



**General Assembly
Security Council**

Distr.
GENERAL

A/39/130
S/16409
13 March 1984

Original: English

GENERAL ASSEMBLY
Thirty-ninth session
Item 33 of the preliminary list*
QUESTION OF PALESTINE

SECURITY COUNCIL
Thirty-ninth year

Report of the Secretary-General

(in pursuance of General Assembly resolution 38/58 C)

1. The present report is submitted in pursuance of resolution 38/58 C on the question of the convening of an international peace conference on the Middle East, which was adopted by the General Assembly at its thirty-eighth session, on 13 December 1983.
2. On 5 January 1984, the Secretary-General addressed a letter to the President of the Security Council on this matter; this letter, including the text of resolution 38/58 C which was appended to it, is reproduced in annex I. On 30 January, the President of the Security Council for the month of January, Mr. Javier Chamorro Mora, sent an interim reply to the Secretary-General (annex II). On 27 February, the President of the Security Council for the month of February, Mr. S. Shah Nawaz, sent a further reply setting forth the results of his and his predecessor's consultations with the members of the Council on the matter raised by the Secretary-General (annex III).
3. Following consultations with the Security Council, on 9 March 1984, the Secretary-General addressed letters to the Governments and authorities specified in paragraph 3 of his letter of 5 January (see annex I) to ascertain their views on all issues relevant to the organization and convening of the proposed conference, including the question of identification of participants.
4. The Governments and authorities mentioned above were requested to communicate their views on the subject to the Secretary-General as soon as possible, preferably no later than 30 April 1984. Upon receipt of their replies, the Secretary-General will consider how best to proceed in regard to the implementation of General Assembly resolution 38/58 C. All relevant information will be included at a later stage in an addendum which the Secretary-General will issue to the present interim report.

* A/39/50.

Annex I

**LETTER DATED 5 JANUARY 1984 FROM THE SECRETARY-GENERAL
TO THE PRESIDENT OF THE SECURITY COUNCIL**

I have the honour to refer to resolution 38/58 C which was adopted by the General Assembly at its thirty-eighth session on 13 December 1983 on the question of the convening of an international peace conference on the Middle East. The text of the resolution is attached for easy reference.

In paragraphs 5 and 6 of the resolution, the General Assembly requested the Secretary-General, in consultation with the Security Council, urgently to undertake preparatory measures to convene the conference and invited the Security Council to facilitate the organization of the conference. In paragraph 7, the General Assembly requested the Secretary-General to report on his efforts no later than 15 March 1984.

The first problem to be settled would be that of the participation in the proposed conference. Bearing in mind the provisions of paragraph 4 of the resolution, the following Governments and authorities could be invited to participate in the conference:

- (a) The fifteen members of the Security Council, namely, China, Egypt, France, India, Malta, the Netherlands, Nicaragua, Pakistan, Peru, the Ukrainian

Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, Upper Volta and Zimbabwe;

- (b) The Governments which are directly involved in the Arab-Israeli conflict and which are not members of the Security Council, namely, Israel, Jordan, Lebanon and the Syrian Arab Republic;
- (c) The Palestine Liberation Organization.

It would be my intention, as a first indispensable step towards the organization and convening of the proposed conference, to address letters to the Permanent Representatives of the above-mentioned Governments and to the Permanent Observer of the Palestine Liberation Organization to the United Nations in which I would draw their attention to General Assembly resolution 38/58 C, inform them of the list of participants as agreed in consultation with the Security Council and request their participation in the conference in accordance with the provisions of the above-mentioned General Assembly resolution. I would ask each of them to give me a reply by 1 March 1984 in order that I may report to the General Assembly and the Security Council no later than 15 March 1984. I would also indicate in the letters that I am making this approach after consultation with the Security Council.

If the members of the Security Council agree with the above plan of action, I shall proceed accordingly. I would be grateful if you would bring this matter to the urgent attention of the members of the Security Council.

(Signed) Javier PEREZ DE CUELLAR

Appendix

GENERAL ASSEMBLY RESOLUTION 38/58 C

The General Assembly.

Recalling its resolution 36/120 C of 10 December 1981, in which it decided to convene, under the auspices of the United Nations, an International Conference on the Question of Palestine on the basis of its resolution ES-7/2 of 29 July 1980,

Recalling also its resolution 37/86 C of 10 December 1982 in which it, inter alia, reiterated the responsibility of the United Nations to strive for a lasting peace in the Middle East through a just solution of the problem of Palestine,

Having considered the report of the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1983,^{1/}

Convinced that the Conference, in having adopted by acclamation the Geneva Declaration on Palestine ^{2/} and the Programme of Action for the Achievement of Palestinian Rights, ^{3/} made an important and positive contribution to the attainment of a comprehensive, just and durable peace in the Middle East through a just solution to the problem of Palestine, the core of the Arab-Israeli conflict,

Conscious of the importance of the time factor in achieving a just solution to the problem of Palestine,

1. Takes note with satisfaction of the report of the International Conference on the Question of Palestine;
2. Endorses the Geneva Declaration on Palestine, adopted by acclamation on 7 September 1983;
3. Welcomes and endorses the call for convening an International Peace Conference on the Middle East in conformity with 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;
 - (b) The right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East;
 - (c) The need to put an end to Israel's occupation of the Arab territories, in accordance with the principle of the inadmissibility of the acquisition of territory by force, and, consequently, the need to secure Israeli withdrawal from the territories occupied since 1967, including Jerusalem;
 - (d) The need to oppose and reject such Israeli policies and practices in the occupied territories, including Jerusalem, and any de facto situation created by Israel as are contrary to international law and relevant United Nations resolutions, particularly the establishment of settlements, as these policies and practices constitute major obstacles to the achievement of peace in the Middle East;
 - (e) The need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, including the expropriation of land and property situated thereon, and in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel;
 - (f) The right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people, the sine qua non of which is the recognition and attainment of the legitimate, inalienable rights of the Palestinian people as stated in subparagraph (a) above;

4. Invites all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, as well as the United States of America, the Union of

Soviet Socialist Republics and other concerned States, to participate in the International Peace Conference on the Middle East on an equal footing and with equal rights;

5. Requests the Secretary-General, in consultation with the Security Council, urgently to undertake preparatory measures to convene the Conference;
6. Invites the Security Council to facilitate the organization of the Conference;
7. Also requests the Secretary-General to report on his efforts no later than 15 March 1984;
8. Decides to consider at its thirty-ninth session the report of the Secretary-General on the Conference.

95th plenary meeting
13 December 1983

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- 1/ A/CONF.114/42.
 - 2/ Ibid., chap. I, sect. A.
 - 3/ Ibid., chap. I, sect. B.

Annex II

LETTER DATED 30 JANUARY 1984 FROM THE PRESIDENT OF THE SECURITY COUNCIL TO THE SECRETARY-GENERAL

I have the honour to inform you that I have drawn to the attention of the members of the Security Council your letter dated 5 January 1984, concerning General Assembly resolution 38/58 C of 13 December 1983 on the question of the convening of an International Peace Conference on the Middle East. I have the honour to inform you also that it will be necessary to hold further consultations on this question.

(Signed) Javier CHAMORRO MORA

Annex III

LETTER DATED 27 FEBRUARY 1984 FROM THE PRESIDENT OF THE SECURITY COUNCIL TO THE SECRETARY-GENERAL

1. I have the honour to refer to your letter of 5 January 1984 in regard to resolution 38/58 C adopted by the General Assembly at its thirty-eighth session on 13 December 1983 on the question of the convening of the International Peace Conference on the Middle East.
2. Your Excellency would recall that in his letter of 30 January 1984, the President of the Security Council for the month of January had informed you of the need for more consultations in regard to this matter. I have carried forward the process and completed my consultations with all the members of the Security Council, as requested by Your Excellency.
3. Only one member of the Security Council has conveyed its views in writing to the President of the Council. A copy of the letter is attached. The other members of the Security Council chose to convey their views to me orally during my individual consultations with them.
4. The views expressed by the members of the Security Council were reflective of their varying positions regarding the merits of the proposed Conference, without infringing upon the Secretary-General's freedom to continue consultations on the subject in any manner he deemed appropriate, not excluding addressing of letters to the governments and authorities specified in paragraph 3 of your letter. These letters would be issued for the purpose of consulting the addressees on all issues relevant to the organization and convening of the proposed Conference but would not constitute invitations to them to participate in a Conference. The question of identification of participants would be one of the subjects for the consultations.
5. I hope that this letter will facilitate Your Excellency's carrying out the mandate entrusted to you by General Assembly resolution 38/58 C.

(Signed) S. SHAH NAWAZ

Appendix

LETTER DATED 13 JANUARY 1984 FROM THE PERMANENT
REPRESENTATIVE OF THE UNITED STATES OF AMERICA
TO THE PRESIDENT OF THE SECURITY COUNCIL

My Government has considered carefully the letter of 5 January that the Secretary-General addressed to you on the question of convening an International Peace Conference on the Middle East. The Secretary-General seeks the agreement of the members of the Security Council on the course of action which he proposes for organizing such a conference.

As you know, the United States voted against General Assembly resolution 38/58 C which endorsed the holding of this conference. We had earlier opposed the International Conference on the Question of Palestine held in Geneva last summer, from which the idea of a Middle East peace conference originated.

The United States believes firmly that the only path to peace in the Middle East lies in a process of negotiations among the parties based on Security Council resolutions 242 and 338, a process that the United States has sought vigorously and consistently to encourage, particularly in the Camp David Accords and in President Reagan's initiative of 1 September 1982. Holding an international conference as recommended by the General Assembly would only hinder this process. It would predictably become a forum for propagandistic and extreme positions, and in the context proposed by the General Assembly and further articulated by the Secretary-General it would very likely yield a one-sided outcome not acceptable to one or more of the parties and therefore inoperable. The net result would be to diminish the prestige of the United Nations as the sponsor of the conference and delay the day when peace will come to the troubled Middle East.

The United States will continue to focus its energies on the task of promoting face-to-face negotiations among the parties directly concerned with the Arab-Israeli dispute. We remain hopeful that this course will bring a just and lasting settlement in the region at the earliest possible time.

You are authorized to inform the Secretary-General of the above views of my Government. The United States considers the recommendation of a Middle East Peace Conference in General Assembly resolution 38/58 C to be ill-considered and harmful. We would regret any decision using the authority of the United Nations for this purpose, or the use of United Nations personnel and financial resources. The United States has no intention of participating in such a conference or in any preparatory activities for it.

(Signed) Jeane J. KIRKPATRICK