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GENERAL ASSEMBLY
Forty-fourth session
Agenda items 37 and 39
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fourth year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 43/176 of 15 December 1988 on the question of convening the International Peace Conference on the Middle East. The operative part of the resolution reads as follows:

The General Assembly,

"...

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

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

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

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

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

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

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

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

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

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

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

2. On 2 October 1989, the Secretary-General, in pursuance of the request contained in paragraph 6 of the above resolution, addressed the following letter to the President of the Security Council:

"I have the honour to refer to resolution 43/176, adopted by the General Assembly on 15 December 1988, at its forty-third session, concerning the convening of the International Peace Conference on the Middle East. The text of the resolution is enclosed.

"Under operative paragraph 6 of resolution 43/176, I am requested to continue my efforts with the parties concerned, and in consultation with the Security Council, to facilitate the convening of the Conference, and to submit progress reports on developments in this matter. In order to be assisted in the preparation of my report, I would be grateful if the views of the Security Council on the convening of the International Peace Conference on the Middle East could be conveyed to me by 30 October."

3. On 7 November 1989, the President of the Security Council sent the following reply:

"I have the honour to refer to your letter of 2 October 1989 concerning the question of the convening of the International Peace Conference on the Middle East, by which you informed me of your desire to consult the Security Council once again, taking into account the relevant provisions of General Assembly resolution 43/176 of 15 December 1988.

"In accordance with your desire to be informed of the views of the members of the Security Council on this question, my predecessor and I have undertaken the necessary consultations.

"While members of the Council have noted with appreciation some positive steps and initiatives undertaken in the past year, they remain preoccupied by the continuing lack of progress in achieving peace in the Middle East and by the increasingly serious situation in the occupied territories. They are therefore convinced that efforts must be continued on an urgent basis to achieve a comprehensive, just and lasting settlement of the situation in the Middle East, particularly a solution to the Palestinian problem in all its aspects. They reaffirmed their support for an active peace process in which all relevant parties would participate, leading to a comprehensive, just and lasting peace in the region and they invite the Secretary-General to pursue his efforts and consultations in respect of the convening of an International Peace Conference on the Middle East.

"Most members of the Council stressed that the Conference should be convened on the basis of General Assembly resolution 43/176, for which they expressed their support, and in which it, inter alia, called for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination. They further stressed that any settlement should affirm and guarantee the right of all States in the region, including Israel, to exist within secure and internationally recognized boundaries and should also reaffirm and guarantee the right of the Palestinian people to self-determination, including the right to establish their own State.

"Several members of the Council indicated that the Security Council should begin urgent consideration of the situation in the Middle East with a view to reaching early agreement, in particular on the establishment of a preparatory committee for an International Peace Conference on the Middle East. Some other members indicated that the parties directly concerned must reach agreement on the exact form of a Conference, which should not prejudge the outcome of the negotiations.

"One member of the Council indicated it could not support the convening of an International Peace Conference in accordance with the formula contained in resolution 43/176 as this resolution failed to address the centrality of direct negotiations among the parties and purported to determine in advance the outcome of issues which must be resolved in the course of negotiations. In the view of this member, a properly structured Conference could, at an appropriate time, facilitate direct negotiations. This member, however, considers that the time is not right to convene an international conference."

4. In a note verbale to the parties concerned, dated 21 September 1989, the Secretary-General sought the positions, respectively, of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, and of the Palestine Liberation Organization, in regard to the International Peace Conference on the Middle East as called for in General Assembly resolution 43/176. The replies are reproduced below:

Note from the Permanent Representative of Egypt

"The Permanent Mission of the Arab Republic of Egypt ... with reference to the Secretary-General's note dated 21 September 1989 which referred to General Assembly resolution 43/176 and requested the views of the Government of Egypt on the convening of the International Peace Conference on the Middle East ... has the honour to convey the following:

"1. The Government of the Arab Republic of Egypt shares the views of the Secretary-General that the present state of affairs 'is one that causes ... grave concern'.

"2. It also agrees with the Secretary-General that despite the fact that recent months have seen tangible progress towards the settlement of many of the major conflicts which beset the world, these positive winds of change have not yet reached the Arab-Israeli conflict.

"3. It is therefore an agreed view that the need is urgent to establish a process acceptable to all for negotiations of a just, lasting, and comprehensive settlement.

"4. The Government of the Arab Republic of Egypt welcomes the statement by the Secretary-General and his observations that he will continue to work for that end.

"5. On the question of the International Peace Conference on the Middle East, the Government of Egypt firmly considers the convening of the said conference to be the goal of the peace process which would provide for a just, lasting and comprehensive settlement of the problem of the Middle East.

"6. The International Conference should be convened along the following lines:

"1. Under the auspices of the United Nations.

"2. The terms of reference should be Security Council resolutions 242 (1967) and 338 (1973), as well as the national political rights of the Palestinian people.

"3. The goal is to achieve a negotiated comprehensive peaceful settlement of the Palestinian problem in all its aspects as well as other related problems, also to ensure the achievement of a just and lasting peace in the Middle East.

"4. The active participation of all parties concerned and/or involved, on an equal footing, including the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people.

"5. The participation as well of the five permanent members of the Security Council.

"6. The Government of the Arab Republic of Egypt wishes to underline the continuing relevance of the principles affirmed by paragraph 3 of General Assembly resolution 43/176, namely:

"a. The withdrawal from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories;

"b. Guaranteeing arrangements for security of all States in the region, including those named in resolution 181 (II) of 29 November 1947;

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

"d. Dismantling the Israeli settlements in the territories occupied since 1967;

"e. Guaranteeing freedom of access to holy places, religious buildings and sites."

Note from the Acting Permanent Representative of Israel

"The Acting Permanent Representative of Israel to the United Nations ... has the honour to refer to (the Secretary-General's) note verbale dated 21 September 1989 regarding General Assembly resolution 43/176 of 15 December 1988, concerning the convening of the International Peace Conference on the Middle East.

"Israel has voted consistently against the General Assembly resolutions which called for the convening of the International Peace Conference on the Middle East.

"General Assembly resolution 43/176, while including a reference to Security Council resolutions 242 (1967) and 338 (1973), also affirms in its operative paragraph 3 to a series of principles which prejudice and subvert the possible outcome of peace negotiations and the very principles contained in Security Council resolutions 242 and 338. Moreover, it calls for the participation in the International Conference of the PLO, a terrorist organization dedicated to the destruction of Israel which cannot be considered a partner to peace negotiations.

"Israel has long advocated direct negotiations as the most promising framework to advance the peace process in the Middle East. General Assembly resolution 43/176 proposes an International Conference that is designed to substitute for - rather than support - direct negotiations. Characteristically, the verb 'negotiate', or any of its derivatives, is not to be found in the resolution.

"Israel shares the Secretary-General's observation made in his report on the situation in the Middle East (A/43/867 of 28 November 1988) that 'in the prevailing circumstances it is insufficient to concentrate solely on procedural matters' and that there is a 'fundamental importance of devising an effective negotiating process that can secure the interests of both Israelis and Arabs and enable them to live in peace with each other'.

"In seeking to advance the peace process the Government of Israel adopted on 14 May 1989 a peace initiative 'which deals with the continuation of the peace process; the termination of the state of war with the Arab States; a solution for the Arabs of Judea, Samaria and the Gaza District; peace with Jordan; and a resolution of the problem of the residents of the refugee camps in Judea, Samaria and the Gaza District' (A/44/282 of 17 May 1989).

"General Assembly resolution 43/176 offers no viable alternative to Israel's peace initiative and support for it can only prejudice ongoing efforts to advance peace in the Middle East."

Note from the Permanent Representative of Jordan

"With reference to (the Secretary-General's) letter of 21 September 1979 concerning the question of the convening of the International Peace Conference on the Middle East in accordance with the provisions of General Assembly resolution 43/176, I have the honour to transmit to you the position of the Government of the Hashemite Kingdom of Jordan on the matter, as follows:

"1. In keeping with its position that a political solution is a possible and feasible option for ending the Arab-Israeli conflict, at the core of which is the question of Palestine, Jordan has constantly urged the need for the convening of the International Peace Conference on the Middle East. Moreover, Jordan for its part naturally supports the call of the General Assembly for the convening of such a conference since it was among the first proponents of the original idea and since it has endeavoured to promote it in various forums and on various occasions. His Majesty the King was involved in a remarkable effort in that connection when the Arab Summit, meeting at Amman from 8 to 11 November 1987, decided that the convening of the International Conference was the appropriate framework for the achievement of a peaceful, just, comprehensive and lasting peace in the Middle East. Accordingly, Jordan's position in support of the convening of the Conference has been based on a conviction that such an international forum would encourage all the parties concerned to reach a binding settlement through direct negotiations.

"2. All aspects of the Conference are, of course, interlinked and of great import, whether they relate to procedural or substantive matters. The most salient of those aspects are, however, those relating to representation at the Conference, the designation of the parties that are to participate in it and its terms of reference, as well as the necessary preparations to ensure agreement on these and other aspects.

"3. With regard to participation in the work of the Conference, Jordan's attitude is in keeping with the Arab position and the international consensus, both of which Jordan shared in forming by proclaiming the need for all parties concerned to participate, including the Palestine Liberation Organization, the sole representative of the Palestinian people, on equal footing, and the five States permanent members of the Security Council, as bearing special responsibility for the maintenance of international peace and security.

"4. The basis for the Conference is represented by Security Council resolution 242 (1967), which lays down the principle of the restitution of the occupied Palestinian and other Arab territories in return for peace, and Council resolution 338 (1973), which stipulates that the international arena is an appropriate framework for a political settlement among the parties to the conflict in the Middle East. It is acknowledged that that would lead to securing the legitimate national rights of the Palestinian people, including its right to self-determination on its national soil as the essence of peace and a future guarantee of peace.

"5. There is no need to reaffirm the fact that this principle represents the crux of any possible settlement in the Middle East which would meet with international consensus and support.

"6. With regard to the terms of reference of the Conference, Jordan believes that they should chiefly include, inter alia, the voicing of opinions and the provision of advice and the necessary direction for the achievement of the required reconciliation of the various viewpoints in order to ensure sustained progress in the work of the Conference and constructive and positive interaction among the parties so as to attain the basic goal, namely to achieve and guarantee a comprehensive, just and lasting settlement. We do not, however, deem it judicious that the terms of reference of the Conference should be limited to mediation and oversight alone or that the benefits to be derived from according it arbitral powers and perhaps, in case of need, powers of decision, should be excluded.

"7. Finally, in order to overcome the difficulties affecting the peace process and facilitate the convening of the Conference, Jordan supports all the efforts made, including the valuable efforts of the Secretary-General, to expedite the convening of such a conference in order to halt the suffering of the Palestinian people in the occupied West Bank and Gaza Strip and to ward off the dangers of tension and eruption which threaten the Middle East region as a whole at a time when the international community is turning towards détente and coexistence."

Note from the Acting Permanent Representative of Lebanon

"With reference to your letter of 21 September 1989, I have the honour to convey to you hereunder the official position of principle of the Lebanese Government on the convening of an International Peace Conference on the Middle East.

"1. Lebanon agrees in principle to the convening of the International Peace Conference on the Middle East with a view to seeking a just, comprehensive and lasting solution to the Middle East problem in accordance with the provisions of the resolutions of the United Nations on the matter. It is

prepared to participate in the said Conference, as previously communicated to you officially on 24 May 1984.

"2. This does not mean that Lebanon would agree to the linkage of the solution of its own problem with that of the Middle East issue, since it considers that its own problem requires to be addressed separately and expeditiously in view of its urgent character and its devastating impact on its political, economic and social structure.

"3. Lebanon's readiness to participate in the International Peace Conference stems from its being one of the States involved in the Arab-Israeli conflict, from the fact that there are in its territory more than half a million Palestine refugees whose fate would be decided by the said Conference and from its desire to participate in the discussion of issues that it deems to be of direct or indirect interest and concern to it.

"4. Lebanon takes this opportunity to reaffirm its rejection of the idea that Palestinians should be settled in its territory and, on the basis of its support for the right of peoples to self-determination, calls for the recognition of the right of the Palestinian people to exercise self-determination and to establish its State on its own soil in accordance with the provisions of the resolutions of the United Nations General Assembly in that connection.

"5. Lebanon does not consider that it has a regional problem (a problem of territory with any State whatever) that is to be discussed or negotiated. It has fixed and internationally recognized frontiers, and it adheres to its right to full sovereignty and independence.

"The question of the Israeli occupation and of Israeli practices in the South should be addressed from the point of view of acceding to the will of the international community as represented by Security Council resolutions 425 (1978), 508 (1982), and 509 (1982), which call for full and unconditional Israeli withdrawal from Lebanese territory, by enabling the United Nations forces to implement their mandate in full by deploying up to the internationally recognized borders, by consolidating international peace and security and by assisting the Government to exercise its right to extend its authority and sovereignty over its territory and, consequently, to transform the South into a zone of security and peace.

"6. Lebanon reaffirms its commitment to the Armistice Agreement of 1949, which remains in force, as affirmed by the successive Security Council resolutions of relevance, until such time as it is replaced by another instrument with the establishment of a just and comprehensive solution to the Arab-Israeli conflict."

Note from the Permanent Representative of the Syrian Arab Republic

"The Permanent Representative of the Syrian Arab Republic ... has the honour to transmit the following reply of the Government of the Syrian Arab Republic to (the Secretary-General's) note dated 21 September 1989 on the convening of an international conference on the Middle East:

"The Syrian Arab Republic supported General Assembly resolution 38/58 C on the convening of the International Peace Conference on the Middle East, as indicated in its letter addressed to you and distributed in document A/43/272 of 31 March 1988, and supported General Assembly resolutions 42/66 D of 2 December 1987 and 42/209 A of 11 December 1987.

"The Syrian Arab Republic once again emphasizes the need to continue efforts for the convening of the International Conference with the participation of all parties to the conflict, including the Palestine Liberation Organization, and the permanent members of the Security Council with a view to achieving a just and comprehensive peace based on the principles of the Charter of the United Nations and its resolutions relating to the Arab-Israeli conflict, and also based on:

"Achievement of a complete Israeli withdrawal from all the occupied Arab territories, including Jerusalem;

"?Guarantee of the inalienable national rights of the Palestinian Arab people in accordance with United Nations resolutions."

Note from the Permanent Observer of Palestine

"The Permanent Observer of Palestine to the United Nations ... has the honour to refer to the memorandum of 21 September 1989 regarding the convening of the International Peace Conference on the Middle East pursuant to General Assembly resolution 43/176 of 15 December 1988.

"President Yasser Arafat has instructed us to respond recalling that the said resolution was adopted almost unanimously with only two negative votes namely Israel and the United States. He also wishes to note that it is of significance that the ninth summit Conference of the Heads of State or Government of the non-aligned countries has unanimously endorsed the call for the convening of the International Peace Conference on the Middle East and stressed the urgent need to convene the Conference.

"President Arafat, further, wishes to take this opportunity to stress that in all endeavours and contacts concerning the achievement of a comprehensive and just solution, Palestine insists that all such endeavours for peace must be carried out under the auspices of the United Nations, and on the basis

of the principles of the Charter and the relevant resolution 43/176.

"In the meantime, President Arafat wishes to remind Your Excellency and, through you, the international community of the plight and suffering of the Palestinian people under Israeli occupation and the responsibility to provide international protection and assistance to them.

"President Arafat wishes to express his great appreciation to the Secretary-General for his efforts to expedite the convening of the Conference and to reassure him of our support and cooperation in pursuing those efforts and in particular, in the efforts with the permanent members of the Security Council and others."

* * *

Observations

5. It is clear from the communications set out above that sufficient agreement does not exist, either within the Security Council or among the parties to the conflict, to permit the convening of the International Peace Conference on the Middle East as called for in resolution 43/176. This is particularly unfortunate since the resolution, which was adopted by the General Assembly in Geneva following an important debate on the question of Palestine and which welcomed the outcome of the Extraordinary Session of the Palestine National Council held in Algiers in November 1988, received much wider support than earlier resolutions concerning an international conference. The vote in favour of Assembly resolution 43/176 reflected the commitment of the international community to the convening of the International Peace Conference on the Middle East, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Security Council resolutions 242 (1967) and 338 (1973) and the legitimate national rights of the Palestinian people, primarily the right to self-determination.

6. When I last reported to the General Assembly on the prospects of convening an International Peace Conference on the Middle East (A/43/691-S/20219 of 30 September 1988), I drew attention to the fact that all the members of the Security Council believed that it was desirable to convene an international conference and that it was at least possible to identify in the views of the parties agreement that there should be an international framework for the negotiation of a just and lasting settlement. The Security Council has again invited me to pursue my efforts and consultations in respect of the convening of an International Peace Conference on the Middle East, and I shall do so. But, in light of the positions stated above, I cannot fail to note that there is still a lack of unanimity which inhibits the attaining of this objective.

7. Having said that, I fully share the concern of the Security Council which, while taking note of the positive steps and initiatives undertaken in the past year, remains preoccupied by the continuing lack of progress in achieving peace in the Middle East and by the increasingly serious situation in the occupied territories. Moreover, I am deeply worried by the fact that time is passing and that opportunities that have emerged in the past 12 months might slip away. I therefore welcome efforts that seek to pursue these opportunities in the hope that they will lead to an effective negotiating process. It remains my view that such a process will be meaningful only if it involves all the parties concerned and aims at a comprehensive, just and lasting settlement of the Arab-Israeli conflict based on Security Council resolutions 242 (1967) and 338 (1973) and the legitimate rights of the Palestinian people, including self-determination. Given the gravity of the situation and of the urgent need for progress, I shall spare no effort in carrying out the responsibilities entrusted to me by the General Assembly and the Security Council in this regard.
