with the active support and sustenance of the European/American system of power. To resolve the question, the Palestinians will have to obtain the support of States that reject colonialism, ideologically, structurally and culturally.

Third, the PLO was able to define the nature of Palestinian rights. Put in the simplest terms, the PLO articulated these national rights in terms of self-determination. As it articulated this concept, what is meant by the Palestinian right to self-determination became clear: that means, as accepted by the Palestinian people and ratified by the international community, the Palestinians are entitled to their right to national identity, to an independent sovereign State in Palestine, to the right of representation by their sole legitimate representative, the Palestine Liberation Organization, and to return to their historic soil. It was this articulation of Palestinian national rights -- first articulated by the National Charter of 1964 and elaborated upon later -- that was essentially affirmed by the United Nations when it affirmed the Palestinian right to independence and return.

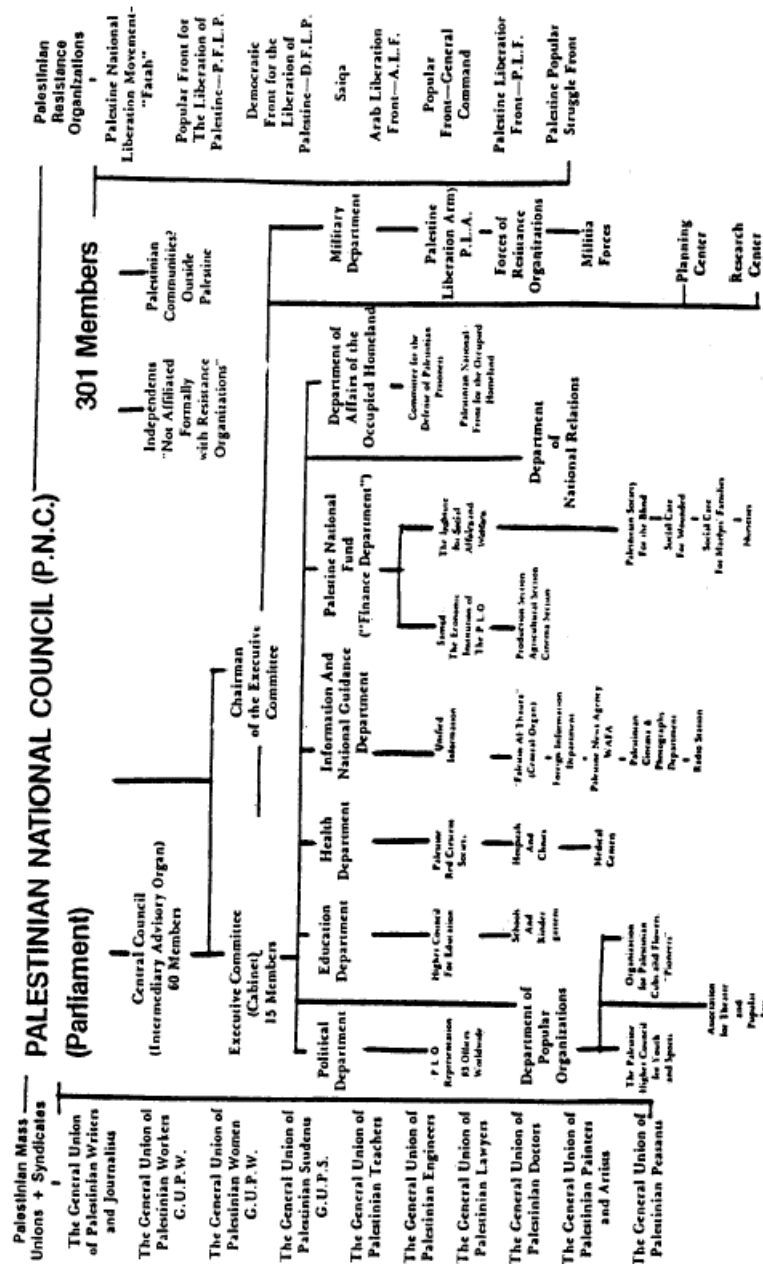
The fourth, and perhaps the most difficult of the ideological roles, is that of a solution to the conflict between Palestinian Arab and Israeli Jews. While affirming that Palestine is the natural homeland of the Palestinian people, that it is part of the Arab national homeland and that the European Jewish settlers were colonial intruders, the PLO recognized the need to address itself to Palestine's Jewish community now constituted as Israel. While as a State based on Zionism it is therefore an apartheid State, engaging in violence, oppression and aggression against Palestinians and Arabs, and it must therefore be combated. It is possible for the Jewish people of Palestine to coexist with the Palestinian Arabs peacefully and productively, that coexistence is possible within the framework of a unitary State that is non-confessional, non-ethnic and is premised on full equality of individual rights. That conceptualization became the basis for the democratic non-sectarian State for which the Palestine Liberation Organization struggled from 1968 onwards. Having elaborated that solution, the Organization recognized the difficulties of its acceptance not only by Israel but by other States as well. Without fully renouncing it as an ideal solution, the PLO elaborated its provisional solution that became the basis for its diplomatic and political initiatives. It articulated the possibility of de facto coexistence of two States on the historic soil of Palestine, one principally Jewish and the other Palestinian Arab. That formulation made it possible to accept General Assembly resolution 3236 (XXIX) of 1974 affirming the right of the Palestinians to independence and sovereignty in Palestine. While the Palestine National Councils of 1977 and 1981 went further in their explicit acceptance of the principle of statehood in the West Bank and Gaza, the PLO in fact never abandoned the principle of a democratic non-sectarian State in Palestine as the basis for an enduring and just peace between Palestinian Arabs and Israeli Jews.

The third important historic role which the PLO played is essentially political/diplomatic. On the national (Palestinian) level, the PLO mobilized the Palestinian people themselves towards the goal of national liberation, encouraged the political functioning of Palestinians regardless of local and assisted in articulating the political struggle of the Palestinians under Israel's control. Furthermore, the PLO's principal political struggle, particularly between 1967 and 1974, was to assume the primacy not only in identifying Palestinian national goals but additionally in wresting the right of representing the Palestinians from others and in maintaining its independent decision-making. It should be obvious by now that the PLO largely succeeded in accomplishing both, although its primacy and independence are occasionally challenged by a hostile power. Thus when the Arab States extended recognition to the PLO as the sole legitimate representative of the Palestinians, they signified that the PLO had become the sole national authority of the Palestinians and the authoritative allocator of values. It was subsequent to the Rabat summit recognition that

the international system -- excepting the United States and a number of West European Powers -- recognized the PLO as the representative of the Palestinian people. It was this national, regional and international consensus that was ratified by the United Nations when it extended its observer status to the PLO and when it accepted the principle of PLO participation in all United Nations conferences on the question of Palestine on a footing of complete equality with all other States involved in that question. Thus when international initiatives for peace are launched by the United Nations, it is usual for the United Nations to call for the participation of the PLO as the legitimate representative of the Palestinians. Through its diplomatic/informational missions abroad and through special missions and conferences, the PLO has utilized its political legitimacy to mobilize diplomatic support for its policy of national liberation and peace. Thus, beginning in 1969 when the United Nations defined the struggle of the Palestinian people as a struggle of a colonized people -- like the struggle of the African people in South Africa -- and through its efforts in the Movement of Non-Aligned Countries and the socialist system, the PLO has been reasonably successful in obtaining the sympathy and support of the majority of States and peoples of the world. An important index of this support is the repeated affirmative votes of the majority of Member States in the United Nations for Palestinian rights, of the extension of political, economic, military, educational and cultural support which many States -- Arab, Asian and socialist -- extend to the Palestinian people through the PLO. In short, it would be inconceivable for the vast Afro-Asian and socialist support for the Palestinians to be extended without the crucial political/diplomatic role which the PLO has played over the past two decades.

It is precisely because the PLO has played these comprehensive state/ government, ideological and political/diplomatic roles that it maintains its legitimacy with its constituency -- the Palestinians -- who stand firmly with it as their sole legitimate representative. The fact that the Palestinians reject any idea of associating any other authority with the PLO as the interlocutor for their policy of peace through national liberation testifies to the long-standing drive of the Palestinians for independence, national identity and representation. The eventual realization of these goals necessitates the variety of roles which the PLO will continue to play nationally, regionally and internationally.

# P.L.O. STRUCTURE



Adapted from  
A.M.I.U., The Golan, IV, 3

1. Victor J. Gauci, Permanent Observer of Malta to the United Nations  
and Rapporteur of the United Nations Committee on the Exercise  
of the Inalienable Rights of the Palestinian People

The visible output of the Committee is well-known to all, and it speaks for itself. I refer of course to the two dozen or so studies, prepared under the guidance of the Committee, widely distributed in many different languages all over the world, and available to you today.

I also refer to the steady favourable progression of votes received by the Committee, in successive Assemblies of the United Nations supporting its work and endorsing its recommendations. It is worth mentioning that the positive votes increased from 90 in 1975 to 127 in 1984, while the negative votes declined from 16 to 2, and abstentions from 30 to 21. That roughly represents a 40 per cent increase in support, and a 50 per cent decline in opposition or indifference to this vital question. If nothing else, therefore, the Committee has comprehensively traced the origins and the facts surrounding the question of Palestine, in a time-consuming but necessary effort to present an objective and complete picture of the whole question. This is in contrast to the sensationalism and biased presentation meted out in unconnected periodic episodes by the press.

In addition, in every forum open to the Committee, we have forcefully maintained at the forefront of public attention the political nature of the question of Palestine, and steadily gained support for the just cause it represents.

What is perhaps less evident is an insight into the work performed by the Committee since its inception, of the difficulties we have faced, of the constant objectives we have sought to achieve, and of where we now stand. These are the main points I wish to highlight for better understanding among you today.

One of the highly significant points often overlooked - or, more precisely, conveniently ignored by our detractors - is the fact that the establishment of the Committee itself is an outcome of the diplomatic initiative publicly announced by Chairman Arafat of the Palestine Liberation Organization before the United Nations in 1974.

That historic moment may be dim in the short memory of diplomacy, and it deserves therefore to be recalled today. PLO then offered an alternative - a diplomatic offensive. It was only natural for the United Nations to respond, to encourage and to strengthen the diplomatic road to peace.

The first point which some would try to question is whether the United Nations is the best place to proceed on negotiations for solving the question of Palestine.

I believe it is self-evident that the United Nations has a clear responsibility to deal with this question. Palestine was a mandate responsibility of the League of Nations. Even then - in the early 1920s - the people of Palestine were already considered as eligible for independence. With the demise of the League of Nations, the question of Palestine was referred consequently to its successor organization, the United Nations, on the very same day that the organization was established.

Shortly after, and after an agonizing and often heated debate, the United Nations, in a divided vote, bestowed international legitimacy on the State of Israel in 1948, but has been unable thus far to secure establishment of a Palestinian State, as provided for by the same resolution adopted by the General Assembly, namely resolution 181 (II). To this day, the Palestinian people still seek their rightful place among the family of independent nations.

In consequence, the question of Palestine represents a continuing responsibility of the Organization and of its Member States, of those who really cherish the purposes and principles enshrined in the United Nations Charter and the Universal Declaration of Human Rights, and who respect the related decisions taken in the United Nations, to many of which they have also subscribed.

To avoid discussing the issue, as some would prefer, is simply to shirk our responsibilities.

I know of no better way of resolving any problem than to study its underlying causes, to solicit opinions from all concerned, to respect and analyse the opinions previously expressed on the subject, to make recommendations for a solution, and subsequently to promote its attainment by making known the recommendations and pressing for action in their implementation.

This, very briefly, is what the Committee has done. The Committee represents and consolidates opinions from the four corners of the world. Its task was not easy, it took much time, but the members acted freely and without feeling the pressure of immediate events. The final recommendations - after one full year of study - were based, not on single episodes in a given period of time, but covered the whole history of the question. We respected all past decisions of the United Nations, and derived inspiration for the final recommendations mostly from unanimously adopted resolutions.

We had - and still have - faith in the prospects of peace, and in the ability of the United Nations to achieve it. From the very beginning till this day the Committee works by consensus and remains open to participation of all interested countries. As an example, the People's Republic of China and Sri Lanka joined the Committee as observers as recently as this year.

We were deliberately careful to be open to all, not only because we believed this was essential but also because some countries had originally expressed reservations on the mandate of the Committee, saying that it was one-sided, since it did not take sufficiently into consideration what they considered the fundamental element of a Middle East settlement - in their view, the right of every State in the area to live in peace within secure, recognized and guaranteed frontiers. This right is of course significant, but of course its applicability is not limited to the Middle East.

Moreover, in the view of those same countries, the recommendations of the Committee are not in complete accord with Security Council resolutions 242 (1967) and 338 (1973), which, they stress, provide a widely accepted basis for achieving a comprehensive settlement in the Middle East. They conclude that the recommendations are consequently devoid of balance, stressing the rights and interests of one party and ignoring those of other parties. They argue further that the recommendations of the Committee prejudice the outcome of the negotiations that have to take place directly between the parties themselves, in accordance with resolutions 242 (1967) and 338 (1973).

Though it is not correct that the recommendations of the Committee do not take fully into account resolutions 242 (1967) and 338 (1973) of the Security Council, it is quite true that the recommendations of the Committee are not balanced. This is true, but only to the extent that they try to restore a balance which had previously been overlooked. In other words, we are only trying to even scales which had previously been unbalanced, and in that sense - but only in that sense - the recommendations could not be balanced, nor could they be limited exclusively to the provisions of Security Council resolution 242 (1967), because the question of Palestine is much wider in scope than one particular historical event.

It is also true that the recommendations do not call for direct negotiations between the parties concerned. But that call had been repeated for 30 years without eliciting any forward movement - and the Committee is not advocating stalemate, but wishes to encourage progress. That in fact is precisely why the recommendations set out the broad terms of an equitable settlement - because we favour a lasting, internationally endorsed solution based on justice, security and a guaranteed peace. Because we wish to remove once and for all the primary factor behind the terror, violence and widespread conflict in which the main victims often are innocent refugees, women, children and aged persons. Arab and Israeli alike suffer from this unsatisfactory state of affairs. The Committee wishes to make this tragedy a thing of the past.

I maintain that any objective observer would admit that the Committee, in its recommendations, adopted by consensus in 1976, has respected all the previous decisions of the United Nations organs on the question of Palestine within the Middle East complex; that it assiduously advocates a peaceful solution that its recommendations do not overlook the genuine and legitimate preoccupations of any State in the area; that it does not bypass any sphere of responsibility falling either on individual States or on the United Nations as an organization, and that, finally, it urges a positive role by the Security Council and its permanent members as guarantors and promoters of peace.

This conviction of the Committee has been confirmed by our audiences in each one of the dozen or so seminars and symposia convened thus far on the question of Palestine - again in all quarters of the globe, and in the presence of different listeners.

At the United Nations, we have highlighted, in successive years, and with growing conviction, the essential fundamentals of our recommendations. As an indispensable safeguard to encourage and ensure international objectivity, we had from the beginning asked the Security Council not to take our recommendations for granted, but to treat them as a basis for consideration, and then to act on its own conclusions, in accordance with the Council's special responsibilities. The General Assembly, as already noted, has listened to our explanations, and has endorsed our recommendations with steadily increased conviction and support.

But so far the Security Council has suspended judgement, despite periodic promptings from the Committee, and despite the additional evidence of what is happening in the illegally occupied territories provided by other United Nations bodies - including "ad hoc" commissions set up by the Council itself - which are involved in this matter.

The path we have advocated is of course complex, comprehensive and necessarily time-consuming, but much less complex than the problem itself. We would like the problem to become clearer, to be resolved justly and peacefully; we would prefer not to allow it to become more complicated, more bitter and more devastating than it already is. While we urge positive action, we have found we cannot but express frequent and serious concern, and often censure, over Israeli actions in the illegally-occupied territories, which hamper progress and inflame resentment even more.

We were pleased when, at the urging of the Committee itself, its recommendations were further refined by the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1983.

That was the first time that so broad an international forum had met to consider the Palestinian question. No less than 117 States participated fully in the Conference, while 20 others took part as observers; in addition - for the first time ever - there were approximately 100 non-governmental organizations (NGOs), and several eminent personalities, especially invited for the occasion, as well as 9 specialized agencies of the United Nations.

It should be stressed that, among the NGOs, a significant number came from Israel, thus demonstrating by their presence that there exist within Israel itself groups of far-sighted and fair-minded persons who also strive for a just and lasting peace in the Middle East.

It will be recalled that the International Conference in Geneva adopted, again by consensus, both a Declaration and a Programme of Action. The Geneva Declaration on Palestine listed the major guiding principles which should govern any concerted international action for the purpose of resolving the question of Palestine.

As could only be expected, these principles include first and foremost the right of the PLO, the representative of the Palestinian people, to participate on an equal footing with all the parties in all efforts, deliberations and conferences on the Middle East, as well as the right of all States in the region to existence within internationally recognized boundaries with justice and security for all.

The acceptance by the Committee of the need for consensus on the principles for a settlement is further evidence of the openness and the desire for dialogue so as to work resolutely for a future of peace and harmony for all the peoples in the area.

In order to give practical effect to those guiding principles, the Conference considered that it was essential for an international peace conference on the Middle East to be convened, with the aim of negotiating and finalizing a comprehensive, just and lasting solution of the Arab-Israeli conflict, in which the crucial element would be the unfettered right of the Palestinian people to choose their future options in a genuine exercise of the principle of self-determination of peoples, to which the Palestinian people obviously and undeniably have as much right as any other people in the region, or in the world at large.

In the continuing exercise of the United Nations role, the proposed international conference should be convened under the auspices of the United Nations, with the participation on an equal footing of all the parties directly involved in the conflict, including the Palestine Liberation Organization, as representative of the Palestinian people, as well as the United States of America, the Union of Soviet Socialist Republics and other States concerned.

To this end, the Security Council already has the political and procedural capability for making the appropriate institutional arrangements. I find it rather perplexing - in fact disturbing - that so much hot air is currently being expended on methods to devise a negotiating mechanism, when that mechanism already exists. It is the Security Council that has the primary role in promoting peace, and all the parties to the conflict are already able to sit round the table there. This, in fact, was one of the very first suggestions made by the Committee when it placed its recommendations before the General Assembly almost 10 years ago.

I have briefly reviewed our work in the past, our objectives, the difficulties we faced, the progress made. To come to the present, the General Assembly last year overwhelmingly welcomed the call for the convening of an International Peace Conference on the Middle East. It invited all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, to participate in the Conference on an equal footing and with equal rights. The General Assembly requested the Secretary-General, in consultation with the Security Council, urgently to undertake preparatory measures to convene the Conference.

The necessary contacts were initiated last year by the Secretary-General; however, because of the negative view of two countries, and the hesitancy of others, it has not been possible so far to convene this conference. While the Committee regrets negative positions, it is none the less determined to pursue its efforts to ensure that the Conference is convened, for it is convinced that the holding of this Conference would be an essential step towards the settlement of the Palestinian question. Our conviction rests on the knowledge that both proposals for a solution, and the subsequent viability of any solution, require international acquiescence to become a reality.

Once again, it should be mentioned that the convening of an International Peace Conference on the Middle East has also been supported by hundreds of non-governmental organizations, trade union representatives, journalists and members of the academic community, which are actively advocating redress for the practical attainment of the rights of the Palestinian people.

The NGOs decided in 1984 to launch a campaign to collect signatures from among the peoples of the entire world in favour of convening an International Peace Conference on the Middle East. That campaign was launched on 29 November 1984 - the International Day of Solidarity With the Palestinian People and will end in one year, on 29 November 1985.

In continuation of its efforts to bring about progress, to retain the momentum of hope, the Committee on the Exercise of the Inalienable Rights of the Palestinian People decided to exert every effort towards the early convening of the proposed International Peace Conference on the Middle East, and made this aspect the main focus of its work programme in 1985. Consequently, in all the seminars and symposia organized this year, at least one panel dealt exclusively with the question of this Conference. The Committee's programme of work for 1985 also stressed the importance of sending delegations of the Committee to a selected number of countries, in particular those which are members of the Security Council.

Since seminars and symposia on the Palestinian question were planned to take place in Asia, Africa and Latin America this year, advantage was taken in the travel programme of the Committee to send missions to those regions. Accordingly, in April and May of this year, delegations visited China, Thailand and India. In June a delegation of the Committee visited Peru and Trinidad and Tobago. The Committee is planning to conduct similar missions to African and East European member countries of the Security Council in July and August of this year and thus finalize the programme next year, hopefully encouraged by further progress at the next session of the General Assembly. In all instances, both public and official support for the convening of the Conference has so far been given to the Committee. But we know there are stiff hurdles to overcome.

In essence, what the Committee has once again done during this year is to start on the unfinished part of the solution envisaged in 1947. In 1947 the partition plan did not enjoy unanimous backing, but one side of the plan was fully implemented. Many painful events have taken place since then in the area; what has not taken place thus far is the positive aspect of the implementation of the inalienable rights of the people of Palestine to self-determination, an exercise rightfully acknowledged as their due by international law, and advocated by the United Nations almost 40 years ago.

The international backing for this overdue act of self-determination by the people of Palestine is now almost unanimous, and there is also recognition that it obviously provides the essential ingredient for a lasting solution. This essential aspect has been forcibly prevented by Israel in the past, and it is unfortunately lacking in some other proposals advanced. The Committee is in the process of encouraging the Security Council to strive more energetically to finalize the necessary preparations for the International Peace Conference on the Middle East. The Council of course has many problems on its hands, but among the more pressing is the question of Palestine as the core of the Arab-Israeli Middle East conflict. A solution to this area is long overdue, and the issue of Palestine is now considered as the major key to peace in the region.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People has noted with interest other initiatives for a Middle East settlement; we remain convinced that ours is the most comprehensive and has the widest international backing; it is also under the auspices of the United Nations, and in particular the Security Council. Within this context the Committee has advocated contacts and rapprochement, then the promotion of a comprehensive solution and subsequently even providing, if necessary, guarantees to ensure its observance.

The past history of Palestine tells a grim story. The toll in lives, resources misused, opportunities lost, has already been recorded, and is disastrously high. It is a terrible reminder of the latent potential for future misery and destruction, which would assume world-wide repercussions if - as eventually seems inevitable - the super-Powers at some point become involved on opposite sides if tension reaches fever-pitch. All the more reason, therefore, for the two super-Powers to be brought in to work for a peaceful solution.

Surprisingly, this aspect is one of the main unresolved issues in other approaches - whether both super-Powers should be involved. The answer is obvious, and cannot be denied. It is curious - in fact regrettable - that one super-Power claims - almost as a divine right - that it should determine exclusively the course of events in Central America, and yet it denies the other super-Power any role whatsoever in an issue so close to the latter's vital interests - the Middle East. Obviously, both super-Powers should be purposely and positively engaged, none deliberately excluded from a Middle East peace process, which is meant to succeed.

The second point at issue is the role of the PLO. The principle that only the Palestinian people can choose their own representatives cannot be negated, unless logic and international law is to be turned on its head. The PLO is the only organization which can negotiate, conclude and honour an acceptable - and hence enduring - agreement. No Palestinian signature on any agreement will be binding unless it can be seen to satisfy Palestinian aspirations, and is signed by their own chosen representatives. Many attempts have been and are still being made to find Palestinians without PLO backing. They have all failed in the past and the present. They are foredoomed to failure in the future.

Attempts to go against these two cardinal points are merely avoiding the issues, allowing the conflict to become even more inflamed and more complicated than it already is.

As I stated before, the Committee does not wish to see this happen. The United Nations has a vested interest in peace. So do the countries on the spot, and their

neighbours. The Committee's proposals, refined through the Geneva International Conference, have attained impressive international backing. It is therefore the most viable way to proceed. It is time for all to recognize political realities. Even if peace talks may involve some risks, the risk cannot be worse than the certainty of conflict which has already ravaged the Middle East.

The Committee on the Exercise of the Inalienable Rights of the Palestinian People therefore earnestly trusts that all States Members of the United Nations will no longer delay in responding to the call for the convening of an international peace conference on the Middle East. We continue to encourage the Secretary-General to pursue the valiant efforts he has already initiated. We need all the support we can get from influential public opinion in a few remaining countries, foremost among them those in North America and Western Europe. Hence the need for and the importance of this Seminar. It could not be more timely. The same applies to the symposium that will immediately follow during this course of the week. I hope both activities can be linked in their conclusions.

One final observation. Israel has been occupying the West Bank and Gaza since June 1967. This is almost the same period of time as between the creation of the State of Israel in 1948 and the Six Day War of June 1967. The prevailing tension in the Middle East is a constant reminder to the international community of the urgent necessity to increase efforts to resolve the Palestinian problem. The Middle East is a major tinder-box which can cause a world explosion. The approaches of the past have failed miserably. A new approach is desperately needed. All the ingredients for a peaceful solution are contained in the prescription for peace proposed by the Committee almost a decade ago. Please help us to secure peace in that tormented region - an overdue peace which is just, based on the law of reason, not on the muscle of military force.

2. Naseer H. Aruri, Professor of Political Science,  
Southeastern Massachusetts University, North Dartmouth,  
Massachusetts, United States of America

#### The rationale

The cities of Geneva, Vienna, Paris, among other major world cities, were the scene of international peace conferences which followed major world conflicts. The Congress of Vienna followed the great Napoleonic wars; the Versailles peace conference followed the First World War; Yalta, Potsdam and San Francisco were among the many conferences which dealt with issues associated with the Second World War, and Geneva was the site for international peace conference on Korea, Indochina, the "Big Four" Spirit of Geneva summit and the Berlin question before the convening of the first peace conference on the Middle East, in 1973. In fact all of these Geneva conferences were held in the same room at the Palais des Nations.

The mere fact that numerous international conferences were held in the modern period to tackle global conflicts testifies to the utility of this concept as a means of conflict resolution. The Palestine question and its derivatives, commonly referred to as the Arab-Israeli conflict, is one which is particularly suited to this method of conflict resolution. First, the problem itself was created by the big imperialist Powers during the inter-war period and perpetuated and expanded to dangerous dimensions by the same Powers and new ones during the past four decades. The world community called for the creation of two States in Palestine, one of which was realized while the other was not. Thus the exercise of the right to self-determination by a primarily settler community, in a country whose indigenous people are still denied that right, is a problem whose resolution is necessarily an international responsibility. Secondly, this is a conflict in a highly strategic area of the world, in which two super-Powers claim vital interests. Thus the people of the region, the third world and the big Powers share a common objective: the avoidance of an all-out war in the nuclear age.

More specifically, numerous United Nations resolutions have called for the association of the major Powers and third world nations with a settlement. Even Security Council resolution 242 (1967), which rendered Palestinian national rights to the sidelines, recognized a focal role for the world community by requesting the Secretary-General to designate a Special Representative and to report to the Security Council on his efforts towards promoting a settlement. Security Council resolution 338 (1973) of 22 October 1973 called for negotiations "between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East". The result was the ill-fated Geneva conference of December 1973.

#### The obstacles

The principal obstacle to the convening of an international peace conference on the Middle East lies in the present tension, ongoing since 1967, between two main currents: the first envisions a peace settlement on the installment plan reached in direct bilateral negotiations between States! the second seeks a comprehensive settlement under the auspices of the Security Council, its permanent members, or a peace conference including the major Powers and the parties to the conflict. The impetus for the first current is usually provided by the United States and Israel; while the Soviet Union, the third world and often Western Europe and the Arab States have urged an international solution. The first approach almost consistently promotes State-to-State relations to the exclusion of the Palestine Liberation Organization. The second approach assumes the centrality of the Palestine question and the necessity of participation by the PLO as the legitimate representative of the Palestinian people. Moreover, the first approach involves various manoeuvres to bypass the principle of inadmissibility of territorial acquisition by force, while the second current adheres scrupulously to that principle enshrined in resolution 242 (1967). In all, the second approach has been more compatible with the global consensus on the prerequisites for peace in the Middle East: Israeli withdrawal from the Arab land occupied in 1967, and the recognition of Palestinian national rights.

The diplomatic history of the Middle East since 1967 reveals clearly and unmistakably that succeeding United States Administrations have, in one way or another, thwarted a comprehensive settlement and impeded the pursuit of a broad international solution. Quite simply, America's redefinition of the Middle East as a cold war arena, combined with a growing perception of Israel as a bastion against radicalism, manifested in a special relationship and a strategic alliance, has dictated a policy which has remained consistent with the Israeli perimeters of a political settlement. The questionable assumption that Israel is a strategic asset for the United States, entrusted with the task of nipping in the bud potential forces of change ranging from Nasserism and Palestinian nationalism to the present Shiite fundamentalism, has rendered the United States partisan and collaborator rather than an impartial mediator. The more United States policy-makers were inclined towards that perception, the less favourable United States policy was towards the concept of a peace conference and a comprehensive settlement, and the more insistent on direct negotiations and incremental solutions.

On the surface, United States policy throughout the past 18 years was vacillating between the two directions; in reality, however, United States leaning towards the comprehensive approach and the broad international sponsorship was an aberration. In order to illuminate the trend, I will divide this period into five stages:

1. Between June 1967 and March 1969 while great international pressure was exerted to effect Israeli withdrawal from Arab land, the United States was engaged in a vast attempt to persuade Egypt to conclude a separate peace with Israel. The quid pro quo was Israeli withdrawal and Egyptian termination of belligerency. The endeavour, which remained at the heart of United States policy, was temporarily suspended when the pressure for a comprehensive solution began to mount in July 1969.

2. Between March 1969 and October 1973 various attempts were made to strengthen the United Nations and restore it as the framework for a settlement. Ambassador Gunnar Jarring tried to fulfil his mandate under resolution 242 (1967). The "Big Four" talks, which were proposed by France in January 1969, were conceived as an added pillar for the Jarring mission. Israel's reaction to the involvement by the "Big Four" was swift and unambiguously hostile. Washington was cautioned about the specter of an "imposed settlement", which would deny Israel the ability, as the victor, to impose a peace on the vanquished. And while the United States went along with the "Big Four" talks in 1969, it ensured that those talks would not evolve into an international peace conference. In fact the United States used the "Big Four" forum to advocate the Rhodes formula, a form of direct negotiations favoured by Israel. That advocacy was invigorated in the aftermath of Israel's rejection of the Rogers Plan of December 1969. Thus whatever ingredients of a comprehensive settlement the Rogers Plan might have contained were sacrificed on the altar of the United States-Israel special relationship. And whatever potential the "Big Four" talks had as a peace conference was rendered barren by a manipulative United States diplomacy.

While Charles De Gaulle envisioned the "Big Four" talks as the proper forum for a political settlement which would be guaranteed by a subsequent big-Power conference, Nixon and Kissinger were determined to not allow those talks to succeed. Nixon's memoirs reveal that the United States, not the United Nations, should collect the credit for a Middle East settlement, and Seymour Hersh's account of Kissinger's tenure in Nixon's White House show that Nixon and Kissinger's opposition to an Israeli withdrawal ordered by the United Nations or the "Big Four" stemmed from a real concern that such withdrawal would appear as a victory for the USSR or Arab leftists. Both Moshe Dayan's and Itzhak Rabin's memoirs corroborate Hersh's conclusions that Nixon and Kissinger encouraged Israel to escalate the war of attrition and to attack the Soviet anti-aircraft missiles deployed in the aftermath of Israel's penetration bombing in 1970. These efforts to thwart a comprehensive settlement and to frustrate an international solution were continued by Nixon and Kissinger until the October 1973 war, which provides a third stage.

3. The period between the October 1973 war and Carter's assumption of the presidency in 1977 witnessed a triumph of United States diplomacy in its endeavour to



promote separate agreements away from the Palestine question and outside the United Nations framework. The Geneva Conference, which was held in December 1973 pursuant to resolution 338 (1973), produced no substantive results, and none had been expected. Absent from the Conference, which was convened by the Secretary-General of the United Nations and chaired jointly by the United States and the USSR, were the other three permanent members of the Security Council, and the two principal parties to the conflict: the Syrian Arab Republic and the PLO. The Syrian Arab Republic's absence was dictated by policy agreements while the PLO was simply not invited.

Not unlike the previous "Big Four" talks, Geneva was not meant for any culmination of comprehensive peace. Kissinger's manipulative diplomacy subordinated that goal to Washington's own objectives in the region. Kissinger's swift attempts to put together a meeting without any form of commitment from Israel on substantive issues, and Sadat's proclivity to separate solutions as well as his haste to move the tent from the Kilometer 101 to Geneva deprived the Conference of its assigned mission and international character. Geneva, in effect, served as a smokescreen for Kissinger's "shuttle diplomacy". Kissinger used it as a cover for negotiating two troop disengagement accords between Egypt and Israel in January 1974 and September 1975. In his opening statement to the Conference on 21 December 1973, he said:

"I believe that the work of this Conference should be to achieve early agreement on the separation of military forces...serious discussions have already taken place between the military representatives of Israel and Egypt at Kilometer 101."

It is significant to note that the process of the military discussions of Kilometer 101 culminated in an Israeli-Egyptian agreement which was signed in Geneva by the Egyptian Prime Minister, rather than the Chief of Staff. His pledge to terminate the state of belligerency while Israel occupied most of Sinai, the Golan Heights and the remaining part of Palestine gave it the character of a separate peace, notwithstanding Kissinger's announcement that it was a step in the direction of a comprehensive solution.

Far from being a step towards a comprehensive peace, the September 1975 Sinai Accord was particularly harmful to the cause of peace. First, it came as a result of the resumption of Kissinger's step-by-step diplomacy, interrupted by President Ford's threatened reassessment in April 1975. When Israel and its domestic United States lobby countered the President by mobilizing 76 United States Senators against the policy recommendations to pursue a comprehensive settlement in Geneva, the Administration was forced back to line, and a new momentum was created for exacting concessions from the White House. In return for withdrawing from a small portion of Egyptian territory, Israel obtained from the United States important concessions, three of which have already proven detrimental to a comprehensive settlement under international auspices: (a) The pledge against dealing with the PLO has practically meant that the Palestine question can be treated as a territorial and security-related matter rather than a national question which involves self-determination; (b) The pledge to co-ordinate with Israel in any Geneva talks has given Israel a virtual veto over United States policy in the middle East; (c) United States agreement that Arab-Israeli negotiations be conducted on a bilateral basis was a formal endorsement of Israel's policy aiming to divide the Arab States and to maximize its goals at the expense of Palestinian rights.

Another by-product of Kissinger's manipulation of the Geneva Conference was the division of the Arab world. Egypt's embarkation on the road towards a separate peace was denounced by the Syrian Arab Republic and Jordan on 11 December 1975. Ironically, however, that rift was repaired on 25 October 1976 when the interests of the three Arab countries converged on the need to contain Palestinian and Lebanese nationalist forces in Lebanon. President Assad's forgiveness of Sadat's solo actions was expressed in a joint statement (18 December 1976) calling for a Geneva conference by no later than March 1977.

4. The fourth period is the Carter interlude, a nine-month campaign by the United States President to revive a Geneva conference and achieve a comprehensive settlement. Some of the Carter Administration's top policy advisers had been involved in drafting the Brookings Report of 1975, which called for a comprehensive solution based on Israeli withdrawal and Palestinian self-determination. The salient features of the Brookings Report were incorporated into Carter's approach from January until November 1977, when Anwar Sadat made his trip to Jerusalem and derailed the Geneva train to Camp David. In a September news conference, Carter said that there could be no Middle East settlement unless there was "adequate Palestinian representation" at Geneva, and he expressed the view that PLO represented a "substantial part" of the Palestinian people.

President Carter's 1977 offensive was climaxed in the 1 October 1977 joint United States-USSR statement calling for a comprehensive political settlement in Geneva. The reference to the "legitimate rights" of the Palestinian people and its implication of a reactivated Soviet role provoked opposition from the United States-Israel lobby, right-wing political forces and the Governments of Menachem Begin and Anwar Sadat. It took only four days to bring about the virtual nullification of the 1 October statement. The Dayan-Carter working paper of 5 October 1977 drilled a crucial nail in the coffin of the Geneva conference, while the Sadat visit to Jerusalem issued its death certificate. The Carter interlude was over, and since then, Camp David was placed the centre of the stage of Middle East diplomacy.

5. The fifth phase, which extends from Camp David in 1978 to the present, witnessed the effective abandoning of the idea of an international peace conference and a corresponding ascendancy of the pursuit of separate deals under United States auspices. This phase is also characterized by the consolidation of the United States-Israel strategic alliance, which provided a green light for the Israeli invasion of Lebanon.

Neither the Arab Plan, known as Fahd Plan of August 1981, nor the Brezhnev Plan of October 1981, swayed the United States towards an international approach. The Fahd Plan envisaged a role for the United Nations Security Council and was supported by the United Kingdom and France. The Brezhnev Plan called for an expanded international peace conference that would include Western Europe, North Africa and South Asia. A year later, the United States proposed the Reagan Plan (1 September 1982), again bypassing the United Nations, the Soviet Union, the Syrian Arab Republic and the PLO. Both the Arab Fez and the Brezhnev Plans of 9 and 15 September 1982, respectively, referred to a settlement to be guaranteed by the Security Council or the big Powers. But none of these plans was put into effect. The United States has neither allowed the international community to act in accordance with the well-established global consensus, nor has it been able to implement its own separatist solutions, thus perpetuating the diplomatic paralysis which it causes in the first place.

United States opposition to a comprehensive settlement under international auspices has persisted until this very time even when Jordan and the PLO seem to have met the American conditions for settlement. Secretary Shultz's first reaction to the 11 February 1985 Amman accord was couched in the form of questions: Will it lead to direct talks between Israel and a Jordanian-Palestinian delegation? Will the Arabs insist on a broad international conference?

Let us examine the status of an international conference in the Amman framework. Title I of that framework agreement stipulates that the "peace negotiations will take place under the umbrella of an international conference with the participation of the five permanent members of the United Nations Security Council, and all other parties to the conflict, including the PLO, the sole legitimate representative of the Palestinian people..."

Surely Jordan and the PLO are not expecting a sudden change of heart in Washington and Tel Aviv, where opposition to an international solution is longstanding and is unlikely to change. Yet, the available evidence shows that the commitment of Jordan and Egypt to an international conference is not a serious commitment, but rather a cover for direct negotiations. Neither Hussein nor Mubarak want to be accused of pulling a Sadat. Moreover, the broad Arab consensus requires that this concept be invoked, no matter how seriously it is contemplated.

While King Hussein focused on that concept in his opening speech to the seventeenth Palestine National Council last October, his Foreign Minister expressed the view that although his Government supported that concept, it had no objection to a revival of the Reagan Plan. At the same time, Egypt's Foreign Minister revealed that his Government did not regard the international conference as the only forum for pursuing peace, nor did it regard the international conference as incompatible with Camp David! President Mubarak stated in his initiative of 24 February 1985 that "the international conference could be the last stage...as a blessing of the solution". And later King Hussein echoed: "We need the international umbrella to offer us the opportunity to negotiate".

It is small wonder then that Washington seems to be paying special attention to trying to find a face-saving formula which would permit some sort of an international ratification of whatever might be agreed upon in direct negotiations between Israel and Jordan, with Palestinian participation - Secretary of State Shultz characterized that procedure as finding a "supportive international context".

As for the possible inclusion of the Soviet Union in that "context", the State Department now places conditions which are impossible to meet. They include:

1. Resumption of full diplomatic relations with Israel.
2. Ending "anti-Semitic" propaganda.
3. Improved treatment of and more emigration visas for Soviet Jews.
4. Soviet pressure on its "clients" to reduce arms supplies to the Islamic Republic of Iran.
5. Cessation of Soviet weapons deliveries to Lebanese factions.
6. Desisting from efforts to obstruct positive moves toward expanding the peace process in the region."

This startling new development in the United States Middle East diplomacy is bound to retard, even further, any future progress towards a durable settlement. Not only will it make the de facto exclusion of the Soviet Union from the diplomatic configuration of the Middle East permanent; it will also sow the seed of the next conflict.

This survey has shown that America's diplomatic enterprises - from the Rogers Plan to the "shuttle diplomacy", to Camp David and the Reagan Plan - have produced no positive results. More importantly, these plans have created a facade of diplomacy, which enabled Israel to divide, conquer and wilfully ignore the global

consensus. The resultant diplomatic perversion, euphemistically known as the peace process, has effectively rendered the concept of an international peace conference to the periphery. Not unless that concept occupies its proper place, at the centre will the hope for a just and durable peace become genuine.

### 3. THE CENTRAL ROLE OF LAW IN THE IN THE INTERNATIONAL PEACE CONFERENCE ON THE MIDDLE EAST

By Sally V. Mallison and W. Thomas Mallison\*

#### CONTENTS

			Page
I.	Introduction		59
II.	The methods of international law-making		59
III.	The development of the law of self-determination by the community of States		61
	A.	The historical development	61
	B.	The United Nations Charter provisions	61
		1. Grants of authority for self-determination	61
		2. Limitations on authority for self-determination	62
	C.	The development of the law of the Charter	64
IV.	The application of self-determination to the Palestinian people		66
	A.	Specification of self-determination through international legal process	66
	B.	The recognition of the Palestinians as a national people	67
	C.	General Assembly resolutions applying the right of self-determination to the Palestinian people	67
	D.	The geographical area to which Palestinian self-determination applies	68
V.	The requirements for the International Peace Conference on the Middle East to establish peace with justice		69
	Notes		72

\*Dr. W. T. Mallison is Professor of Law and Director of the International and Comparative Law Program at George Washington University, Washington, D.C. Ms. S. V. Mallison is Research Associate in that Program.

#### I. Introduction

In resolution 38/58 C of 13 December 1983 concerning the question of Palestine, 1/ the General Assembly noted with satisfaction the Report of the International Conference on the Question of Palestine 2/ which met in Geneva from 29 August to 7 September 1983 and endorsed the "Geneva Declaration on Palestine" which was adopted by that Conference by consensus. In her closing statement to that Conference, its Secretary-General, Mrs. Lucille Mair, stated:

"I submit that the presence in the documents just adopted of so many references to international law is of further, inestimable importance in resolving a question in which such law has so long been ignored."

General Assembly resolution 38/58 C continues the emphasis upon law and justice as the solution to the question of Palestine. Consistent with the recommendations of the International Conference on the Question of Palestine, it endorses the call for an International Peace Conference on the Middle East in conformity with, inter alia, the following guidelines:

(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;

...

(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 subparagraph (a) above.

The guidelines specified by the General Assembly are based on a recognition of the indispensable role of law in achieving the greatest possible measure of justice and security for both Israelis and Palestinians. In view of the tremendous destruction of human and material values which have taken place through the use of military force outside the world legal order, law is not only the basis of a just solution, but it provides the only practical solution.

#### II. The methods of international law-making

Customs are the more historic method of international-law making as compared with treaties. 3/ In 1625 when Grotius wrote his classic treatise, De Jure Belli ac Pacis, custom stood as the almost unique method of prescribing international law. While conventions or treaties are created by the explicit agreement of States, customary law is based upon implicit agreement. Article 38 of the Statute of the International Court of Justice merely purports to specify the sources of law which shall be applied by the Court. It is, nevertheless, widely accepted as describing the sources which are available generally in international law. The first paragraph of the article lists treaties, customs and general principles as the main sources. Custom is specified to be "International custom as evidence of a general practice accepted as law". This carefully worded provision does not require evidence of a universal practice. The historic customary law-making process demonstrates that the rules which are regarded as legally established are based upon the assent of a substantial majority of States. It has not been considered necessary that universal assent be obtained. General principles are specified as being "the general principles of law recognized by civilized nations". The requirements here are not a combination of State practice and assent as in customary law, but rather a combination of State articulation or formulation along with assent.

Although much international law is based upon pre-existing State practice, the community of States has the legal capacity and authority to formulate legal rules or principles through a multilateral conference, even in the absence of pre-existing practice. The United Nations Charter is a multilateral treaty by which States created the United Nations as a separate factual participant and legal subject of international law. 4/ The principles set forth in the Charter are binding on all those States which have accepted it as a treaty and become Member States. The provisions of the Charter are designed to operate in the context of the contemporary international law decision-making process. Following the ratification and implementation of the Charter, States retain their pre-existing law-making competence. The Security Council (in subject matter restricted to international peace and security) and the General Assembly (concerning a wide range of subjects) are institutions which facilitate the making of law. Authoritative international law writers have found the State practice requirement for customary law-making in the collective acts of States as well as in their individual acts. 5/ The General Assembly is a collective meeting of the States of the world community which comprise its membership. Its authority is derived directly from the Member States which have the same legal authority to develop and make international law in the General Assembly as they do outside of it. The advantageous feature of such activity in the Assembly is that it can be done more rapidly and efficiently than the same activity in a less institutionalized environment. The States of the world community since the early years of the United Nations have in fact used the General Assembly as an instrument to express consensus on major international legal issues by majorities substantially in excess of the two-thirds vote required by the Charter for important questions. It is a matter of legal theory as to the precise allocation of authority between the powers derived from the Charter and those derived directly from the Member States. The crucial point is that drawing on both sources of authority, the great majority of the Member States have adopted the practice of expressing consensus on legal issues through the General Assembly. The widespread use and reliance upon resolutions of the General Assembly and the Security Council which, by their terms, have law-making effect, provide convincing indication that the matters relied upon constitute, at the least, important evidence of the existence of particular rules or principles of international law.

It is sometimes erroneously stated, relying upon the word "recommendation" in Article 18 of the Charter, that the General Assembly may only make recommendations. However, it should be recognized that General Assembly resolutions on important matters which are adopted by two-thirds or larger majorities are repeated consistently over a period of time, have law-making authority whether based upon powers of the General Assembly specified in the Charter or upon the existing law-making authority of the community of States or both.

### III. The development of the law of self-determination by the community of States

The authority of the community of States to develop and make law is exemplified in the matter of self-determination.

#### A. The historical development

The practice of self-determination preceded the development of the legal right. The American Revolution and the subsequent Latin American revolutions against European colonialism provide pre-eminent historic examples. President Woodrow Wilson first articulated self-determination as a norm to be applied in the post-World War I settlement when he included it among his Fourteen Points. Point XII provided that:

"[T]he other [non-Turkish] nationalities [which included the Palestinian people] which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development ..."

Professor Kissinger has accurately described the situation as it existed at the peace settlement:

"In 1919, the Austro-Hungarian Empire disintegrated not so much from the impact of the war as from the nature of the peace, because its continued existence was incompatible with national self-determination, the legitimizing principle of the new international order." <sup>6/</sup>

The concept of self-determination was reflected in the Mandate provisions of the League of Nations Covenant. <sup>7/</sup> All of the peoples who were placed under League mandates have exercised self-determination except the Palestinians and the Namibians (South-west Africans).

#### B. The United Nations Charter provisions

##### 1. Grants of authority for self-determination

The United Nations Charter goes beyond the League Covenant in recognizing the right of self-determination. One of the major purposes of the United Nations which is specified in the first article of the Charter is the development of friendly relations upon respect for "the principle of equal rights and self-determination of peoples ...". It is important to be aware that this specification of equal rights and self-determination is a right "of peoples." This is a major departure from the once widely recognized legal theory that international law accorded rights only to States and Governments and not to peoples.

It is widely and accurately recognized that the Bill of Rights (the first 10 Amendments) of the United States Constitution embodies a basic value judgement of faith in individual human beings and fundamental distrust of Governments. In the same way, the United Nations Charter includes basic value judgements. One of the most important, made manifest in both the letter and the spirit, is faith in the capacity and legal right of individuals to determine their political destiny by exercising self-determination. The correlative is a rejection of colonialism, whether manifested through overt or covert coercion.

It is sometimes contended by those who oppose self-determination for others that the Charter only states that self-determination is a principle and not a right. This view is not persuasive because of the Charter's repeated emphasis upon self-determination and the practice of the world community in implementing it. In addition, the carefully drafted and equally authentic French text states, "du principe de l'égalité de droits des peuples et de leur droit à disposer d'eux-mêmes ..." <sup>8/</sup> By using the word droit in connection with self-determination, the French text removes any possible ambiguity. Article 15 of the charter re-emphasizes the importance of self-determination. Article 73 (b) concerning non-self-governing territories provides that members assuming responsibility for such territories are required to:

"Develop self-government, to take due account of the political aspirations of the people, and to assist them in the progressive development of their free political institutions ..."

Chapter XII of the Charter (Articles 75-85) gives the General Assembly comprehensive legal authority over the international trusteeship system. The International Court of Justice addressed this point with particular reference to the South-West Africa Mandated Territory in the 1950 Advisory Opinion on the International Status of South-West Africa:

"The Court has arrived at the conclusion that the General Assembly of the United Nations is legally qualified to exercise the supervisory functions previously exercised by the League of Nations with regard to the administration of the Territory, and that the Union of South Africa is under an obligation to submit to supervision and control of the General Assembly and to render annual reports to it." <sup>9/</sup>

The result is that the General Assembly has comprehensive authority over League of Nations Mandates including the power to grant self-determination and impose limitations on it.

##### 2. Limitations on authority for self-determination

The United Nations is also committed to human rights on a non-discriminatory basis as indicated clearly in Article 55 of the Charter, which provides in the relevant part:

"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

...

"c. Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

Article 56, in which all Members pledge themselves to implement the purposes set forth in Article 55, is regarded as making the provisions of Article 55 into legal rights. Consistent with these Charter provisions, the General Assembly is required to impose basic human rights standards which are limitations upon States created under its authority.

These legal requirements are specified in the Palestine partition resolution, General Assembly resolution 181 (II), which was adopted on 29 November 1947 with the full authority of a two-thirds vote as required by the Charter for important questions. It provided for an unusual method of self-determination by the establishment of two independent States in Palestine, referred to as "the Jewish State" and "the Arab State". A special international régime was provided for the City of Jerusalem which was not to be part of either State. Because of the widespread destruction of human and material values taking place as a result of the Zionist institutionalized terror and responding Palestinian violence, there was an urgent need to invoke and apply the human rights standards of the Charter. The partition resolution includes human rights provisions which limit the authority to establish each of the two States by providing a reciprocal system of rights and obligations in which the exercise of the right to create a State is conditioned upon the obligation to implement human rights. Among the most important human rights provisions of the partition resolution is section 10 (d) of part I B which states:

"The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council of Government appointed by the Commission. The constitutions of the States shall embody chapters 1 and 2 of the Declaration provided for in section C below and include inter alia provisions for

"...

"(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political and economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association.

These provisions for human rights are explicit and there cannot be any accurate interpretation of the partition resolution which circumvents them. They are not surprising in view of the human rights provisions of the United Nations Charter. In addition to the basic Charter provisions of Articles 55 and 56, Article 1 (3) specifies as one of the major purposes of the United Nations, "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

The State of Israel's lack of a constitution and the existence of its basic Zionist laws are in violation of the human rights provisions of both the Charter and the partition resolution. For example, the Law of Return <sup>10/</sup> allows anyone identified in Israeli law as a member of "the Jewish people" (defines, inter alia, by tracing ancestry) to immigrate and acquire instant citizenship, but denies return to a Palestinian refugee born in the country.

In addition, the Charter also contains a further limitation upon self-determination in its prohibition upon the threat or use of force against "the territorial integrity" of States. <sup>11/</sup> The negotiating history demonstrates that in the committee considering self-determination, it was regarded as implying "the right of self-government of peoples and not the right of secession." <sup>12/</sup> The right of self-determination cannot be interpreted as including a comprehensive right to secede from a State by any group which regards itself as having national characteristics. <sup>13/</sup> If self-determination were so misconstrued it would not have received the existing support of the

community of States along with a prominent place in the Charter.

### C. The development of the law of the Charter

General Assembly resolution 1514 (XV) of 14 December 1960 entitled "Declaration on the Granting of Independence to Colonial Countries and Territories" is a landmark in the development of the right of self-determination. The first two operative paragraphs of this resolution provide:

1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.
2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

The vote on this resolution was 90 votes in favour to non against, with 9 abstentions. Since there were no opposing votes, the resolution must be interpreted as reflecting the stated legal views of the then full membership of the United Nations. In view of the increasing implementation of self-determination since 1960, there can be no doubt but that the present membership provides full support for the views expressed in the 1960 resolution. Subsequent applications of self-determination as reflected in resolution 1514 (XV) to Algeria, Angola and to Zimbabwe (Rhodesia) and others indicate the view of the General Assembly that a right of self-determination is established in law,<sup>14/</sup> and the entire course of action taken by the United Nations since 1960 is consistent with this basic practice.

General Assembly resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-Operation among States in Accordance with the Charter of the United Nations" provides further development of the right of self-determination. There are four principal bases for the authoritativeness of this resolution. <sup>15/</sup> First, it is based on the Charter, and therefore its principles were already binding on the member nations through their adherence to the Charter. Second, it was developed and adopted by consensus and the negotiating history indicates that a number of Governments regard it as binding international law on the theory that the unanimity of acceptance gives it authority as law either under Article 38 (1) (c) of the Statute of the International Court of Justice concerning "general principles of law recognized by civilized nations," or as a "subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions" in accordance with Article 31 (3) (a) of the Vienna Convention on the Law of Treaties. <sup>16/</sup> The third basis for the authority of resolution 2625 (XXV) is that it was developed to provide a statement of law, not of policy or aspirations. The title itself and the final paragraph which provides that "[t]he principles of the Charter which are embodied in this Declaration constitute basic principles of international law", are further indication of the intent of the Member States that this resolution be a binding statement of international law.

The Declaration considers a number of legal principles. Under the heading "Principle of equal rights and self-determination of peoples" the first paragraph states:

"By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every state has the duty to respect this right in accordance with the provisions of the Charter."

The conjoining of "equal rights" and "self-determination" both in the Charter and in the Declaration means that the peoples who have not yet achieved self-determination have the same equal right to it as did those who exercised it previously.

There is a fourth significant basis for the high degree of legal authority of both the 1960 Declaration on Decolonization and the 1970 Declaration on International Law and Friendly Relations. It is that their substantive provisions concerning self-determination and independence have been implemented in the practice of States. This practice is manifested by the exercise of self-determination since the establishment of the United Nations which has resulted in more than tripling its membership. The practice of States is the same requisite element in making customary law which has existed for centuries prior to the establishment of the United Nations. <sup>17/</sup> It is probable, therefore, that if the legal formulations of self-determination had not been developed beyond those in the Charter, the practice of States would have made self-determination a doctrine of customary law without either the 1960 or 1970 resolutions. In the present situation, self-determination is law because of the Charter, the development of the Charter in the subsequent resolutions, and the assent and practice of States which have made it customary law.

The opponents of self-determination usually contrast the law of the Charter, including the relevant resolutions of the General Assembly, with the traditional law which existed prior to 1945. <sup>18/</sup> General Assembly resolutions concerning the right of self-determination which have been adopted by consensus or by large majorities have been subjected to particular criticisms as being politically motivated. <sup>19/</sup> One of the main weaknesses of their arguments is that the law of self-determination has been developed and implemented by precisely the same methods of assent and practice which characterized law-making in the pre-1945 traditional law. The making of customary international law has always been based upon the political consensus of a substantial majority of the community of States. Professor Rosalyn Higgins has written: "Customary international law is therefore perhaps the most 'political' form of international law, reflecting the consensus of the great majority of states." <sup>20/</sup> Such political decision was the basis for the abolition of the slave trade in the nineteenth century.

### IV. The application of self-determination to the Palestinian people

#### A. Specification of self-determination through international legal process

Critics of the right of self-determination as enunciated in the Charter and in the 1960 and 1970 resolutions point out the imprecision in these formulations. In particular, they emphasize that there is no precise definition of the "self" which qualifies as a national group of people entitled to self-determination. One such critic, Professor Julius Stone, has written:

"If, indeed, the references to self-determination in the Charter and in General Assembly declarations have established some legal (as distinct from political) principle, the legal criteria for identifying a people having this entitlement—the "self" entitled to determine itself—remain at best speculative." <sup>21/</sup>

It seems probable that Professor Stone's difficulty arises from his confusing the basic legal doctrines of the Charter and the 1960 and 1970 resolutions on decolonization and self-determination with the subsequent legal instruments which specify the identity of the people qualifying for self-determination. It is as much of a mistake to look for specifications in these general constitutional formulations as it is to look for specifics in the constitution of a State. The general principles of the constitutional doctrines are made specific by the subsequent legislative and judicial application of them.

There are at least two major issues which must be resolved in an application of the right of self-determination. In addition to the determination of the "people" which qualifies as a "self", a decision must be made concerning the territory in which self-determination is to be exercised.

#### B. The recognition of the Palestinians as a national people

The League of Nations Mandate for Palestine of 24 July 1922 <sup>22/</sup> treated Palestine as a national unit which was to be brought to independence as an undivided whole. The provision for a "Jewish national home" within Palestine did not change the basic legal character of the Mandate. <sup>23/</sup> During the period of the Mandate, the British Government recognized the existence of the Palestinians as a people distinct from the European Zionist immigrants by negotiating with their leadership and by adopting the White Paper of 1939 restricting Zionist immigration in response to Palestinian demands. The United Nations accorded additional *de jure* recognition of their status as a people with national rights in the provisions of the Palestine partition resolution of 29 November 1947 authorizing them to establish "the Arab State". From the time of that resolution in 1947 until 1969, the United Nations dealt with the Palestinians in their *de facto* role as individuals who were refugees and war victims. The United Nations actions were designed to implement the right of return of Palestinian individuals and to achieve the elementary human rights of war victims under the humanitarian law of armed conflict. The individual right of return, long established in customary law, <sup>24/</sup> was recognized as applicable to Palestinians by General Assembly resolution 194 (III) of 11 December 1948 and is repeated in the many subsequent resolutions on the subject. Nevertheless, very few Palestinians have been permitted to exercise the right.

In 1969 the General Assembly again recognized Palestinians as a people having rights as an entity under the United Nations Charter. The first preambular paragraph of General Assembly resolution 2535 B (XXIV) of 10 December 1969 recognizes that "the problem of the Palestine Arab refugees has risen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights ...". The first operative paragraph provides further recognition by the United Nations of the Palestinians as a people with a national identity by reaffirming "the inalienable rights of the people of Palestine". This recognition of status as a national entity has been reaffirmed by all subsequent resolutions of the General Assembly which deal with the subject.

#### C. General Assembly resolutions applying the right of self-determination to the Palestinian people

The first direct recognition by the General Assembly of the national right of the Palestinian people to self-determination and independence was in the Palestine partition provision of authority to establish "the Arab State". The second such recognition was General Assembly resolution 2649 (XXV) of 30 November 1970 which expresses concern that, because of alien domination many peoples were being denied the right to self-determination. It then condemns those Governments which

deny the right to peoples "recognized as being entitled to it, especially the peoples of southern Africa and Palestine". The legal effect of this significant resolution is that the prior resolutions setting forth the basic right of self-determination, resolutions 1514 (XV) and 2625 (XV) considered above, are now specifically applicable to the Palestinian people.

The many subsequent General Assembly resolutions on the subject, adopted by overwhelming majorities, reiterate the Palestinian national right to self-determination and thereby strengthen the authority for the right which is provided by the League of Nations Mandate for Palestine and the Palestine partition resolution.

General Assembly resolution 3236 (XXIX) of 22 November 1974 reiterates the customary law of the right of return. It also has pre-eminent importance in reaffirming the right of Palestinian self-determination enunciated earlier and consistently maintained subsequently. Its fifth preambular paragraph recognizes that "the Palestinian people is entitled to self-determination in accordance with the Charter of the United Nations". The first operative paragraph provides that the General Assembly:

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

- a. The right to self-determination without external interference;
- b. The right to national independence and sovereignty."

In operative paragraph 5, resolution 3236 (XXIX) refers to methods by which rights may be regained. It states that the General Assembly:

"Further recognizes the right of the Palestinian people to regain its rights by all means in accordance with the purposes and principles of the Charter of the United Nations."

#### D. The geographical area to which Palestinian self-determination applies

The only de jure boundaries which the State of Israel has ever had are those which were specified for the "Jewish State" in the Palestine partition resolution. Following the Armistice Agreements of 1949, which did not fix de jure boundaries, the State of Israel existed within de facto boundaries until June 1967. Security Council resolution 242 (1967) of 22 November 1967 refers in the first operative paragraph to the principle of "withdrawal of Israel forces from territories occupied in the recent conflict". Since there is no statement of withdrawal from territories beyond the partition resolution boundaries of Israel occupied at a time before 1967, this amounts to recognition of the pre-June 1967 boundaries. Operative paragraph 1 also refers to the principle of the "territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries". As Lord Caradon, the principal author of 242, has stated, "the overriding principle" of resolution 242 is the "inadmissibility of the acquisition of territory by war" and this means Israeli withdrawal from Palestinian and other Arab lands must take place to the pre-June 1967 borders subject to minor variations to be determined, preferably, by an impartial boundary commission. <sup>25/</sup> It is clear that two different national exercises of the right of self-determination cannot take place simultaneously upon precisely the same territory. Since General Assembly resolution 181 (II) established the principle of two States in the area and subsequent resolutions have not departed from this concept, it is clear that it is not the intent of the General Assembly to authorize Palestinian self-determination within the State of Israel. Resolution 3236 (XXIX) is consistent with this intent and does not impinge upon the lawful boundaries of the State of Israel. The Palestinian nations' right of self-determination should be exercised "in Palestine" outside of the pre-June 1967 boundaries of the State of Israel.

#### V. The requirements for the International Peace Conference on the Middle East to establish peace with justice

The dual prerequisites for the successful outcome of the Peace Conference are adherence to international law and an efficient sanctioning process

The establishment of public order is a basic task of any legal system, whether domestic or international. The responsibility of a domestic order system is to exercise effective community control over private violence. By analogy, the responsibility of the world legal order is to exercise effective community prohibition of violence and coercion attempted by aggressors. The Secretary-General of the United Nations wrote in 1982:

"[O]ur most urgent goal is to reconstruct the Charter concept of collective action for peace and security so as to render the United Nations more capable of carrying out its primary function." <sup>26/</sup>

The world legal order must, at the very least, protect peoples and States from coercion and aggression. Such an order is prescribed by the United Nations Charter requirement of peaceful methods of dispute settlement <sup>27/</sup> combined with its prohibition upon "the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations." <sup>28/</sup> The Charter also contains the complementary provision which authorizes the use of force only for defensive purposes. <sup>29/</sup> It is clear that the Palestinians who have been the victims of organized Zionist terror since the time of the Balfour Declaration and who have been victimized by the Government of Israel's highly institutionalized State terror since 1948 have not received the benefits of the United Nations legal order. In the same way, those Israelis who have been victims of the Palestinian responding violence have not received the benefits of such a system. <sup>30/</sup> The implementation of legal order would immediately raise a new hope within Israel on the part of those patriotic and enlightened Israeli citizens who have been urging their Government to enter into a peaceful settlement based upon law and justice. <sup>31/</sup> The great opportunity which a solution to the Palestine problem presents to the world community acting through the United Nations is to provide Palestinians and Israelis alike with individual and national security. In this era of weapons of mass destruction, the probable alternatives to the achievement of the legal order include increased State and group terrorism against civilians, further destructive armed conflicts in the Middle East, <sup>32/</sup> and the danger of a world conflagration of mutual mass destruction as well.

The application of sanctions to enforce the world community consensus concerning Palestine manifested through the authorized organs of the United Nations is indispensable. No organized community, domestic or international, can achieve a legal order without the ability and the will to use the necessary force and coercion to obtain it. The essential element is that coercion must be in the responsible hands of the community and not in the hands of a militaristic and expansionist State. The central point was made by J. W. Fulbright when he wrote, "The crucial distinction is not between coercion and voluntarism, but between duly constituted force applied through law ... and the arbitrary coercion of the weak by the strong." <sup>33/</sup>

One of the objections that will be made to this recommendation for the application of adequate sanctions is the often stated position of the United States Government that it opposes an "imposed settlement". This objection should be clearly understood both in its explicit meaning and in its implication. Its explicit meaning is that an imposed settlement by the world community under law is opposed. Its unexpressed but necessary implication is that the existing imposed settlement by the military power of the Government of Israel, armed and supported by the United States, is condoned. In the light of this situation, the repeated calls of the United States Government for "unconditional" and "direct" negotiations must be treated with considerable skepticism. It is remarkable that the position of the United States applies only to the Israeli-Palestinian conflict. It overlooks the highly successful imposition of a settlement on Japan in the years following the end of the Second World War. It also neglects to mention the imposed settlement in Europe at the end of the same war. No mention of historic settlements would be complete without reference to the peace which the Congress of Vienna imposed on France beginning in 1815. <sup>34/</sup> The justice involved in that settlement, including the protection of legitimate French national interests, resulted in less coercion being required than would otherwise have been necessary. Both justice and coercion are typically required in peace settlements and where justice is used less, coercion must be used more. The absence of elementary justice in the military arrangement now imposed upon Palestine leads to the great and increasing use of coercion.

The Palestinian right of self-determination is firmly established in law. It is significant that the United States Government, in contrast with its present political opposition to the international legal consensus, has twice assented to and recognized the Palestinian right. Although not a member of the League of Nations, the United States agreed to the term of the Palestine Mandate in the Anglo-American Convention on Palestine of 1924 <sup>35/</sup> which incorporated the terms of the Mandate. The second such recognition was the adoption of the Palestine partition resolution under the leadership of the United States, in which the Palestinian right of self-determination was recognized. The central task of the International Peace Conference on the Middle East is to implement the existing legal right of Palestinian self-determination.

The United Nations International Conference on the Question of Palestine, which met in Geneva in 1983, <sup>36/</sup> provided a practical demonstration of the world community consensus under law. In spite of the strenuous efforts in opposition to the Conference made by the State of Israel and the United States, 137 States attended (20 as observers) along with key national liberation movements and non-governmental organizations. When the principle of the "Geneva Declaration on Palestine" <sup>37/</sup> which it produced are implemented, the genuine national interests of both Israelis and Palestinians will be promoted.

With the application and enforcement of the law, the Israeli national rights which will remain inviolate include, among others, the rights to self-determination and to national independence and sovereign equality with other States consistent with international law, including the pertinent United Nations resolutions. <sup>38/</sup> The Israeli rights do not include, among others, supposed rights to deny self-determination and independence to the Palestinian people and a supposed right to establish Israeli borders on the basis of military conquest and illegal annexations. Analogous rights and limitations will apply to the Palestinian State. A limitation which is inherent in the authorization of two States is that each may exercise its national rights conditioned on, at the least, non-obstruction of the national rights of the other.

There will be no solution of the Palestine problem until effective sanctions are applied. Because of the continuing economic crisis, largely caused by the militarization of its foreign policy and its domestic society, there is every reason to believe that economic sanctions would be successful against Israel. In the unlikely event that they were unsuccessful, military sanctions are available under the United Nations Charter. Such sanctions are also available to ensure compliance with the law by the Palestinian State.

It should be emphasized that sanctions must be conceptualized and applied as a comprehensive process, starting with persuasive measures and leading to increasingly coercive ones, rather than as a group of isolated and unrelated episodes.<sup>39/</sup> The main authority to apply sanctions is allocated to the Security Council<sup>40/</sup> and its action may be blocked by the negative vote of a single permanent member.<sup>41/</sup> The General Assembly may not act while the Security Council is exercising its functions under the Charter concerning any dispute or situation, but it may act when the Council is blocked by a great-Power negative vote on substantive issue.<sup>42/</sup>

When the other Member States of the United Nations act without hesitancy to assert leadership on achieving a peaceful settlement under law, it should have a significant impact upon the United States Government in bringing it back, sooner rather than later, to its principles advocacy and practical support for self-determination for all juridically authorized national groups, including the Palestinian people.<sup>43/</sup> With the concurrence of the United States in the enforcement process, as in President Eisenhower's position in 1957, it will be possible to effectuate the Palestinian people's right to its own sovereign State and to bring peace with justice to Palestinians and Israelis alike.

#### Notes

1. The recorded vote on this resolution was: in favour 124; against 4 (Australia, Canada, Israel and United States); abstaining 15.
2. United Nations publication, Sales No. E.83.1.21.
3. The present section is based upon W. T. Mallison and S. V. Mallison, The Palestine Problem in International Law and World Order, chapter 3 (London, Longman Group, 1985).
4. Advisory opinion on Reparation for Injuries Suffered in the Service of the United Nations, [1949] I.C.J. Rep., 174.
5. R. Figgins, The Development of International Law Through the Political Organs of the United Nations 2 (1963). See also the distinguished dissenting opinion of Judge Tanaka in Ethiopia v. South Africa; Liberia v. South Africa, [1966] I.C.J. Rep. 248, at 291-93.
6. H. L. Kissinger, A World Restored: Metternich, Castlereagh and the Problem of Peace, 1812-1822, p. 145 (Sentry ed., undated).
7. Article 22 (1).
8. Article 1 (2).
9. Advisory opinion of 11 July 1950, [1950] I.C.J. Rep. 128 at 137. See also [1955] I.C.J. Rep. 67 at 76 and [1971] I.C.J. Rep. 16 at 43.
10. 4 Israel Laws (authorized transl.) 144 (1950) as amended.
11. Article 2 (4).
12. 6 UN Conf. Int'l Org. Docs. 296, Summary Report of the Sixth Meeting of Committee I/1, Doc. 343 I/1/16 (15 May 1945).
13. See J. A. Perkins, The Prudent Peace: Law as Foreign Policy 75 (1981).
14. General Assembly resolution 1573 (XV) re Algeria; General Assembly resolution 1603 (XV) re Angola; General Assembly resolution 1747 (XVI) re Zimbabwe (Rhodesia).
15. The first three of these bases are set forth in supra note 13 at 66.
16. United Nations document A/CONF.39/27, 8 Int'l Legal Mats. 679 (1969).
17. In the famous case of The Paquete Habana, 175 U.S. 677 (1900), the U.S. Supreme Court based its holding concerning the immunity of coastal fishing boats from capture on the consensus of the community of States manifested by practice since the time of Henry IV.
18. Zionist legal writers oppose self-determination as law. See e.g., Blum, "Reflections on the Changing Concept of Self-Determination," 10 Israel L. Rev. 509 (1175) which states at 511:  

"Consequently, any attempt to convert self-determination into a legally recognized right amounts to an attempt to legitimize revolution and to absorb it into the existing legal system."
- See also M. Pomerance, Self-Determination in Law and Practices The New Doctrine in the United Nations, passim (1982).
19. See e.g., J. Stone, Israel and Palestine: Assault on the Law of Nations, passim (1981).
20. Higgins, supra note 5 at 1.
21. "Hopes and Loopholes in the 1979 Definition of Aggression," 71 Am J. Int'l L. 224, 235 (1977).
22. The text of the Mandate of 24 July 1922 is in 2 UNSCOP, Report to the General Assembly, 2 U.N. GAOR, Supp. 11, pp. 18-22, United Nations document A/364 Add. 1 (9 September 1947).
23. "The Churchill White Paper," of 1 July 1922, Cmd. 1700, in Jewish Agency for Palestine, Book of Documents Submitted to the General Assembly of the United Nations Relating to the Establishment of the National Home for the Jewish People 100 (Tulin, ed., 1947).
24. Supra note 3 at Chap. 4.
25. Lord Caradon, in Caradon, Goldberg, El-Zayyat & Eban, U.N. Security Council Resolution 242, p. 1 at 13 (Georgetown Univ., 1981). Concerning the powers of the Security Council, see J. Crawford, The Creation of States in International Law 328-29 (1979).
26. J. Pérez de Cuéllar, Report of the Secretary-General on the Work of the Organization 6 (1982).
27. Article 2 (3).
28. Article 2 (4).
29. Article 51.
30. Both the Israeli state terror and the Palestinian response analyzed are in Hirst, The Gun and the Olive Branch: The Roots of Violence in the Middle East, passim (1977). Primary authority on the state terror is in L. Rokach, Israel's Sacred Terrorism: A Study Based on Moshe Sharett's Personal Diary and Other Documents (Association of Arab-American University Graduates, 1980).
31. See e.g., The Other Israel (Newsletter of the Israeli Council for Israeli-Palestinian Peace, P.O. Box 956, Tel-Aviv, Israel, 61008).
32. A juridical analysis of the 1982 attack-invasion into Lebanon and the role of the United States Government appears in S.V. Mallison & W.T. Mallison, Armed Conflict in Lebanon, 1982: Humanitarian Law in a Real World Setting (Amer. Educational Trust, Wash. D.C., 2nd ed. 1985).
33. The Crippled Giant, 108 (Vintage Books, 1972).
34. Supra note 6 passim.
35. 44 U.S. Stat. 2184 (1924).
36. Supra note 2 and accompanying text.
37. In the appendix.
38. M. H. Heller, A Palestinian States: The Implications for Israel (Harvard, 1983). The thesis of this book (prepared under the auspices of the Strategic Studies of Tel Aviv University) is that, assuming that the Israeli interest in peace and security, the Palestinian State would be more consistent with such interest than any other alternative.
39. The past performance and the present potential of such sanctions by the world community are analyzed in M. S. McDougal and F. P. Feliciano, Law and Minimum World Public Order, chap. 4 (1961).
40. United Nations Charter, chap. 7 (Arts. 39-51).
41. Id., Art. 27 (3).
42. Id., Art. 12 (1).
43. S. P. Tillman, The United States in the Middle East: Interests and Obstacles (1982) demonstrates the U.S. national interests in a peaceful settlement under law.

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4. Igor Petrovich Belyaev, member of the Soviet Afro-Asian  
Solidarity Committee and correspondent of the magazine  
Literaturnaya Gazeta, specializing in Middle Eastern affairs

It is hardly accidental that our discussion centres around the problems of the Middle East. Let me emphasize the fact that today three wars have already been fought in this region. Three wars. Simultaneously: In the post-war years in the Middle East there was nothing of the kind. What are these wars? First of all it is a war waged by Israel. The Israeli army does not want to withdraw from Lebanon where the war against the Lebanese and the Palestinians has been in fact going on. I am convinced that it is hardly possible to consider as stable the calm along the frontiers of the Arab countries bordering on Israel – Jordan, Egypt and the Syrian Arab Republic. Yes, there are no military hostilities going on there at present. However, many political observers, including those who enjoy credit at the United Nations, continue to stress the fact that the situation in the Middle East remains explosive. We can practically say that the danger of an outbreak of a new war in the region has become a constant factor!

It was already for almost five years that the war was going on between the Islamic Republic of Iran and Iraq, which seriously destabilizes the situation in the region of the Persian Gulf. There is a third war going on in the Middle and Near East – the war against Afghanistan.

Let me stress the following fact – three wars in the Near and Middle East – are a serious threat to peace and security of all countries and peoples. Let me remind that twice – as a result of the wars waged in the Middle East – in 1967 and in 1973 – the world was approaching the "red line"; a global conflict could break out. And later on the United States and Israel tried more than once to bring the events taking place in the region to the brink of such a conflict. Let me continue my thinking – three wars in the Near and Middle East is a direct and serious threat to the West, the United States of America, Western Europe and Japan, their interests connected with getting Arab and Iranian oil.

The Soviet Union also has its vitally important interests in the Middle East. [In June 1982, at the very outset of the Israeli invasion of Lebanon, the Soviet Government reminded them:

"Those who are now responsible for the policy of Israel should not forget that the Middle East is a region located in the direct proximity of the southern frontiers of the Soviet Union and the events in which cannot but concern the interests of the USSR. We warn Israel about that."

What are these interests? It is first of all a matter of life interest that the Middle East should be a zone of peace. Is it important for the Soviet Union? To answer this question properly, let us recall what it is that the United States and West European countries are interested in along their frontiers. It is, first of all, a matter of peace and calm. They are coming out against any kind of subversive activities near at hand and we understand this. This does not prevent the United States from terrorizing Cuba, Nicaragua and certain other countries. Wars in the Middle East seriously concern our security.

The Soviet Union would not want the countries of the Middle East to be involved in the arms race, in the sphere of deploying the medium-range missiles. And facts provide evidence to the effect that certain countries of the region are somehow prepared, under the pressure of the United States, to provide their territories for the deployment of the Pershings and cruise missiles. In particular, this is being heard in Israel and Turkey. And other countries of the region should think of the plans of the United States on that score. United States missiles, in particular, in Comiso (Sicily) are directed against whom? Against the Soviet Union! Just like against Arab countries.

A very noteworthy event has taken place in the Middle East. I have in mind the forced withdrawal of the Israeli occupation corps from Lebanon. True, there is much ado about the so-called "zone of security" on the southern border of that Arab country. Under the pretext of the "vital necessity" of preserving the possibility to ensure "calm" along the Israeli-Lebanese frontier (which existed there until 6 June 1982!), Israel is trying at any cost to retain for itself a part of Lebanese territory or the right "to return" to it at any time as it pleases. I believe the Israeli generals and politicians wish to continue to solve the Israeli-Arab problems with the help of military force, disregarding both the interests of the neighbouring Arab States and the necessity of strictly observing the norms of international law, just like the generally recognized rules of communication between countries and peoples. It is impossible to consider the actions of Israel in regard to Lebanon as lawful. They have been unlawful from the very outset.

We believe that we have become witnesses of the collapse of the Israeli concept of being "always victorious" and "always as fast as lightning" of Israel against the Arabs. The "longest war" in Lebanon, which has ended in a political collapse for Begin, denunciation throughout the world of Sharon's line, the withdrawal from that Arab country of the United States marines and military units of chief NATO powers: France, Italy and the United Kingdom – is an example of this.

The lessons of the "longest war" of Israel, first of all, the sorrow and the pain of the losses on the front and then the most acute crisis ever faced by the Israeli economy, which could not sustain being stretched to its limits due to the sixth war waged against the Arabs, force Israeli generals and politicians to seriously ponder before they make up their minds to start a new war against the Arabs. Today in Israel there are serious anti-war political forces, among them we see more often the supporters of talks on a Middle East settlement. Unfortunately, in Israel there is no Israeli de Gaulle, who is capable of assuming the entire responsibility for a genuinely just settlement of the Israeli-Arab problems, first of all of the Palestinian problem and the assertion of a lasting and durable peace in the Middle East. And how could it be otherwise when in the country a decisive role is being played by the politicians and players such as Shamir and Sharon. One feels that this is a former approach to a Middle East settlement when war was considered as a benevolence and justice completely ignored, because the winner always dictates, and that winner is still Israel, according to the automatic thinking of Peres and Shamir. It is however quite obvious that the military and political realities of the region have already changed. That means that the reduction of a comprehensive Middle East settlement to a chain of separate deals, on the basis of the principles of Camp David, which are advantageous only to Israel and the United States is a formal political anomaly which does not coincide with new military and political realities generated by the defeat of the Israeli army in Lebanon.

And what have we seen in recent months and weeks? I believe that it is sufficient to state the essence of things, which is that the United States and Israel are trying, with the help of certain Arab leaders, to restore Camp David, having rejected collective efforts to boil down everything to one separate deal at the expense of the Palestinians and the Arabs to the objective advantage of only Israel and the United States, neglecting the interests of other sides involved in the crisis in this or that measure.

After the Amman agreement of 11 February 1985, which fixed the understanding about the joint actions of Jordan and the present-day PLO leadership, various kinds of separate solutions for the Palestinian problem were put forward. The first stage would be the formation of the Jordan-Palestinian delegation. At the second stage, the Jordan-Palestinian delegation would start negotiations with United States representatives, and later on, during the third stage, with Israel, with American mediation. After the agreement of the sides participating in the above-mentioned talks a certain "consensus" would be reached. This would be the fourth stage of the deal.

The United States, well before the beginning of the talks of the Jordan-Palestinian delegation with Israel, would allegedly declare the recognition of the national rights of the Palestinians. And if the talks of the Jordan-Palestinian delegation with Israel with the mediation of Ronald Reagan and Shultz advanced, then the Palestinian problems would be resolved within the frontiers of the Hashemite Kingdom of Jordan. The question about an independent Palestinian State is not even on the agenda.

But in order to sanctify a new separate deal and impart to it the character of an agreement "generally recognized" by the Arabs and the international community, and in order to prevent its cancellation as was the case with the Israeli-Lebanese agreement on 17 May 1983, the authors have devised a certain "international umbrella" under which everything would take place and which must impart respectability to this new separate deal. Israeli Prime Minister Shimon Peres called this "umbrella" a certain "peace conference", of course, with the participation of the United States, but without the participation of the permanent Security Council members.

In two months' time, as was seen from the newspapers in the middle of June this year, it is suggested to hold the same "direct" talks which were mentioned earlier. The participation of the Palestine Liberation Organization in these talks, despite the fact that this Organization is the sole legitimate representative of the Palestinian people, is completely ruled out. The Palestinians will be represented by certain "representatives" without status, some of whom live in the United States (their names have already been mentioned).

Of course, it is up to the Palestinians themselves to determine who will discuss and resolve their problem and in what manner. The Palestinian problem is their own problem. However, even now, before the beginning of the above-mentioned talks, it is quite obvious that here their national aspirations will be fully ignored.

According to Peres, a certain important role in the forthcoming talks must be attributed to the United States of America. A priori he gave to understand quite clearly that we cannot speak about the creation of an independent Palestinian State and the return of Israel to the demarcation lines of 5 June 1967.

Now let us think -- what is all this about? What is it they want to impose upon the participants of the forthcoming separate deal?

1. To single out the solution of the Palestinian problem from a comprehensive Middle East settlement and to prevent its just solution. I repeat, a priori the question of the creation of a Palestinian State and the return of all Arab lands seized by Israel after 5 June 1967 will be dismissed because as is already proven by the sad experience of Camp David, which has resulted in the "longest war" in Lebanon against the Lebanese and the Palestinians, another deal after Camp David will result only in more destructive consequences, both for the Arabs and for Israel and, I will add, for the United States too. Let us recall the flight from Lebanon of the United States marines which has, of course, humiliated Americans in the Middle East.

2. All decisions adopted on the Palestinian problem at the United Nations will be cancelled once and for all, including the well-known resolution adopted by the United Nations General Assembly on 29 November 1947 on the partition of the mandate Palestine into two States -- the Arab and the Jewish State.

The harmful character of a separate solution of the Palestinian problem is quite obvious to me. First of all, because of the fact that the solution of the Middle East problem must not be split up, singling out one problem after another -- first the problem of Egypt, then the Palestinian problem and later on other problems, but must be resolved through collective efforts making it in the final analysis indivisible and comprehensive.

I understand quite well the current plan of the United States. Because officially the American side does not disprove the fact that it is still bound by the earlier United Nations decisions on the Palestinian problem, Eastern Jerusalem, the Golan Heights and the Gaza Strip. The United States, has not yet transferred its embassy from occupied Jerusalem, thus demonstrating its loyalty to the United Nations decisions concerning the "Holy City". The United States has not approved the decision of the Israeli Knesset on the annexation of the Golan Heights. Today, in the summer of 1985, President Reagan and his closest counsellors on the Middle East want the Arabs themselves, acting within the framework of the Camp David Accords of the Palestinian problem, to engage in so-called "direct" talks between the Jordan-Palestinian delegation and Israel, undertake other steps of a clearly separatist nature and eliminate by their own hands the American commitment in regard to the Arabs. Although, as is known, starting from 1981, the United States has concluded a "strategic partnership" with Israel. In that event, according to the well-known Russian proverb, "The wolves will be fed, and the sheep (allegedly!) will be safe and sound". It is a matter of who is a wolf, and who are the sheep. In both cases the matter concerns the United States of America. And Israel. Therefore, the United States and Israel are not against "direct" talks which should be attended by the Arabs, who would act in a way desired by the American and Israeli political establishment in the Middle East.

The Soviet Union is coming out in favour of a general settlement of the problems in the Middle East. In fact, it should correspond to and be in accordance with the vitally important interests of the countries and peoples of that region, and the interests of international security. We are resolutely opposed to separate deals no matter in what form and under what flag they are proposed.

To achieve success in bringing about a settlement in the Middle East, such a settlement must be durably, long-term and for all sides involved in the Middle East crisis. Such is the first condition of success. The second condition is a desire for a lasting and durable peace in the region which can only be attained through collective efforts. The settlement itself must be comprehensive, excluding any misunderstandings which could result in its failure.

On the basis of the above-mentioned aspirations, the Soviet Union supports the proposal on the convocation of an international conference on the Middle East. In July 1984 it devised and put forward the principles for a Middle East settlement and suggested a concrete way for its achievement. They remain topical even today. How does it view the whole matter?

The principle of the inadmissibility of seizure of foreign lands through aggression should be strictly observed. Who is against it? Only enemies of peace in the Middle East.

The Arabs should receive all Arab territories occupied by Israel since 1967 -- the Golan Heights, the West Bank of the River Jordan, the Gaza Strip and the Lebanese lands.

Very often one hears that as a result of the division of Palestine in 1948, the State of Israel allegedly proved to be in a "dangerous situation", its security was allegedly not ensured territorially, and therefore, certain internationally recognized "safe borders" of the Israeli State should be defined. Allegedly Israel can exist only within such borders.

Let us think over this inconsistent thesis from my viewpoint. In 1973 Israel occupied a vast Arab territory (Egyptian, Palestinian and Syrian lands), its troops stood on the Eastern bank of the Suez Canal, the Western Bank of the River Jordan, on the Golan Heights and in the Gaza Strip. And then what? In October of the same year Israel started a war. Besides, namely that "October" war became its first serious military and political test. After it all wars of Israel against the Arabs were unsuccessful. In March 1978 the Israeli soldiers managed a hasty withdrawal from Lebanon, which they had invaded. Now we have become witnesses of the same unsuccessful issue of the "longest war" of Israel. It has brought much suffering to the Israelis. I cannot guarantee that a seventh Israeli-Arab war, if it ever starts, will be more successful than the invasion of Lebanon. This means that not in territories, but in normalization of the relationship with the Arabs -- lies the key to peace in the Middle East. If one is objective, then one more conclusion should be recognized as just renunciation of the principle of seizure of foreign territories on the part of Israel is beneficial first of all to Israel itself, and to those who support it.

I believe that it should be emphasized that the last principle, universal and extremely just, with which the overwhelming majority at the United Nations agrees, can and must be applied to the Israeli settlements established after 1967 in the occupied Arab lands. They must be eliminated. No matter how paradoxical it may appear at a first glance, the precedent was created by the Government of Begin, although the same course is being followed in the issue regarding the settlements, when the money of the United States taxpayers is being spent on financing the "creeping annexation". Remember, that when it was a matter of the final liberation of Sinai, the Israeli settlement of Yamit ceased to exist. And this was done by the Israeli army: Why shouldn't we apply this precedent to all the settlements? The creeping annexation, which is embodied in the Israeli settlements in the occupied Arab lands, has no right to support.

Now let us turn to the Palestinian problem. The Soviet Union favours the unconditional guarantee of the national rights (and not certain "humanitarian" rights) of the Palestinians. This is what is especially liked in Washington where these deliberations substitute the vital interests of the whole people, whose sole legitimate representative was and is the Palestine Liberation Organization, and the right to self-determination and the creation of an independent State on the Palestinian lands. They will be freed from Israeli occupation on the Western Bank of the River Jordan and in the Gaza Strip, as this is envisaged by the decision of the all-Arab summit conference in Fez and given the consent of the Palestinians themselves. By the way, all this benefits Israel. The Soviet Union believes that the Western Bank of the River Jordan and the Gaza Strip can be transferred by Israel for a short period of time, for a transitional period, not exceeding several months, under the control of the United Nations Organization.

I believe that we should take into account another very important consideration of the Soviet Union regarding the solution of the Palestinian problem. After its creation the Palestinian State will be itself determine the nature of its relations with the neighbouring countries, including the possibility of forming a confederation. I will stress the fact that the Soviet proposals on settling the problems of the Middle East do not specify with whom and when an agreement can be reached on the creation of a confederation. This is a matter that should be resolved by the Palestinians themselves.

I am convinced that the problem of the Palestinian refugees remains acute, and it should be resolved faster. The attempt of Begin's Government in the first week after the invasion of Lebanon to "push them out" into the Syrian Arab Republic and Jordan, has led to nothing. Such a "solution" is immoral and contradicts international law. All Palestinian refugees should be granted the possibility envisaged by the United Nations decisions to return to their homes or to receive a relevant compensation for the property they left. Israel, as is known, in order to provide for itself in 1949 the right of entering the United Nations Organization, recognized the right of the Palestinian refugees to return (its representatives signed in December 1948 the well-known Lausanne protocol) and, therefore, it should comply with its commitment in full measure.

Now let us talk about East Jerusalem. It should be returned to the Arabs and become an integral part of the Palestinian State, that same East Jerusalem that was occupied by Israel in June 1967 where one of the main sacred possessions of Islam is located. The city of Jerusalem should have an unconditional freedom of access for the believers to the three sacred places of the three religions, Christian, Moslem and Jewish.

The right of all States of the region to safe and independent existence and development should be implemented and guaranteed and, of course, there should be full reciprocity. It is impossible to provide full security for certain people, ignoring the security of others; such is the universal principle in the approach to that problem. It should be adhered to.

There are also other absolute terms for a Middle East settlement: cessation of the state of war between the Arab countries and Israel, the mutually recognized principle of the inviolability of frontiers of Israel with the Arab countries, and the mutual respect of the sovereignty, independence and territorial integrity of the countries directly participating in the settlement, including international guarantees. The Soviet Union believes that permanent members of the United Nations Security Council and the Security Council in general could be regarded as international guarantors. Its composition, as is known, is renewed after a relevant period. For its part, the Soviet Union is prepared to participate in such guarantees.

What is the shortest way to a comprehensive and just settlement in the Middle East? As I have already mentioned earlier, this is the way of collective efforts with the



participation of all sides concerned; they are not easy, but there can be fruitful talks within the framework of an international conference on the Middle East. Sometimes it is called the International Peace Conference on the Middle East. Its goal is to search, in the final analysis, for mutually acceptable solutions of all aspects of a Middle East settlement, on a comprehensive basis, which is especially important. As a result of direct talks within the framework of an international conference, a treaty could be signed or a whole system of treaties embracing all aspects and components of a settlement without exception. The conference could be attended by all Arab countries which have common borders with Israel – the Syrian Arab Republic, Jordan, Egypt, Lebanon and Israel, itself. We should emphasize especially that the Palestine Liberation Organization should be an equal participant in the conference as the sole legitimate representative of the Palestinian people. This is a principled condition for the success of the conference.

The participation in the conference should include both the USSR and the United States as the States playing an especially important role owing to the existing circumstances in Middle Eastern affairs and who were co-chairmen of the previous conference on the Middle East. Consequently, there is a precedent.

The number of the participants in the conference should include also certain other countries of the Middle East and the adjacent regions which are capable of contributing positively to the solution of the Middle East problem.

The proposed International Conference on the Middle East, just as the previous Geneva Conference, should be carried out under the aegis of the United Nations Organization.

An international conference on the Middle East in the conditions of today could:

1. Lead to the establishment of a lasting and durable peace in the region which would benefit all countries of the Middle East, including the Persian Gulf countries, as well as the Soviet Union, the United States of America, Western Europe and Japan, and ensure the deliveries of the Middle East oil to the world markets.
2. Guarantee the existence of the State of Israel desired by its leadership, which as a result of the six wars with Arabs, has been seriously undermined. I do not believe that such a conclusion is subjective. It is objective. Many serious Israeli politicians and demographers are convinced of its correctness.
3. Guarantee the development of the economic ties and trade of all nations of the world with Arab States and Israel, which is also in the interests of the Soviet Union and the West: the United States, Western Europe and Japan. In this respect they are interested no less than the socialist States. In the event that peace is not achieved in the Middle East, hopes for calm in the region will depend on accidental factors or circumstances. Who profits by this? Not the Soviet Union. And the United States, although certain American politicians are staking on the continuation of wars and strife in the Arab world. Of course, one should bear in mind the genuine interests of the American nation.
4. The convening of an international conference on the Middle East would provide a possibility, in the course of discussing the problems of the region in working groups (commissions) of the conference, to reach agreements which would be suitable for all sides concerned but only through negotiation, and in no other way!
5. If an international conference on the Middle East were convened and terminated successfully, then the following problems would be removed from the agenda:
  - a. The permanent Israeli-Arab wars, devastating for the warring sides. It would be possible to reach agreement on a gradual, reasonable cessation of arms deliveries to the countries of the Middle East.
  - b. The danger of escalation of the regional Arab-Israeli conflict to a global confrontation. Peace would be strengthened throughout the whole world and the Middle East would become a region where co-operation and reciprocal efforts aimed at the consolidation of international security would be used to mutual advantage.
  - c. The authority of the United Nations Organization would grow, as would efforts of the international community in favour of universal peace.
  - d. The profile of terrorism and racism would be lower, which would help solve the problem of southern Africa and of other acute international problems.
  - e. It would be possible to discuss the cessation of the proliferation of nuclear weapons in the Middle East and throughout the world, and this is well worth thinking about. Of course, it would be to the benefit of the Soviet Union and the United States, as well as Western Europe and Japan. I am convinced that this would have a most favourable impact on the state of all present-day international relations.
  - f. Today it is impossible even to imagine the great positive impact of the success of an international conference on the Middle East on the entire present-day military and political situation in the world. And it is only the beginning that counts, the beginning of the solution of the most complicated and most acute world problems. We should think about what is going on today in the region when armed resistance to the invaders emerges in Lebanon this could easily turn into a factor against Israel.
  - g. I believe that the deployment of the joint Soviet-American efforts aimed at achieving peace in the Middle East would be a positive precedent for the attainment of consensus on other very complicated and urgent problems of the present-day world. The whole of mankind would profit from it. I am convinced that such a course of events is possible, if we recall the well-known United States-USSR communiqué of 1 October 1977, cancelled owing to Israel's pressure on the President Carter Administration. But a positive precedent has been made. Why not make use of it?

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## XI. STATEMENTS BY REPRESENTATIVES OF UNITED NATIONS ORGANS

### A. STATEMENT BY MR. JONATHAN SIBITWE LICHILANE, REPRESENTATIVE OF THE UNITED NATIONS COUNCIL FOR NAMIBIA

On behalf of the United Nations Council for Namibia, I wish to express the gratitude of the Council to you, Mr. Chairman, and to the other members of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, for having organized this Seminar.

The decision of the General Assembly under which this Seminar is being held clearly confirms the intensified commitment of the international community to the just cause of the Palestinian people and to the attainment of their inalienable rights. Despite our Organization's continuing efforts over the past three decades in the search for a peaceful and just solution for all the nations and peoples of the region, progress made thus far falls short of our objectives.

The United Nations has affirmed time and again that the necessary conditions for a just and lasting settlement of the Middle East conflict are that Israel withdraw from the occupied territories, including Jerusalem, and that the inalienable rights of the Palestinian people be respected. That includes the right to self-determination and the right to establish a State under the leadership of the Palestine Liberation Organization.

The Council for Namibia believes that a just solution to the question of Palestine, which is a conditio sine qua non for everlasting peace in the Middle East, cannot be attained without the participation of the Palestinian people and their sole and authentic representative, the Palestine Liberation Organization.

It is therefore deplorable that the continued efforts of the international community to achieve a peaceful solution of the Palestinian question have not so far yielded any positive results, owing to the defiant attitude taken by Israel.

That country's annexationist policy needs no lengthy comment. In 1967, it conquered the last remaining part of Palestine, placing a million and a half Palestinians under repressive military occupation and administration. Apart from its annexation of eastern Jerusalem in July 1980, Israel in 1981 promulgated the law extending its jurisdiction to the Syrian Golan Heights. That was a flagrant act of aggression under the terms of Article 39 of the United Nations Charter and General Assembly resolution 3314 (XXIX). Furthermore, Israel is continuing in the occupied territories to apply measures which violate the fourth 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, in a spirit of defiance against United Nations resolutions and decisions.

There can be little doubt that these brazen acts only aggravate an already difficult situation, thus making the possibility of a peaceful negotiated solution to the Middle East turmoil more remote.

The question of Palestine, like the question of Namibia, continues to torment the conscience of the international community. The Council for Namibia believes that time is long overdue for the initiation of vigorous and imaginative programmes aimed at resolving these problems without delay. Like the question of Namibia, the question of Palestine has been on the agenda of the United Nations General Assembly since its inception, yet the solution thereof continues to elude us. Meanwhile, the sufferings of the people and the turmoil in those respective areas are growing day by day.

In Namibia, the racist South African régime continues to perpetuate its brutalities against the people, bent on subjugating them into submission and into acceptance of this illegal occupation of the territory and the imposition of its horrendous policies of apartheid. Efforts by the international community to reverse this trend

continue to encounter the arrogant intransigence of the racist régime of South Africa.

With regard to the implementation of Security Council resolution 435 (1978), the responsibility for the present deadlock rests clearly with South Africa, which has consistently blocked all efforts aimed at finding a solution for the implementation of this resolution, which constitutes the only acceptable basis for a peaceful transition to Namibia's independence.

Three weeks ago the Security Council considered the situation in Namibia at the request of the African Group and the Movement of Non-Aligned Countries. More than 70 speakers, including foreign ministers and other high-ranking officials, participated in the debate. The Security Council decided to mandate the Secretary-General to resume immediate contact with South Africa in order to implement the United Nations plan for the independence of Namibia, as set out in Security Council resolution 435 (1978).

South Africa, like Israel, must begin to realize that the path which they have elected to follow in their conduct of international relations is injurious to the maintenance of international peace and security. We demand that South Africa and Israel conform their behaviour to the norms universally accepted by the international community. They stand isolated and condemned for their continued defiance of world opinion. If they do not recognize their own higher interests and remain intransigent in refusing to comply with the call of the United Nations, effective means will have to be found to compel them to do so.

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B, STATEMENT BY MR. AHMAD FAROUK ARNOUSS (SYRIAN ARAB REPUBLIC),  
RAPPEUR, SPECIAL COMMITTEE ON THE SITUATION  
WITH REGARD TO THE IMPLEMENTATION OF THE  
DECLARATION ON THE GRANTING OF INDEPENDENCE  
TO COLONIAL COUNTRIES AND PEOPLES

On behalf of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, I wish to thank the Committee on the Exercise of the Inalienable Rights of the Palestinian People for having organized this important Seminar on the inalienable rights of the Palestinian people. We in the Special Committee attach great significance to the mobilization of international opinion towards the attainment of the objectives of the United Nations on the question of self-determination for all peoples under alien and colonial domination. We are profoundly aware that world public opinion is a powerful weapon in the struggle against injustice, oppression and alien and colonial domination. It therefore gives me great satisfaction to join on behalf of the Committee of 24 in this effort to enlighten and mobilize international opinion on the question of Palestine before such an influential and broadly representative gathering assembled here today.

The decision of the General Assembly under which this Seminar is being held clearly confirms the intensified commitment of the international community to the just cause of the Palestinian people and to the attainment of their inalienable rights. Despite our Organization's continuing efforts in the past 40 years in the search for a peaceful, just and lasting solution for all peoples of the region, progress made thus far falls far short of our objectives.

As we are well aware, the situation in the region continues to constitute a crisis which bears the explosive potential of a conflict that would seriously endanger international peace and security. It is particularly relevant in this context to recall that the General Assembly has repeatedly called for the full and speedy exercise by the Palestinian people of their 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 relevant to the question of Palestine, as well as their right to return to their home and property from which they have been displaced and uprooted.

While the Palestinian question is regarded as a most complex, difficult and dangerous issue facing the world community, that should not discourage the international community in, nor should that serve as a pretext to prevent it from continuing its intensified search for a just solution to the problem. On the contrary, our commitment to the goal as set forth in a number of related resolutions of the United Nations must be reinforced with a grave sense of urgency.

It is in this sense that the international community is being called upon today to make a positive and significant contribution and, in so doing, to ensure that no action be taken which would so exacerbate the situation as to render a just settlement more difficult to achieve.

Before concluding, I would like to acknowledge with appreciation the very important work carried out by the Committee on the Exercise of the Inalienable Rights of the Palestinian People under the outstanding and dedicated leadership of Ambassador Sarré of Senegal.

I wish also to express my profound appreciation to you, Mr. Chairman, and to all the members of the Committee for having associated the Special Committee of 24 in this important undertaking.

It is my confident hope that the holding of this Seminar would take us a step closer to the fulfilment by the Organization of its obligation to the Palestinian people. I therefore extend to you, Mr. Chairman, and to all the participants my best wishes for a successful outcome of your deliberation.

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C. STATEMENT BY THE ACTING CHAIRMAN OF THE SPECIAL COMMITTEE  
AGAINST APARTHEID, H.E. MR. GUENNADI I. OUDOVENKO  
(UKRAINIAN SOVIET SOCIALIST REPUBLIC)

I wish, on behalf of the Special Committee against Apartheid, and on my own behalf, to express thanks to you and to the members of the Committee on the Exercise of the Inalienable Rights of the Palestinian People for the invitation to participate in this meeting.

The Special Committee wishes to commend your efforts in support of the legitimate struggle of the Palestinian people and assures you of its continued co-operation.

The international community has recently witnessed developments culminating in further suffering for the people of Palestine. Such events reaffirm the view of peace-loving peoples all over the world that it is impossible to ensure a comprehensive settlement of the Middle East conflict without a cardinal solution of its core - the Palestinian question. The long-awaited solution must lead to the attainment by the Palestinian people of its inalienable rights, including the right to self-determination, the right to return and to establish its own independent State in Palestine. This cannot be achieved while the Israeli occupation of Palestinian and other Arab territories is continuing. Furthermore, the establishment of Israeli settlements in those territories is contrary to international law and to numerous resolutions adopted by the United Nations, as well as by regional, global, governmental and non-governmental organizations.

It is recognized by the United Nations as well as the whole world that the only road to the solution of the Palestinian problem lies in the collective effort and the only proper forum for this purpose is the proposed International Peace Conference on the Middle East with the participation of all parties concerned, including the PLO as well as the USSR and the United States.

The Israeli Government continues in its attempts to subdue the desire of the Palestinian people to free themselves. Israeli measures, as those of the racist régimes of South Africa, have been applied with cruelty and without respect for the human rights of the Palestinian people. Israeli practices have led to loss of life and constant intimidation of the oppressed people of Palestine. There is always racist behaviour in the Israeli handling of this question.

Israel, in denying the inalienable rights of the Palestinian people, thought it might overcome the problems through oppression and intimidation inside the occupied territories, as well as by escalating its aggression against Arab States. However, the desire of peoples for freedom cannot be conquered through force and intimidation.

Israeli policies and practices impose a threat to international peace and security. In addition to its notorious oppressive practices and aggression, Israel has been increasing its collaboration with the racist régime of South Africa in all fields and, in particular, in the military and nuclear fields.

Every year, the Special Committee submits a special report to the General Assembly and the Security Council on recent developments concerning relations between Israel and South Africa. The report points out very clearly the danger of the alliance between these two régimes. Israeli assistance to the South African military establishment as well as to its nuclear militarization has become a serious obstacle to the efforts of the United Nations to eradicate apartheid from the continent of Africa.

Our concern at the collaboration between these two régimes stems from the fact that they constitute an alliance detrimental to the interests of African and Arab peoples. The General Assembly has repeatedly condemned and called for the cessation of that diabolical alliance.

South Africa, Namibia and Palestine are questions that have appeared on the agenda of the United Nations almost since its inception. Namibia and Palestine are two

territories for which the international community assumed a sacred trust more than 60 years ago under the League of Nations mandate, but their peoples are not yet free. The people of South Africa have been oppressed by racist domination following colonial domination for more than 70 years. The United Nations and the international community have an inescapable responsibility for securing the freedom and independence of the peoples of Namibia, South Africa and Palestine. Accordingly, all Governments should pronounce, in unequivocal terms their support for the legitimate struggle of the peoples of Palestine, Namibia and South Africa. All Governments should also refrain from any relations with the régimes in South Africa and Israel until the peoples of Namibia, South Africa and Palestine are enabled to exercise their inalienable rights, in particular, their right to genuine self-determination. On behalf of the Special Committee, I should like to wish your meeting success in its endeavours and affirm our resolute effort for the inalienable rights of the Palestinian people.

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### XIII. LIST OF PARTICIPANTS AND OBSERVERS

#### Delegation of the Committee on the Exercise of the

#### Inalienable Rights of the Palestinian People.

##### Members

Afghanistan  
Cuba  
Cyprus  
German Democratic Republic  
Guyana India Indonesia  
Malta Romania Tunisia Turkey  
Ukrainian Soviet Socialist Republic  
Yugoslavia

##### Observers

China  
Egypt  
Jordan  
Morocco  
Syrian Arab Republic  
United Arab Emirates  
League of Arab States  
Organization of the Islamic Conference  
Palestine Liberation Organization

##### Panelists

Prof. Ibrahim Abu-Lughod (Palestinian)  
Prof. Naseer Aruri (United States of America)  
Dr. Igor Petrovich Belyaev (Union of Soviet Socialist Republics)  
H.E. Mr. Victor J. Gauci (Malta)  
Prof. W. Thomas Mallison (United States of America)

##### States Members of the United Nations

Argentina  
Democratic Kampuchea  
Haiti  
Thailand  
Union of Soviet Socialist Republics  
Uruguay

##### United Nations organs

United Nations Council for Namibia  
Special Committee against Apartheid  
Special Committee with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples

##### United Nations specialized agencies

United Nations Educational, Scientific and Cultural Organization  
World Health Organization  
Food and Agriculture Organization of the United Nations

##### United Nations bodies

Office of the United Nations High Commissioner for Refugees  
United Nations Environment Programme  
United Nations Children's Fund

##### Intergovernmental organizations

Organization of African Unity

##### National liberation movements

African National Congress of South Africa

Non-governmental organizations (observers)

America-Israel Council for Israeli-Palestinian Peace

World Muslim Congress

Association of Arab-American University Graduates

Women's International League for Peace and Freedom

Church of Humanism

Americans for Middle East Understanding

Najda: Women Concerned About the Middle East

Middle East Fellowship of the Presbytery of Southern California

University Center/International Studies, University of Pittsburgh

Drew University

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