



SPECIAL UNIT ON PALESTINIAN RIGHTS

THE SIXTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

Theme: "The Inalienable Rights of the Palestinian People"

12 - 16 April 1982

Valletta, Malta

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1. REPORT OF THE SIXTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

1. The Sixth United Nations Seminar on the Question of Palestine with the title "The Inalienable Rights of the Palestinian People" as its central theme, was held at the Mediterranean Conference Centre, Valletta, Malta, from 12-16 April 1982, in accordance with the terms of General Assembly resolution 36/120 B. Eight meetings were held and 17 panelists presented papers on various aspects of the Question of Palestine.
2. The United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People was represented by a delegation consisting of His Excellency Mr. Massamba Sarre, Chairman of the Committee; His Excellency Mr. Victor J. Gauci, Malta, Rapporteur; His Excellency Mr. Abdullah Kamil, Indonesia; Dr. Ferenc Somogyi, Hungary; Mr. Bechir Chebaane, Tunisia; and Mr. Zehdi L. Terzi, Permanent Observer of the Palestine Liberation Organization to the United Nations. His Excellency Mr. Victor J. Gauci acted as Rapporteur of the Seminar.
3. The Seminar was attended by Mrs. Lucille Mair, Secretary-General Designate of the International Conference on the Question of Palestine.
4. The opening session of the Seminar on 12 April 1982 was convened in the distinguished presence of the Acting-President of the Republic of Malta, The Honourable Dr. Daniel Micallef and was addressed by The Honourable Dr. Alex Sceberras Trigona, Minister for Foreign Affairs and Culture of the Republic of Malta.
5. The Minister outlined the justified struggle of the Palestinian people for self-determination and stressed the recognition and support - including diplomatic accreditation to the Palestine Liberation Organization - given by Malta to their cause. Over many years the Palestinian people, despite many disappointments, continue to place their faith in the United Nations. This faith deserves to be rewarded with an equitable and peaceful outcome for the legitimate rights of the Palestinian people.
6. The role of the United Nations in disseminating objective information on the Palestine issue was also outlined; the Seminar in Valletta was considered an important forerunner to active European involvement in the search for an equitable solution. It was necessary to investigate the constraints that so far have prevented Western Europe from making its effective contribution to a constructive Middle East policy.
7. The Venice Declaration, which spoke forthrightly of the rights of the Palestinian people and its representation, was an important element in European involvement, but the hopes raised in that Declaration have not yet been fulfilled. The Valletta Seminar could serve to consolidate progress and to identify new avenues to pursue, so that progress will no longer be delayed.

8. At the same opening session, Mr. Massamba Sarre, Chairman of the Committee, gave a brief account of the Committee's work. He also highlighted Europe's role in the shaping of history, as well as in the formation of world opinion. In this context he emphasized the importance of the Seminar as one approach in helping to ensure that the rights of the Palestinians would be implemented.

9. The tragic violence perpetrated in Jerusalem by Israeli soldiers reported on that same day was a grim reminder of the constant deterioration of the situation and the consequent need for a new momentum in the search for a solution. The Seminar immediately decided to send a telegram to the President of the Security Council and another to the Chairman of the Palestine Liberation Organization, Mr. Arafat, deploring the Israeli action.

10. A message from His Excellency Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization was conveyed to the Seminar by Mr. Mourad Essa Bahloul, Representative of the Palestine Liberation Organization in Malta.

11. A message from the Secretary-General of the League of Arab States, His Excellency Mr. Chedli Klibi was conveyed to the Seminar by his personal representative to the Seminar, Mr. Youssef Al-Fayoumi.

12. The Seminar was graced by the presence of His Eminence Msgr. Hilarion Capucci, Archbishop of Jerusalem who addressed an inspiring message to the Seminar. He emphasized the essentially humanitarian nature of the problem of the Palestinians which should call for a universally positive response. The Palestinians wanted recognition as a people, entitled to their own nation and to their flag, thus attaining their inherent dignity, and liberty as any human person.

13. Six panels were established so as to consider different aspects of the central theme "The Inalienable Rights of the Palestinian People". These panels and their panelists were as follows:

- (i) The Fundamental Rights of the Palestinian People
The Hon. Mr. Andrew Faulds, M.P. (United Kingdom)
Senator Luigi Granelli, M.P. (Italy)
Mr. Vladimir Ivanovich Kesselyov (Union of Soviet Socialist Republics)
Dr. Vladimir S. Koshelev (Byelorussian Soviet Socialist Republic)
Dr. Jerzy Piotrowski (Poland)
- (ii) The Nature and the Role of the Palestine Liberation Organization
Dr. Sami Musallam (Palestinian)
- (iii) Israeli Settlements Policies in the Occupied Arab Territories
Dr. Becir Meholjic (Yugoslavia)
Mr. Bela Szilagy (Hungary)
- (iv) The Palestine Issue and European Public Opinion
Mr. Charles Saint-Prot (France)
The Hon. Mr. Ernest Ross, M.P. (United Kingdom)

- (v) The Evolution of European Attitudes and Policies on the Question of Palestine

Mr. Tijil Declerq (Belgium)
Mr. Leonidas Kyrkos (Greece)
Mr. George Vella (Malta)

- (vi) The Role of the United Nations and the Search for Effective Measures to Enable the Palestinian People to Attain and Exercise its Rights

Mr. Marcel Dinu (Romania)
The Hon. Mr. Giancarlo Pajetta, M.P. (Italy)
Dr. Ingo Schoenfelder (German Democratic Republic)

14. In accordance with established practice, the opening statements and the papers presented by the panelists will be published in full by the United Nations, together with the report of the Seminar, as a further contribution towards objective appraisal of the Question of Palestine.

15. The vigorous discussions which followed the presentation of papers at each meeting covered several aspects of the Question of Palestine and helped further to elaborate on some of the points made by the panelists.

16. The Seminar agreed that a lasting and stable peace in the Middle East required the attainment by the Palestinian people of its inalienable rights. The continued occupation of Arab lands and the arrogant disregard of the rights of the Arab people of Palestine had made the Palestinian issue one of the most acute problems of our time requiring a political settlement on the basis of internationally recognized principles.

17. The United Nations has consistently reiterated and reaffirmed the inalienable rights of the Palestinian people, but these continued to be violated and their realisation frustrated by Israel, in defiance of international public opinion and in violation of international law.

18. The conference noted that in addition to the non-aligned countries of Europe the Union of Soviet Socialist Republics and other Socialist European countries had consistently supported the inalienable rights of the Palestinians and had made constructive suggestions in attempts to enable the Palestinian people to exercise those rights.

19. Among these suggestions was the effort to renew the Geneva-Middle East Conferences, with the participation on an equal footing of the representatives of the Palestine Liberation Organization; the joint United States-Soviet Statement of October 1977; and the proposal by L. I. Brezhnev, Chairman of the Presidium of the Supreme Soviet and General Secretary of the Central Committee of the Communist Party of the Soviet Union for an honest, collective search for an all-embracing, just and realistic settlement in the Middle East. This could be done in the framework of a specially-convened international conference with the participation of all interested parties, naturally including the Palestine Liberation Organization.

20. The European Economic Community more recently had adopted a constructive attitude on this issue and had endorsed the principle that recognition of the legitimate rights of the Palestinian people was one of the basic conditions for a lasting peace in the region, together with the need to provide international guarantees for the security of all the states in the region and the need to associate the Palestine Liberation Organization in the comprehensive peace negotiations.

21. It was felt that urgent and concerted action was required from the United States and Members of the European Economic Community to be fully behind all international efforts to stop the Israeli process of acquisition of territory by force, which in itself was contrary to international law and presented a serious impediment to a peaceful solution of the problem.

22. Reference was also made to the proposals by Prince Fahd of Saudi Arabia which were considered as a possibility for initiating a dialogue among the interested parties.

23. The Seminar was of the view that there was a clear linkage between the right of Palestinians to self-determination and their right to return to Palestine. It felt that too often plans for recognition of the Palestinian people's right to self-determination were restricted in application to those Palestinians who had remained in Palestine under Israeli occupation, and no account was made for the return of Palestinian refugees. This omission did not apply to the recommendation by the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People.

24. The nature and representative role of the Palestine Liberation Organization was discussed in detail. It was pointed out that more states had recognized the Palestine Liberation Organization and have established relations with it than with Israel. It was incontestable that the Organization was more than a political party or liberation front - it was an institution which was the functions of a State and provides a national framework for different Palestinian mass organizations and individuals.

25. The question of Jerusalem and its importance was emphasized. Israel's decision to enact legislation on Jerusalem as its capital was regarded as one of the most serious indications of its insincerity in placing insurmountable obstacles against a comprehensive peace settlement. The attempt unilaterally to impose a juridical status of the Holy City, which is unique in its religious and universalist character, was in direct contradiction to international law and has implications well beyond the issue of Palestinian rights.

26. The Seminar was given a detailed account of the aggressively expansionist settlements policy continuously pursued by Israel, in violation of accepted international norms. In spite of the strong demonstration of world public opinion against this policy, it had gained added momentum since 1977. It was evident that the Israeli leadership had a double aim: to change the demographic structure of the area and reduce the proportion of the Arab population in Jerusalem.

27. Recent repressive measures, such as the dismissal of legally-elected mayors and the brutal repression of the spontaneous demonstrations of the inhabitants, increased tension and constituted a threat to international peace and, in particular, to the security of the Mediterranean region. It was clear that these policies were a further step in the preparation for a planned Israeli annexation of the occupied Palestinian Arab territories.

28. The host country notified the Seminar that in response to the appeal of His Majesty King Khalid of Saudi Arabia, it had temporarily closed its airports as a gesture of support and solidarity with the Arab and Moslem people, over the Israeli attack on the holy Al Aqsa Mosque in Jerusalem and against unarmed Palestinian people.

29. In discussing European public opinion on the question of Palestine it was stated that the media in Western Europe, though giving coverage to events in the Middle East, generally tended to convey a bias in their reportage on the Middle East conflict from the Question of Palestine. When the Palestinian cause was referred to their legitimate armed struggle was often distorted as terrorism.

30. It was noted that there was evidence of manipulation of major sections of public opinion in Western Europe. This was made possible on the one hand by the existence of a powerful and influential group hostile to the Palestinian cause in particular and to the Arab people in general, and on the other hand because of certain shortcomings in the field of information among the Arab information services.

31. A change was however noticeable over the past few years. The Palestinian cause was a just one, and, once heard, its conviction was irrefutable. The misinformation, or even "conspiracy of silence" was now being challenged in many Western European countries, within the influential ranks of church organizations, trade unions, academic and Parliamentary institutions. In addition, the European disenchantment with the Israeli policies under the Likud Government was growing with each additional act of repression and intransigence.

32. The principal role of the media in projecting an image favourable to Israel was traced and its origins discussed. The Zionists are most influential in the domain of the media, which they mobilize to transform the fundamental nature of the problem, to subordinate the legitimate aspirations of Palestinians to Zionist designs and to the Jewish historical experience, and to disassociate the Palestinian cause from other national liberation movements. To counteract this, it was felt that attempts should be made to prove that any hostility towards Israeli policies had no relation to anti-semitism and that European security was in no way directly tied to Israeli politics.

33. In tracing the evolution of Western European policies and attitudes on the Question of Palestine, the influence of the United States of America on these attitudes was stressed. It was suspected that even those Western European nations which were more sympathetic to the plight of the Palestinians and were normally prepared to support them, nevertheless felt reluctant to isolate the position of the United States and were awaiting the outcome of the policy review by the present United States administration

34. It was noted that Israel relied heavily on United States aid and in particular on military aid, so as to maintain a quantitative and qualitative superiority over its Arab neighbours. This policy is also backed by some Western European countries, not only in economic aid but also in military assistance, in addition to the immigration of Jewish manpower into Israel from all over Europe and North America.

35. The new awakening on the issue dates back to 1973. The first solid counter-reaction took the form of the oil embargo, and this gave rise to a significant shift in attitudes. There has been a gradual shift noticeable in the official policy followed by Western European governments, and an even more pronounced change in public opinion, as evidenced by the many pro-Palestinian demonstrations and the formation of pro-Palestinian groups. This movement at the grass-roots level is gaining momentum; it needs to be fed with new information and encouraged to become more vocal.

36. It was suggested that there should be a sophisticated information campaign for a better understanding of the true Palestinian cause, at all levels of influence such as the media, trade unions, youth organizations, non-governmental organizations and religious institutions. This could include the production of a film which dramatizes the question of Palestine. The infrastructure and the means already exist and it was only a question of co-ordination and organization.

37. The United Nations' role in the search for a solution to the problem of Palestine was reviewed and carefully analysed. It was maintained that the United Nations had a great responsibility to give effect to a solution stemming directly from the provisions of the United Nations Charter and from resolution 181 (II) and other relevant resolutions of the United Nations.

38. In reviewing the history of United Nations involvement in the question, it was noted that considerable progress had been made in the recognition of the political aspects of the legitimate Palestinian demands and in defining the basic principles for a settlement of the Middle East conflict and the Palestine issue through peaceful means.

39. While recognizing the limitations within which the United Nations worked, it was agreed that it was possible for the United Nations to make further progress on this issue through the continued efforts of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the International Conference scheduled to take place no later than 1984, and further action in the General Assembly and the Security Council and other United Nations bodies.

40. Such action could include, within the Security Council, the positive examination of the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the adoption of a comprehensive resolution which would give recognition to the Palestinian peoples' inalienable rights and the right of all States in the region to exist in peace and within secure boundaries.

41. Within the General Assembly it was suggested that decisions should be adopted which would ensure that the International Conference on the Question of Palestine would find effective ways and means of achieving a comprehensive, just and lasting settlement of the problem.

42. In this connection it was recalled that the Co-ordinating Bureau of the Non-Aligned Movement had at its meeting in Kuwait in April 1982 called upon the Secretary-General to undertake at the earliest possible time, contacts with all parties to the Arab-Israeli conflict with a view to finding concrete ways and means to achieve a comprehensive, just and lasting solution. That meeting had also called upon the President of the General Assembly to resume the meeting of the Seventh Emergency Special Session on the Question of Palestine no later than 20 April 1982.

43. The United Nations remained the only appropriate international framework capable of solving the problems of the Middle East and Palestine. Other partial agreements such as the Camp David Accords negotiated outside the framework of the United Nations and without the participation of representatives of the Palestine Liberation Organization, made no effective provision for the exercise of the inalienable rights of the Palestinian people, thus complicating and retarding the prospects of a comprehensive solution.

44. The moral and political authority of the United Nations should be used to bring about an objective approach to the question of Palestine.

45. Gratitude was expressed to the panelists for the high quality and depth which characterized the studies they had submitted and which had generated so much stimulating debates.

46. A Programme of Action was adopted by the Seminar which also addressed an Appeal to Western European Governments for justice in Palestine. A further appeal for a Western European initiative in the Near East was addressed by the Western European participants in the Seminar. The texts of these documents are appended below.

47. The Seminar concluded with the adoption of its report and with an expression of gratitude by the participants to the Government of Malta for permitting the Seminar to be held in Valletta, for the co-operation and generous assistance it had extended in the organization of the Seminar, for the interest it had taken in its proceedings and for the friendly atmosphere in which it was held.

Programme of Action

I. A sophisticated campaign should be launched in Western Europe to promote the Palestinian cause, and to do it at all levels - the media, trade unions, youth and women's organizations, non-governmental organizations and religious institutions. This could include the production of an information film which dramatizes the Palestinian question. Existing means and resources may be utilised to pursue this aim.

II. The Secretary-General of the United Nations is urged to ensure that the Special Unit on Palestinian Rights concentrates its efforts on increasing its contacts throughout Europe by establishing closer liaison with non-governmental organizations, the media and the other groups interested in the question of Palestine, so as to organize one or more regional meetings on the question of Palestine, at an appropriate time to be agreed upon, which would give maximum publicity to the just cause of the Palestinian people and promote effective governmental action to achieve an equitable solution

The Valletta Appeal to Western Europe
for Justice in Palestine
Malta, 16 April 1982

We, the participants in the Sixth United Nations Seminar on the Question of Palestine;

Concerned at the situation in illegally-occupied Palestine;

Concerned at the acts of repression frequently and currently perpetrated by Israel on the Arab inhabitants of these territories;

Concerned, also, at the threat to peace in the area as a result of these acts;

Deploring Israel's continued refusal to abide by United Nations resolutions, its violations of international law and the Charter of the United Nations and its defiance of world public opinion;

Anxious to promote a just and peaceful solution;

Conscious of the potentially constructive role that Western Europe can, and has a moral responsibility to, play in promoting a resolution of the problem;

Convinced that an impartial consideration of the question of Palestine by all Governments would undoubtedly lead to the restoration of the legitimate rights of the Palestinian people and to a just solution of the question, thus remove existing tensions which constitute a threat to international peace and security;

Appeal to the Governmental organizations and people of Western Europe to urge their Governments urgently to adopt an impartial approach to the question of Palestine and to assume their proper role in restoring the legitimate rights of the Palestinian people on the basis of the recommendations of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People thereby promoting a peaceful solution to a problem which had endangered international peace and security for an entire generation.

Appeal for a Western European Initiative in the Near East

For 35 years the situation of the Palestinian people has been constantly deteriorating: half of these people have been deprived of their lands and are living in the unacceptable condition of refugees; the other half are living under occupation and are the victims of repression, as is shown by the recent incidents in the West Bank area.

A defenceless people has been subjected to a veritable martyrdom, in violation of all the rules of international law and all the resolutions of the United Nations since 1947.

We, Europeans of all political and intellectual tendencies, who are participating in the Sixth United Nations Seminar on the Question of Palestine being held in Malta, have the duty to declare that the situation imposed on the Palestinian people is intolerable and that it is time for a just solution to this problem to be found.

Europe should demand that the State of Israel puts an end to its aggressive and expansionist policy and withdraws from all the occupied Arab and Palestinian territories. The exercise by the Palestinian refugees of their right to return should be guaranteed. Like all other peoples, the Palestinian people should have the right of exercising their inalienable right to self-determination within a sovereign State on the territory of their fatherland and on the soil of their ancestors.

In addition, talks towards the achievement of a just and lasting peace in the Near East should be opened with the participation of all the parties concerned, including the Palestine Liberation, which is the sole and legitimate representative of the Palestinian people.

From Malta, we address an appeal to the parliamentarians, political parties, trade unions, organizations for solidarity and intellectuals of the European Community to give their support to an initiative which will express the desire of the European peoples to see the Palestinian people at last living in their own homeland in peace, freedom and dignity.

This initiative, which will include official recognition of the Palestine Liberation Organization as the sole representative of the Palestinian people, should be based on the United Nations resolutions in favour of recognition of the inalienable national rights of the Palestinians as constituting the basis for a just and lasting peace in the Near East. Only this global peace will guarantee the security of all the peoples and states of the region, and it remains the essential condition for security throughout the Mediterranean area.

Accordingly, the signatories invite all those forces that are concerned for justice and peace to organize a European Conference to be held in Athens in November 1982.

Malta, 15 April 1982

Signatories:

Tijl DECLERQ, Christian-Democrat Senator from Belgium

Andrew FAULDS, Labour Member of Parliament from the United Kingdom

Luigi GRANELLI, Christian-Democrat Senator from Italy

Leonidas KYRKOS, Communist Deputy from the European Assembly (Greece)

Jean-Yves LE DRIAN, Socialist Deputy from France

Giancarlo PAJETTA, Communist Deputy from Italy

Ernest ROSS, Labour Member of Parliament from the United Kingdom

Charles SAINT-PROT, Chairman of the Committee for Peace in the Near East (France)

George VELLA, Labour Member of Parliament from Malta

2. STATEMENT BY HIS EXCELLENCY MR ALEX SCEBERRAS TRIGONA,
FOREIGN MINISTER OF MALTA

For the Government and people of Malta, the holding of this Seminar on the Island is as much an honour as it is a further step in the fulfilment of our commitment to the Palestinian cause. This commitment arises in the first place from our sympathy with the Palestinian people who for decades have been deprived of the basic right to live in freedom and peace on their own soil. The human tragedy of Palestine is the lasting shame of our era. Arbitrarily uprooted from their homes, generations of Palestinian people have been victimized by the rabid extremism of bigotry and the unfeeling cruelty of political opportunism. In reaction against their oppression which has destroyed their homes, dispersed their families and shattered their aspirations, the Palestinian people have raised a bitter and impassioned struggle for their inalienable rights. The Palestinian people are struggling for a homeland of their own, not just a piece of territory on which they are barely tolerated under the pretence of a false autonomy, but a sovereign state in its own right which will give them the opportunity to determine freely and without hindrance their own lives and future.

Malta supports this justified struggle. We wholeheartedly oppose those forces which attempt to stand in its way. We do this as a peace-loving state in the Mediterranean concerned at the ever-present threat to peace in the region and the world, residing in the festering problems of the Middle East and in particular the central issue of Palestine. Our commitment also arises from the spirit of solidarity with our Arab neighbours with whom we share close historical, cultural and economic ties and for whom the continuing tragedy of the Palestinian people is a daily and unbearable affront.

The evolution of the question of Palestine is intertwined with the evolution of the United Nations. There is much more in this fact than a simple reflection of historical coincidence. It is rather a reflection of the reality that the issues which lie behind the tragedy of the Palestinian people go to the very heart of the principles upon which the United Nations was founded: the respect for the dignity of peoples and the sovereignty of states and the pursuit of the peaceful intercourse among nations and peoples. In the light of the criticisms which biased minds have thought it fit to level at recent initiatives taken at the United Nations in support for the Palestinian people it is useful to recall that as far back as 1948, in its resolution 194(III), the United Nations was already asserting in no uncertain terms the basic right of the Palestinians to "return to their homes and live at peace with their neighbours", a right of which they were already deprived at that time and which was even more extensively eroded in subsequent years.

Since the 1940s the Palestinian people have been struggling for their rights only to see them progressively eroded with each decade leaving them only the possibility of justifiably increasing their armed struggle and the annual conflicts which it brought about.

It is a dramatic token of the maturity and essentially peaceful objectives of the Palestinian people that after so many disappointments, after countless resolutions and initiatives by the United Nations had failed to resolve their problem, they were still prepared in 1975 to put their faith once again in yet another initiative by the world body. In that year, the Committee on the Exercise of the Inalienable Rights of the Palestinian people was established. The task of the Committee was to elaborate a strategy for peace in the Middle East, a strategy which would take into account the historical complexities, the political interests and the social realities which have transformed a peaceful region into a major international trouble spot for practically four decades.

The task set before the committee was indeed immense; the fears, the prejudices, the misconceptions which had accumulated around the original problem, itself an arduous and intractable one, were overwhelming. The goodwill and co-operation of the whole international community was essential to ensure at least a reasonable chance that the work of the committee would make an effective contribution to a peaceful resolution of the problem.

The Palestinian people under the wise and able guidance of their sole legitimate representative, the Palestine Liberation Organization, engaged themselves wholeheartedly to work with the Committee in the pursuit of a peaceful solution. Many other nations did likewise. Malta joined in these endeavours, inspired by the sentiment that the collective and peaceful approach made possible through the deliberations of the Committee provided perhaps one last opportunity to avert a serious conflagration in the region. In spite of its extremely limited resources, the Maltese Government was more than happy to agree to the appointment of its Permanent Representative to the United Nations to serve as Rapporteur on the Committee. In assuming responsibility for this delicate and time consuming task, we felt we were making the best possible contribution to the process of peace and co-operation in our region.

It is unfortunate that not all members of the United Nations adopted the same cooperative attitude. We were greatly distressed to see that some of our neighbours in Europe, whose regional and even national interests would have dictated otherwise, refused to join the collective and peaceful path chartered by the United Nations. Others went even further. At a time when the international community was seeking a global and comprehensive solution to the whole cluster of issues in the Middle East, of which the Palestinian problem is manifestly the central one, they sought a partial solution based upon agreements which gave marginal and slight attention to the question of Palestine. The widespread international condemnation of the Camp David Agreements was a result of the perception by the majority of nations of the essentially pernicious and retrograde impact that the Agreements would have on the process of peace in the region. It is no consolation to have to state at this point in time that these concerns were justified. The process initiated by Camp David, erratic even in terms of its limited and partial scope, has added to the seeds of trouble in the region as a whole and has enmeshed its protagonists even more inextricably in the vortex of conflict.

In spite of these obstacles, the Committee has sought to play the role which was originally conceived for it. Within a few months it had prepared a set of constructive and realistic suggestions for the launching of the process of peace in the Middle East, suggestions which were intended to redress injustice, satisfy legitimate aspirations and allay realistic preoccupations through a series of carefully calculated steps leading to the final and indispensable solution, that of the establishment of a Palestinian state which, in peace and harmony with its neighbours, would provide the Palestinian people their inalienable right to a home of their own. It is to be stressed that at no point in its recommendations does the Committee question the right of any state in the region of the Middle East to exist, or to retain those rights and prerogatives belonging to any member of the United Nations. What the Committee does stress are the duties and obligations incumbent upon any state in fulfilment of its formal commitments as a member of the international community.

The United States of America, through the consistent use of its veto has, since 1976, prevented the Security Council from acting on the recommendations of the Committee. The path to peace and harmony has been blocked, deliberately and arbitrarily, time and again in defiance of overwhelming international opinion. But the reality and tragedy of the Palestinian problem cannot stand still. The stalling of the process towards peace is in itself a step in the opposite direction. We have seen tensions rise in the Middle East. Lebanon is threatened by the ever-increasing ambitions of expansionist Zionism. The occupied territories are seething with turmoil. Naked international aggression has reached outrageous proportions, with the unprovoked bombings on civilian targets and the illegal annexations of occupied territories and the city of Jerusalem.

In the midst of this turbulence, the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People has sought to fulfil one other role entrusted to it by the international community, namely to create an awareness of the real issues behind the Palestinian problem by promoting the open, intelligent and calm discussion of the issues involved. The holding of this Seminar in Malta inserts itself in the context of this activity. The process of informing and, where necessary, reforming influential public opinion is certainly a slow and in some ways a tedious one. It is, however, an indispensable element in the strategy for the peaceful solution by the international community.

The Valleta Seminar assumes its particular significance in terms of the impact it can have on the evolution of European attitudes towards the Palestinian issue. For Malta this aspect is of major importance not only because we have long believed and preached the important role Europe can and should play in the Palestine question, but also because we feel that far-reaching European interests are at stake.

The opportunity which is now provided for the careful and sober analysis of recent developments, the prodding into attitudes and assumptions which are increasingly being questioned, the examination of actions and initiatives which may be taken in the immediate future, is perhaps unique in terms both of the timing as well as the location of the Seminar.

Much more remains to be done. We are all conscious of the threshold which will be stepped over in two weeks time in Sinai and of the timeliness of new developments on the issue. It is my hope that the Seminar will play its role in the consolidation of progress already achieved and in the identification of new avenues for further action.

We are proud to have you here in Malta and we assure you of our full commitment to ensure the complete success of your work.

3. STATEMENT BY THE CHAIRMAN OF THE SIXTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I welcome you to the sixth United Nations Seminar on the Question of Palestine.

This is the second in the series to be held in Europe, the first having been held in Vienna (Austria) in August 1980. These Seminars, as you know, are a major element in the efforts made by the United Nations to alert world opinion to a matter of cardinal importance for world peace. Europe's role in moulding world opinion and creating history, both inside and outside the United Nations, is of such importance that I wish to express our deepest gratitude to the Maltese Government for giving its consent to the holding, today, of the second of our European seminars in this magnificent Mediterranean conference centre. The wonderful facilities placed at our disposal and the proverbial beauty of the setting should make our task that much more pleasant. In this context, I should also like to express the Committee's deep thanks to our hard-working and tireless Rapporteur, Ambassador Gauci. Mr. Gauci's commitment to the Palestinian struggle for their inalienable rights, and his extensive knowledge of the Palestinian issue within the United Nations, have constantly facilitated the work of Committee members.

In convening this second European seminar, we are continuing to make progress in the fulfilment of the mandate which the General Assembly conferred on us in resolution 36/120 B, adopted at its 93rd plenary meeting, on 10 December 1981. We are in agreement in having found the previous regional seminars, held in Arusha, Vienna, Colombo, Havana and, most recently, New York very informative. The fervour with which the overwhelming majority of the Members of the United Nations voted to continue and increase the number of these seminars testifies to the value and importance attributed to them.

The New York seminar, which was held at United Nations Headquarters from 15 to 19 March 1982, also dealt with the subject of "the inalienable rights of the Palestinian people". The extent to which the Palestinian people is enabled to enjoy these inalienable rights will be the final yardstick of the success of all the efforts by the Organization to resolve the Palestinian issue. Our aim in meeting today, in order to conduct an exchange of ideas and opinions on the most effective means of redressing the wrongs done to the Palestinians so that they may plan their rightful role in the concert of nations, is to move towards that supreme goal.

The question of Palestine has occupied the United Nations since the Organization's foundation. Then, as now, it was of extreme importance for the political stability of the Middle East and the rest of the world. No other issue has remained on the United Nations agenda so long. Over the last 33 years, to go no further than that, the Organization has adopted more than 300 resolutions on the situation in the Middle East, to which the Palestinian issue is central. This figure alone clearly shows the importance of the activities to which we shall be devoting ourselves for the next few days.

The intensification of the conflict in the Middle East over the last 30 years has made life intolerable for the population of the region, and this has placed the interests and peace of the entire community of nations under a grave threat. I am therefore sure that, like me, you will feel that lasting peace cannot be established in the Middle East until the question of Palestine has been equitably settled.

The explosive situation resulting from the conflict in the Middle East makes it incumbent on us all to inform the public about the course of events that has created the difficult circumstances in which we find ourselves today, and to present the true nature of the facts to the international community in such a way that it will be better placed to prescribe suitable solutions. Allow me, in that connexion, to try your patience a little by going over the list of measures that the United Nations has taken to alleviate and avert tremendous, lamentable suffering among the Palestinians, who are still borne down by Israel's military domination and expansionist policies.

In its first major effort to deal with the question, in 1947, the General Assembly adopted resolution 181 (II), which acknowledged the right of the Palestinian Arabs to set up an independent State next to a Jewish State. It should also be recalled that the Plan of Partition contained in addition a series of provisions relating to human rights and fundamental freedoms which the proposed States were legally bound to observe. Yet the situation has so developed that the resolution has been effectively implemented only in part. Only one, Jewish, State has seen the light of day. Subsequent events have not, you will note, invalidated resolution 181 (II) or diminished the validity of resolution 194 (III) which the General Assembly adopted in 1948, resolving that Palestinians wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date. The spirit and the letter of these crucial resolutions are still valid.

Even so, a number of obstacles hindered the proper implementation of the two resolutions at the time of their adoption. New obstacles have arisen since then, which have only multiplied the serious difficulties confronting the Palestinians today. Notable among the examples one could cite in this connexion are the way the Palestinians have been forced to scatter into neighbouring States; the fact that since 1967 Israel has occupied the entire region in which General Assembly resolution 181 (II) stipulated that the Palestinians were entitled to create their national home; and the persistent tension - not to say the actual state of war - existing between the State of Israel and the neighbouring Arab countries.

It goes without saying that none of these factors favoured the legitimate expression of the Palestinians' right to self-determination. Additionally, for many years the international community tended to consider only the humanitarian aspects of the Palestinian question, while ignoring its political dimension. However laudable the compassion that motivated it, and whatever its importance in regard to the pitiable situation of the refugees, this approach would clearly never have allowed the Palestinians to assert their legitimate rights as a people, as many other peoples affirmed their right to nationhood during a period of decolonization which has led to the well-known increase in the membership of the United Nations.

The 1970s marked a decisive turning point in this regard; after 27 years, the Organization once again began to look at the question of Palestine in a political light. In adopting resolution 3236 (XXIX) in 1974, the General Assembly recalled that resolutions 181 (II) and 194 (III) should be acted upon. The Palestinians' national rights and right of return were thus reaffirmed by the international community. It was nevertheless feared that the recommendations would not be followed up, so the Assembly took further measures. The Committee on the Exercise of the Inalienable Rights of the Palestinian People was established in 1975. Pursuant to its mandate, the Committee has adopted recommendations designed to facilitate the exercise of the rights set forth in resolution 3236 (XXIX). The aim of these recommendations is to:

- (i) Facilitate the exercise of the acknowledged rights of the Palestinian people and endorse the role of the Palestine Liberation Organization as the sole representative of the Palestinian people;
- (ii) Promote a peaceful solution satisfying all the States and peoples of the Middle East;
- (iii) Take advantage of all the opportunities afforded by the United Nations for promoting peace and safeguarding security in overseeing the changes recommended; and
- (iv) Ensure strict respect for the provisions of international law and the relevant United Nations resolutions.

The General Assembly has reiterated these recommendations of the Committee at every session it has held since their original submission in 1976; you will note, however, that despite the moral and legal authority they command, their implementation has always been blocked, the Security Council being unable to take any decision on the question owing to a veto by one of its permanent members.

Discouraging as this may be, the obstacle posed by a veto in the Security Council has not prevented the Committee from remaining firmly convinced that its recommendations are a firm foundation for a fair and lasting solution to the Middle East problem. At its request, therefore, an emergency special session of the General Assembly was convened in July 1980. At that time the General Assembly endorsed by a very large majority the right of the Palestinian people to set up an independent State and exercise its inalienable rights.

The voting in this regard on that occasion is of particular interest, showing a substantial change in the attitude of several Western European States. One could say that the improvement in the methods used to report on the situation and disseminate information on the question of Palestine was largely responsible for this development.

It was to remedy the lack of objective information that the Special Unit on Palestinian Rights was set up within the Secretariat in 1978. The Special Unit, which works in consultation with and under the guidance of the Committee, has since that time been involved in preparing and disseminating studies on the question of Palestine seeking to promote a better understanding of the problem. The seminars which it has organized have likewise familiarized the public with the question. The fact that a study group on public opinion has been set up at each of the regional seminars held to date reveals, moreover, the importance that the Committee attaches to the question of information over-all.

These undertakings by the Special Unit have borne fruit. We welcome the change of opinion as regards Palestine which has occurred over the last two years. Besides such major international organizations as the non-aligned movement, OAU and the Organization of the Islamic Conference, which have always understood the real nature of the Palestine question, the States of Western Europe have more recently, as I mentioned a moment ago, shown a better understanding of the aspirations of the Palestinian people and a certain willingness to take bold and original initiatives to solve the problem. I am thinking, of course, of the declaration drawn up in Venice by the Council of Europe, which tallies on many points with the Committee's recommendations, and with a number of the relevant resolutions of the General Assembly.

Even now, while we are gathered here today to consider the Middle East question, developments in the region are continuing to exacerbate tension. As recently as 23 March, The New York Times was reporting on the senseless violence meted out to Arab students protesting against the dissolution of the properly elected El-Bireh municipal council and the illegal dismissal of its mayor, Ibrahim Tawil, by the Israeli Ministry of Defence. It emerged from an article on the subject that at least 18 Arabs had been hit by shots fired by the Israeli army since 6 March. The opposition to the violent methods employed by the Israeli Minister of Defence, Ariel Sharon, is so widespread in Israel itself that the Jerusalem Post felt it necessary to comment on the situation like this:

"Common sense makes it impossible to believe that the army's punitive measures will help to make the Palestinians accept the idea of autonomy."

The newspaper Ha'aretz notes that:

"The Government has decided to go on administering the territories as though they had already been annexed."

You will recall, moreover, that these Israeli measures are not without precedent. Israel has persisted in violating the provisions of the fourth 1949 Geneva Convention by establishing new settlements in the illegally occupied territories. The Israeli authorities have dismissed the mayors of Hebron and Halhoul and the Hebron magistrate. Also among the illegal acts which Israel has recently committed are the annexation of Jerusalem and the attack against the Iraqi nuclear power station.

You will also remember that the Security Council declared Israel's annexation of the occupied Syrian territory in the Golan Heights "null and void and without international legal effect" in resolution 497 of 17 December 1981. As Israel did not comply with resolution 497 (1981), the Security Council sought to take new steps on 20 January last, but was obstructed by the negative vote of a permanent member. Under the terms of the draft resolution proposed, the Council would have decided that all Member States should consider applying concrete and effective measures in order to nullify the Israeli decision to annex the Syrian Golan Heights.

Although the Security Council was unable to take any decision, an emergency special session of the General Assembly was convened thereafter to consider the steps taken by Israel. On 5 February the General Assembly, by 86 votes to 21, adopted a sweeping resolution condemning the annexation of the Golan Heights, recommending sanctions and urging States once again to isolate Israel because of its aggressive acts.

Even so, the nub of the Middle East problem remains the question of Palestine and we all still feel that the odds are very much against a settlement. The task of the Committee and, hence, the work of this seminar are undubitably of very great importance: the General Assembly has solemnly entrusted us with helping to ensure that the rights of the Palestinians are respected. The Charter of the United Nations in both spirit and letter enjoins not only its signatories but also all those who are gathered together here to work without respite for the attainment of this noble objective.

The Committee is convinced that this seminar will help to create a better understanding of the circumstances surrounding the question of Palestine. It also expects our deliberations to stimulate an awareness of the facts that will enable us to assure the Palestinians that one day they will be able to exercise their civil and political rights on their own soil.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to express my thanks to all those who have devoted their time and effort to preparing the documents which will undoubtedly contribute to the success of this seminar.

4. MESSAGE FROM HIS EXCELLENCY MR YASSER ARAFAT, CHAIRMAN OF THE
THE EXECUTIVE COMMITTEE OF THE PALESTINE LIBERATION ORGANIZATION

Brothers, Chairman of the Committee, esteemed participants and observers: Revolutionary Greetings.

On the occasion of the convening of the 6th Seminar on the Inalienable Rights of the Palestinian People, it gives me great pleasure to send you in the name of my brothers, members of the executive committee of the Palestine Liberation Organization, and in my own name, sincerest greetings and profound gratitude. I would like on this occasion to convey to you the interest in, and appreciation of, our militant Palestinian people in the works of your previous seminars as well as the present one. Because of the important contribution such seminars make, the subjugation of our Palestinian people, especially those who suffer torture in the prisons, jails and interrogation cells, is more bearable.

I wish to extend my greetings and appreciation to the President, Parliament and people of Malta for hosting this Seminar. The Republic of Malta has consistently supported the just struggle of our Palestinian people and the Palestinian people greatly appreciate this position of principle.

The policy of the Zionist entity continues to violate the legitimate and just rights of the Palestinian people to enjoy a decent life as defined by the United Nations for all people. Moreover, the enemy's various forms of violations are escalating: From the arbitrary of the holy places, to the destruction of the historic character of the land, to the confiscation of land, to the demolitions of houses, to the declarations of annexation of whole areas like the City of Jerusalem and the Golan Heights, to its attempts to impose civil administration and "self-rule" in a futile attempt to crush the will of the Palestinian people. All this to deepen and consolidate the occupation of our land. Our people express, in their continuous up-rising which has escalated in response to the latest repressive, fascist methods used by the Zionists, its resistance to the occupation. The whole world sees and hears how the Israeli occupation army and the Israeli settlers open fire on our unarmed women, children, youths and aged people who have demonstrated in protest against the dismissal of our elected mayors and the dissolution of the elected municipal councils as well as against the increasing measures of repression and the continued occupation.

The Israeli aggressors give themselves the right to shoot at our unarmed people and who stubbornly and arrogantly refuse to heed the opinion of the international community and refuse to comply with the resolutions of the international organizations.

Moreover, our people face the monstrous, barbaric aggression carried out daily by the Zionist enemy against the two brotherly Palestinian and Lebanese peoples -- carried out with the unlimited support and approval of the US administration which supplies it with the most modern weaponry produced by the US war machine which finds a testing ground on the soil of South Lebanon. This administration provides the enemy with all types of support including political and diplomatic, technological and military, economic, financial and commercial. This assistance bolsters the Israeli's arrogance, aggression, intransigence and expansion. Defying all UN resolutions and international conventions and violating all standards of international law.

We look up to the important role which your seminar can and will play in revealing these facts vis a vis the waves of deception spread by international Zionism in its attempt to describe the freedom fighters as terrorists. The real terrorists, the ones who commit crimes, who daily commit aggression against the rights of the Palestinian people, who engage in organized state terrorism and international terrorism, pretend to be a civilized state protesting terrorism.

We, in the PLO reassure you that the barbaric acts to which we are subjected inside and out of our occupied Palestinian homeland will not deter us from abiding by the highest standards of conduct, the principles of, and faithfulness to, the Charter of the United Nations and the Universal Declaration of Human Rights. From here, we reaffirm our unswerving resolution and unbreakable will to carry on our just and legitimate struggle with all means, diplomatic, political and military, to regain our inalienable rights including the right to return, the right to return, the right to self-determination, and the right to establish an independent Palestinian state on the soil of the Palestinian National Homeland.

I wish you all success and progress in the works of your esteemed seminar.

Revolution until Victory.

5. MESSAGE FROM HIS EXCELLENCY, MR. CHEDLI AL-KOLAIBY
SECRETARY-GENERAL OF THE LEAGUE OF ARAB STATES

His Excellency, Mr. Chedli Al-Kolaiby, the Secretary-General of the League of Arab States, has asked me to convey to the friendly Republic of Malta, its President, Government and people, his sincerest thanks and profound appreciation for convening this Seminar in the capital of Malta. This initiative, at this time when the Zionist aggression is intensifying against the Palestinian people, has a profound and extensive significance which we will continuously remember with gratitude. The stances of the friendly Republic of Malta have always been with the just struggle of the Palestinian Arab people. This is not strange since the heroic people of Malta is a militant, freedom and peace loving people. The Island of Malta is the gateway to the African flank of the Arab Nations. It had and still has the best of relations with the Arab Nation. The Secretary-General wishes the people and Government of Malta continuous progress, success and prosperity so that Malta will always raise the banner of righteousness, goodness, justice and peace.

Mr. Chairman, His Excellency, the Secretary-General has asked me to convey to you personally and to the members of this esteemed Committee his profound appreciation and gratitude as well as his deepest thanks and respect for all the time, effort and patience you have spent and continue to spend for the realization of righteousness and for unmasking the suppression and evil of the Zionist enemy, and for raising the principle of justice and well being for mankind.

While reiterating his thanks, the Secretary-General of the League of Arab States wishes your Committee continued progress in its work so that its work will be a historic and just record and a reference source for those who want to search for the just Palestinian cause.

May God be with you and may He bless those with a living conscience like yourselves. Peace be upon you.

6. PAPERS PRESENTED AT THE SEMINAR

THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

Andrew Faulds

I congratulate the General Assembly of the United Nations for approving this initiative, motivated, as it is, by the noble ideal of advancing the cause of peace in the Middle East.

The Palestine conflict, and the tragedy and misery which it has inflicted on the Palestinian people, is without doubt the result of international actions which have sought to deprive the Palestinian people of their rights in their homeland. And equally without doubt, it is a problem which will be solved only when the international community acts together to ensure that the inalienable rights of the Palestinian people are respected and enforced.

It is fashionable in the West today to denigrate the United Nations, and in particular the General Assembly: to argue, as certain western politicians and commentators do, that the General Assembly, and thereby the United Nations as a whole, is a body composed largely of delinquent regimes whose prime purpose is to undermine the supposedly 'civilised' standards of the West, and especially of the United States of America. I do not wish to divert from the subject of this paper, but any examination of the 'inalienable rights of the Palestinian people' must create questions which are critical not of the General Assembly but of those Western powers which have displayed contempt for the efforts of the Assembly to secure a just solution to the Palestine question, and which have pursued policies based on political expediency and the self-interest of political leaders, rather than morality and justice.

The Palestine question has been a recurring subject of debate and discussion in the General Assembly and in its committees since the foundation of the United Nations more than three and half decades ago. In that time a consensus has emerged to provide a clear and unequivocal definition of the inalienable rights of the Palestinian people.

The Right of Return

When the Zionists declared the establishment of the State of Israel in Palestine in 1948, 750,000 Palestinian Arabs had been driven from their homes and property to face a life as refugees and exiles. It was immediately clear to the United Nations that this massive dispossession of Palestinians could only contribute to tensions and conflict in the region. As early as 11 December 1948 the General Assembly declared in resolution 194 (III) that it:

'Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.'

The following year, on 11 May 1949, Israel was admitted to the United Nations. The Zionist state's admission to the UN was unique in that the recommendation was, in part, conditional on Israel's respect for resolution 194, and the right of the dispossessed Palestinians to return to their homes and property.

Since 1948, resolution 194 has been recalled annually by the General Assembly, but it has never been implemented.

Recent criticism of the United Nations voiced by certain Western politicians and media gives the impression that on issues such as the Palestine question, the United Nations General Assembly's resolutions are the result of a Third World and Communist bloc lobby, and that the resolutions do not reflect Western values and opinions. Not only must I refute this assertion, but the voting record of the Western nations in the Assembly does, itself, make clear that this is not the case, certainly on this important principle of the right of the Palestinian people to return to their homeland. If anything is in dispute it is the readiness of certain powers to take action in accord with the principles expressed by their votes at the United Nations.

For example, on 7 December 1973, the General Assembly adopted resolution 3089, which stated that the Assembly:

Notes with regret that the repatriation or compensation of refugees as provided for in paragraph II of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed by the General Assembly in paragraph 2 of resolution 513 (VI) of 26 January 1952 for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern.

For the record, that resolution was endorsed by almost all members of the General Assembly. 121 states voted in favour, including the United States and all European countries; none voted against; 3 abstained (Israel, the Bahamas and the Central African Republic).

The Right of Self-Determination

Although the right of the Palestinian people to return to their homes and properties from which they had been expelled, first in 1948 and later again in 1967 (added to which we must include those who have been arbitrarily expelled by the Zionist forces throughout the periods between the major wars), was recognised as early in 1948, other inalienable rights of the Palestinian people have been subsequently defined by the General Assembly.

The 1967 war, in which Arab territory on the West Bank, the Gaza Strip, in Sinai and the Golan Heights fell under Israeli military occupation, provided a period of reassessing the Palestine question and the principles on which a solution to the conflict should be secured.

In 1969 the most important development in the definition of Palestinian rights came in resolution 2535 B of 10 December 1969, adopted by the General Assembly to extend the mandate of the United Nations Relief and Works Agency (UNRWA). The General Assembly affirmed that the problem of the Palestinian Arab refugees:

'has arisen from the denial of their inalienable rights to self-determination under the Charter of the United Nations and the Universal Declaration of Human Rights.'

The resolution said that the General Assembly,

Desirous of giving effect to its resolutions for relieving the plight of displaced persons and the refugees,

1. Reaffirms the inalienable rights of the people of Palestine.

The recorded vote on this occasion was 48 states in favour, 22 against (including the United States and Israel) and 47 abstentions.

The following year the General Assembly stated even more unequivocally its views on Palestinian self-determination. Resolution 2672 (C) stated that the Assembly:

1. Recognises that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter of the United Nations;
2. Declares that full respect for the inalienable rights of the people of Palestine is an indispensable element in the establishment of a just and lasting peace in the Middle East.

The shift in international opinion on this matter over the years is shown by a comparison of the voting figures on Section C of resolution 2672 in 1970 (47 in favour, 22 against, and 50 abstentions) with those recorded in the 1973 vote on Section D of resolution 3089 (87 in favour, 6 against - Barbados, Israel, Costa Rica, USA, Bolivia and Nicaragua, and 33 abstentions).

This 1973 resolution stated, in Section D, that the General Assembly:

1. Expresses once more its grave concern that the people of Palestine has been deprived by Israel from enjoying its inalienable rights and from exercising its inalienable right to self-determination;
2. Declares that full respect for and realisation of the inalienable rights of the people of Palestine, particularly its right to self-determination, are indispensable for the establishment of a just and lasting peace in the Middle East, and that the enjoyment by the Palestine Arab refugees of their right to return to their homes and property, recognised by the General Assembly in resolution 194 (III) of 11 December 1948, which has been repeatedly reaffirmed by the General Assembly since that date, is indispensable for the achievement of a just settlement of the refugee problem and the exercise by the people of Palestine of its right to self-determination.

Here the General Assembly makes clear its linkage between the right of the Palestinians to self-determination and their right to return to Palestine. This is important, because too often plans aimed at resolving the Palestine question which make some recognition of the Palestinian peoples right to self-determination are framed within the limitations of self-determination for those Palestinians who have remained in Palestine under Israeli military occupation; no account is made in these schemes for the return of the Palestinian refugees.

Since the 1973 vote on resolution 3089 there have been further refinements of the General Assembly's definition of the 'inalienable rights of the Palestinian people'. In particular, in November 1974, the Assembly's resolution 3236 declared these to be:

"the right to self-determination without external interference",

and

"the right to national independence and sovereignty".

Here we can see clearly a conflict between the view of the international community, expressed through the General Assembly, and those who propose such forms of limited autonomy for the Palestinian people as those outlined in the Camp David accords. Resolution 3236 also restated the Palestinians' inalienable right 'to return to their homes and property from which they have been displaced and uprooted', and referred to the

Palestinians as a 'principal party' in the establishment of a just peace, describing the Palestine Liberation Organisation (PLO) as 'the representative of the Palestinian people'.

By 1980, when the General Assembly convened in special session, further refinements of the international community's view of the Palestinian people's rights to self-determination were expressed in resolution ES-7/2. This declared explicitly that the Palestinian people have the 'right to establish its own independent sovereign state', and stipulated 'the right of the Palestine Liberation Organisation, the representative of the Palestinian people, to participate on an equal footing in all efforts, deliberations and conferences on the question of Palestine and the situation in the Middle East'.

It further linked the 'attainment of the inalienable rights of the Palestinian people' with the territories seized by Israeli military forces in the 1967 war. Resolution ES-7/2 stated that a comprehensive, just and lasting Middle East peace could not be established,

"without the the withdrawal of Israel from all the occupied Palestinian and other territories, including Jerusalem, and without the achievement of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people in Palestine."

This resolution sets the international community not only in harmony with the current proposals for a Palestinian state put forward by the PLO, but in conflict with the declarations of the Zionist establishment under Menachim Begin to the effect that Israel will not withdraw from the 1967 occupied territories on the West Bank and Gaza Strip, and that if a Palestinian state is to be established it should be elsewhere than in Palestine, such as the current emphasis of Israeli policy statements that Jordan should become the Palestinian state.

Resolution ES-7/2 states quite unequivocally the rights of the Palestinian people. Paragraph 3:

"reaffirms the inalienable right of the Palestinians to return to their homes and property in Palestine, from which they have been displaced or uprooted and calls for their return;"

Paragrah 4:

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

- (a) The right to self-determination without external interference and to national independence and sovereignty;
- (b) The right to establish its own independent sovereign state.

Resolution ES-7/2 was adopted in the General Assembly by 112 in favour, 7 against, and 24 abstentions.

Before I conclude, let me state one further right of the Palestinian people, recognised by the General Assembly of the United Nations which is worthy of mention.

And that, my friends is the right to resist.

On 30 November 1970, the General Assembly adopted resolution 2649, which specifically referred to Palestine and South Africa, and affirmed:

"The legitimacy of the struggle of peoples under colonial and alien domination recognised as being entitled to the right to self-determination to restore to themselves that right by any means at their disposal."

This was again affirmed by 76 votes to 10, with 33 abstentions in resolution 2787 on 6 December 1971, and moreover, in 1974, 89 states supported resolution 3236 which 'appeals to all states and international organisations to extend their support to the Palestinian people in its struggle to restore its rights.'

In conclusion,

An examination of General Assembly resolutions, therefore, shows recognition by the international community of the following rights of the Palestinian people:

1. The inalienable right to return to their homes and property, or to compensation;
2. The inalienable right to self-determination without external interference;
3. The inalienable right to national independence and sovereignty;
4. The right to restore their rights by any means at their disposal.

My friends, have we done enough, are we doing enough, particularly in Europe, to restore those fundamental rights to the Palestinians?

THE RIGHTS OF THE PALESTINIAN PEOPLE AND THE TERRITORIAL QUESTION

Luigi Granelli

The state of tension which persists in the Middle East is a confirmation that the recognition of the legitimate rights of the Palestinian people is one of the basic conditions for a lasting peace in the region. The United Nations reaffirms this position in all its policy statements on the subject. The European Economic Community has itself endorsed this position of principle. The Venice Declaration of June 1980 clearly states that "the Palestinian people, which is conscious of existing as such must be placed in a position by an appropriate process defined within the framework of the comprehensive settlement to exercise fully its right to self-determination". There is no doubt that the right of a people to self-determination carried with it the right to establish a national authority, with full sovereignty, as an expression of an independent state.

The controversial definition of the concept of "Palestinian autonomy" arises in a significantly different context, in the framework of the complex Camp David Agreements negotiated between Israel and Egypt. The interpretation given by Israel is in fact particularly restrictive. It does not go beyond the limited autonomy accorded by a State in the full exercise of its sovereignty to ethnic minorities. Successive Israeli Governments, since 1967, have in one way or another rigidly stuck to the judgement of their Supreme Court which asserted that "Israel is the State for all Jewish people wherever they are" and this by virtue of "their historic right to the whole of Palestine". On the basis of this assumption it is rather difficult to apply a flexible definition to the concept of autonomy in the Palestinian context.

The authoritative Jerusalem Post in a recent article dealing with the question of Palestinian autonomy in Gaza and Transjordan points out that this also implies the right to decide "under which sovereignty one chooses, or perhaps even refuses, to live". But the article concludes that this type of debate directed towards Israel or Jordan is in itself a justification for a Palestinian State. One could add that in practice the legal status of autonomy is traditionally granted to minorities peacefully integrated in a nation state. Self-determination is the more logical, and appropriate status for a people which is in the majority and which is demanding its national rights. United Nations resolution 3236 recognizes these rights for the Palestinian people. It is natural that these rights are interpreted as entailing the establishment of an independent, sovereign state, with its own territory defined within secure boundaries, and abiding by international obligations in its relationship with other states.

1. Israeli annexation policy in the occupied territories

The ultimate objective of a "single, secular and democratic palestinian state" based on the historic right of the Palestinian people over all of Palestine was discarded by the Palestine Liberation Movement in 1974 and precisely in the context of resolution 3236. Perhaps this objective was simply postponed indefinitely until it could be achieved through peaceful measures. At that point, however, it became possible to envisage the safeguarding of Palestinian national rights through the creation of an independent state in the territories occupied by Israel in 1967. Such a state, in conformity with the United Nations Charter, and in respect of prevailing realities, would recognize the sovereignty, independence and territorial integrity of all states in the region on the basis of a peaceful coexistence within secure and recognized boundaries.

In this manner even the delicate issue of the recognition of the State of Israel would be resolved in the context of mutual acceptance of internationally guaranteed agreements incorporating a globally negotiated peace settlement. These principles are explicitly stated in a draft resolution tabled in the Security Council in January 1976 by a group of non-aligned countries. Unfortunately, the United States veto precluded the adoption of this resolution, even though the PLO was prepared to abide by it. Subsequently, however, significant developments have taken place. In spite of many problems, the PLO has maintained the realistic position it adopted at that time. The European Economic Community, especially following the Camp David Accords, has progressively adopted a constructive attitude regarding the need to recognize the legitimate rights of the Palestinian people (which include self-determination), the need to provide international guarantees for the security of all the states in the region, and the need to involve the PLO in a comprehensive peace negotiation. Prince Fahd's plan, supported by Saudi Arabia, moves even more explicitly in the same direction and significantly enhances the possibility of a dialogue among interested parties.

Political difficulties remain. Uncertainties surround the Camp David process, especially if the parties concerned, primarily the United States, fail to move from the stage of separate, and shaky, accords to a more comprehensive stage which can link with the initiatives being launched by the EEC and by the majority of Arab States. Israel's refusal to recognize the national rights of the Palestinian people, and the role of the PLO in a comprehensive negotiation, constitutes a major obstacle. Even more complex are the difficulties which may be foreshadowed on the territorial question, a question which is the key to any political settlement and to a lasting and just peace, but which is increasingly assuming a disturbing aspect.

In its Venice Declaration, the European Economic Community urged Israel to terminate "the territorial occupation which it has maintained since the 1967 conflict, as it has done for part of Sinai". Echoing innumerable United Nations resolutions, the EEC also deplored the "Israeli settlements" which constitute a grave obstacle to the peace process in the Middle East. It warned that "changes relating to human settlements and to

land ownership in the occupied Arab territories" are illegal under international law. Equally significant is the rejection of unilateral acts aimed at changing the status of Jerusalem.

But since June 1980 the situation has worsened in all respects in the light of the annexation policy pursued by Israel and which threatens to frustrate any attempt towards a comprehensive peace settlement. It is increasingly evident that Prime Minister Begin in defiance of all international norms is seeking to entrench Israeli presence in all the other Arab occupied territories partly perhaps in order to make up for the controversial handing over of Sinai to Egypt but also to preclude the possibility of any negotiations which take as their basis the creation of a Palestinian state in accordance with the United Nations Charter. Any action leading to the annexation of occupied Arab lands is condemned and rejected by the international community because it flouts all principles of international law and because it is the source of incalculable political consequences. Such was the case in connexion with the decision taken in July 1980 to establish Jerusalem as the indivisible and eternal capital of the State of Israel, and with the arbitrary annexation of the Golan Heights in December 1981 when the Polish crisis was at its height. Such is the case at the present time with the measures being taken on the Left Bank and Gaza where territory and peoples are being brought under direct Israeli control on the basis of a unilateral proposal for local autonomy.

2. There is no autonomy without the creation of a Palestinian State

The sequence of events rules out the possibility of a coincidence. The separate acts of annexation of occupied Arab lands, in defiance of the resolutions of the Security Council, the counsels of the EEC and the protests of Arab countries constitute a deliberate strategy to force the hands of the United States in acquiescing to a limited interpretation of the Camp David accords by accepting a separate peace settlement. The return of Sinai to Egypt in April this year is for Begin the maximum concession possible with regards to the issue of territories occupied since 1967.

The difficulties being encountered between Israel and Egypt in the negotiations on all other issues ranging from Palestinian autonomy to the status of Jerusalem are intended to multiply until they reach deadlock. It is inconceivable that Egyptian President Mubarak, who is understandably patient until Sinai is in his hands, could accept a separate peace settlement, limited even beyond the Camp David commitments, in the face of mounting Arab opposition, not least from among the moderates, and in the light of a deteriorating Palestinian crisis. The eventual disengagement of Egypt would signal the collapse of the Camp David process. President Reagan himself who has already reacted sharply to Israel's unilateral and illegal acts, may be forced to reassess his whole Middle East policy in order to safeguard the tentative understanding which has already been established between the United States and Saudi Arabia.

The policy of annexation not only violates international law, a point which Washington accepts, but is also significantly changing the existing situation and jeopardizing possible future solutions based on a negotiated settlement. It justifies the request by Chedli Klibi, on behalf of the Arab League, for pressure by the international community on the Israeli Government aimed at urging it "to cease with its aggression on the Left Bank which threatens to exacerbate the already tense situation in the region".

Condemnations by the Security Council are not enough since Israel persistently ignores them. There is a need for urgent and concerted action by the United Nations and the ten EEC members, even within the framework of the United Nations, to stop the process of forces acquisition of territory, which in political and legal terms challenges the various proposals which already exist for a peaceful and lasting solution in the Middle East. The request by the Egyptian representative to the United Nations for a condemnation of Israeli actions on the Left Bank and for appropriate countermeasures is not accidental. Besides asserting that he is not prepared to accept any redefinition of boundaries in Sinai, President Mubarak has forcefully called for renewed negotiations on Palestinian autonomy, long stalled because of Israeli intransigence, and he has significantly stressed that the objective of such autonomy in Gaza and the Left Bank should be the creation of a Palestinian state. This policy adopted by Egypt is relevant in the context of the evolution of the Camp David accords.

Tension in Gaza and on the Left Bank may develop in unforeseen ways in the light of the provocative dismissal of the mayors of El Bireh, Nablus and Ramallah and the introduction of drastic repressive measures. It is certain to increase and to link up with the long standing and tough resistance taking place on the Golan Heights and in Jerusalem. It is conceivable that the more radical elements in the PLO will once more gain the upper hand with very grave repercussions in the whole region of the Middle East. Begin himself is increasingly being exposed by his latest decisions to an internal political crisis, and in spite of a tied vote in the Israeli parliament the Government could fall and early elections be held. The Tel Aviv Government had encountered fewer difficulties in obtaining acceptance for the extension to Golan of Israeli legislative authority, the juridical counterpart of formal annexation.

3. The significance of the conflict in Gaza and the West Bank

It is important to note that the struggle on the Left Bank will inevitably be tougher since for many reasons this is the territory which will have to form the nucleus of a Palestinian national entity, the base upon which the eventual Palestinian state will be established in the context of a comprehensive, just and durable peace settlement. In the intentions of the occupying power the transition from a temporary military regime to a civilian administration constitutes a precise and irreversible step towards the formal integration of the Palestinian population into the state of Israel, the exact opposite to the recognition of the right to self-determination.

Everett Mendelsohn, a Harvard lecturer, has confirmed in a study prepared for a national commission that the common objective of measures hitherto adopted is de facto annexation as a preliminary to formal acquisition. The new civilian administration, in replacement of the military one, represents a unilateral introduction of a functional administration which buttresses Israeli claims to the occupied territory. The "Village Leagues" formed by the occupying authorities from volunteers prepared to carry Israeli arms constitute yet another device aimed at the same objective. At the same time they give rise to social dislocations thereby exacerbating tensions.

All these measures contribute towards polarisation and conflict thereby eroding credibility in the postulate of a negotiated and realistic settlement, founded on the mutual recognition between Israel and a Palestinian state as envisaged in the policy endorsed for quite some time by a majority of the PLO. In the long run the policy of administrative and juridical integration, as a major element in the process of annexation, is intended to have marked social and economic effects. According to reliable estimates since 1967 GNP in the Left Bank and in Gaza has increased by 13 per cent annually, while income per capita and private consumption have increased by 11 per cent and 9 per cent respectively. Most marked is the rise in employment. There were 127,000 employed persons in 1968. In 1979 these increased to 212,000 of which 73,000 were working in Israel. There was a marked increase in consumption. Ownership of radio sets moved from 58 per cent to 79.4 per cent of all families; television sets from 2 per cent to 46.7 per cent. In the period under review car ownership reached 4.3 per cent (10 per cent in the cities) as compared to the previous 2 per cent.

Undoubtedly there have also arisen social distortions and dislocations. The philosophy is that of any colonial administration. For certain classes the improvement in well being forces a relationship between the occupying power and hitherto disadvantaged elements. In this context, the arrival of a status of autonomy, of independence, could well take the form of an eventual loss of acquired benefits. It is not the first time that in the murky history of colonialism the achievement of independence, if unaccompanied by concerted international action permitting a consistent and broadbased development policy to replace social injustices, results in a drastic reduction in the overall standard of living.

This analysis is particularly applicable in the case of Gaza and the Left Bank. Unlike in Israel where the traditional Arab-Palestinian peasantry evolved into the working class, in this region there exist groups representing a lower middle class with pre-capitalistic instincts. These classes have not been caught in the ferment taking place in most Arab States where Palestinians have assumed an influential position in direct competition with more traditional elements. The opportunity therefore exists on the Left Bank and in Gaza to accommodate these people thereby estranging them from the Palestinian cause. The sharpening Palestinian resistance to this policy of territorial annexation and socio-economic integration is therefore perfectly understandable. The emergence of an independent state, an imperative

for the Palestinian national entity, must depend on the effective support of all social strata, and of all the productive energies in the society. It runs risks of being crushed if the colonial administration succeeds in relegating the bearers of the struggle to the margins of the society where the struggle becomes desperate without any prospect for a negotiated settlement.

4. The "status" of Jerusalem is decisive in any comprehensive settlement

The question of Jerusalem has its particular importance in this context. Israel's decision in July 1980 to consider Jerusalem "the indivisible and eternal capital city" was one of the first and most serious indications of its intentions to place insurmountable obstacles in the path of a comprehensive peace settlement. Even in this case the decision was preceded and accompanied by a process of social infiltration aimed at transforming the pluralistic and interdenominational character of the city through a very restructuring of the resident population.

We have here yet another instance of a policy based on territorial annexation and the attempt to impose unilaterally a juridical status on a city unique in its traditional and universal role. Such a policy is in direct contradiction to international law and has implications well beyond the issue of Arab-Palestinian rights. Already in 1969 the Israeli Government had rejected the urban plan elaborated by the Jerusalem council aimed at limiting the Jewish population of the city in proportion to the ethnic structure of the whole population and imposed adjustments which discriminated against the Arab sector of the population. In 1970, Professor Samuel M. Moses, from the American Urban Institute, member of a technical team consulted on the urban plan for the city stated that in the plan under review there was not "even one reflection of the exceptional character of Jerusalem". The American consultant observed "you are not in charge of just any city in Israel, but of a city which is holy for all". The general sentiment among the team was the desire to de-nationalise the city and to allow it to become 'world man territory'.

Nevertheless, the plan was arbitrarily implemented, and its effects were in direct contrast to those requirements which in the perceptive and respected observations of the Jesuit Giovanni Rulli writing in the review "Catholic Civilisation" would have marked a step "towards peace between two peoples - Jew and Arab - which had to cohabit the city, on the basis of equal rights and obligations, not as a result of unilateral concessions on one part, but in virtue of an objectively defined agreement concerning the special juridical status recognized and guaranteed by the international community". Severe criticism of the annexation policy adopted in Jerusalem were not lacking even in Israel itself. Respectable elements in the movement for Jewish emancipation asserted on more than one occasion that the objective could only be achieved on condition that the national rights of Palestinian Arabs were also taken into account. A document endorsed by the World Union of Jewish Students at its congress held in Jerusalem in July 1970 states "a just, democratic, egalitarian and peace-loving society cannot avoid recognizing the right of all peoples to self-determination".

The problem has remained the same over the years. The insistence by Israeli Foreign Minister Shamir to bring to Jerusalem all his foreign counterparts is a further proof of the desire to involve international opinion in the acceptance of the arbitrary juridical status imposed in 1980. In the holy city, the military occupation remains, and an Israeli civil regime is not yet in force. Nevertheless tension continues to rise as it does in all other occupied territories. The restlessness, the protests, the arrests and the repercussions confirm that there is a need even in Jerusalem to abandon the policy of annexation and of social and ethnic manipulation, a policy which conflicts not only with the rights of the Palestinian Arabs but also with the principles continuously reaffirmed at the international level.

One cannot ignore the fact that Jerusalem is a unique city in which the three great monotheistic religions - the Christian, the Jewish and the Moslem - share the opportunity to preach to men the respect for the virtues of toleration, of dialogue and of understanding. But this can only be done if Israel resists the temptation to impose by force a unilateral and unacceptable status. These problems are not resolved by a generic commitment to guarantee the freedom of worship for all religions. The problem is not so much religion as it is historical and political. A solution must transcend the aspect of territorial sovereignty and the role of a holy city; it must serve as a symbol of peaceful coexistence and of mutual respect among the different states in the Middle East.

It will therefore be seen that a just and comprehensive peace in the Middle East cannot be achieved as long as the hopes for relaxation of tensions and the resumption of comprehensive negotiations, possibly under the aegis of the United Nations, proceeds in conjunction with a continuing undervaluation of the impact of the measures aimed at rearranging the territorial order, the social structures, and the ethnic, cultural, religious and political relationships with the various communities. The United Nations has rightly always insisted on the withdrawal by Israel from all territories occupied on or after 1967. The Camp David Agreements include a significant commitment towards Palestinian autonomy, if one rejects the restrictive Israeli interpretation which is itself not always endorsed by the Americans.

The EEC Venice Declaration of 1980 is explicit in stating the need to terminate "the territorial occupation arising from the 1967 conflict" and defines as a grave obstacle to "the peace process of the Middle East" the Israeli settlement policy in the occupied territories. Prince Fahd's plan, while implicitly recognizing Israel's right to exist and to be secure, is unequivocal concerning the total withdrawal from territories occupied in 1967 - including East Jerusalem - the dismantling of all Israeli settlements in the occupied territories, the guaranteeing of complete freedom of worship for all denominations in the holy places, the recognition of the right of the Palestinian people to return to their homeland (or to receive adequate compensation if they choose not to return), and the establishment of a Palestinian state on the Left Bank with Jerusalem as its capital.

Saudi Arabia and the ten members of the Common Market agree that it is indispensable for the PLO to represent the Palestinian people in the peace negotiations. Opposition to this assertion, even on the part of the United States, is limited to the argument that no movement is possible unless there is a recognition of Israel on the part of the Palestinians and the Arab States. There is no doubt that a peaceful solution is not possible in the Middle East without the mutual recognition between Israel and a Palestinian state on the basis of obligations which arise out of equal status. This assertion can be accepted but it should not serve as a pretext for unilateral solutions. The persecuted Palestinian people cannot recognize a reality which negates its inalienable rights. The State of Israel which has adopted a policy based on the use of force throughout the whole Middle East may only insist on a guarantee of its security if it refrains from trampling upon the right of others to self-determination. Since 1977 the PLO has not ruled out the option that in the framework of a comprehensive settlement the "Palestinian Charter" may very well be amended in such a way that the "armed revolutionary struggle" against Israel be replaced by a peaceful, in other words a political, struggle.

Difficulties remain, but there is room for a comprehensive, just and peaceful settlement: what is important is that the issue of a territorial arrangement in the Middle East based upon the rule of law and not the use of force is not ignored. Otherwise all attempts towards a political settlement will prove futile.

BASIC RIGHTS OF THE PALESTINIAN PEOPLE

Vladimir Kesselyov

I Introductory Outline

This seminar, convened on the initiative of the UN Special Committee on the Inalienable Rights of the Palestinian People is, in our opinion, undoubtedly an up-to-date event. The basic rights of the Palestinian people are of particular importance to be considered at the present seminar if we look at it from two angles:

Firstly, consideration of this problem can contribute to finding out efficient measures to solve the Palestinian problem in a justifiable manner and secondly to see in a better light some new trends in the development of the movement for recognition of the legitimate rights of the Palestinian people which is gaining in strength not only in the Middle East, Asia and Africa, but also in the countries of Europe and America.

The Palestinian problem can be compared with an open wound on the body of the Arab world which is being repeatedly and purposefully disturbed by the forces of colonialism and Zionism with the aim of splitting up and weakening all the Arabs. The Palestinian problem is today a kind of anomaly of history due to the fact that at the time when the majority of formerly oppressed peoples have done away with colonial enslavement, the Palestinian people were deprived of their right to self-determination and Palestine - a whole country disappeared from the political map before the eyes of the civilised world.

The fact that researchers and public leaders from different countries deal once again with the problem of the basic rights of the Palestinian people is becoming increasingly topical in view of the new acts of violence on the part of Israel against the Arab population of the occupied territories: on the West Bank of the Jordan, the Gaza Strip, East Jerusalem as well as in South Lebanon and on the Golan Heights in Syria.

II SOME ASPECTS OF THE SUBJECT

The formula "The Basic rights of the Palestinian people" consists of several components. The main of which are as follows: The right of the Palestinian people to self-determination, the right for creation of their own state and the right for coming back.

a) The right of the Palestinian people to self-determination rests on the generally accepted principle of each nation's right to self-determination accepted in international law and in international relations. V.I. Lenin says that realization of the right to self-determination includes an exceptional right on political independence, to liberation and political separation from the oppressing nation (Ed.V. Vol 27, p.225). This principle is also stipulated by the Charter of the United Nations and is interpreted in the international law as the right of any nation to live its own mode of life and the right to choose any political, economic and social system, a form of government and state (system) in accordance with its historical traditions, peculiarities of religion and culture. However, as far as the Palestinian people are concerned, this basic principle has been violated. The Palestinian people have been deprived of their elementary right to self-determination to be practically implemented in accordance with known UN resolutions. That is why at present the essence of the Palestinian problem lies mainly, in our opinion, in the quest of efficient ways of restoring the right of the Palestinian people to self-determination, to enable the Palestinian people to practically enjoy the right taken from them by violence.

This task in particular is pursued by the Palestine Resistance with the Palestine Liberation Organisation at the head of it, which was recognized by the Arab countries in 1973 as the sole lawful representative of the Palestinian people, then by the socialist countries and many others. In this capacity the PLO is recognized by the UN as well.

In one of his speeches V.I. Lenin observes that recognition of the people to self-determination always includes the demand to act strictly against any attempt of violence and injustice from outside. (Ibid., Vol.7, p.105).

Palestinian Resistance, guided by the PLO, pursues this particular aim - it acts against the violation and injustice of the ruling circles of Israel in depriving the Palestinian people of their right of self-determination (Ibid., Vol. 7, p. 105).

b) The second main aspect of the problem in question is the right of the Palestinian people to establish its own Palestinian state. This aspect is a clearly-defined expression of the right of the Palestinian people to self-determination and is a logical continuation of it. The question of the establishment of a Palestinian state - a Palestinian national Arab state - stipulated by the known resolutions of the UN on the Palestinian problem is in recent years brought forward as the most important element in the efforts of the Palestinian people and the world community at large.

The idea of the necessity to establish the Palestinian system of state is a most important condition for realization of the Palestinian's right to self-determination and meets with increasing support in the world. Development of this tendency was greatly promoted by the realistic programme submitted at the 12th Session of the Palestine National Council in June 1974, which puts the task of setting up a Palestinian government in any part of Palestine which will be liberated from Israeli occupation. By this is meant the Palestinian land on the West Bank and the Gaza Strip where an unprecedented movement has been launched against Israeli occupation and the so-called "administrative autonomy" was imposed by Israel on the Palestinian population of these territories.

At present many countries of the world community and the public at large come forward with proposals to realize this lawful right of the Palestinian people to set up their own state. It is worthwhile noting that these proposals are accompanied with the ever increasing prestige of the PLO at the international arena as a recognized leader and the sole representative of the Palestinian people, despite the efforts of the Zionist circles of Israel and the USA to ignore this organization and their refusal to conduct negotiations with it.

The socialist countries, first of all the Soviet Union, actively participate in the realization by the Palestinian people of their right to establish their own state.

As pointed out by President Leonid Brezhnev at the 26th CPSU Congress and in a number of other speeches the support of the just cause of the Palestinian people is truly in line with the policy of the Soviet Union, condemning anti-Arab deals and calling for cessation of the Israeli occupation of all Arab lands seized in 1967 and realization of the inalienable rights of the Arab people to establish their own state. The steady policy pursued by the Soviet Union in support of the national rights of the Palestinian people was again confirmed by the official diplomatic status granted to PLO in Moscow. At present, the official diplomatic status has also been granted to the PLO by the GDR, Iran, Sri Lanka and other states. The PLO now has relations with more than 120 states. Many politicians in the European capitalist countries (as well as Western Europe) began to reveal a more realistic view of the basic rights of the Palestinian people and the Palestinian problem as a whole. Diplomatic recognition of the PLO by the Austrian government in 1981, granting of the official diplomatic status to the PLO by the Greek Government, statements made in favour of the self-determination of the Palestinian people expressed by the Chairman of the Social-Democratic Party of Germany Willy Brant, the Chairman of the Social-Democratic Workers' Party of Sweden, Olaf Palme, the President of France, Mitterand, vividly demonstrate the growing recognition of the PLO by the West.

Tendencies to recognize the basic rights of the Palestinian people and their right to establish their own national state observed in the European countries are in the interests of these countries to the Arab oil, and in efforts to consolidate their ties with the Arab world and their concern over the fact that if these rights are not satisfied it can badly influence the deliveries of the Arab oil to these countries.

However, in connection with the tendency of an ever increasing understanding in European countries of the necessity to satisfy the basic rights of the Palestinian people it is easy to notice that many countries, and in particular the Common Market countries, being under pressure from the USA and Zionist circles, recognize the Palestinians' rights only formally and not officially the right of the Palestinian people to establish their own national state.

In our opinion, under these conditions the efforts made by the UN Committee members, the public at large in European and other countries acquire particular importance especially in the realization of the right of the Palestinian people to create their own state with the PLO at the head of it. Stressing the issue of necessity to set up a sovereign Palestine state would be a definite step towards the solution of the problem as a whole.

c) The third aspect of the subject is the right of the Palestinian to return home. This aspect deals with the fate of those who happened to become refugees scattered all over the Arab world. It resulted from the purposeful policy, the so-called "creeping annexation" of the Arab lands pursued by the Zionist regime of Israel from the onset of this estate. At present, in accordance with preliminary estimations, the majority of the Palestinian population (about 60 per cent) happened to be refugees and about 30 per cent of the Palestinian population is under Israeli occupation on the West Bank, the Gaza Strip and in East Jerusalem, about 15 per cent of Palestinians are within Israel.

In some Western countries and in particular in the USA there is a tendency to substitute talk about the fates of the Palestinian refugees for their right to return home. At the beginning of August 1981 and Washington Post, for example, cited some extracts from President Reagan's speeches: "There is no Palestinian problem, we are talking about fates of Arab refugees who had to adapt themselves to other Arab states". For the ruling Zionist circles in Israel look at the rights of the Palestinian people with ever more categorical negation, who downrightly negate the very existence of the Palestinian nation and look at it through gun-sights. Here it is worthwhile noting these cynical comments made by some USA advocates in favour of human rights and violation of human rights in other countries, for example in Poland, at the same time ignoring an essentially encouraging the violation of the right of the whole Palestinian nation.

The problem of the right of the Palestinian people to come back is rather complicated and great one that should be considered separately. In this case we shall only present this problem and make a comment that the rights of the Palestinian refugees to come back to their lands should be invariably linked with the right of the Palestinian people to establish their own state.

The continued escalation of Israel's aggressiveness and expansionism inevitably provokes the question: Is there any possibility for a political move in seeking a peaceful solution to the Palestine problem and the realization of their lawful rights.

I believe that any peaceful solution will be acceptable if certain conditions are met:

- 1) Israel should stop its military actions against Lebanon as a preliminary step.
- 2) A total settlement should be reached based on the principles of the UN decisions, but not on a unilateral basis.
- 3) The PLO must be included as a full partner in any talks on the solution of the problem.
- 4) A peaceful solution cannot be reached without recognition of the right of the Palestinian people to set up a sovereign state on their own territory.

FUNDAMENTAL RIGHTS OF THE PALESTINIAN PEOPLE

Vladimir Koshelev

During the last three decades the Middle East was four times the arena of wars. Today the situation there is still fraught with explosion, as the Israeli troops continue their occupation of Arab lands, and the Arab people of Palestine is deprived of its legitimate rights. It is universally acknowledged today that the problem of Palestine is the core of the Middle East conflict.

The Palestinian problem's record is long and dramatic. It resulted from the collusion of Anglo-American imperialism with international Zionism. Zionism declared as its main goal the establishment of a Jewish state in Palestine the Arab population of which in 1919 was equal to 533 thousand (90.3 per cent), while the Jewish population equalled to 57 thousand, or 9.7 per cent.

Initially Jewish colonization of Palestine was actively supported and sponsored by Great Britain which had been given the mandate to govern Palestine by the League of Nations after World War I. By 1947 the Jewish population of Palestine reached 650 thousand. Zionist immigration brought about a change in the ratio of Arab and Jewish population of the territory. Special attention should be given to the fact that this change was taking place not only due to the increasing number of immigrants coming to Palestine but also due to the expulsion of the native Palestinian Arab population.

In 1947 a mass emigration of the Palestinian Arabs starts.

By that time the Zionists considerably strengthened their positions in Palestine and were becoming more and more persistent in trying to get rid of the British patronage and become the sovereign masters of the country. Using the Anglo-American contradictions and the striving of the US oil monopolies to consolidate their stand in the Middle East, the Zionists started placing more emphasis on the alliance with the United States of America. It was at

that time that they intensified their terrorist activities against the Palestinian Arabs. Losing its control over the territory Great Britain had to pass over the issue of Palestine to the United Nations. On November 29, 1947, the UN General Assembly adopted a resolution on the division of Palestine which was under the British mandate, and the establishment in its territory of the two independent states - the Arab and the Jewish one. However, through the fault of the Zionism and imperialist forces supporting them, this resolution was not implemented. At the end of 1947 - the beginning of 1948 militarized Zionist organizations performed a whole series of terrorist actions and attacks against the Palestinian Arabs. Especially grave was their crime at the Arab village of Deir Jasin, where Zionists staged a massacre. As a result of those actions about 400 thousand Arabs were driven from the future territory of the state of Israel before its establishment in May, 1948.

The expulsion of the Palestinian Arabs did not stop after the establishment of the state of Israel. It became most intensive during the armed clashes between Israel and the Arab states during the Palestinian War of 1948-49. After the war 340 thousand Arab refugees had to join the 400 thousand Palestinians forced to leave their homeland earlier.

Answering the question why this mass emigration of the Palestinian Arabs took place, E.M. Primakov, well-known Soviet scientist, stressed that it was the result of the policy pursued by the Zionist leadership. And it was not that the Zionists were just satisfied with such a mass departure of the Palestinian Arabs. They were purposefully trying to achieve this goal. This conclusion is supported by some Western authors. For example, the well-known British historian Arnold Toynbee thinks that the Palestinian Arabs did neither leave their homes voluntarily, nor obey the orders of the neighbouring Arab states; they left under the threat of death. There is no doubt that the terrorist acts against the Palestinian Arabs were not accidental but brought about by the policy of the Zionists directed at the establishment of a Jewish state in Palestine's territory. Menachem Begin, leader of a terrorist Zionist organization "Irgun", stated with cynical frankness that the massacre was not simply justified, since without the victory in Deir Jasin there would not have been the state of Israel as such. *

This is how the Palestinian refugee issue emerged as a part of the Palestinian problem.

Starting from 1948 a continuous struggle was under way to gain the right for the Palestinian refugees to return to their homeland. By 1967 the UN General Assembly adopted 19 resolutions confirming the right of the refugees

* E.M. Primakov. Anatomy of the Middle East Conflict, Moscow, 1978.

to repatriation or compensation for the lost property. Israel, however, made a point of refusing to implement the resolutions.

Meanwhile, the position of the Palestinian Arabs was aggravated by the "six-day war" of 1967. The Israeli aggression against Arab states brought about a new wave of Palestinian refugees. Many of them became twice-refugees.

The Arab population of the occupied territories experience all burdens of an occupation regime: arrests, terror, persecution, searches, forced eviction, destruction of houses, suppression of demonstrations and strikes. Tel Aviv pursues the policy of annexation and establishment of settlements in the occupied Arab territories (the West Bank of the Jordan river and the Gaza Strip). The aim of this policy is to ensure a territorial expansion and a change of the juridical, geographical and demographic characteristics of the seized Palestinian lands. In Israel itself the Palestinian Arabs also have a status of the oppressed national minority. They do not enjoy equal rights with the Jewish population, are subject to humiliating discrimination and practically deprived of civil rights.

As a result the Palestinians found themselves without a homeland. This is true with regard to all the Palestinian people: the Palestinian Arabs living in the territory of Israel, those who live in the occupied territories and hundreds of thousands of refugees in various Arab countries. It should be especially stressed that the issue in question is the fate of the people deprived of its national rights, and not just the problem of Palestinian refugees as the Israeli leadership tries to present it.

Thus, the Palestinian problem is now a complex of interrelated issues, such as the continuing occupation of Palestinian lands by Israel, the necessity to restore the national rights of the Palestinian people, the position of refugees. The essence of this problem is the fate of the Arab people of Palestine forcefully deprived of its homeland. A just solution of the problem presupposes the implementation of the inalienable rights of the Palestinian people to self-determination and establishment of its own independent state. It is only on this basis that a lasting and stable peace can be achieved in the Middle East.

The continued occupation of the Arab lands and disregard for the rights of the Arab people of Palestine have made the Palestinian problem one of the acutest problem of our time. For a number of years it has been discussed on many occasions by the United Nations General Assembly. Zionism has failed to prove that "Palestine is a land without people", which should be handed

over to "the people without a land". All the attempts to deprive the Palestinians of their roots by threats and terror have come to nought. Scattered over at least twenty countries and oppressed in the occupied land, the Palestinians have rallied together, established their own national liberation movement, trade union and mass organizations. They make their mark on the international scene by carrying on a courageous struggle for independence with its guiding force the Palestine Liberation Organization (PLO).

That is why the UN General Assembly noted in 1970 that the Arab people of Palestine had the right to self-determination in accordance with the United Nations Charter (see resolution 2672 C(XXV). On November 22, 1974, the UN General Assembly adopted by a majority of vote the most important resolution on the Palestinian issue - 3236 (XXIX). The resolution recognized the inalienable rights of the Palestinian people to self-determination, national independence and sovereignty in the Palestine's territory. It confirmed the right of the Palestinians to return to the lands from which they had been expelled. The resolution also pointed out that the Palestinian people is one of the major parties to participate in establishing just and lasting peace in the Middle East. A special resolution /3237 (XXIX)/ of the UN General Assembly granted a status of permanent observer at the United Nations and its organizations to the Palestine Liberation Organization. Within a few years PLO was recognized by over one hundred countries as a political subject of the right to self-determination of the people of Palestine. That was a big political success of the Palestinians. For the first time in a quarter of a century the Palestinian problem was referred to not as a problem of refugees but a problem of ensuring the legitimate inalienable rights of the Palestinian people. This right was proclaimed despite the resistance of Israel and its patrons.

The United Nations in subsequent resolutions during the period 1975-1981 including resolution 36/120 of December 10, 1981, repeatedly reaffirmed these rights. The International Community has finally been able to define the inalienable rights of the Palestinian people not only in general but in details as follows :

- the right to self-determination without external interference;
- the right to national independence and sovereignty or the right to establish its own independent sovereign state;
- the right to territorial integrity and national unity;
- the right of the Palestinians to regain their rights by all means;
- the right of the Palestinians to be represented as a principal party in the establishment of a just and lasting peace in the Middle East;
- the right of the Palestinians to their homes and property from which they have been displaced and uprooted;

- the right of the Palestinians in the occupied territories to permanent sovereignty and control of their natural resources;
- the right of the Palestinians to full compensation for the damages done to their natural and human resources;
- the right of the Palestinians to education and culture and the means for enjoying these and to preserve their national identity.

The Soviet Union and other socialist countries always have been the proponents of the legitimate rights of the Palestinians and voted for the resolutions supporting these rights.

However, Israel supported by his patrons rejected the inalienable rights of the Palestinian people. As a result the right of the Palestinians to self-determination is not implemented up to now. No just solution to the problem of Palestine has been achieved.

In this connection one should pay attention to the efforts of the progressive forces aimed at the exercising of inalienable rights of the Palestinian people in the framework of all-embracing settlements of the Middle East crisis after the October War of 1973. The Soviet Union played a prominent role in this process. The USSR was persistently striving for the renewal of the Geneva Middle East Conference with the equal participation of the PLO representatives. The United States have all along opposed the Palestinian participation in the Conference. Such a stand was seriously undermining the process of Middle East settlement despite a lot of statements made by then U.S. Administration in favour of comprehensive Middle East settlement with the participation of all parties concerned. The United States also expressed interest in cooperation with the Soviet Union for the political solution of the Middle East problems. It was reflected in the Joint U.S.-Soviet Statement on the Middle East on October 1, 1977.

The Statement said that the vital interests of the people of that region as well as the interests of strengthening universal peace and international security as a whole "urgently dictate the necessity of achieving, as soon as possible, a just and lasting settlement of the Arab-Israeli conflict", which "should be comprehensive, incorporating all parties concerned and all questions".* "The only right and effective way for achieving a fundamental solution to all aspects of the Middle East problem in its entirety, - the Statement emphasised, - is negotiations within the framework of the Geneva peace conference, especially convened for these purposes, with participation in its work the representatives of all the parties involved in the conflict".**

* "Pravda", October 2, 1977

** same source

The Joint U.S.-Soviet Statement was an appropriate step towards the fundamental solution to the Middle East problem. But the U.S. Administration's stance altered. From November 1977 the U.S. took steps to subverting a comprehensive settlement and encouraging partial separate decisions. As a result the so-called Camp David agreements and the separate Egyptian-Israeli "peace treaty" were signed.

The Camp David agreements rejected the existing international legal basis of a Middle East settlement, laid down by the resolutions of the UN Security Council and General Assembly, and plainly casted away the principle of an overall settlement. As to the Palestinian problem the idea of the Camp David agreement was to substitute "administrative autonomy" for the independent Palestinian state. But "Palestinian autonomy" as envisaged in the Camp David agreement and later in the Egyptian-Israeli separate "peace treaty" is nothing but a fig leaf to cover up lawlessness. It is designed to legitimize Israeli's occupation of the West Bank and Gaza Strip and to keep these territories under permanent Israeli control. A prominent figure in the Israeli Labour Party I. Rabin said that the Begin Government regarded the "autonomy" plan as a step towards a "great Israel". *

The U.S. and Israel are obstructing the Palestinian's legitimate right to self-determination. They oppose any movement towards the creation of an independent Palestinian state. The "autonomy" plan precludes any transformation into a Palestinian state. "Autonomy" covers citizens and not territory. So, if people are evicted from the land it remains under Tel Aviv's authority. The land, the water resources of the Palestine territories and its "security" sphere are also to remain under Israeli control. Only social issues will be within the competence of the "autonomous councils". The Israelis will have complete freedom in setting up settlements on the West Bank and in the Gaza Strip.

The Middle East has not moved an inch closer to a genuine peace after the Camp David deal and the separate Egyptian-Israeli treaty. Instead, these separate deals have blocked the only road to a just and lasting peace, a road of collective efforts by all parties concerned.

Having failed to solve the Middle East problem in its own interests through the Camp David deal, the United States and Israel has created in this area

* "International Affairs", # 2, 1981.

extremely intolerable situation. Everything points to the fact that it is dangerous both for the peoples of the Middle East as well as for world peace to leave the present situation unresolved. It was therefore natural that the appeal to get the Middle East settlement off the ground was sounded at the 26th Congress of the Communist Party of the Soviet Union.

General Secretary of the CPSU Central Committee, Chairman of the Presidium of the USSR Supreme Soviet L.I. Brezhnev put forward in his report to the Congress the most important proposals for the solution to the Middle East conflict. He said in particular : "It is time to go back to honest collective search for an all-embracing just and realistic settlement. In the circumstances, this could be done, say, in the framework of a specially convened international conference.

The Soviet Union is prepared to participate in such work in a constructive spirit and with good will. We are prepared to do so jointly with the other interested parties - the Arabs (naturally including the Palestine Liberation Organization) and Israel. We are prepared for such search jointly with the United States and I may remind you that we had some experience in this regard some years ago. We are prepared to cooperate with the European countries and with all those who are showing a sincere striving to secure a just and durable peace in the Middle East.

The UN too could evidently continue to play a useful role in all this.

As for the substance of the matter, we are still convinced that if there is to be real peace in the Middle East, the Israeli occupation of all Arab territories captured in 1967 must be ended. The inalienable rights of the Arab people of Palestine must be secured, up to and including the establishment of their own state. It is essential to ensure the security and sovereignty of all the states of the region, including those of Israel. Those are the basic principles. As for the details, they could naturally be considered at the negotiations". *

The Soviet programme for a Middle East settlement is realistic and constructive. It clearly points to the way out of the dead-end and opens a new perspective towards the desired goal - the comprehensive settlement of the Middle East problem. It proceeds from the idea that a lasting and just peace in the Middle East can be established only if the Israeli troops are withdrawn from all the Arab territories occupied in 1967 and if the legitimate rights of the Palestinian people are exercised, including the right to self-determination and to establish its own independent state. The solution to

* L.I. Brezhnev. Report of the Central Committee of the CPSU to the 26th Congress of the Communist Party of the Soviet Union and the Immediate Tasks of the Party in Home and Foreign Policy, Novosti Press Agency Publishing House, Moscow, 1981.

the conflict should be all-embracing. The PLO should participate in the talks on the settlement as an equal party. The Palestinian problem cannot be solved behind the back of the Palestinian people.

The new Soviet Middle East initiative has been positively received all over the world, especially in those Arab countries which directly have to deal with Israeli aggression.

Therein lies a constructive alternative to Camp David : attainment of a peaceful settlement by the collective efforts of all the sides concerned, a settlement that would be made not at the expense of the interests of some states and to the advantage of others but for common benefit, in common interests.

However, the United States and the Western European countries have not yet made the decision to take a step in support of the Soviet proposal and thus in support of a choice of the only true and sole way to the genuine Middle East settlement.

Therefore tension in the Middle East, far from relaxing, is increasing. The reasons for this are clear. Indigenous Arab lands continue to remain under the heel of the Israeli occupation forces. The legitimate national rights of the Arab people of Palestine remain unfulfilled and this people is deprived of the opportunity to establish its own state. The security and sovereignty of the states of this region are being increasingly jeopardized. The Israeli aggressor is growing more impudent because it is aware of the full support it has from its overseas patrons.

The so-called "strategic cooperation" between the U.S. and Israel means blood, destruction and sorrow for the Arabs.

A new aggressive act by Israel against the Syrian Arab Republic, its attempt to annex the Syrian Golan Heights, is closely linked with the militaristic policy of the U.S. and is a direct consequence of the anti-Arab Camp-David collusion and the policy of separate deals. This is a concrete manifestation of American-Israeli "strategic cooperation", the result of fusion of the imperialistic interests of the U.S. and the expansionist ambitions of Israel.

Like other aggressive actions of Israel, taken lately, the attempt to annex the Golan Heights means that Tel Aviv is hampering in every way a peaceful settlement in the Middle East, although such a course is fraught with serious consequences.

Thus, the problem now, as it was formerly, is how to go about solving the Middle East problem in general and the Palestinian problem in particular. Experience has shown that the road of the Camp David agreement is a road leading nowhere. Today it is clear to all that if the inalienable national rights of the Palestinian people are not fully assured, the Arab-Israel conflict will assume even more dangerous forms. The right and sole alternative to the policy of Camp David is the Soviet Union initiative which may be summarized as follows :

- the proposal for the convening of a special international conference for the purpose of achieving an all-embracing settlement;
- the need for joint efforts on the part of all parties interested in a settlement;
- the Arab countries and Israel are the main participants in the conference;
- the mandatory and equal participation in the conference of the Palestine Liberation Organization which is the sole legitimate representative of the Palestinian Arabs;
- the readiness of the Soviet Union to constructively take part in the conference proceedings;
- the readiness of the Soviet Union to search for a settlement in cooperation with the United States;
- the possibility of cooperation in the elaboration of conditions for an all-embracing settlement with European States, with all those who exhibit a sincere desire to reach a just and lasting peace in the Middle East;
- full securing the inalienable rights of the Arab people of Palestine, up to and including the establishment of their own state as well as ensuring the security and sovereignty of all the state of the region including those of Israel;
- a useful role of the United Nations in realization of the proposals.

These proposals have one objective : to move, at last, off dead centre the matter of a just and all-embracing settlement in the Middle East. The absence of such settlement only meets the interests of the aggressor and foreign claimants to domination in the Arab world. The attainment of a settlement will benefit all the peoples of the Middle East as well as world peace.

Conclusions of the Report

Thus, the problem now, as it was formerly, is how to go about solving the Middle East problem in general and the Palestinian problem in particular. Experience has shown that the road of the Camp David agreement is a road leading nowhere. Today it is clear to all that if the inalienable national rights of the Palestinian people are not fully assured, the Arab-Israel conflict will assume even more dangerous forms. The right and sole alternative to the policy of Camp David is the Soviet Union initiative which may be summarized as follows :

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INTERNATIONAL ASPECTS OF THE PALESTINIAN RIGHTS

Jerzy Piotrowski

The Palestinian question belongs to that group of complex issues of contemporary world which, to a large degree, are hinged upon international conditionings. 1/ The decisions which led to the emergence of that question, and which later on, bore substantially on its further course, have been taken nowhere else but on the international forum. It should be noted, however, that the stance of the international community on that question has been influenced by the situation in Palestine, the Palestinian people, and in the entire Middle East region.

The Palestinian question emerged with particular force on the broad international forum after the war of 1973 when the vast majority of states recognized the need to solve it as the fundamental premise for establishing a lasting and just peace in the Middle East. These attitudes were paralleled by a growth of the role of the Palestine Liberation Organization (PLO) as the party in the Middle East conflict, and by a marked presence of that organization in the system of contemporary international relations.

This system is presently being created within the framework of the United Nations as a universal and worldwide organization. Therefore, the UN stance on the question of the Palestinian rights is of paramount importance. However, it must be said that various groups of states or various groups of states or various regional organizations functioning within the framework of the present system of international relations create certain subsystems, which are characterized on the international forum by similarities, and in this connexion, acting as forces focused on the accomplishment of definite goals. They are, therefore, capable of working towards the international recognition of the rights of the Palestinian people within the entire system of international relations.

In the UN approach to the question of the rights of the people of Palestine one may discern some main stages. For the first time these rights were defined by the United Nations in effect of the adoption of the General Assembly resolution 181/11 concerning the division of Palestine and the establishment of Jerusalem as corpus separatum. 2/

- the necessity to withdraw the Israeli troops from all the territories occupied since 1967, including Jerusalem;
- the necessity to solve the Palestinian question which is the core of the Middle East conflict through the implementation of the inalienable rights of the Palestinian people including:
 - (a) the rights of the Palestinians to return to their homes and property in Palestine, from which they have been displaced and uprooted;
 - (b) the right to self-determination without external interference, and to national independence and sovereignty;
 - (c) the right to establish its own independent sovereign state.

The General Assembly strongly opposed all partial agreements and separate treaties and deemed all decisions or negotiations conducted without the participation of the Palestine Liberation Organization null and void. 10/

An important move toward the implementation of the inalienable rights of the Palestinian people was the establishment, by virtue of resolution 3376/XXX/ of 10 November 1975 of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The recommendations of the Committee submitted at the thirty-first session of the General Assembly defined two stages of the return of the Palestinian people. The first embraced the return of the 1967 refugees, and the second included the return of those of 1948-1967. The Committee also recommended that the Security Council should adopt a schedule for the withdrawal of the Israelis from the territories occupied since 1967 which should end not later than 1 June, 1977. The territory left by the Israelis would be handed over to the United Nations which then would give it over under the PLO control with a view to establish an independent Palestinian territory. 11/

In effect of a firm opposition of Israel supported by the U.S. these recommendations could never be implemented. Instead, the actions taken by the U.S. were set to achieve such solutions of the Middle East conflict, which would eliminate the Palestinian people, and especially the Palestine Liberation Organization as its representative.

The views presented here concern the general aspects of the recognition of the Palestinian rights in the worldwide organization. Let us view this question from the position of three groups of states: the Third World countries, the socialist countries, and the highly developed capitalist states.

Formally no other UN decision ever negated the right of the Palestinian people to its own state. Nonetheless, the resolution 194(III) 3/ adopted by the General Assembly on 11 December 1948, opened a new stage during which efforts had been made to reduce the Palestinian question exclusively to the issue of refugees. In effect of such an approach, there was the Security Council resolution 242 which in the part concerning Palestine limited itself to stating a need for a just solution of the problem of refugees. 4/

A clear breakthrough in the recognition by the United Nations of the rights of the Palestinian people came in 1969 when the General Assembly resolution 2535 (XXIV) of 10 December reaffirmed the inalienable rights of the Palestinian people. 5/ This meant a transformation on a broad international forum of the question of the Arab refugees into one of the people of Palestine. This approach finds its confirmation in the subsequent decisions of the General Assembly. 6/

These decisions have created, later on, foundations for the recognition of the PLO as the subject in international relations because the recognition of that organization had to be preceded by the recognition of the Palestinian people as an individual national category instead of their being treated in categories of refugees. Finally the General Assembly resolution 2787 (XXVI) of 6 December 1971 confirming the legitimacy of the struggle for self-determination of peoples under colonial or foreign domination including the people of Palestine 7/ paved the way towards the recognition of the legitimacy of the activity of the Palestine Liberation Organization uniting the Palestinian people in the struggle for its own rights.

Under such circumstances, legal-international premises have been created for the opening of a new stage in the recognition of the Palestinian rights in the United Nations. This new stage is characterized by decisions of immense weight, and especially, by the definition of the inalienable rights of the people of Palestine 8/ as well as by obtaining by PLO of the status of the observer in the United Nations. 9/

In the historical perspective, the evolution of the recognition of the rights of the Palestinian people by the UN has gone through several stages, each marked by quantitative changes. In the present moment, conditions constituting the basis for the solution of the Palestinian question have been determined. In this respect, the General Assembly resolution 36/120 of 10 December 1981, defining in a comprehensive way these conditions merits special attention. These are as follows:

As far as the Third World countries are concerned, the attention will be focussed initially on the Non-Aligned Movement in view of its range and importance in that group of countries.

The Non-Aligned Movement, which from the very beginning of its existence advanced as its main goal the struggle against all remnants of colonialism and foreign domination, has played an important role in up-keeping the vitality and weight of the Palestinian question on international arena. It was only at the initiative of states belonging to that movement that the majority of the above-mentioned resolutions of the General Assembly have been adopted. Being the majority at the United Nations, the Third World countries, and, by the same token mostly the Non-Aligned member-states, were able to ensure the adoption by the UN of resolutions confirming the necessity to solve the Palestinian question as the fundamental condition of the solution of the Middle East conflict, and the recognition of the PLO as the sole representative of the Palestinian people.

It should be stressed that as early as at the Conference of the Non-Aligned countries in Lusaka in September 1970, a separate resolution on the Middle East was adopted, and its point 3 expressed full support for the inalienable rights of the Palestinian people.

The stance of that group of countries on the Palestinian rights was also reflected in their attitude towards the Palestine Liberation Organization. It was given the status of a guest in the Non-Aligned Movement as early as 1972 in Georgetown. Already the following year, in September 1973 PLO participated in the fourth "summit" conference in Algiers as an observer. The Political Declaration adopted there expressed a full support for the struggle of the Palestinian people for its rights. It stated, among others, that the struggle of the Palestine people for the regaining of its lost homeland constitutes an integral part of the struggle of all nations for self-determination and against colonialism and racial discrimination. In the resolution on the Middle East, the Palestine Liberation Organization was recognized as the legitimate representative of the Palestinian people.

A substantial part of the discussion went to the Palestine question during a meeting of the Foreign Ministers of the Non-Aligned countries in Lima in August 1975. The PLO was invited to that meeting as a full member of the non-aligned movement. Simultaneously, a working group was established to cooperate with the PLO on preparations of a strategy to regain the rights lost by the Palestinian people.

Of great importance for the Palestinian question were the decisions of the summit conference in Colombo in August 1976 where the PLO joined the works of the Coordinating Bureau preparing the sixth meeting of the leaders of the Non-Aligned countries held in Havana in September 1979. In the resolution on the Middle East the meeting reaffirmed the support for the Palestinian rights, condemned the Camp David agreements and obliged the Coordinating Bureau to establish a special committee for the investigation of the negative effects of those agreements. 12/

In the seventies, the Palestinian question continued as an important item on the agenda of all meetings of the leaders of the Non-Aligned countries. These countries, being the initiators of a number of UN decisions, have lent their full support for the right of the Palestinian people to its own state and the place of the PLO in the negotiations on the solution of the Middle East conflict. They were also the initiators of the General Assembly Special Session in 1980 devoted to the Palestinian question.

The League of Arab States associates that group of states which are directly engaged in the Palestinian question. Out of the reason of a nation in an all-Arab sense these states recognize the right of the Palestinian Arabs to their own homeland as an important element of the sovereignty of the Arab world. However, the functioning, within the framework of the reason of the nation, of the reasons of individual states was responsible for the differentiation of the approach towards a number of aspects of the Palestinian question. 13/ This came clearly visible in the case of Jordan which was controlling a part of the Palestine territory until 1967, and the leader of which put forward (as late as in 1972) an idea of creating the United Arab Kingdom on the territories of the present-day Jordan and the West Bank. 14/

Under such circumstances, of crucial importance for the unification of the Arab world stance on the question of Palestinian rights were the decisions taken by the Arab leaders in Rabat in October 1974 reaffirming the right of the PLO to exercise authority over the territories liberated from the Israeli occupation. 15/ These decisions were taken unanimously.

The Arab states have been confirming the importance of the Rabat decisions, until the present time. It must be also pointed out in this place that the policy of President Sadat which facilitated the Camp David agreements and the Peace Treaty between Egypt and Israel brings serious doubts as for the possibility of meeting Rabat decisions on the part of Egypt.

The Palestinian question was one of the factors which led to the establishment of the Organization of the Islamic Conference in 1971. One of the serious goals of this organization is the protection of sacred places of Islam, i.e. also in Jerusalem, and lending of support to the right of the Palestinian people to its own state.

The socialist countries belong to that group of states which most firmly condemned the Israeli occupation of the Arab territory by severing of diplomatic relations with Israel, in most cases as early as in 1967. Since 1969, these states have been lending their support to all UN resolutions reaffirming the Palestinian rights including the right to its own state, and recognizing the PLO as the sole representative of the Palestinian people.

The consequence of such a stance is the support for the concept of a global solution of the Middle East conflict with the participation of the PLO. It is worthwhile mentioning here the proposal submitted by L. Brezhnev at the 15th Congress of the Soviet Trade Unions in March 1977 welcomed by other socialist countries. It stated the necessity to withdraw the Israeli troops from all territories occupied since 1967, to establish an independent Palestinian state which would exist alongside with Israel, and that would mean the end of the war between Israel and the Arab countries. 16/

The fruit of the socialist countries' stance on the Palestinian question were the PLO Bureaus opened during the seventies in those countries. In Poland the PLO Bureau is accredited to the National Unity Front (FJN), and enjoys the full status of a diplomatic post. The PLO bureaus in other socialist countries have a similar status.

As far as the highly developed capitalist states are concerned, the majority of them viewed Israel as an element of European civilization in the Middle East, and as a representative of their interests in that region. Israel was treated as their ally and therefore the rights of the Palestinian people were not the subject of interest in their policy.

Such state of affairs lasted until 1973 when, following the October war, some evolution in the approach toward the Palestine question became visible especially with regard to the capitalist states. The capitalist states faced a dilemma of accommodating their obligations towards Israel and the need to safeguard their interests in the Arab world, and primarily the guarantees of oil supplies. Under such circumstances they were in a way forced to give more consideration to the question of the Palestinian rights.

The EEC members from Western Europe do not hold a unified stance but maintain divided on the question of the Palestinian rights with the Netherlands and Denmark more on the pro-Israeli side, and the states holding a more balanced view on that issue including France, Greece and Spain, on the other. The EEC as a whole formally accepts the rights of the Palestinian people to self-determination. Such stance, however, is not unequivocally interpreted and need not mean the recognition of the Palestinian right to its own state. What it means, on the other hand, is that the EEC members do not associate themselves with the activities of the United States which openly aims at such a development in the Middle East region which would render impossible the exercise of the right to its statehood by the people of Palestine.

A token of a new approach of the West European states towards the Palestinian question were several meeting of Y. Arafat with statesmen from those countries. Among them, an important place is to be given to the talks of the Palestinian leader with A. Suarez in Madrid in April 1979 as well as a number of meetings with politicians from France. The meeting of Y. Arafat with B. Kreisky in the first half of 1979 and with W. Brandt who spoke as the leaders of the Socialist International opened a new stage in the relations between the Palestine Liberation Organization and Western Europe.

As for today, the PLO is linked most closely with the neutral countries, while with respect to West European NATO states they, in the majority of cases, recognize de facto the existence of the PLO. It was not followed by de jure recognition which these states make conditional on the recognition by the PLO of the Israeli state.

The evolution in the international approach to the Palestinian question is the effect of changes which recently took place on the political arena of the present-day world. The crucial factor which facilitated the transformation of the Palestinian question into one of the people of Palestine has been the strengthening of the position of the Third World countries which recognized the struggle of the Palestinian people as a part of its strife against the remnants of colonialism and foreign domination.

Evidently not all countries took a uniform stance on the Palestinian question. The Latin American states, for example, demonstrated the greatest measure of restraint in this respect. This, however, in no way undermines the role of the Third World in promoting these rights on the international forum. Of particular weight is here the growth of the political and

economic position of the Arab states and their capabilities to win the approval by the majority of states for the support of their vital interests in the Middle East conflict. If we add the stance of the socialist states, easily understandable become all those factors which furthered the exercise of the inalienable rights of the Palestinian people as the important task facing the international community.

The position and role of the PLO on the international arena is the outcome of the recognition of the Palestinian rights. According to the Palestinian data, the PLO is recognized as the sole representative of the Palestine people by 115 states. As it was stated in Vienna during a UN seminar on the question of Palestine, the PLO is recognized by a bigger number of states than Israel, or by 80.0 percent of the entire world population. 17/

The inalienable rights of the Palestinian people to self-determination and creation of an independent state are viewed within the scope of the universal right of peoples to self-determination in conformity with Chapter I of the UN Charter. Therefore, attempts to bring about separatist solutions through the Camp David agreements and the Israeli-Egyptian peace treaty are treated as an infringement of these rights because they aim at a subsequent reduction of the Palestinians to the position of an object in international relations.

At times one may come upon opinions holding that the Palestinian question is first of all one of the Palestinians themselves, second of all of the Israelis, then the Arabs and lastly, it is the problem of the whole world. This is a simplified view if only for the fact that disregard for the Palestinian rights may threaten not only the Middle East region. In view of the importance of that region for the contemporary world the conflict may, under certain circumstances, lead to tensions outside the region. The recent history records numerous instances where an unsolved conflict revived evoking emotions among politicians and leading to new conflicts. For this reason, a just and lasting solution of the Palestinian question founded on the exercise of the inalienable rights of the Palestinian people is in the interest of the majority of states, and is one of the factors stabilizing the contemporary system of international relations.

Footnotes

1. See: The Transformation of Palestine. Evanston 1971, p.379
2. See: UN General Assembly Official Records (GAOR), Second Session, Resolution 181-II, 29 November 1947
3. See: UN GAOR, Third Session, Resolution 194-III, 11 December 1948
4. UN Official Records of the Security Council (SCOR), Twenty-second Year. Resolutions and Decisions. Res. 242, 22 November 1967
5. UN GAOR, Twenty-fourth Session, Resolution 2535-XXIV, 10 December 1969
6. Cf. Resolutions 2649-XXV, 2672-XXV, 2972-XXVI, 2963-XXVII, 3089-XXVIII
7. See: UN GAOR, Twenty-sixth Session, Resolution 2787, 6 December 1971
8. See: UN GAOR Twenty-ninth Session, Resolution 3236-XXIX, 22 November 1974
9. See: UN GAOR, Twenty-ninth Session, Resolution 3236-XXIX, 22 November 1974
10. See: UN GAOR, Thirty-sixth Session, Suppl. No 35/A/36/35
11. See: UN GAOR, Thirty-first Session, Suppl. No 35/A/31/35
12. See: Palestine, 16-30 September 1979
13. For more on the subject see: W. Khalidi: A Sovereign Palestinian State, in: Foreign Affairs, 1978, July
14. See: Palestinska ctazka v dckumentech. Praha 1975, pp.408-411
15. See: Zbior Dckumentow-Recueil de Documents, 1974, no. 10
16. See: Pravda of 22 March, 1977
17. A. Agaryshev: Nature of the Palestine Liberation Organization, in: United Nations Seminars on the Question of Palestine. Vienna 25-29 August 1980

NATURE AND ROLE OF THE PALESTINE LIBERATION ORGANIZATION

Sami Fayez Musallam

The uprising of the Palestinian People under occupation has on the one hand demonstrated, among other things, the acute nature of the existing conflict between the inalienable and legitimate rights of the Palestinian people to return to self-determination and to the establishment of their independent Palestinian state on the territory of their national homeland.

On the other hand, it has shown the aggressive Israeli policies aiming at hegemony over the occupied territories and their annexation. The Israeli occupation forces have used their military machine and repressive measures to impose such a policy on the Palestinian people. The acuteness of this conflict is very clearly demonstrated by the statements of Israeli leaders. General Menachem Begin, head of the so-called Civil Administration in the occupied territories said on March 24, 1982 that the Israelis seek to win in this conflict against the control of P.L.O. in the occupied territories. Yitzhak Shamir, Israel's Foreign Minister, in a statement on March 28, wants people to believe that what Israel is doing in the occupied territories is to foil the P.L.O.-Plan which is to be executed on 26 April of this year. On the same day Israel's War Minister Ariel Sharon underlined in yet another statement, the impossibility of putting into effect any political plan concerning the occupied Palestinian territory of the West Bank and Gaza as long as the land and key posts are controlled by followers of the P.L.O.

The list of such statements by Israeli leaders can be extended indefinitely.

But from the statements quoted above one can detect clearly where the crux of the conflict lies. On the one hand there is the P.L.O., the sole legitimate representative of the Palestinian people; and on the other hand there is Israel with its repressive and racist policies, which are aimed at destroying this leadership and dispersing the Palestinian people. The conflict therefore is the expression of the Palestinian people, led by the Palestinian Liberation Organization, to reaffirm their existence, identity and rights.

It is within this context that we are going to deal with the nature and role of the P.L.O. However we are not going to present a detailed description of the emergence, establishment and growth of the P.L.O., nor its institutional set-up and constitutional make up. These have been studied in previous papers presented at U N seminars during the last two years, and in other academic studies. Here let me present twelve theses concerning the nature and role of the P.L.O. which I would like to discuss with you.

1. Today the P.L.O. enjoys international recognition and prestige as the sole legitimate representative of the P.L.O. 105 states have recognized it in this capacity. This means more states recognize the P.L.O. and have relations with it than with Israel.
2. The nature of the P.L.O. differs from that of other organizations which have represented or still represent their respective peoples in wars of national liberations. The P.L.O. is not a political party, and is larger than a front. It is an institution which has the nature of a state. At the same time it is a framework for different mass organization, as well as independent individuals.
3. It can be said objectively and without exaggeration or bias, that the P.L.O. is now the institutional framework for Palestinian national identity. This function is usually undertaken by the institution of the nation-state in other countries.
4. The identification, or "belongingness" of any homo sapien to his homeland finds its institutional expression in the state, the framework of which includes all those who are categorized as citizens; in other words all those who have rights and duties within the framework of a given state. Attachment to such a state is attachment to the national homeland. In the case of the absence or elimination of the state, the citizens wage a struggle for self-determination, i.e. to exercise national sovereignty, which includes territorial integrity and all facets of daily life, as well as the freedom to make day-to-day decisions.
5. How did the P.L.O. gain this unique character? It gained it from the unique status of the Palestine Problem. The Palestine Problem has a number of characteristics which differentiate it from other national problems in modern times. It is more than a national liberation movement; its scope is larger than an anti-racist movement; it is more than a struggle against alien settlers. It is all of these, but at the same time more than their sum total. Never in modern times did a foreign colonial power resort to means similar to those of international imperialism and zionism, involving the mass deportation of more than half of a people from their homeland, denial of their identity to the other half, and simultaneously an insistence on denying the existence of Palestine as a historical phenomenon with a past, present and future.

6. Because of the aforementioned reasons, we call what happened in 1948 the catastrophe. There is nothing in contemporary political literature which can express what happened to the Palestinian People. The enemy, whether Zionist or imperialist, bet on the dissolution of the Palestinian people and the erasure of their identity. At the top of the aims of our struggle is the reaffirmation of this identity, and the reorganization of our people's efforts on all levels of daily life as a means to save and redeem our country.

7. Accordingly, it can be said that the process of establishing the P.L.O., its continuity and growth is not an easy one, or one similar to the establishment, continuity and growth of a governmental public institution in other stable countries. The former process necessitates a compensation for the absence of the land; i.e. the national territory, with the strengthening of the struggle to regain it. Thus the armed struggle which we, the Palestinian people, are waging, is not only a necessity imposed upon us by the enemy and the circumstances which we are passing through; it is also a means of expressing our national identity. Half of our people are refugees, the other half is under occupation. Anyone who ceases the struggle for liberating Palestine ceases, even though temporarily, to be Palestinian. Many Palestinians do not carry any identity papers with them which show the official nationality of the bearer. This means also that we do not have any institution which issues passports to its citizens, like any other country in the world. Some of us for reasons of work and let us say, for logistical reasons, carry passports issued by countries other than Palestine. What decides the identity of every one of us, irrespective of the papers he or she carries, is his belonging to the P.L.O. even though he or she might not be organized in any of the specific groups which form most of its institutions. In this sense the P.L.O., in the absence of Palestine as the internationally recognized homeland of the Palestinian people, is the national framework of this people.

8. In 1948, the year of the catastrophe, our people was dispersed over many countries and distant places. Ever since then they have lived in varied conditions, and in groups which have often been cut off from one another for long intervals. Thus it has become only logical that among the Palestinians there were a multiplicity of visions, attitudes and positions, even though the orientation towards Palestine was a united one. This multiplicity of approaches is a natural matter in all countries, with their adherents interacting within the framework of the national homeland and its institutions.

Accordingly the absence of the homeland and its institutions for a certain period of time was for the Palestinians a factor of disunity and weakness. The P.L.O. was first established as a response to this need, the need to translate the aspirations of the Palestinian people into a concrete framework within which all different opinions can interact, and through which all different wills would be united. The P.L.O. is therefore the framework for the national unity of the Palestinian people, and its expression, as well as symbol of Palestinian identity.

9. Every people has a homeland and in every homeland there are super- and infra-structures. When a political change takes place in a country, it is basically the superstructure which changes. To a lesser extent the infra-structure is also affected. With very few exceptions, other institutions in the infra-structure continue to function; such institutions are the social, health, and educational which deal directly and on a daily basis with the people. Since the year of the catastrophe the Palestinian people was deprived of such institutions, or of their normal functioning. But since its establishment as the institutional framework of this people, the P.L.O. has been building and developing such necessary institutions for the welfare of the Palestinian people, not only to perform the services which are needed, but also to compensate for the loss that this people has suffered morally, politically and socially. Hence the P.L.O. is not only a political organization, nor is it only the leadership of the struggle of the Palestinian people in all its facets, including the military one. It is also the melting pot, or the organization which includes all different social institutions which, in turn, and despite the difficulty of the circumstances, attempts to extend all necessary services to the Palestinian people. The role of the social service institutions within the framework of the P.L.O. merits a deeper study. These are institutions which function outside the territory of the national homeland - Palestine - and within social groupings experiencing totally different conditions, as well as functioning inside the occupied homeland, Palestine, under extremely difficult conditions. Despite this, they are successful in performing their social role; more importantly they are as successful in their role of daily interaction among the Palestinian 'citizenry' as similar institutions in more stable countries. This is the meaning of the statement that the P.L.O. is the institutional framework of all organized Palestinian forces and institutions.

10. Due to the unique role of the P.L.O., it also has a unique organizational set-up. The highest authority in the P.L.O. belongs to the Palestine National Council, which represents all segments of the Palestinian people in and outside occupied Palestine. From this Council, all other

leading bodies of the P.L.O. are elected, such as the Executive Committee, the Chairman of the Executive Committee, and the Central Council; and all other Departments such as the Higher Councils and institutions derive their authority. In this manner the P.L.O. is the representational political framework of all the Palestinian people.

11. Those who suspect, or let us say have doubts, about the relationship of the P.L.O. to the Palestinian people, and especially to our people inside occupied Palestine, basically mix the nature and role of the P.L.O. with the nature and role of ordinary political organizations and/or institutions such as e.g. political parties. In the last years quite a number of foreign delegations travelled to occupied Palestine on what have become known as fact-finding missions. All of them, without exception, have come back convinced at least of the following fact: that the Palestinian people consider the P.L.O. their sole legitimate representative. It is unlikely that such a consensus or rather unanimity could be enjoyed by any ordinary political organization or institution. It is evident that belonging to the P.L.O. is an expression of attachment to the Palestinian homeland. It is therefore not strange or surprising that the quintessence of the great mass uprising in the occupied homeland during the past few weeks has been the adherence of our people to the P.L.O., rejection of any attempt to deny that fact. On the enemy side it marked an attempt, as they expressed it, to liquidate the presence of the P.L.O., and its power centres inside occupied Palestine. These enemy attempts will inevitably fail. The proof of this failure is the behaviour of the Palestinian Arabs who remained on their land in the Palestinian territories occupied in 1948, i.e. those who lived in the Zionist entity for 34 years. The Israeli authorities were surprised when these Palestinian Arabs hoisted their Palestinian national flag, despite more than thirty years of oppression and terror, and attempts at subjugation. These Palestinian Arabs have unswervingly declared that the P.L.O. is the sole legitimate representative of all the Palestinian people.

12. Lastly, to adopt a position towards the P.L.O. is not simply to take a position on supporting a legitimate national liberation movement. The relationship to the P.L.O. is not simply a relationship to one organization among many. It is a position with regard to the right of the Palestinian people to exist, to freely express their national identity and will through the P.L.O., their sole legitimate representative. To whoever says that the P.L.O. is not the only representative of the Palestinian people, we ask, 'who is or are the other representatives?' To those who say that it is the first representative, we ask 'who is the second?' And to those

who say the P.L.O. represents the combattants, we ask 'who represents the non-combattants?' And to all we ask 'who designates and decides' - it is the Palestinian people itself - and they unanimously recognise the P.L.O. as such.

Not long ago a leading European statesman came to Chairman Arafat, and asked for a list of people whom he could meet during his up-coming fact-finding mission to occupied Palestine. Chairman Arafat answered that he would not supply him with yet another list since, as the chairman of the P.L.O., he was satisfied with the long lists that this statesman already had, and would leave it up to him to contact any person, or individual, or group of individuals to see for himself. This leading European statesman afterwards visited the occupied territories and travelled far and wide. In his next meeting with Chairman Arafat, this statesman said that everyone he met, from all walks of life, confirmed to him that their sole legitimate representative was the P.L.O. Let us hope that all people, whether statesmen or otherwise, who desire peace in our area and the world at large, will not miss the forest for the trees. Thank you.

IMPOSSIBILITY OF EXERCISING THE NATIONAL RIGHTS OF THE
PALESTINIAN PEOPLE IN THE SITUATION OF ISRAELI MILITARY
OCCUPATION AND PERMANENT AGGRESSION AGAINST ARABIC
COUNTRIES AND PEOPLES

Bećir Meholjić

It is well known today, and has been repeated many times, that there can be no lasting solution to the Middle East crisis without resolving the Palestinian question which is central to this complex conflict. The question poses a direct threat to peace and security, not only in the region, but also in the world as a whole. The basic obstacle to the solution of this issue and the achievement of durable peace in this area, is most certainly the military occupation and permanent Israeli aggression against Arab States and peoples, the Palestinian people in particular. This behaviour stems from the Israeli colonial policy of aggression, expansion and annexation that is constantly being carried out in spite of its unanimous condemnation by the whole peace-loving society, by numerous resolutions of the General Assembly, the Security Council and other United Nations organs, as well as by resolutions and appeals of the non-aligned countries, the Arab League, the Islamic Conference and the other international and regional organizations. Israeli policy is contrary to the combined efforts of these organizations to establish a fair, stable and lasting peace that will allow all the countries and peoples of the region to aspire to undisturbed development and to ensure the Palestinians the exercise of their inalienable national rights.

By occupying the Sinai, the Gaza Strip, the West Bank of the Jordan river, the Syrian Golan Heights and Jerusalem, Israel has violated the rule of international law which has been known for fifty years as Stimson's Doctrine, adopted by the majority of conventions between the Two Wars, and finally incorporated into the United Nations Charter, the single most important political and legal pronouncement in effect today. However, what is accepted by peace-loving society, Israel rudely repudiates and ignores, while continuing its policies of aggression and annexation, thus doubly violating the imperative of contemporary international law. On the one hand, Israel is gradually transforming military occupied territory into Israeli territory by annexation of the east part of Jerusalem in 1977 and the Golan Heights in 1981, by introduction of a civilian instead of, or in addition to, a military government in the West Bank, and also by dismissal and exile of legally elected city councils and majors. Thus a *de facto* state of affairs is being illegally transformed into what the Israelis consider to be a *de jure* condition. On the other hand, Israel violates in a very brutal manner, through a series of unscrupulous measures, the basic rights of the civilian population of the occupied territories 1/.

In the course of this paper, the nature, goals and means of Israeli policy of terrorism and annexation shall be illustrated in part. Such a policy not only ignores and consciously violates current international law regulations, but also represents the largest obstacle to the realization of the inalienable rights of Palestinian people, as well as the basic rights of civilians in the occupied Palestinian and other Arab territories. This matter has been described in many studies, daily reports from the area, and more particularly in United Nations documents 2/.

At the outset, it must be stated that ever since the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories was established (General Assembly resolution 2443 (XXIII) of 19 December 1968), Israel has denied any kind of co-operation, thus rendering impossible a direct scrutiny of the current state of affairs in these territories. This situation shows the determination of Israel to conceal the fact that they are preventing the civilians from exercising their elementary human rights.

The evidence of the Israeli policy of annexation of the occupied territories is confirmed, among other things, in the following statements of Prime Minister Begin. During his visit to an Israeli settlement, he said: "I, Menahem, son of Ze'ev and Hassya Begin, hereby pledge my word that, as long as I serve the nation ... as Prime Minister, we shall not abandon any area in the territories of Judea, Samaria, the Gaza Strip or the Golan Heights". 3/ On another occasion, giving a speech in the Knesset about the basic orientation of the new Israeli Government, the Prime Minister confirmed even more strongly its annexation policy, stating that "the Israeli Government will raise its claim to sovereignty over the West Bank, after the period of self-rule". 4/

There is no doubt that such a policy affects directly the rights of civilians, particularly the right to self-determination, just as the military occupation itself indicates the violation of international law and basic human rights. Such a policy inaugurated by the new Israeli Government with Begin at its head, is against Article 47 of the Geneva Convention on civil population protection during wartime, dated 12 August 1949, which expressly prohibits annexation of occupied territories.

The Israeli Government has officially adopted plans and projects to carry out the above-mentioned policy of annexation, and carried out their execution continuously, steadily and consistently. This is best illustrated by the construction of new Israeli settlements and expansion of existing ones in the occupied Arab territories, for which last year's budget alone provided 64 million US dollars. 5/

According to one source, Israeli settlers now control about 35 per cent of the West Bank of which over 50 per cent is arable soil. The settling of Jews in the area, who before 1967 did not inhabit the above-mentioned territory at all, threatens to lead to the expulsion of Palestinians completely and violently.

A very important role in the implementation of the Government's annexation policy is played by Israeli settlers. It is well known that they not only perform terrorist and other criminal acts, but that these acts do not result in any punitive action, even though such acts are in direct infringement on the basic rights of the civilian population. Furthermore, there is firm evidence of connivance and complicity between the military and the civilian authorities at all levels in these acts of settlers, in deliberate contravention to Article 29 of the Fourth Geneva Convention. Article 49 of this Convention prohibits any forcible transfer to or from occupied territory; hence, the continuous colonization of these territories as well as the establishment of new settlements by Israelis, is directly contrary to current international law.

Israeli occupying authorities apply what has been termed as the "iron fist" policy to the civilians in the occupied territories. This comprises the crude behaviour and brutal pressures, very similar to the methods of both Nazis and fascists during World War II, and to others during the extensive colonization period. This policy is consistently being carried out, both directly, through the brutal treatment of the civilians by the authorities, and indirectly, through support and encouragement of violent and terroristic acts by Israeli settlers towards the civilians in the occupied Arab territories.

A few among many violations of international law may be cited here: slaughter of the civilians; imposition of curfews; curtailment of freedom of movement; closing of shops; demolition of dwelling and business premises; interference in the work of educational institutions; revision of scholastic programmes; arrest of pupils, students and teachers; closing of schools and universities; dismissal of legally-elected bodies; arrest and exile of mayors; unauthorized and arbitrary imposition and levying of high taxes; land-grabbing by any possible means; withholding both potable and irrigation water from civilians; prohibiting the grazing of cattle; refusal to acknowledge identity papers and imposing for force the acceptance of Israeli identity cards and Israeli citizenship; holding prisoners of different gender together in a same cell (which deeply offends tradition and religious beliefs of the Arabs); unlawful dismissal of workers from their places of employment; blackmailing those who register vehicles or ask for licences of various kinds; and applying political, economic and psychological pressure on the civilian population - especially when it comes to the freedom of movement which thus collectively affects both the legally-elected Palestinian leaders and the civilian population in villages and towns. 7/

All the foregoing is contrary to the present regulations of international law, and more precisely to the Fourth Hague Convention of 1907, and to Articles 33 and 53 of the Fourth Geneva Convention of 1949.

Special attention should be given to the very difficult conditions in Israeli prisons, which includes rudeness and maltreatment of political prisoners, torture in the course of investigation, and absence of necessary and organized international control that might serve to alleviate these conditions.

We must therefore conclude that the Israeli policy and the behaviour of the occupying authorities, continuously and very dangerously aggravates the already very serious situation with regard to the exercise of human rights in the occupied Palestinian and other Arab territories. This policy is contrary not only to the Articles 64 and 76 of the Fourth Geneva Convention, but also to the United Nations resolution on prohibition of torture.

Numerous examples of incidents in the occupied territories point to the very difficult everyday reality of the civilian population. 8/ The long list of such incidents made according to reliable and uncontradicted sources and daily press reports, very clearly and persuasively demonstrates that civilians in the occupied territories are subjected to the continuous pressure of the military occupying authorities. Serious violations of international law in respect to possible exercise and protection of civil human rights further aggravate the situation thus making solutions to the Middle Eastern crisis extremely difficult and perpetuate a constant threat to world peace. Israeli refusal to comply with the Articles 146 and 147 of the Geneva Convention cited above relating to infringement of international law and imposition of sanctions against such infringement further exacerbates tension in the area.

The situation is complicated further in that there is no legal recourse available to civilians for the protection of their rights, particularly their property rights. The only possibility they have is to appeal to the Israeli Supreme Court of Justice, which is futile since the Israeli authorities, at all levels, constantly discourage recourse to legal bodies and ignore their decisions, as has been extensively documented. 9/ Even special bodies such as "The Military Appeals Board", created to protect civilians and their rights against illegal acquisition of property, actually serve more as a cover for legal expropriation, and as an effective and organized process for taking over Palestinian land. Under various pretexts, but most frequently under the rubric of "state land", Israel continues to exercise the already initiated practice of transforming, in all fields, the existing legal regime into a new Israeli one, which is strictly and expressly in contradiction to international law. 10/

Based on the afore-mentioned, we may conclude that the civilian population in the occupied territories is deprived of its basic rights through the Israeli occupation and annexation policy. This practice is usually carried out under the slogan "homeland", thus augmenting the threats to the international peace and security in this sensitive region. That is why the international community is faced with the necessity and obligation to intervene urgently and efficiently, through the United Nations Organization, using all means at its disposal, in order to terminate the occupation and attain a fair and lasting peace. The reason for this is that the occupation of Palestinian and other Arab territories together with the Israeli policy of aggression, annexation and expansion, represents the systematic violation of international law concerning human rights. Israeli policy also represents an obstacle to the exercise of basic human rights of civilians in the occupied territories, and to rights of the Palestinians as a nation - especially the right to self-determination - which belong to them according to the current international law, particularly the United Nations Charter which is the universal and most important political and legal provision of the contemporary international community.

The exercise of the right to self-determination and national independence by Palestinians presents no legal dilemma and concomitantly represents a precondition for a peaceful and realistic solution to the Middle Eastern crisis as a whole. This crisis that directly endangers the world peace and security, can be successfully and permanently solved only by encompassing all its aspects and by looking for the entire solution of all the issues. Therefore it is necessary that organized, urgent and efficient activity of the international community should ensure the withdrawal of Israeli occupation forces from all Palestinian and other Arab territories occupied since June 1967, including Jerusalem. It is also necessary to ensure for Palestinians the exercise of their inalienable rights, particularly the right to self-determination, national independence and sovereignty, and the right to have a state of their own. A further necessity is the recognition of the Palestinian Liberation Organization, as the only legitimate representative of the Palestinian people, their rights to sovereignty and independence and in addition the granting to Palestinian refugees and displaced persons a right to return to their homeland. Finally, all the countries and peoples of the region must be given the opportunity to have a secure national life and independent social development, based on political, economic, national, religious, ethnic and cultural equality.

Only successful and simultaneous solution of all the afore-mentioned issues can make possible a stable and lasting peace in the region. An approach to the possible solution of the Middle East crisis is contained in all decisions and documents of the United Nations organs and conferences of the non-aligned countries. These represent a distillation of the numerous decisions and recommendations adopted at many international meetings. This is the only basis (as it has been stressed and underlined many times by the official representative of non-aligned Yugoslavia) on which it is possible to avoid destruction and terror, and to create lasting peace and security in this region. Only in this manner, can all the countries and peoples of the region enjoy the safety, freedom and independent national development. The policy of force, disrespect for basic rights of other peoples and violation of international law is not and cannot be the proper means of making our way out of the Middle East labyrinth, nor does it present a viable means for resolving and overcoming this dangerous crisis, which threatens world peace.

That is why the international community must find the way to prevent, efficiently and urgently, the policy of Israel that is based on force, terror, expansion, and annexation and colonial aspirations. This policy is openly against the efforts of peace-loving society and the rule of international law expressed in the United Nations Charter, Universal Declaration of Human Rights, numerous Geneva and Hague Conventions, treaties on civil, political, economic, social and cultural rights as well as many documents adopted by United Nations organs, meetings of the non-aligned countries and a number of regional organizations.

FOOTNOTES

1. See "The Report of the United Nations General Assembly, Committee on the Exercise of the Inalienable Rights of the Palestinian People" Document A/34/35 - 1979.
2. For more details, see the Reports of the United Nations General Assembly, Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories: A/8089 (26 October 1970), A/8389 (5 October 1971), A/8389/Add.1 (9 October 1971), A/8828 (9 October 1972), A/9148 (25 October 1973), A/9148/Add.1 (20 November 1973, A/9817 (4 November 1974), A/10272 (27 October 1975), A/31/218 (1 October 1976), A/32/284 (27 October 1977), A/33/356 (13 November 1978), A/34/631 (13 November 1979), A/35/425 (6 October 1980), and A/36/579 (26 October 1981).
3. See newspapers: Ha'aretz and Jerusalem Post, 8 May 1981.
4. See the International Herald Tribune, 6 August 1981.
5. United Nations Document A/36/579, paras. 125-131.
6. See CAABU INFORMATION SERVICE, Info/69, December 1981.
7. See Affidavits of the two Druses (Kamal Kinj and Mahmoud Al Safadi), addressed through the office of the Jerusalem lawyer Felicia Lange to the Special Committee of the United Nations on 25 January 1982, after the occupying authorities refused permission for their coming to Geneva and personal report on the Golan situation.
8. See United Nations document A/36/579, part IV C2(C).
9. See United Nations document A/36/579, part IV B and IV C3.
10. See a. United Nations document A/36/579, paras. 340, 343, 346, 354, 355, 362, 382, 384, 388.
b. The West Bank and the Rule of Law, by R. Shehadeh and J. Kuttat, published by the International Commission of Jurists in 1980 in Geneva, which deals with the illegal and forbidden changes of legal regime in the West Bank and with the introduction of Israeli legal regulations.

ISRAELI POLICY OF SETTLEMENTS IN THE OCCUPIED ARAB TERRITORIES

Béla Szilagyí

I

In consequence of the third Arab-Israeli war in June 1967 large Arab territories came under military occupation by Israel. Those territories comprised the Sinai Peninsular belonging to Egypt, the Golan Heights belonging to Syria, the Gaza Strip, the West Bank of the River Jordan and the Old City of Jerusalem, the Arab Sector. The latter three areas - Gaza, the West Bank and Jerusalem were to constitute an integral part of Arab Palestine to be established in accordance with the relevant resolutions of the United Nations. It is of public record, however, that the envisaged State of Palestine was prevented from emerging by the first Arab-Israeli war: Gaza came under Egyptian administration without being annexed, while the West Bank and the Arab Sector of Jerusalem were annexed by the Transjordanian monarchy, which thus established Jordan in 1950.

The occupation of Arab lands three times the size of Israel as of 4 June 1967 and the perpetuation of that situation gave rise to considerable tension in the Middle East and added further strains to the crisis. Security Council resolution 242, which was adopted on 22 November 1967, was a natural reaction by the community of nations to that state of affairs.

The question of withdrawal from the occupied territories was nevertheless extended to include a new element which amounted, to be more precise, to revival of a long-existing fundamental component: the Arab Summit Conference, held at Rabat, Morocco, in October 1974, proclaimed the inalienable right of the Palestinian people to establish an independent Palestinian State of its own on the territories which temporarily came under the administration of other Arab countries following the first Arab-Israeli war and which were occupied by Israel in the war of 1967, while recognizing the Palestine Liberation Organization as the sole legitimate representative of the Palestinian Arab people. At the same time, the political programme of the Palestinian liberation movement, which was adopted by the 12th session of the National Council performing the function of a parliament, stated as a principle that "Palestinian national jurisdiction should be established on the territories to be liberated from Israeli occupation according as the troops of the aggressor are withdrawn from the occupied Arab territories."

These aspirations found their echo in the United Nations as well. On 13 November 1974, in the debate held on the question of Palestine, which had been included in the agenda of the General Assembly shortly after the adoption of the resolution of the said Arab Summit Conference in Rabat, the world organization, by 105 votes against 4, with 20 abstentions, decided to invite representatives of the PLO, as a result of which Yasser Arafat, Chairman of the Executive Committee of the PLO, was enabled to address the General Assembly. Following is a passage quoted from his statement:

"I announce here that we do not wish one drop of either Arab or Jewish blood to be shed; neither do we delight in the continuation of killing, which would end once a just peace, based on our people's rights, hopes and aspirations had been finally established... Today I have come bearing an olive branch and a freedom-fighter's gun. Do not let the olive branch fall from my hand..."

The United Nations General Assembly then adopted three resolutions:

1. proclaiming the right of the Palestinian Arab people to independence and sovereignty;
2. accorded to the PLO the status of observer in the world organization: and
3. inviting the Secretary-General to conduct a profound study of the question of Palestine and to submit a report thereon.

Complete Israeli withdrawal from the occupied territories and restoration of Arab sovereignty are therefore inseparable from the problem of Palestine and from the establishment of an independent Arab State of Palestine. The leaders of the State of Israel and all those who lend military, political, economic and other support to Israel illegally refuse to recognize the inevitable necessity for the establishment of a State of Palestine and go out of their way to contain this process. What they are seeking is, in the words of Israeli government quarters, not only to perpetuate the occupation, even by invoking biblical arguments, but also to reshape the appearance of the occupied territories to suit their interests and to serve to their advantage. This is why the Israeli policy of settlements on occupied Arab territories became a key issue, for it is seen by the Israeli leadership as an obvious means of promoting the realization of their designs. Now more than ever, it is indispensable to describe the characteristics of the policy of settlements and to lay them before world public opinion.

II

The Fourth Geneva Convention of 12 August 1949 contains detailed provisions concerning the situation of civilian populations in areas of military operations, the general rule being that in case of military occupation the occupying power has no right to infringe upon the interests of the population. Article IV/33 of the Convention specifically provides, inter alia, that no ground whatsoever may be invoked for collective punishment on occupied territories. The Convention was also signed by Israel, and let it be added that four years after the close of World War Two the Convention was adopted not least because the memory of the terrible crimes committed by the Nazis in occupied territories was still fresh in the minds of the peoples of the world, and particularly of those survivors who settled in the State of Israel itself.

Accordingly the principles of international law, which have also been accepted by Israel, condemn any endeavour to prepare and effect in various ways the annexation of temporarily occupied territories. There must be rejected any attempt to resettle or banish the native population and to settle other people in their place, to change the ethnic proportions of those territories and to establish civilian or para-military settlements thereon.

Nevertheless, from the very outset, Israel had infringed and rejected the adopted international norms. As early as September 1967 it established the first two Israeli settlements on occupied territories, at Banias, on the Golan Heights or in the region known as Gush-Etzion south of Jerusalem, on the West Bank. At the same time the Knesset, the Israeli Parliament, adopted a decision on the so-called reunification of Jerusalem. At variance with United Nations decisions, the part of Jerusalem formerly known as the New City was unilaterally proclaimed the capital city of Israel and, as the result of so-called reunification, the whole of Jerusalem was treated as de facto capital of Israel. Zealous efforts were started to change the face of the historic Holy City and to build new residential areas, urban districts and suburbs to the north, south and east on occupied Arab territories. In that undertaking the Israeli leadership was and still is guided by a double aim: virtually to encircle the Arab Sector and thereby to change the demographic structure of the city. Israeli leaders openly stated that what they wanted was to reduce to 25 to 28% of the proportion of the Arab population in Jerusalem.

Thus, whereas the policy of settlements was not unknown to the former Maarach Governments of the Labour Party, it gained rapid momentum particularly from 1977 onwards, when the coalition of the Likud Union led by Prime Minister Menachem Begin came to power. (Let me note at this juncture that occasional differences may be observed in statistics on settlements,

due to the fact that twin settlements are shown to be either one or two. But the fact is not altered by slight differences that can be detected in figures accepted as the most authentic in the international press and various studies.)

Up to the change of Government in spring of 1977 there were established 62 Israeli settlements in occupied Arab territories. This process was then described by the Le Monde of Paris to be "a shy policy of settlements" as the "strategic villages" were set up, with somewhat less publicity, at longer distance from the most densely populated Arab settlements. All this, we stress again, did not alter the repressiveness, dangerousness and substance of the entire process and its upshots. In late 1978 there existed already 87 Israeli settlements /23 on the Golan Heights, 39 in Cis-Jordan, 13 on the north of Sinai, in the area of Yamit-Pitchat Rafiat, while the location of 12 more was not indicated in official statistics. Semi-official sources counted among them the settlements established around Sharm el Sheikh at the border of Gaza and the "illegal" ones established by the adherents of the extremist fanatic Gush Emunin on the West Bank. It is characteristic that these settlements, while they were declared illegal, at least temporarily, were included in statistical records. A publication at the end of 1980 gave a total of 122 settlements, 68 on the West Bank, 29 on the Golan Heights, 5 on the Gaza Strip, and 20 in the Sinai Peninsula to the south. As regards the present situation, efforts in the past one and a half years were concentrated on the stabilization and expansion of the existing settlements and on the replacement of those to be removed on the Sinai Peninsula. In early March of 1982 the Israeli Government approved a plan for 20 new settlements to be established rapidly on the West Bank in place of the 20 which were to be removed on the Sinai Peninsula and, for that purpose, formed a separate committee headed by Minister Simha Ehrlich. This goes to show also that the separate Camp David Accord is far from serving as a means of bringing about a lasting settlement in the Middle East. The principle of the indestructibility of matter may show itself in a strange way with respect to Israeli policy in as much as the settlements with the ensuing conflicts and crisis, rather than being eliminated, were transposed to another territorial unit somewhat farther away.

What happened under the Begin Government was not only quantitative development but the appearance of qualitatively new phenomena:

1. Settlements today are established for the most part not on fallow ground but in the immediate vicinity of the most densely populated Arab areas, such as Hebron, Halhul and other towns, thereby considerably increasing the danger of conflict.
2. Whereas before references were made mainly to "temporary considerations of security" to lull the vigilance of international public opinion, the policy of settlements is now openly and loudly supported by the ideology of conquest, by arguments marshalled for the restoration of the biblical "Great Israel", the West Bank of Jordan being referred to as Judea and Samaria in Begin's speeches.

3. The situation was explosive from the very moment of confrontation between the military government and the population of occupied territories. In the meanwhile, however, the settlers came to be personified by a third factor connected mainly with the most extremist forces, the Gush Emunim movement and the Kahane defence organization which became notorious in the United States also. These subject the Arab population to constant provocations, with the Israeli security forces finally intervening as "arbiters", naturally not unbiased. The so-called TNT, and Israeli terrorist group called Terror against Terror, had a free hand to commit a series of attempts, with impunity and condoned by the authorities, on the lives of Palestinian mayors and other prominent Arab leaders of the West Bank. What should one say of the terrible cynism displayed by the son of the woman representative Geula Cohan of the right wing, who in the parliament submitted the proposal for the annexation of Jerusalem and the Golan Heights, when at a public meeting in the University of Haifa he said that "shashlik should be made of the leg of Mayor Bassam Sakaa". Shortly afterwards both legs of the mayor were torn off by a bomb. Though the event was also covered by the Israeli press, no measure was taken. What is more, the American press, the Washington Post and Time, published a revelation by the journalist David Halevy, otherwise a reserve officer of the Israeli army, to the effect that the Security Service laid before leading government officials the names of six persons who had perpetrated the outrage but not even proceedings were instituted against them.

4. Understandably, the occupation and the policy of settlements tend to provoke increasing resistance from the population affected. At the local municipal elections of 1972 on the West Bank, the majority was obtained by the candidates who were regarded as closely linked to Jordan. In the second round of 1976, following the changes signalled by the Summit Conference of Rabat, a large victory was achieved by the sympathizers with the PLO. The Committee for National Orientation, composed of 24 members, was formed in 1972 with the chairmanship of the mayor of Nablus and with the participation of known officials of municipalities as well as leaders of trade unions and mass organizations. Its function was to protest the deal of Camp David and to come out against plans to have the problem of Palestine solved without and against the Palestinians, in the strait-jacket and grip of a sham "autonomy". There is of course no possibility for giving public opinion poll figures, but responsible reports by the international press as well as estimates indicated that at least 90% of the population was in support of the Committee and held that Palestinian self-determination, including the right and possibility of establishing an independent State, was necessary and that only the Palestine Liberation Organization was entitled to negotiate on behalf of the Palestinians. The Israeli government circles reacted by increasing repression, including dispersion of protests, closure of universities, expropriation and destruction of Arab lands and houses,

imprisonment of hundreds or thousands of people and their compulsory attendance at courts. The world is familiar with the series of coercive measures taken against municipal and church leaders, mayors and cadis, such as the expulsion of the mayors of Hebron and Halhuol, prohibition of change of residence, etc.

5. Just a month ago, Minister of War, Sharon [also called the "Bulldozer Minister" for his destruction of Arab settlements] declared by order the lawful election of local leaders in occupied territories to have been illegal and prohibited the work of the Committee for National Orientation. At the same time the Israeli Government and the occupying authorities are seeking to set up a collaborationist traitorous body in the form of Cis-Jordanian Village Unions to provide some basis for the Camp David deal. Baasam Sakaa, the Mayor of Nablus and the Chairman of the Committee for National Orientation, was right to characterize the new challenge by saying that the said measure was designed as another means of intimidating the population and thus preventing effective resistance to the village unions. By so doing, however, Israel sows wind and will reap whirlwind, with the situation and conflicts expected to be aggravated further.

III

So there is no doubt that Israel's policy of settlements tramples underfoot the fundamental norms of international law and the provisions of international conventions accepted also by Israel. It inflicts untold suffering on the population languishing under occupation, prevents them from the exercise of their elementary human rights, increases tension and makes the situation even more explosive in the Middle East.

At the same time the policy of settlements is but the first step setting the stage for further designs, thereby creating new sources of danger. Today it may be stated without any doubt that it served and still serves the purpose of having the Arab territories, except for the Sinai Peninsula, definitively annexed to Israel as constituent parts of "Great Israel".

In summer of 1980 Israel officially annexed the Arab sector of Jerusalem and declared it to be an inalienable part of the country's "eternal capital". That step had been prepared by the said measures of "de-Arabization and encirclement. Various organs of the United Nations have adopted hundreds of resolutions concerning the status of Jerusalem, but Israel continues to act in open defiance of them. In this course of policy it enjoys support and encouragement particularly from the United States.

In December 1981 the Israeli parliament extended "Israeli legislation and administration" to the Golan Heights. That decision added up to a virtual annexation of this territory, which belongs to Syria. At the same time Israel announced a large-scale programme of settlements envisaging the recruitment of 40,000 more settlers. Plans were also drawn up of the town of Katzrin, which is to have a population of 20,000. The Drusian inhabitants of the Golan Heights were subjected to coercive measures; their strikes and protests were crushed by force. Four days later, on 18 December 1981, the Security Council of the United Nations unanimously declared the Israeli annexation invalid. At its 36th session the General Assembly, by 121 votes against 2 /United States and Israel/, urged revocation of the Israeli decision and, should Israel refuse to comply, called for a new meeting of the Security Council to adopt appropriate sanctions. As is known, the Security Council was convened, but the veto of the United States prevented it from adopting mandatory countermeasures, and Ambassador Jehuda Blum of Israel announced Israel's refusal to take note of the United Nations resolutions, a position which was confirmed by a statement of the Israeli Government shortly afterwards. The policy of settlements conjures up the danger that it is a harbinger of preparations for a planned Israeli annexation in the Gaza Strip and on the West Bank as well. The Gaza Strip, with its relatively small size and dense population, would hardly offer practical possibilities for establishing many and large Israeli settlements, but the question of selecting the site nonetheless arises in connection with the plan to bring about a buffer zone, under the aforesaid concept of encirclement, between the Sinai Peninsula, which is to be returned to Egyptian jurisdiction, and the Gaza Strip. It is also worthy of note that the so-called canal of the two seas is planned by Israel to be built between Deir el-Balah and En Boqueq, which is to say that it would lead from the Gaza Strip at the Mediterranean littoral to the Dead Sea. What else can be the conclusion if not Israel's plan to build the costly canal for itself, discarding the possibility of its coming under the jurisdiction of another country?

Mention has already been made of the new settlements on the Bank of the Jordan. We might, on this score, quote an article, published in Neue Züricher Zeitung of Switzerland on 7 October 1981, which it has not been deemed necessary to be refuted ever since. The Swiss paper refers to a high-ranking representative of the Jewish Agency who said that the number of new settlers to be moved to the West Bank was planned to reach 100,000 by 1985 and 1 million by the year 2000, the goal being to ensure that by the turn of century this area is inhabited by Palestinians and Israeli settlers in nearly equal numbers and that Judea and Samaria are definitively annexed to Israel. The said person referred to 400 Arab towns and villages and 85 Israeli settlements, but there are signs of increased efforts being made to revise those figures.

One cannot help suspecting that the policy of settlements will not rely solely on "civil" methods for its implementation. Much stir was created in Israel by an article in the magazine Migdal envisaging the possibility for Israel to invoke a military conflict for using military force to drive large masses of inhabitants from the West Bank to the other bank of the river, thus trying to fill the "demographic vacuum" well ahead of schedule.

It should be noted that the dangers of the policy of settlements have also been recognized by progressive political groupings in the State of Israel, who speak of the "trap of settlements", warning and strongly protesting against the continuation of that policy, which would in the end pose a threat to the security of Israel itself. For the time being, however, their posture is not able to bring influence to bear upon the course of policy followed by the Government and the parliamentary majority in violation of law, in defiance of world public opinion and to the detriment of peace.

IV

In our view, there are invariably three fundamental prerequisites for achieving a lasting and peaceful settlement in the Middle East:

1. Israel should, immediately and unconditionally, withdraw from all the occupied Arab territories;
2. The Palestinian Arab people should be enabled to exercise its legitimate national rights, including the right to establish an independent State of Palestine under the leadership of the PLO;
3. All countries of the Middle East, including Palestine and Israel, should be guaranteed the right to existence as independent states and to live in peace.

It would be advisable to discuss all these complex issues at a conference on the peace of the Middle East to be held with the participation of all interested countries. The Geneva conference was convened with this end in view in December 1973 but, unfortunately, it suspended its deliberations after three months of work and is still in recess.

Every possible effort should be made to avoid further deterioration in the situation and to improve prospects for a settlement. An indispensable factor of success is the need for Israel to abandon its policy of settlements, dismantle the existing settlements, and refrain from annexing further territories under its occupation.

The Hungarian People's Republic and the Hungarian people are in support of any endeavour to approach the quest for a lasting and peaceful settlement in the Middle East within the conceptual framework outlined above.

An important landmark on the road to a solution could be an international conference to be held within the framework of the United Nations, as envisaged by resolution 120 of the 36th session of the United Nations General Assembly, for the purpose of discussing the various aspects of the question of Palestine before 1984.

INTRODUCTION TO THEME: ISRAELI POLICY OF SETTLEMENT
IN THE OCCUPIED ARAB TERRITORIES

Béla Szilagyi

We are convened at a time of tragic events taking place caused by Israel in the West Bank, Gaza Strip, Jerusalem and the Golan Heights, therefore, the task of this seminar offers us the duty to give a thorough analysis and the duty to find ways and means according to which the international community may find recommendation for a final and just solution of the problem of the Middle East.

I would not repeat the text of my working paper but would try to peace out certain points of it only. Let us begin with the history:

1916. I quote the Penguin Atlas of World History. 1978:
"Sykes-Picot agreement over the partition of Asiatic Turkey between France and Britain". But it was not Turkey but the Ottoman Empire.

1917. Balfour Declaration was described as a document in which: "one nation solemnly promised to a second nation the country of a third". The Ottoman Empire fell after World War I and the first redistribution of states took place and this was sanctioned by the League of Nations. Thus Palestine became a mandate under Britain.

1947/48. According to the Resolution 2 States out of the territory of Palestine should have been founded. Israel seized a territory of 20,850km² against the UN proposed 14,500km² and in doing so decreased the territory allotted by the UN for the Arab Palestinian State from 11,800km² to 5,400km². That was the first robbery of land in Palestine. The aim of Israel was and is even now the policy of a permanent expansion. During the 20 years after this Israel fought 4 wars which it has described as being defensive, in fact they were aggressive wars. Israel realised in each case a gain of territory. In 1967 Israel expanded the area under occupation to 102,400km².

A massexpulsion of Palestinian Arabs took place. Arabs were forced to leave their land and property partly by Israeli terrorism and intimidation like "remember Deir Yassin", but partly by Israeli regulations and legislation like the:

Abandoned Areas Ordinance	1948
Cultivation of Waste Land's Regulation	1948
Absent Property Regulations	1948
Absent Property Law	1950
Development Authority Law	1950 etc.

The minister of Defence could declare any territory as security zones and evict arabs. And indeed they did and do even now. Furthermore they did not let the refugees return to their land and property.

1967. The June war caused another massexpulsion of the Palestinian Arab people and Israel refused to allow the return of the Palestian Arabs to their homes. This can be explained by racist considerations only.

Acts of displacement of the Arab population of Palestine, the confiscation of land and property were and are directed against the stipulations of the Fourth Geneva Convention of 12th August 1949. Israel has signed this convention and broke it permanently.

The robbing off of water resources of the Arab Population, the plan to build a canal from the Mediterranean through the West Bank, the closure of Universities, the destruction of Arab houses and land, the imprisonment of hundreds of thousands of people, and the massacres, the threat used these days in the West Bank, Gaza Strip and Golan Heights in connection with the introduction of the so called civilian administration or autonomy proves that Israel is out for the total eradiction of the Palestinian Arab population and its inalienable political rights. And remember- the word eradication has been used by the german nazis and by Hitler himself.

In the evacuated lands the Israeli authorities or religious organizations have set up settlements or semimilitary posts. These settlements were built up mainly at the occupied territories although vast areas of the Negev and Galilee remain uninhabited to this day.

In addition to all of this Israel envisages a large scale settlement policy as Ariel Sharon than Minister for Agriculture is reported to have announced: a plan for the Jewish settlement of the occupied territories covering a period of twenty years under which two million Israeli Jews could be absorbed. That means on the other side a further expulsion of the Palestinian Arab making them homeless and means invasion and annexation of new territories of the area simultaneously.

Mrs. Golda Meir has said: "... the boundary is wherever Jews are living not a line on the map..." Prime Minister Begin has said: "...Israel would never return to the pre 5th June 1967 frontiers and that Jerusalem would for ever be the capital of the Israeli State and that never would be a Palestinian State on the West Bank of the Jordan and in the Gaza Strip..." And thus Israel continues to oppose the Resolution of the General Assembly UN and those passed by the Security Council on the problem of Palestine.

The expulsion of people, the annexation of Jerusalem and the making it the capital, the annexation of the Golan Heights, the recent events in the West Bank, Gaza Strip, The Golan Heights, the continuing military actions against Southern Lebanon, the bombardment of the Baghdad nuclear plant etc. show clearly the interlink that exist between the events since 1947-48 till today. All these acts of aggressive policy prove that Israelis not a peaceful State. Its intransigent, aggressive policy is expressed:

a) in not fulfilling its obligations towards the Un and the Security Council.

b) in its belligerent arrogance in using military threat and means against the Arab population of Palestine.

One is bound to raise the question: why Israel could and still can carry out its constant violation policy and noncompliance policy including the setting up of new settlements or to remove them from the Sinai and rebuild them in The West Bank? Why could Israel and can still extend and permanently renew its military arsenal? Why it could reach the technical capability of producing nuclear weapon partly in cooperation with the fascist regime of South Africa and others and one could ask still several other and similar questions. The answer may not be complete but some of the reasons are the following:

1) The aid and support extended first of all by the USA and its allies, who want to perpetuate the occupation of the Palestinian Arab territories. It is them who supported Israel from the very beginning on to become a military power which safeguards the military, the political and the economic interests of the USA and its allies in that area of the world.

And this is the reason why the USA is aimed at having a huge military build up in the Mediterranean, The Gulf, The Indian Ocean and the Horn of Africa which appears in the form of the rapid deployment force, the multinational force in the Sinai, in the massive arms supply to Israel, in the provision of local military facilities for the use of the US forces together with their allies. The USA tries to bring the Middle East into the sphere of the so called "responsibility" of NATO. This military collaboration is detrimental to the interests of the people of the Middle east as well as to them in Western Europe.

After the defeat in Vietnam and the loss of Iran the export of American arms and ammunition suffered a severe setback and, therefore, they are aimed at replacing their losses by expanding the export of military hardware of Saudi Arabia, Egypt and others.

2) The importance of the area can also be expressed in economic terms: as it is very rich because of its oil reserves, oil production and because of its oil exports which goes mainly to the USA, the Common Market countries and Japan, the oil-monopolies, particularly the so-called "Seven sisters" make a tremendously high profit from the Middle Eastern oil. A much higher profit than they would make from the American oilwells.

3) The differences of certain Arab States many of whom are afraid of the radicalism of the PLO, hinder them to find a common platform. They also fear that this radicalism may spread over their own countries, therefore. These states are being encouraged by the USA to destroy the Palestinian, the Lebanese and the Syrian resistance.

4) Problems arising between Iraq and Iran are also detrimental to the case of the Palestinian Arabs and are not helpful to find an early, final and just solution of the problem of the Middle East.

There are invariable three fundamental prerequisites for achieving a lasting and peaceful settlement in the Middle East we should reiterate in our recommendations:

1) Israel should immediately and unconditionally withdraw from all occupied Arab territories,

2) The Palestinian Arab people should be enabled to exercise its legitimate national rights, including the right to establish an independent state of Palestine under the leadership of the PLO,

3) All countries of the Middle East, including the Palestine Arab State and Israel should be guaranteed the right to existence as independent states to life and peace.

4) An international conference should be convened on the Middle East with the participation of all interested countries including the USA and the USSR and naturally the PLO,

5) The international community should demand economic sanctions against those supplying Israel all types of arms and ammunition and spare parts.

6) We should condemn the terrorist methods used by Israel against the Palestinian Arab people.

7) We should help those NO-s and mass movements which have a wide international activity against the Israeli excesses and lead the struggle for the recognition of PLO and the final and just solution of the Middle East problem.

THE QUESTION OF PALESTINE AND
EUROPEAN PUBLIC OPINION

Charles Saint-Prot

The Palestine tragedy is as old as the Middle East crisis, dating back as it does to 1947. For 35 years the entire Palestinian people has been persecuted. Some of them have been evicted from their homeland and are living in miserable conditions abroad, and the remainder are living under occupation and are subjected to repression.

In both cases, human rights and fundamental principles are being intolerably violated. To recognize these facts is not to engage in propaganda, since the United Nations itself has acknowledged over the years that the situation facing the Palestine people is contrary to international law and justice.

Suffice it to recall that the United Nations, which was responsible for the artificial creation of the Zionist State to the detriment of the legitimate rights of the Palestinian people, has adopted resolutions which may be regarded as a permanent admission of guilt. As early as 11 December 1948 a resolution of the United Nations General Assembly stipulated the right of return of Palestinian refugees; later the United Nations recognized successively that the inalienable rights of the Palestinian people were being trampled on (1969), that the people of Palestine had the right to self-determination (1970) and that it had the right to resist in order to free itself from domination (1979). In 1974 the issue took a decisive turn with the invitation extended to Yasser Arafat (13 November) and with resolution 3237 (XXIX), by which the General Assembly invited the PLO to participate in its meetings. On 10 November 1975 the General Assembly stipulated that the Palestinian people had the right to independence and to a sovereign State in Palestine, in accordance with the very principles of the United Nations Charter.

Finally it should be added that, in addition to committees on economic and humanitarian aid to refugees, the United Nations has established a Committee on the Exercise of the Inalienable Rights of the Palestinian People and a Special Committee to investigate Israeli practices affecting human rights. If close attention were given to the implementation of all the United Nations resolutions mentioned, to which should be added Security Council resolution 242 (1967) on the withdrawal from all territories occupied by Israel in 1967, a solution could be found to the problem of Palestine and the Middle East crisis. But the question that arises why this impressive battery of resolutions, condemnations, and special committees of all kinds has never convinced the Western States and Western public opinion of the need to find a just solution to the question of the Palestinian people.

This is obviously a problem of information. It is not wrong to say that for 35 years the thinking of European public opinion on the question of Palestine has scarcely evolved.

A problem evaded

Who in Europe is interested in the Palestinian people? Admittedly the mass media constantly refer to the Middle East conflict but they have succeeded in disassociating that conflict from the Palestinian question! Here a comparison should be made with what has occurred in other cases. For example, for several months we have been living under the shock of events in Poland. In France - and I think it is true for other European states - we have witnessed a mobilization of the press, radio and television and of all kinds of associations. And each of them proceeds to collect funds and provisions in order to dispatch a train, a lorry, or a ship to Poland. This fit of generosity would not have been possible had public opinion not been aroused. I have never heard of a single lorry having been sent to the Palestinians ... Similar comparisons could be made with Viet Nam, Czechoslovakia, Chile or Afghanistan. Could Palestinians be the only people in the world who do not have the right to compassion and justice?

Why the veil of silence over their tragedy? Why does European public opinion remain hopelessly silent? Whenever Palestinians are mentioned, they are caricatured as terrorists. But we shouldn't forget that, to the Germans, General de Gaulle was also a terrorist.

It is evident that public opinion is being manipulated. It may even be noted in this connexion that everything the European Governments, especially France, have done to assist the Palestinians and to find a just and lasting solution to the Middle East conflict has met with a complete lack of understanding. For example, General de Gaulle's courageous and determined policy has been systematically caricatured by the media and badly understood by public opinion. The same thing occurred with the policies of Mr. Pompidou and Mr. Giscard d'Estaing.

At this stage in my account, there is no longer any point in noting the facts; it is more important to ask why the situation exists. I shall give two replies to that question: On the one hand, there is a powerful group hostile to the Palestinian cause and the Arab cause and, on the other, there are too few Arabs in the information field.

A Zionist lobby

I think it is a truism to say that a very powerful pressure group or lobby is manipulating European public opinion against the Palestinians. The existence of such a group in the United States is even more obvious. There is no longer any need to demonstrate the influence of Zionist circles in the press world, but it is important to note that their influence is so strong and so skilful that no one thinks of contesting it and the readership does not notice it. Yet, in a Western democracy the press is public opinion and public opinion is the vote; hence many politicians are wary of displeasing this pressure group.

The skill of the Zionist lobby lies in its having systematically distorted the core of the problem by linking the Palestinian question to the "Jewish question". That is why it has been possible to dissociate the Palestinian cause from all the national liberation causes in the world. Viewed in the light of European (and American) thinking, the Palestinian question is associated with the Jewish question and with memories of the persecutions, real or imagined, which the European Jews have suffered. The Zionist lobby has thus succeeded in linking criticism of the State of Israel and of Zionist policy with a manifestation of anti-semitism. This very successful merging of two issues will, however, become increasingly difficult to maintain in the light of the truly fascist policy of Mr. Begin and Mr. Sharon.

The second victory of the Zionist lobby has been to persuade the Europeans (and the Americans) that the Zionist State is one of the pillars of Western strategy, and the security of Israel has been unjustifiably linked to that of Europe. However, if, as it appears, the State of Israel is an American satellite, it should be noted that it is above all a factor for disorder and tension, threatening the peace and security of the Mediterranean. This linking of Israeli security with that of Europe should therefore be denounced since it is without any foundation.

The third and last reason for the influence of the Zionist lobby with public opinion is its very power. With its firm grip on most of the mass media, it uses information to its advantage and is ingenious enough to muzzle or distort the action of all those who oppose the policy of Israel and seek to win respect for the rights of the Palestinians. The Comité pour la paix au Proche-Orient, of which I am co-chairman, thus sees its communiqués and statements systematically truncated, delayed or inserted in the middle of hostile articles. Recently, before the unfortunate visit of Mr. Mitterrand

to Israel, the "Ideas" page in Le Monde carried four articles: three from militant Zionists and one written by myself. This shows the power wielded!

How to visualize and organise information

It is vital for European public opinion to evolve and to acquire a more impartial view of Middle East affairs. In this connexion, the Arabs also have the duty to take a more realistic approach to the question of information.

First of all, it should of course be pointed out that hostility towards Israel is not a problem of anti-semitism and that European security is not linked with the policy of Israel. But above all there is a need for a deeper understanding of European public opinion, information in Europe being quite different from information in third-world countries, and one must beware presenting impartial ideas in the form of propaganda which antagonizes the Europeans.

In our view, the question of information is as crucial as political, social or legal questions and therefore concerns the United Nations just as much as the other problems do. The United Nations therefore has a role to play vis-à-vis Western public opinion on the question of Palestine; the Organization's moreal authority would also help in presenting an objective view of this question. The organizations in Europe which are striving to win respect for the rights of the Palestinian people and for peace in the Middle East should provide an important channel for this information.

But the problem also concerns the Arabs. Their action should be carried out on two levels:

- First of all, those categories and groups which have an unbiased approach to the problem should be provided with all the documentary and ideological assistance needed for the purpose of co-ordinated action;
- In the case of the other categories, there is a need to emphasize the simple and basic aspects of ideas which must be imported, such as the reason why the PLO should be recognized. It should also be noted that information is an issue involving the profession which cannot be tackled on an ad hoc basis and at the mercy of circumstances.

Finally, there is a third field of action, the most delicate but perhaps also the most vital. This concerns intervention by Governments and States with regard to sources of information, with a view to giving a truthful explanation of the problem of the Middle East. As we said earlier, France's Arab policy ignored the media: perhaps action undertaken

vis-à-vis the organs of the press or television by the Governments of General de Gaulle, Mr. Pompidou or Mr. Giscard d'Estaing would have enabled information to evolve in a positive direction.

However, European Governments will act in this way only to the extent that they are made aware of what is at stake. In other words, the Arabs must speak clearly and with a single voice in favour of the Palestinian cause and they must make it not only a question of principle but, above all, the paramount question in their relations with Europe.

This raises the question of the solidarity of inter-Arab action, but that is another issue.

WESTERN EUROPE AND PALESTINE

Ernest Ross

There can be no doubt that the past five years have seen a major change in European attitudes to the Palestine cause. The growth in sympathy for that cause is in direct proportion to the degree to which the Palestinian case has been able to win a hearing in political circles and in public generally in western Europe. Once heard, the Palestinian case is irrefutable. The Palestinians and their supporters in western Europe have as their major task the breaking down of the wall of silence and ignorance built by the Zionists over decades of carefully constructed propaganda activities.

The base on which all activity in western Europe has been built is the activity of the Palestinian people themselves, and of their sole legitimate representative, the Palestine Liberation Organization. The unity of the Palestinian people under the leadership of the PLO has created a firm base on which all activity directed towards the liberation of Palestine has been built. The world-wide political and diplomatic activity of the PLO has directly encouraged socialists, progressives, humanitarians and all democrats to come forward and support the Palestinians.

On the other hand, it is depressing but true that the translation of this growing support into practical steps, such as the recognition of the PLO by European governments, has proved all but impossible. The reason for this is the close political and economic relationships between most of the countries of western Europe and the United States, and the fact that through NATO, the United States dominates the military strategy, and hence a large part of the foreign policy, of most western European countries.

It is noticeable that when European states have taken real initiatives to draw the Palestinians and the PLO into talks, those states which have taken such initiatives have been most distanced from the United States for various reasons.

Thus, it was the then French Foreign Minister, M. Jean Sauvagnargues, who in 1974 became the first European foreign minister to meet the Chairman of the PLO, Yasser Arafat. For the past eight years there have been regular meetings between PLO leaders and French ministers and officials. There is no doubt that a perception of their economic interests in trade with the Arab world helped to move western European governments to a point where they were able to make statements which supported Palestinian self-determination. Begin may only have discovered the fact in 1981, but the West German Government, for example, has been making statements in support of Palestinian self-determination since 1977.

But again, it was the initiative of Austria, outside both the EEC and NATO, which undoubtedly led to the most **important** breakthrough for the Palestinian cause in western Europe. It was the activity of Chancellor Bruno Kreisky which led to the historic meeting between the Austrian leader, the Chairman of the West German Social Democrats Willy Brandt, and Chairman Arafat in July 1979.

The increasingly intransigent position of the Israeli Government under Menachem Begin was another factor which, after 1977, led to a growing unity among EEC countries in favour of some kind of recognition of the PLO. It became more and more difficult to support Israel when the Begin Government was clearly unprepared to make any concessions, however cosmetic, in order to attract such support. In many European capitals a more open acknowledgement of the Palestinian case was the fruit of an alliance between two political forces. On the one hand, those who simply and genuinely supported the Palestinians, either out of simple political conviction, or because of their perceptions on their countries' economic interests. On the other hand, there were those who felt that edging towards the Arab side might cause the leadership of Israel to pause and think about the effects of its intransigence towards the Palestinians and so render the Zionist state more defensible politically. The latter group - the concerned Zionists - have been sorely disappointed by the past five years of hitherto unparalleled expansion and aggression by Israel.

The public acknowledgement by the EEC that it was prepared as a body to adopt policies which were already accepted by most of its member states came in September 1979. The then Irish Foreign Minister, and Chairman of the EEC Council of Ministers, Mr. Michael O'Kennedy, speaking to the United Nations General Assembly on behalf of the EEC, referred to the need for United Nations resolutions on the issue of the Middle East to be accepted 'by all parties to the conflict including the PLO'. This phrase, the EEC agreed, was an implied recognition of the PLO by the EEC as a representative of the Palestinian people.

On an official level, the United Kingdom moved more slowly than its other EEC partners. In November 1979, the PLO's representative in London, Mr. Nabil Ramlawi, was moved to issue the following reproof for the official foot-dragging in Whitehall:

"At a time when the Chairman of the PLO Executive, Brother Yasser Arafat, has been officially welcomed in the capitals of Austria, Turkey, Spain and Portugal, the Head of the PLO's political department Farouk Kaddoumi officially received in Italy, France and Belgium, and significant progress can be seen in other European capitals, Britain stands almost alone in her apparent determination not to recognise the PLO".

As it turned out, official British attitudes were to change rapidly. In December 1979, Farouk Kaddoumi had his first official meeting with a British minister when he talked with the Deputy Foreign Secretary, Sir Ian Gilmour, in London. In the early part of 1980, the British Government launched what was later to be called the 'European initiative' which they intended should be a significant breakthrough, and a European policy which would be quite independent of the United States, and which

would not be solely based on the Camp David agreements. These, discredited from the start as far as most of Arab opinion was concerned, were beginning to be perceived as limited and essentially fruitless, even in European political circles.

It was said that the 'European initiative' would be directed not only towards European acceptance of Palestinian rights and general European acceptance of the PLO, but it would also go further. Based on this acceptance, it was widely leaked, would be a move in the Security Council which would be designed to secure movement by both super-Powers in new approaches to the problem. These same leaks also make it clear that this European move was quietly welcomed in Washington, where the Carter administration, while publicly committed to Camp David, was not averse to exploring other avenues while the Begin Government was intent on preventing any progress over the future of the Palestinians.

There was evidently a change of heart in Washington and London in the first half of 1980. The optimistic leakers proved not to have the political clout which they thought. Strong American pressure was put on the British and on other European governments. When the EEC initiative finally emerged, as the 'Venice Declaration' from the EEC Summit held in that city in June 1980, it was in no way an advance on previous positions, and in many ways went back on positions already adopted by some EEC member states.

The Venice Declaration failed to refer to the Palestinians' right to establish a sovereign state of their own, and most importantly, it failed to recognise the PLO as the sole legitimate representative of the Palestinian people. The PLO regarded the Declaration, in as much as it came from all nine EEC members, as a step forward, but not a serious initiative. In the words of a commentary broadcast by Voice of Palestine radio, the European stand was still not clearly distinguished from that of the United States.

The election of Ronald Reagan to the White House in November 1980 abruptly ended any hope that the Europeans would in the short term develop any initiative which did distinguish itself from United States policy. There is a deference in western Europe towards the United States Presidency - the office is even described in some circles as that of 'leader of the free world'. European governments are anxious - too anxious - not to offend United States Presidents, particularly newly-elected ones.

New initiatives which came closer to the Palestinian viewpoint were ruled out for two reasons. Reagan had come into office on a more Zionist platform than any of his predecessors, attacking the PLO during his campaign as 'terrorists', and avowing unlimited and eternal backing for Israel. This ruled out any change in the pre-conditions for a serious United States role in peacemaking, a dialogue with the Palestinians. In addition, Reagan's determination to escalate the Cold War in a bid to assert United States global superiority ruled out co-operation between the super-Powers in almost every aspect of international affairs. In the Middle East, as elsewhere in the world, agreement between the super-Powers is a vital part of ensuring longlasting peace and stability.

Soviet participation is as essential as United States involvement in making peace in the Middle East. This is ruled out at present, mainly by the policies of the Reagan administration, which is thus the main factor obstructing progress in the region.

For the Europeans the effect was that nothing could be done. In their terms of office as Chairman of the EEC Council of Ministers, Christoph van der Klaauw of Holland and Gaston Thorn of Luxembourg made fact finding tours of the region, and both met with Chairman Arafat. But there was no policy change. In the first part of 1981 the leaks and rumours began again in London and elsewhere. When Lord Carrington became Chairman of the EEC Council of Ministers, the rumours insisted, then things would start moving again. It was not to be. In office between June and December last year, Lord Carrington, unlike his two predecessors, did not even meet with Chairman Arafat.

There was of course considerable British and European encouragement for Crown Prince Fahd to put forward his eight point peace plan which appeared in August 1981. But the Europeans had no hope at all of persuading the present rulers of Israel to make even the smallest concession which might have given such a plan a tiny chance. Instead, it must have seemed to many Palestinians and Arabs that they were once again being asked to make the concessions, while the Israelis were being asked to give up nothing but territory illegally seized by force of arms.

Yet 1981 saw the worst excesses by the Zionists almost since the creation of the Zionist state. Israeli attacks on Lebanon, culminating in the terror bombing of civilian areas of Beirut; the artificially created crisis over the Syrian anti-aircraft missiles, and the bombing of the Iraqi nuclear reactor illustrated only too well the impotence of western Europe. There were condemnations in the United Nations, but European countries did nothing. And whatever the Europeans may have thought privately, it was the American refusal to take even the smallest steps against their client state which allowed Begin to carry on regardless of the rest of world opinion.

The one bright spot was the election in Greece of a socialist government under Andreas Papandreou which promptly recognised the PLO and welcomed Yasser Arafat on his first visit to a country which was both an EEC and a NATO member. It is significant that these steps were taken in the context of a re-casting of Greek foreign policy away from United States domination.

The European initiative remains stalled because most western European countries are unwilling similarly to distance themselves from the Americans. The participation of armed forces from four EEC countries, including Britain, in the Sinai observer force created under the Camp David agreement is a sign of how much, after all, it is United States wishes which shape European policies in the Middle East. The United Kingdom, too, is far too closely involved in the military planning for the American Rapid Deployment Force, which many Arabs rightly see as a threat to their independence and to control over their natural resources. The RDF is an American exercise in power projection intended only to protect its interests in the Arab world, regardless of what the Arabs feel.

At present Lord Carrington makes comments on the need to involve the PLO in negotiations. But I believe that the world - and in particular the Arab world - is tired of words. We need actions. The attitude of the French socialist government is one of even more open confusion. If the French believe that the Palestinians should have a state of their own, as M. Cheysson recently said, then they have a duty to support the means as well as the ends. President Mitterand's official visit to Israel served only to reinforce the Begin Government's conviction that whatever it does about colonising and even annexing the occupied Arab territories, it will still have powerful and important friends. Giving aid and comfort to Begin is not likely to produce an Israeli change of heart.

But if European governments appear powerless in the face of United States refusal to move one millimetre away from a total commitment to Israel, then the people of Europe are not. Throughout western Europe a movement has grown which questions and refuses America's right to impose its will on Europe. In particular we refuse to be the battleground for an American nuclear war. We do not want United States Cruise and Pershing missiles. The growth of the Peace Movement in Europe, the spread of the Ecology Party, and the increasing awareness of an Israeli nuclear capacity which has direct links with the Apartheid system in South Africa are evidence of the sea change in western public opinion upon which the Palestinians must build. The Palestinians and the Arabs should welcome the growing disenchantment with Reagan's policies in Europe. For this will have a number of effects.

Firstly, as France and latterly Greece have shown, movement by European countries towards the PLO and the Palestinian cause is directly related to their degree of distance from United States policies. We have our own struggle to wage for self-determination.

Secondly, the conspiracy of silence within Europe and, more especially within Britain, is at last being seriously challenged. The historic decision taken in November 1980 to twin the cities of Dundee in Scotland with Nablus in the occupied territories, the raising of the Palestinian flag in Dundee - the only one officially flying in the whole of the United Kingdom, the fact that resolutions calling for the inalienable rights of the Palestinians to be recognised and for recognition of the Palestine Liberation Organization as their legitimate representative, now regularly appear on Trade Union and Labour Party conferences agendas is the most hopeful sign of the growing understanding of the Palestinian cause amongst ordinary people in the United Kingdom.

Finally, once Europe has demonstrated its ability to act independently of the United States, then it will be possible to build new transatlantic links on the basis of equality rather than United States dominance. At present it is no good asking the Europeans to push the United States. You cannot push a string. But as we win our independence, so we will be able to take independent stances towards the Middle East problem.

EVOLUTION OF EUROPEAN ATTITUDES AND POLICIES
ON THE QUESTION OF PALESTINE

Tijl Declercq

The Evolution of European attitudes and Policies on the
Question of Palestine.

The Balfour declaration of 1917, supporting the creation of a Jewish home in Palestine, followed in 1922 by the British mandate over Palestine, made the control of the region fall to the British Government after more than four hundred years of rule by the Ottoman Turks.

In 1947, the General Assembly of the UN recommended a division of Palestine into Jewish and Arab sectors, which would work together in economic co-operation, while Jerusalem was to receive international status.

At the moment, Israel accepted the proposed division and the Arabs rejected it. This plan of partition of Palestine, together with the declaration of Independence of Israel, immediately recognized by Soviet Russia and the U.S.A., marked the beginning of a period in the history of the Middle East, dominated by the Arab-Israeli conflict: a conflict which four wars were unable to resolve.

Gradually it became clear, particularly after the 1967 war that the Palestinian factor was assuming an increasingly significant dimension.

We may also note that after the 1956 the Suez Crisis, the defeated President Nasser turned for support to the Soviet Union, whilst the U.S.A. established itself as the main guarantee of the existence of Israel and filled up the gap left by the United Kingdom and France. In that way, the Middle East suddenly became in the early 1960's an area of Soviet-American confrontation.

The visit in November 1977 of the Egyptian President Anwar Sadat to Jerusalem and the summit conference between Sadat, Begin and Carter known as the Camp David agreement, was seen as a success for the United States moves to secure bilateral agreements in the Middle East and was greeted in the U.S.A. and I have to stress it - in most European countries - as a break-through in the Arab-Israeli conflict.

Disenchantment set in very soon. It is increasingly recognised that the Camp David agreements cannot be seen as a sufficient basis for a comprehensive settlement. Let us briefly indicate the main factors which have led to the failure of the Camp David agreements:

1. Plo and Arab rejection of the agreement

Both parties refused to accept the agreement with whose negotiations they had not been associated.

2. palestinian auntoonomy

The Israeli policy of rapidly founding new settlements and expanding those that already exist on the West Bank proved the unwillingness of Israel to grant any real auntoonomy to the Palestinians.

3. Jerusalem

In July 1980 the Israeli Knesset adopted a law on the annexation of Jerusalem, proclaiming it the capital of Israel.

As for the recent developments, let me sketch them briefly:

- the death of President Sadat threw into relief the vulnerability of the Camp David agreements.

- meanwhile, four E.E.C. member-states: France, Italy, the Netherlands and the United Kingdom have agreed to send contingents to the Sinai peace-keeping force, whose task it is to ensure that the peace treaty between Egypt and Israel is duly enforced.

- the annexation of the Golan Heights by Israel.

A further significant development was the plan proposed by Crown Prince Fahd of Saudi Arabia in August 1981.

* * *

Let us now get down to the role of the European community in the Middle East.

In 1973 oil crisis served to bring home to the European community its dependence on the Arab oil states. In the same year, therefore, initial contacts were established on the initiative of the Arabs, between the oil-producing countries of the Arab league and the Community, which were later formalized into the Euro-Arab dialogue.

Between 1975 and 1978 discussions were held on priority problems in the field of agriculture, industrialisation, trade, finance and scientific and technical co-operation.

Following the signature of the Treaty of Peace between Egypt and Israel in March 1979, the dialogue was suspended. An essential reopening of the discussions on the Euro-Arab dialogue will raise the question of the status of the PLO.

Since 1973 the community member states have been active concerning the Middle East on the level of political co-operation. A good start was made with the declaration of November 6th, 1973 in which a breakthrough was realised concerning the definition of the Palestinian problem.

Mr. O'Kennedy, President-in-Office of the council made a speech at the United Nations General Assembly on 25th September, 1979.

He communicated the following principles for a settlement:

1. the inadmissibility of the acquisition of territory by force.
2. the need for Israel to end the territorial occupation which it has maintained since the conflict of 1967.
3. respect of the sovereignty, territorial integrity and independence of every state in the area and their right to live in peace within secure and recognised boundaries,
4. recognition that in the establishment of a just and lasting peace, account must be taken of the legitimate rights of the Palestinians.

A further step was taken at the meeting of the European Council in Venice in June 1980 i.e. the meeting of the Heads of Governments and the Ministers of Foreign Affairs of the Nine.

Basing itself on Security Council resolutions 242 and 338, the European Council expressed concern on four major points in its Venice Declaration of 13th June 1980.

- the ending of the territorial occupation,
- self-determination for the Palestinian people,
- security in the Middle East,
- the international status of Jerusalem,

Furthermore, it enunciated two basic principles:

- the right to existence and to security of all the states in the region, including Israel and
- justice for all the peoples, which implies the recognition of the legitimate rights of the Palestinian people.

The Nine declared that they were prepared to participate "within the framework of a comprehensive settlement in a system of concrete and binding international guarantees".

The Palestinian people and the PLO should be associated with the peace negotiations.

The Missions of Messrs. Thorn and Van Der Klaauw

The council Presidents responsible, Thorn and Van der Klaauw, undertook contact missions in the second half of 1980 and the first half of 1981, respectively.

They operated on basis of a working document that represented a broad consensus among Community Foreign Ministries.

- Israeli withdrawal
- Palestinian self-determination
- Security guarantees for all states in the region
- International status of Jerusalem

Following a two-hour meeting with PLO leader, Mr. Yasser Arafat, Mr. Van der Klaauw declared that talks had been "quite open". and that all the questions raised by the E.E.C had been answered.

Mr. Arafat also spoke of a "very fruitful discussion". But whilst saying that the PLO would consider favourably any positive European move in the Middle East, Mr. Arafat also stressed that there would be no European initiative unless the rights of the Palestinians - their right to self-determination, a state and a territory - had been taken into consideration.

Let us now give some thought to what could be the basis of a future community strategy.

The Europe of the Ten has an obvious interest in promoting a settlement in the Middle East and it is clear that the European Parliament was and must now adopt a co-ordinated strategy for action in the Middle East covering all the main problems and crisis point in the area.

It is necessary then, that a new European initiative be presented as a series of co-ordinated actions and complementary policies developed within the framework of a greater consultation and co-ordination.

It must be clear, at the same time, that a comprehensive settlement and a desirable and lasting peace can be achieved eventually only by bringing in the Soviet Union.

That could be done by drafting a new version of Security Council 242. That new resolution should make explicit reference to the existence of the State of Israel and the right to self-determination and the right to the creation of a national state for the Palestinian people.

Up to now, I have given, in an - as objective way as possible - the evaluation of opinions in the European Community on the problems of the Middle East and the recognition of the rights of the Palestinian people.

I should like to conclude by giving some information on the parliamentary association for Euro-Arab co-operation.

When we met for the first time in Paris in September 1974, we were twelve members of various parliaments. Nowadays, we have more than 500 members in the various parliaments of the E.E.C. countries. New groups have been created in the European Parliament and the European Council.

Our members come from all political parties, conservatives, liberals, socialists, christian-democrats, communists, regional parties.

Our association tries through public statements, through interventions in our Parliaments to exert leverage on our governments regarding their foreign policy. We succeeded in bringing about a major change in the attitude of Europe regarding the problems of the Middle East.

All European declarations or initiative now include the explicit recognition of the rights of the Palestinian people.

Next to that, we organized contacts between members of the National European Parliaments and representatives of the Palestine National council.

Representatives of the Palestine Women Organisation, of the Palestine Trade Union, of the Students and the teachers organizations were invited to Strasbourg in 1980 to have contacts with members of the European parliament.

We recognize that all our efforts did not bring about a radical change in the European official attitude, but, we got some valuable results.

We go on with our struggle.

In that perspective, I should like to end with a concrete proposal. Could the United Nations organize a Conference on the Question of Palestine in the heart of the European economic community; Strasbourg or Brussels?

Such a conference to which should be invited the parliamentarians of the E.E.C. countries and which should be organized under the auspices of the United Nations, could be a decisive factor in bringing about a real European initiative for the recognition of the rights of the Palestinian people.

THE EVOLUTION OF EUROPEAN ATTITUDES AND POLICIES ON THE
QUESTION OF PALESTINE

Leonidas Kyrkos

1. It is proposed, in this paper, to follow the evolution of the policy adopted by the countries members of the Community as regards the question of Palestine. For it should be remembered that there is also the attitude of European public opinion, of that other "European Community", which is much more appropriate in its orientation and which, moreover, exerts pressure on Governments to adopt a positive and friendly policy towards the claims of the Palestinian people for a homeland of their own. This public opinion has not forgotten either the horror of war or the high-flown promises of the Atlantic Declaration concerning the right of peoples to self-determination. Nor has it forgotten the sufferings of the Jews in concentration camps such as Auschwitz and Buchenwald. For all these reasons, public opinion is surprised and shocked when the Zionist leaders of Israel deny the Palestinians the right to establish their own homeland on their ancient and ancestral lands, and try to eliminate Palestinian resistance through oppression, violence and bloodshed and to impose the law of their own domination. The peoples of the European Community are one with the Palestinian people and demand a just solution to their problem. But what is the attitude of their Governments?

2. The failure of the Franco-British intervention in Suez in 1956 put a final end to the long period of colonial domination in the region of the Middle East. At the same time, it led to the appearance on the scene of two new protagonists, the United States and the USSR. Thereafter, the initiative for the planning and carrying out of imperialist policies passed into the hands of Washington, while the USSR became a supporting power for the peoples of this region, at least in so far as their struggle against colonialism and for their national liberation coincided with Soviet strategic aims.

3. Since that time, the west European Governments have used every means to support American policy and in particular the consolidation of the State of Israel. The imperialist world, with the help of abundant resources, military equipment and diplomatic action, has pursued the following aims:

The use of the new David for the military annihilation of the liberating forces of the Arab world which were gathering around Egypt and Syria;

The extension of the boundaries of Israeli domination, with the encouragement of the Zionist vision of ERETZ Israel;

And, above all, the prevention of the creation of an independent Palestinian State on Palestinian soil, for the imperialist world very rightly foresaw that, of all the Arab nation, it would be the Palestinians who would form the front-line fighters since it was they who were demanding, at whatever cost, the right to acquire a homeland on the territories occupied by Israel.

4. The failure of the attempt to crush the independence movement of the Arab peoples in favour of an Israeli military preponderance was sealed by the results of the 1973 war: the victories of the Egyptian forces showed that the imposition of military domination over the Arab world was no longer possible. Thereafter, but also as a result of the energy crisis, which from 1970 onwards began very seriously to affect the economy of the West, the countries of western Europe began to reconsider their policy. Although they did not abandon their support for Israel, they increased their contacts with the Arab countries. They were thus obliged to look at the Palestinian question from a different angle.

5. In the course of the discussions on how to put an end to the energy crisis, some new ideas made their appearance. The most extreme of these ideas tended towards "dynamic" solutions, like the United States' decision to establish "rapid deployment forces", as well as all the proposals for the armed protection of oil transport routes towards the western world. Among the more moderate ideas was the suggestion for the establishment of a Euro-Arab dialogue which, during the years 1975-1978, led to discussions on co-operation in the spheres of industrialization, technology, investments and trade. Certain European circles believed that a Euro-Arab development would make it possible for Europe to turn decisively towards a new relationship with the third world, and would thus increase the independence of the European community. The same circles brought pressure to bear in favour of the adoption of a clearer position on the question of Palestine. However, they were not sufficiently strong to influence the attitude of the European Governments in a decisive manner. These Governments' unreserved approval of the Camp David Accords of March 1978 led to the interruption of the Euro-Arab dialogue.

6. The most important step towards a common European policy on the problem of the Middle East was the European Council's Declaration of Venice of 13 June 1980. Intensive deliberations had preceded this event, the failure of Camp David had already become manifest and, with a new crisis looming, the conditions were becoming ripe for a more important European initiative. In that declaration the leaders of the Community countries:

(a) Indicated the special role which the Community was called upon to play in the safeguarding of peace in the Middle East;

(b) Declared the need to recognize and implement "the two principles universally accepted by the international community: the right to existence and to security of all the States in the region, including Israel, ... which implies recognition of the legitimate rights of the Palestinian people";

(c) Stated that "A just solution must finally be found to the Palestinian problem, which is not simply one of refugees. The Palestinian people, which is conscious of existing as such, must be placed in a position, by an appropriate process defined within the framework of the comprehensive settlement, to exercise fully its right to self-determination";

(d) Recommend the participation of the PLO in the negotiations (the above principles, they said "apply to all the parties concerned, and thus to the Palestinian people and the PLO, which will have to be associated with the negotiations");

(e) Lastly, they requested Israel "to put an end to the territorial occupation which it has maintained since the conflict of 1967, as it has done for part of Sinai".

7. The Venice Declaration, despite the twists and turns in its formulation and despite its lack of boldness in confronting reality, opened the way for initiatives capable of overcoming the Camp David deadlock. But both the United States - which disapproved of any independent action by another country - and Israel systematically undermined the outcome of the Venice deliberations. Furthermore, there was no agreement within the Community on the steps to be taken.

The United States, frightened by the fall of the Shah and the military intervention of the USSR in Afghanistan, which brought the Soviet Union presence closer to the Persian Gulf area, firmly organized its position, not excluding the possibility of itself attempting a military intervention. In these circumstances, the strengthening of Israel and Turkey as well as the formation of an Israel-Egypt axis permitting, on the one hand, the free movement of the United States in north and north-east Africa and in the Middle East, and on the other, the strengthening of the supports existing on the routes leading to the Indian Ocean, assumed great importance. Once again, the Palestinian revolution constituted the biggest obstacle to the establishment of a "Pax Americana" in the region. It was for this reason that Washington gave Israel the go-ahead for renewed aggressive activities in Golan and on the West Bank of the Jordan.

8. On 24 April, according to the Camp David Agreement, Israel should withdraw from the occupied areas of the Sinai peninsula. This important event, combined with the impression - which is

gradually gaining ground - that sooner or later Israel will be obliged to contemplate the idea of the establishment of a Palestinian State, is causing reactions in Israel. Confronted by this prospect, the aggressive Zionist forces are trying to accomplish certain changes - the annexation of the Golan Heights, driving the Palestinians out of the West Bank area, etc. - in order to strengthen their positions and perhaps in order to resist withdrawal from Sinai. These tactics have been fully supported by very powerful circles both in Washington and in the countries of Europe which have reacted very mildly to the violation of international law and the barbarous cruelties inflicted on helpless people, cruelties which have reached their climax in the most recent incidents. The PLO, the only legitimate representative of the Palestinian revolution, is the target of the hatred of Israel and its allies.

9. The pressures exerted by the United States and Israel, together with the gradual deterioration in the international situation (following the American attempt to achieve world domination, the decision to instal nuclear missiles in Europe, the Soviet intervention in Afghanistan, the imposition of martial law in Poland and the crisis in Central America) have in fact paralysed any European initiative. The French Minister of Foreign Affairs, Mr. Cheysson, during his visit to the Middle East, asserted that the Declaration of Venice had no validity and that henceforward France would act alone. His English counterpart, Lord Carrington, supported the Fahd proposal without, however, urging any joint European action. It is not yet clear whether the decision taken by four Community countries to participate in the peace force which will supervise Sinai after the withdrawal of the Israelis is in keeping with the agreements reached at Camp David or with the initiatives set forth in the Declaration of Venice. Moreover, the visit of the French President, François Mitterand, has displeased the Arabs and certain Israeli leaders, and seems unlikely to lead to any further initiatives.

At the present time the EEC, affected by its internal crisis and confronted by the deterioration in the international situation, seems prepared merely to offer its "good offices" - if they should be asked of it. What this amounts to, however, is a refusal to assume any responsibility itself, the acceptance of a minor role, and support for the policies of the United States and Israel which are leading to a further aggravation of relations in the Middle East. It is obvious that the European Community should act in the opposite manner if it wishes to promote peace and co-operation in the world and more particularly in the Middle East.

10. The question of Palestine contains two essential elements: first, recognition of the right of the Palestinian people to self-determination and consequently - but this must be declared - of their right to establish their own State on the land of their ancestors, and secondly, recognition of the PLO as the authentic

representative of the Palestinian people. Israeli withdrawal from the occupied areas has in every way been declared necessary both in United Nations resolutions and in all other international documents concerning the crisis in the Middle East. In the view of the rapporteur, the achievement of progress in the two matters mentioned above is the essential condition for the opening of the way towards a realistic solution of the Palestinian problem. The new Greek Government under Mr. Papandreu, by granting the PLO delegation in Athens diplomatic status, was the first government within the Community to take a step forward.

11. As regards the two essentials of the Palestinian problem, the reaction of the Israeli Government and its supporters has been very violent. The Israeli Prime Minister, Mr. Menachem Begin, during the talks on the Camp David agreements and in his statement before the Knesset, declared his famous three "No's": no to a Palestinian State, no to a referendum on the West Bank of the Jordan and in Gaza, no to negotiations with the Palestine Liberation Organization. In the same statement he made another declaration which is perhaps even more important. With respect to his conversations with Sadat and Carter he said: "I obtained the assurance that there will never on any pretext whatever, be a Palestinian State". It is thus clear that the unresolved crisis is due to the intransigence of the Israeli leaders, encouraged by Western imperialist circles. And this crisis could once again place the peace of the region in peril.

12. The only argument used by those who uphold Israel's refusal to negotiate with the PLO is that the latter, in its statutory declaration, refers to the destruction of the State of Israel. They maintain that the PLO must recognize the existence of Israel and declare that the Palestinians will live in peace with it before any negotiations around the same table are possible. This position, which is not convincing, even as an excuse, leads to situations of deadlock. The Palestinian people can only ensure a peaceful life for all the States of the region when their representatives become the Government of a real State. And this is precisely what they are asking for. Arafat has repeatedly stated that the Palestinians are willing to establish a State in any liberated section of Palestine. It is therefore necessary to find ways of eliminating the difficulties, whether real or artificial.

13. The Political Committee of the European Parliament is at present discussing the problems of the Middle East - including the Palestinian question - with a view to submitting a draft resolution to the European Parliament at one of its forthcoming plenary assemblies. The rapporteur for the draft, Mr. Peders, Dutch PPE deputy, has already made a preliminary presentation of his report, into which he has put a great deal of work and the objectivity of which has been recognized by all. Nevertheless, his conclusions - although they may not be final - start from the idea that: "Europe's policy should be to develop ideas in line with the peace process initiated at Camp David and not contrary to it. It is therefore necessary to offer a new European initiative designed, not as an alternative which could

undermine the mediating role of the Americans in the conflict but as a series of co-ordinated actions and complementary policies". This approach, which holds sway among the ruling circles of the Community, is contrary to the requirements of a just solution to the Palestinian problem and also to the interests of Europe itself. As has already been pointed out during the Political Committee's discussions, the Camp David Accords could serve as a framework for an agreement between Egypt and Israel, but they cannot constitute the basis for the solution of the Palestinian problem since they deny the right of the Palestinian people to self-determination and the establishment of an independent State.

14. In the course of these same preliminary discussions, your rapporteur proposed that:

(a) The European Parliament should invite Arafat, because that would open the way to the recognition of the PLO by all the countries members of the Community;

(b) The "Ten", within the framework of their political co-operation, should take the initiative of organizing an international conference to search for a solution. The participants in this conference would be Israel, the PLO, the Arab countries of the region, the United States, the USSR, and of course the European Community. The point of departure could be a new text based on the Declaration of Venice, which would clearly set forth the following three principles:

1. The withdrawal of Israel from all the lands (including Jerusalem) which it has occupied since 1967;
2. Recognition of the right of the Palestinian people to self-determination and to the establishment of an independent State;
3. Assurance of a peaceful life for all the countries of the region and an international guarantee of the frontiers to be agreed on after the establishment of the independent Palestinian State.

15. The adoption of such a solution may seem difficult today but it is already implicit in the course of history. Thanks to the efforts and sacrifices of the Palestinian people, the whole world has become aware that peace in the Middle East will be assured only when the Palestinians have the possibility of establishing a homeland on their ancestral soil. Furthermore, despite international intrigues and reactions, 147 countries, so far, have officially recognized the PLO. At the present moment, now that the period of gestation has ended, the Europe of the "Ten" could, by a decisive initiative, play the role of midwife.

It would thus have the opportunity not only to honour its declarations on the rights of peoples but also to take a historic step towards its own autonomy. Just as it is true that a people which oppresses other peoples cannot be free, so also is it true that the Community cannot determine its own future when its role is subject to the will of the transatlantic Superpower. The remedy for the present crisis in the European Community lies in a bold and independent policy with respect to the two Superpowers but at the same time a policy of friendship and co-operation with them as well as with all other countries in the world. In this context, a major European initiative towards a just solution of the Palestinian problem would have the backing of all the peoples of the world and would constitute the decisive step enabling the Community to find the identity it needs, that is, to become the bond of peace and co-operation.

16. This vision could become a reality through the exploitation in every way of all the possibilities that exist in order to win the support of all the European Governments for the solution proposed. Our friends of the PLO and the Arab countries would make use of their own possibilities - and they have many. We, the rest, representing different sections of public opinion, could undertake the organization of a vast campaign designed to bring about an international conference for the recognition of the Palestinians' right to have a country of their own - and for the immediate implementation of that right.

EVOLUTION OF EUROPEAN ATTITUDES AND POLICIES
ON THE QUESTION OF PALESTINE

George W. Vella

1. The Problem of Palestine is one of European making

Palestine was taken from the Turks in the First World War in 1917 by General Allenby. The British conquest paved the way for implementing the Balfour Declaration for the establishment in Palestine of a National Home for the Jewish people.

In this declaration the British Government promised to use its best endeavours to facilitate the achievement of this objective, making it clear that nothing was to be done which could prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country.

This historic declaration, far reaching in its consequences and repercussions, was endorsed by the Allied Powers in the Treaty of Serres in 1920. At San Remo, also in 1920 the Allied Powers Supreme Council entrusted the mandate for Palestine to Great Britain.

As became obvious in the course of the discussions arising out of the tragic incidents over the Wailing Wall, in 1929, no precise definition of the meaning of the expression "National Home" has ever been authoritatively given, either under the Balfour Declaration or under the Mandate.

From the text of the latter, however, it is clear that it could not mean merely expropriating Arab inhabitants, and transferring their land wholesale to the Jews, as soon as, by immigration and organisation under a sympathetic administration, they should be in a position to fulfil the requirement of the Covenant, that there should be established a local independent Government.

On the other hand, it could not have meant merely encouraging Jews to settle in Palestine under the legislative and administrative dominance of a permanent Arab majority.

The British Prime Minister, early in 1930, did not attempt to solve the problem. He emphasised Britain's responsibility to both the Jewish and the non-Jewish population of Palestine, while ascertaining "the firm resolve of His Majesty's Government to give effect, in equal measure, to both parts of the Declaration, and to do equal justice to all sections of the population of Palestine".

The stage was thus set for the eventual development of the situation as we know it today.

The sudden rise in number of Jewish immigrants over the years, alarmed the Palestinian Arab population who assumed that in no great space of time the Jews would establish themselves as the dominant race. It was feared that the immigrant Jews, with their great money resources, would buy most of the land, and so create a large landless Arab proletariat.

The Palestinians rebelled in 1936 and the British Administration temporarily suspended Jewish immigration. In spite of restrictions illegal immigration continued.

The Nazi persecution of Jews throughout Europe during World War II provided yet another European component to the making of the Palestine Problem. Those who managed to flee the onslaught of Nazi Germany sought refuge in Palestine. The persecuted Jews acquired the full sympathy of non-Nazi Europe, and blinded by this sympathy, well intentioned Europeans failed to see the plight of the Palestinian Arabs, who were being inundated by the Jews.

Still riding the wave of sympathy the Jews managed to get Palestine partitioned in 1947 following a United Nations recommendation. This international body, still fresh in its commitment to safeguard peace, justice and democracy, behaved in the most undemocratic and unjust manner in allocating two thirds of the partitioned land to the Jews who formed only one third of the total population.

By the time the British withdrew from Palestine, and the Jewish state of Israel proclaimed in 1948, the Palestinian Arabs had already had a foretaste of the expansionist policy of Israel. The fact that Israel had already started seizing territory beyond the confines allotted to it by the U.N., and the fact that nearly a million Palestinian Arabs had already been rendered homeless refugees, did not perturb Britain in the least. Neither did it arouse any particular concern in European circles.

Any sympathy other Arab people might have had for their dispossessed brethren could not be made tangible, as almost all Arab countries were until then colonised by Britain, France and Italy.

2. Euro-U.S. role in Israel's Expansionist Policy

The three expansionist wars of 1948, 1956 and 1967, have brought under Israel's military government an area more than four times the size of Israel at the time of the partition of Palestine, and an Arab population of more than one million. Over these years the number of refugees, homeless and uprooted, swelled up by hundreds of thousands.

Throughout these campaigns Israel enjoyed the full financial backing of the United States of America, Britain and West Germany. The supply of arms, equipment, rockets, aircraft, tanks, and other deadly weapons is nothing less than full participation in such campaigns, and a tangible way of expressing tacit approval.

When in 1956, Israel attacked Egypt and occupied Gaza and the Sinai Peninsula, it had the backing of Britain and France. At that time Britain, still colonising Cyprus and Malta, was using these countries as advance posts. (Troops were sent from these two former colonies to quell the Wailing Wall Riots in Palestine in 1930 as well.) France which was one of the staunchest supporters of Israel was one of the main weapons suppliers, until 1967, when General Charles de Gaulle criticized Israel for its aggressive policy.

In fairness sake it has also to be said that Israel eventually returned to its 1948 boundaries under pressure from diplomatic sources in the U.S.

During the 1967 expansionist campaign, Israel received the full support and coverage of the U.S. Sixth Fleet. There is documented evidence of American-made napalm bombs being dropped by American-made planes on Egyptian territory.

Israel has always been, and still is, dependent on U.S. arms to maintain its quantitative and qualitative superiority over its Arab neighbours. The Israeli arms industry, like all other Israeli undertakings, was inaugurated with U.S. economic and technical assistance. Arms "made in Israel" are in fact made from parts brought in from the U.S. and Europe and merely assembled in Israel.

Because of its "war oriented" economy, Israel spends over 40% of its budget to maintain its army. Most of the expenses of this army have been borne by the U.S. taxpayer for over 30 years. Because of its present economic situation, Israel is now, more than ever dependent on outside aid. Assistance from the U.S., now at its highest level ever, is essential to the day-to-day management of the Israeli economy.

Our recent example of European aid which may boost military might in Israel, is the supply of an ultra modern nuclear pile by West Germany. It is intended to resupply the plutonium Israel needs to operate its present nuclear reactors. The Bonn authorities are not worried about the possibility of the military use of the plutonium (in the assembly of atomic bombs), as according to them Israel has enough plutonium already to produce atomic bombs, had they wanted to.

Such backing by European States, and America, give Israel material and moral support in its campaign of territorial expansion. To populate the newly acquired territories the Israeli authorities have embarked on a "settlement policy" and an "immigration policy". Various schemes have been launched to try and entice Jews living abroad to emigrate to Israel to be settled in occupied Arab territories. Exemption of customs fees, familiarization tours, offering of residence facilities, reimbursement of travel expenses and the granting of only selective exit visas from other countries have all been tried.

The U.S. participated actively in this policy when President Nixon meeting Brezhnev in 1973 bartered the U.S. Congress acceptance of granting certain trade concessions to the Russians, if they assured free emigration of Russian Jews to Israel.

The settlement policy was one continuous insidious process of penetration into Arab lands with the resultant displacement of further refugees. It is not the aim of this paper to go into the details of the discrimination and the maltreatment meted out by the occupying forces. The evidence that such things were happening over all these years is irrefutable. It is only recently that it is being publicised, and that the Western World is getting a real picture of what is actually happening.

Over all these years however European countries and the U.S. were guilty of severe bias - they showered sympathy on the Jews, to the total disregard of the sufferings and vicissitudes of the Palestinian People.

Resistance to the occupying forces in their own homeland was weak and uncoordinated by the Palestinians, until the late 1950, when an aroused Arab conscience, backed by newly liberated Arab countries, brought about the formation of the Palestinian Liberation Movement.

Until then the Palestinians were holding more to the policy of passive resistance than anything else, hoping that a political solution at international level would at last be forthcoming. But they were disillusioned. The Western world seemed unperturbed by their plight, and the whole machinery of international organisations like the U.N., in spite of its sympathetic consideration, proved to be inefficient in practice, though morally reassuring.

The Palestinian people talked and talked without being heard. The shortest way out was by taking recourse to armed struggle. This idea brought about the formation of the Palestine Liberation Organisation (PLO) by the Arab League states in 1964, with a traditional army and commando groups.

The PLO was given no option but to continue its armed struggle in order to make maximum impact on its unfulfilled expectation. These sad events have been given much adverse publicity in the western media, practically to the exclusion of all other aspects of PLO organised activities in the humanitarian, economic and cultural fields. Violence is naturally abhorred by all peace-loving peoples, but those who are the first to criticise should look first into the root cause before they condemn the symptoms.

3. Role of the Media in shaping European Attitudes

These actions did succeed in arousing public opinion. The Western press, which had kept silent for so long in connection with the plight of the Palestinian people was foremost in condemning these acts as barbaric and insolent to a civilized society. Banner headlines and extensive television coverage of such events like hijacked planes, and blown up cars, brought the sad reality of such acts literally into our drawing rooms.

Human emotion being what it is, the first reaction was naturally one of disdain and contempt. The word "terrorist" and "Palestinian" were on the way to become synonymous. But gradually world opinion moved to the stage of asking the "why" and "wherefore" of such apparently nonsensical acts.

Was it after all terrorism or freedom fighting? Was it right for a whole population to be terrorised by the military strength and presence of a stronger nation which imposes its will on their sovereignty? Was it right for Western Governments to sanction the subjugation of a whole people while at the same time pretending to condemn terrorism? Was it right for countries which indulge in terrorism on such an international scale in order to stifle the freedom of others to be regarded as champions of democracy and human rights?

The truth started to emerge gradually. It became evident that it was absurd and regrettable that Palestinian freedom fighters should be branded as terrorists, whereas those governments, and their supporters, who wilfully perpetrate acts of aggression are exculpated and excused.

The Western press had failed in being objective about the Palestinian issue. Maybe it was misinformed. Maybe it was bias. It could have been straightforward withholding of information. Or was it the influence or control of whoever manipulated the outlets of mass communication, the news agencies and the television networks.

It is true that certain reporters were jailed by Israeli authorities to prevent them from exposing the true facts. It is also true that certain controls were exercised about entry permits for reporters. But the machinery was much more complicated than this.

One has to go much higher up to get at the reason behind all this. Zionism, and the influence of the international Jewry on the international press and news agencies is an accepted reality, especially on the other side of the Atlantic. The strength and influence of the Jewish Lobby in the U.S. can be gauged from the size of the fees which sponsors of pro-Israel resolutions in Congress receive from Zionist sources. These same sources heavily subsidize campaign expenses of liberal senators.

It was an ex-U.S. Secretary of Defence who said that he was concerned that "one group in this country should be permitted to influence our policy to the point where it could endanger our national security. It is a disastrous and regrettable fact that the foreign policy of this country is determined by contributions, a particular block of special interests, made to the party funds".

Such is the background as to why the Western media had kept silent about the plight of the Palestinians at the hands of the Israelis.

4. European Policies and Attitudes' Dependence on U.S. Policy

In this paper dealing with European attitudes and policies I am all the while talking not only on European attitudes but also on U.S. attitudes.

This is understandable when one considers the close links between the two entities and the mutual cooperation in all fields - political, cultural, and most important of all economical. This is a historico-political fact and no dissertation is required to prove it. Western Europe and the U.S. have always followed the same line of policy vis-a-vis the Palestinian issue, at least until 1973. Until then what really mattered was a country's economic strength. And it was all built around the magic word "dollar". All other considerations were secondary.

The P.L.O.'s activities in Europe, and their backing by a solid, united, Arab Front wielding their mighty "oil weapon", had a "checkmate" effect on European countries. The oil crisis was on, and a weapon mightier than anything else had been brought in, to play its role in the question of Palestine.

After this weapon had been unleashed with all its force on the European countries, the pawns on the political chessboard, started to change their traditional places, to assume a more safe position in relation to the moves of their opponents. To carry the metaphor further, they had to stick to their original colour, and fretted to move, but only insofar as the rules of the game on their side of the board could permit.

to look at what is happening today, almost four years later.

No agreement on the Middle East situation will ever work unless the legitimate representatives of the Palestinian People, are a party throughout the discussions. The Palestinian people are not accepting anything less than full autonomy and the right of self determination in a state of their own, within well defined boundaries.

The Palestinians will not accept anybody, besides their legitimate representatives, to sort out their fate. They will not settle for any form of administrative centralisation under Israeli authorities, let alone accept the reservation for themselves, by the Israeli authorities, of the right of military intervention on the so called "autonomous territories" established after any future agreement.

Late in 1979 the Parliamentary Assembly of the Council of Europe invited Mr. Moshe Dayan, the Minister for Foreign Affairs Of Israel, and Mr. Bouhos Bouhros - Ghali, Minister of State for Foreign Affairs of Egypt, to address the Assembly on the Middle East situation -in the light of the Camp David Peace Treaty signed earlier in March.

No invitation was extended to any representative of the Palestinian people. Was it political expediency? Or was the Europe of the 21 being more cautious than the Europe of the 9? Was it cautiousness, or was it being more conservative on the Middle East issue?

From the discussions it became evident that six months after Camp David the areas of agreement between Cairo and Jerusalem were still virtually non existent. Both Ministers agreed that Europe should take economic steps to help the refugees in the occupied territories and in the Lebanese and Jordanian Camps. The Egyptian Foreign Minister felt that even then everything indicated to the failure of the Camp David Agreement, Europe could make ready as from then to put forward alternative solutions to the one so far advocated by the U.S.A. alone.

This was, and still is the challenge. A Europe, which is gradually but constantly moving in a pro-Palestinian direction, being less involved with either parties concerned, and adopting a more independent stance between the super powers, could no doubt, prove highly significant in opening up new prospects.

A taste of this newly found European spirit can be found in Parliamentary Assembly resolution 728 of 1980, on the situation in the Middle East. This resolution recalls an earlier one of 1971 and stresses the "vital interest of Europe and the important role which she could play in persuading a just, comprehensive and lasting peace, as well as the necessary participation of all parties concerned, including the Palestinians, in negotiations

reaffirmed its belief, as a world body, in the inalienable rights of the Palestinian people in Palestine.

Had the UN the power to implement, or the means to enforce its resolutions, then the Palestinian problem would have been settled long ago. Israel, conscious of the UN's impotence in this regard, completely ignores the enormous number of resolutions passed by this world body, which almost unanimously condemn Israeli policy. For Israel such resolutions are just opinions, made to be disregarded and ignored.

At Security Council level similar matters are also discussed, but whenever something not consonant with or critical of U.S.-Israeli policy is brought up, it is vetoed by the U.S.

In spite of all this, or should I say because of this, over the last years the world has shown signs of awakening to a new reality.

The Maltese leader, Dom Mintoff, addressing the Parliamentary Assembly in Strasbourg in 1978, accused the Western European States of skirting the responsibility for seeking a solution to the then 30 years old Arab Israeli conflict. He went on to say that Europe had become so impotent that even when the fate of our closest neighbours and friends is at stake, Western Europe fails to play a decisive role.

A new awakening has been witnessed in the Western Europe sphere over these last few years. It could be due to better judgement after being better informed. It could be due to humanitarian reasons. Or else it could be the result of the Western European countries realisation that it is no longer possible to continue supporting the Israeli cause, just to please one super power, while maintaining good economic relations with the Arab world.

Western European nations, individually and collectively are now gradually changing their position on the Palestinian question. After 30 years the sympathy for the "Nazi oppressed and persecuted Jews" has gradually waned away. Public opinion in the West has become more and more conscious of Israel's high handedness with the Palestinians, and the years of occupation since the 1967 war, the settlement policy the recipration policy, etc. all indicate to Israeli expantiouist policy.

Then came the controversial Camp David Agreement. This event managed to polarise even further world opinion re the Middle East question. Western European countries in general told the US Israeli line and hailed it as a milestone.

Progressive European Movements and parties, as well as the whole Arab World, with the obvious exclusion of Egypt, foretold that this was doomed to failure, even before it actually started to be implemented. And they were proved right. One has only

Chancellor Kreisky of Austria officially recognised the PLO and met Arafat in Vienna, together with Willy Brandt. He holds to the opinion that a solution of the problem of Palestine will be possible only after the Israelis have withdrawn from occupied territory and agreed to a Palestinian State in Gaza and the West Bank region.

Spain and Portugal have also extended their recognition of the PLO. So has Turkey .

Ireland, and EEC Country adopted the most advanced position within the European Community and recognized the right of the Palestinian people to a state, while at the same time recognising the PLO as the sole legitimate representative of the Palestinian people, stating that "the PLO has become a reality that we cannot ignore. It has been chosen and approved by the Palestinian people as their sole legitimate representative".

The ball has started rolling. The rest of Western Europe is still hesitant, and the European Community through talking about the PLO did not express formal official recognition as yet.

Meanwhile a PLO delegation touring Western Europe was officially received by the Communist Group and the Socialist Group within the European Parliament, while the Cristian Democrat and the Liberal Groups met with them on an informal basis. An office concerning Palestinian affairs, and affiliated to the European Parliament was formed.

6. EUROPEAN RECOGNITION OF THE RIGHTS OF THE PALESTINIAN PEOPLE

A year after the Chairman of the PLO addressed the UN Assembly, a special committee on the Exercise of the Inalienable rights of the Palestinian People was established. This was a milestone in the march of the Palestinians toward reaching their aims.

Going through the annual reports of the Rapporteur of this Committee, the Maltese Ambassador, one can see the dedication, the zeal, and the determination of the members of this Committee to pass from mere words and voluminous statements to action.

The permanent Representative of Israel at the UN called this committee "nothing but a plaint tool in the hands of the PLO". It is also learnt from the reports that efforts were also forthcoming from certain quarters to hinder the work of this committee. The disappearance from the UN Collection in the Dag Hammdrskjold library of several important documents related to the Palestinian question is mentioned as an example of such hinderance.

Notwithstanding all this, this Committee has done sterling work for the cause of peace in the Middle East. The UN had

The continuous struggle of the Palestinians and the justice of their cause will eventually push more and more forces to recognize the PLO and its leadership.

Chairman Arafat's address to the U.N. in 1974, offering, metaphorically, an olive branch is historic. The results were not ephemeral, but tangible.

My country, under the guidance of its Socialist Government, has been foremost amongst the countries sympathetic to the Palestinian people's plight. Our line of thinking has always been that there can be no security in Europe unless there is security in the Mediterranean. We also believe that the security of the Mediterranean cannot be achieved until there is peace in the Middle East.

For us the Israeli Arab conflict is of paramount importance, as evidenced by the active role my country, through the sterling services of its Ambassador, our friend Mr V. J. Gauci, has always taken at the UN on questions dealing with the Palestinian Problem. The holding of this Seminar on the Inalienable Rights of the Palestinian People, here in Malta is a fitting tribute to what we have always done to promote, what we believe to be, a just cause.

The Maltese Premier, Mr Dom Mintoff, expressed his wholehearted support, and that of his Party, to the Palestinian people and the PLO, years ago, when he went down on record, saying, that were he a Palestinian, there would be no doubt that under the circumstances prevailing at that time, he would have been a "terrorist".

We believe that the Palestinian People have the right to a state of their own; have a right to self-determination and full autonomy, as well as the right to live in peace with neighbouring countries. We have also always held to the premise that no peace can be achieved before Israel retreats to its pre-1967 boundaries, and unless the PLO is a party to any talks and agreements concerning the future fate of the Palestinian People.

Today more and more European countries are giving official recognition to the PLO as representative of the Palestinian People.

The late President Tito of Yugoslavia shared the same opinions with us, and spared no effort to commit the non-aligned movement to this cause.

Things after 1973 were not the same, and it is since then that certain attitudes and policies in Western Europe changed in relation to the question of Palestine.

Euro-U.S. attitudes towards the Middle East problem over the years can be easily understood from the reactions and remarks of past and present U.S. Presidents.

Dwight Eisenhower in 1956 unhesitatingly put principle above politics and ordered not only Israel, but the then powerful Britain and France to surrender what they had seized in the Middle East. John F. Kennedy admonished that American partisanship in the Arab Israeli conflict is dangerous both to the U.S. and the free world. Richard Nixon persistently refused to acknowledge the existence of the Palestinian Arabs, and repeatedly rejected moves made on behalf of a representative group of responsible Palestinians. President Carter did not change his predecessor's policy and promised full and unconditional support to the state of Israel throughout his tenure of office.

President Reagan still considers the PLO as a terrorist organisation. According to him Jerusalem should become the united capital of Israel. He believes in the right of Israeli settlements in the West Bank. He also believes that Israel's security should be the main concern of U.S. policy and that Israel is a major strategic asset to America.

But on these issues, now, Western Europe and the U.S. have taken different roads. Not very, very different, but just enough. During the 35th Annual Session of the U.N., on a motion censuring Israel, the NATO countries did not vote with the U.S. against the resolution, but abstained.

5. Official Recognition of P.L.O. by Individual European Countries

The Western European approach to the PLO, although late, has been welcomed by the Palestinian people and the PLO leadership, because it is a step forward and a contribution towards a just and durable peace in the Middle Eastern region. The PLO, especially in its "post-terrorist" phase, has emerged as a political and military factor in the Middle East equation, which cannot be bypassed or neglected.

for a peace treaty to include agreement on secure and recognised frontiers for all the countries in the region". Europe has a duty to contribute to a peaceful solution to the conflict".

This same resolution "stresses that the refusal of Israel to recognise the right of the Palestinian people to see determination and independence, constitutes, like the refusal of the PLO to recognise the state of Israel's right to exist, and obstacle to the solution of the present crisis".

This recommendation of the Parliamentary Assembly of the Council of Europe goes much further in a pro-Palestinian direction, than any US policy so far expressed.

Also early in 1980 French President Valerie Giscard D'Estang seeking to better relations with the Arab world and mainly with the oil producing countries of the Gulf issued joint statements which indicated an evolution in the French position. He unequivocally declared his support for the Palestinian people's right for self-determination. He did not go as far as declaring the Palestinian's right for an independent state or the recognition of the PLO as Ireland had done earlier. He settled for a vague term "Palestinian homeland".

One hardly expected such E.C. members like Britain and Denmark, with their well known pro-U.S. bias, to jubilate above such pronouncements. However, all E.C. members eventually supported the French initiative for self determination to the Palestinian people.

A non-E.C. member, Norway also declared its support for this French initiative.

U.S. President Carter's reaction was that the U.S. would veto any initiative on the part of the Western European Countries which would call for Palestinian self-determination or a change in Resolution 242. He added that the U.S. was asking Europe not to get involved.

French Ambassador Jean Francois Poucet meeting Edmund Muscie in Washington said that in the view of the West Europeans, the process of Camp David will not lead to peace in the Middle East, and that a new European peace initiative was in the making. This together with hints dropped by France, Britain and others during the months preceeding the EEC summit in Venice, concerning an official recognition of the PLO and of a change in or supplement to Resolution 242, gave the Palestinians great hopes.

The E.C. statement on the Middle East, following the Venice Summit, was a step in the right direction, but it did not go far enough.

For the first time an E.C. document made direct reference to the PLO "which will have to be associated with the negotiations". However, it falls short of extending official recognition to the PLO as the sole legitimate representative of the Palestinian People. The statement however fail to commit itself in favour of the need for an independent Palestinian state. In other words the E.C.

members have proved to be unable to defuse the explosive situation and bring about any real thrust towards justice and peace in the area.

The thrust was not forceful enough. Some consider it as a well worth first effort and hope for more daring and far reaching efforts in the future.

The Palestinians naturally are the negative side of such an initiative and claim that it has not introduced any new element. They feel that it was not specific with regards to certain rights of the Palestinians such as the right to return to their country, the right of self-determination without any outside intervention, and their right to establish an independent state on Palestinian soil. Moreover they are mostly hurt because the declaration did not recognise the PLO as the sole legitimate representative of the Palestinian people.

Extremists on the Palestinian side are claiming that Israel has no right to exist as a state on Palestinian soil and that nothing but complete liberation of the land of Palestine will appease them.

Meanwhile the U.S. is reported to be doing all in its power to prevent any further development of this initiative, while sticking to the idea of making the Camp David agreement work.

7. OFFICIAL EUROPEAN POLICIES DO NOT NECESSARILY REFLECT THE TRUE FEELINGS OF ALL EUROPEAN NATIONALS

Talking of official European policies only, and official stands taken by different European countries in support of the Palestinian cause, does not convey the true feelings of European nationals, of the European man in the street or of European organisations at local, regional or any other administrative level below Central Government level.

The opinions and attitudes of the European individuals vis a vis the question of Palestine is of paramount importance. It is said that big trees grow from small seeds. Public opinion is made up of a number of single individual opinions. It is the individual that has to be informed so as to develop a balanced opinion later on.

As things stand at the moment, besides the encouraging pro-Palestinian shift in official national policies of West European countries, there are also kindled a vast number of small and medium sized fires of public opinion, scattered all over Europe, burning in support of, and in sympathy with the Palestinian cause ready to expand their areas of influence, in the hope of ending up eventually, in one whole fire sweeping all over Europe.

While President Carter was bending over backwards to implement his Camp David negotiations, and calling the PLO a band of terrorists, U.S. Ambassador to the U.N. Andrew Young might have been harbouring different ideas when in the

New York Apartment of Kuwait's U.N. Ambassador. He was made to resign his ambassadorship, but I am sure he still carries with him his personal convictions.

During his address to the Parliamentary Assembly of the Council of Europe, the then Minister for Foreign Affairs for Israel, Moshe Dayan, let slip a number of significant references to the possibility of negotiating with the PLO and, in view of his noted meetings with persons close to that organization, seemed ill at ease representing his government's official position. Boutros Ghali may perhaps, with his sharp criticism, have strengthened Dayan in his decision, announced shortly after his return to Israel, to resign from the Begin Government. The main reason given by Dayan for his decision was his disagreement with the Prime Minister on the question of colonial settlements.

In Israel too it has been reported that one has recently witnessed demonstrations rallying tens of thousands of people favouring peace and a dialogue with the PLO.

Former chairman of the US Senate Foreign Relations Committee, William Fulbright declared that it is high time for Washington to alter its negative attitude towards the PLO and establish direct relations with it. He added that some Americans, including Congressmen, have already gone ahead by establishing contacts with PLO Chairman Arafat.

Progressive organizations, this time in Britain, members of the British Parliament trade union Activists and independent personalities have joined a campaign to urge the British Government to recognize the PLO and the national rights of the Palestinian People. The campaign has issued public appeals and urged participants to send protest letters to the British Government.

The same thing is happening in almost all European countries. Rallies of support, Friendship Organisations, setting up of Solidarity groups, opening of PLO offices, Seminars on the Palestinian Question, twinning with Palestinian towns and other manifestations of sympathy, friendship, commitment and solidarity are almost daily occurrences.

On a larger and more significant scale are appeals, and official recognition of the PLO and of the Palestinian People's rights by Parties in Opposition (e.g. Georges Marchais and his Communist Party in France), individual members of Parliament of various Western European Countries, Trade Union Movements (Scottish Trade Union Movement, Italian Trade Unions, Maltese Trade Unions etc.) and other national and international bodies committed to peace, humanitarian deeds and various religious.

The list is too large to tell in detail. It would be beyond the aim of this paper. This movement, at grass root level, is gathering momentum all over Europe. It augurs well to the long suffering Palestinian people, whose plight has gone on and on for thirty long years of strife, sacrifice, and deprivation.

8. TOWARDS A SOLUTION

This paper has as its title the Evolution of European attitudes and policies on the Question of Palestine. I have tried to show that there has been a considerable amount of shifting of attitudes and changes in policy vis a vis the Palestinian Question.

But any shift or change has a direction. Have the shifting and the changes been in the right direction? By right, I mean have they taken us any nearer to a final solution of this complex problem.

When all is said and done, and the component forces in the whole complex issue are exhausted, it is noted that changes of attitudes and changes in policy have taken practically all sorts of directions, depending on the motive obtaining at the time. However one can safely say that the resultant of all these forces is after all moving in the right direction not exactly in line for the time being but slightly off course.

Pulling it to a more straight course directed towards a solution involves the keeping up of the sustained effort put in up to now, and the recruitment of more and more supporters of the Palestinian cause, from all over the world to help in overcoming the remaining hurdles.

It would be presumptuous of me to try and offer any suggestions of how to overcome the remaining hurdles. However, the obstacles are there for all to see and without digressing too much from the title of this paper I feel I should point out the more salient ones.

I will only scratch the surface of the various problems I see getting in the way of a final solution. I leave it to competent authorities and organisations to tackle each problem. Some of them are too complicated; others are political dynamite, whereas still others offer great opportunities for discussion by academics in social studies and political theory.

One of the "commodities" which keeps a war going is the supply of arms. If no armaments are supplied to both sides, the chances of a war stopping are much greater. The suppliers of arms, in our case, the super powers are therefore directly responsible for the killing, sufferings and all the other ghastly things one associates with wars, that have been going on for all these years in the Middle East. Impounding of arms supply would be the first ideal,

The second problem, in my opinion is the impotence of world bodies like the UN to implement resolutions arrived at after long, and at times tedious, discussions. It is true that such resolutions can be said to exert moral pressure. It is also true that they help to form public opinion. But, how more fruitful would they be if one had the means to implement them?

The right to veto any decision by the superpowers at UN Security Council level is also, in my opinion, a stumbling block to

the fulfillment of real democracy, and effective action at the United Nations. It is really needed, or is it just an archaic privilege dating back to a post-world war, colonial era mentality?

My fourth observation is whether the present leaders, of the opposite movements in the Israeli-Arab conflict, have been too much and too long involved in the thirty year old conflict, to be able to take the necessary decisions under the conditions obtaining today, without bias, prejudice, hatred and vindictiveness born out of past involvement.

Fifth observation. I feel that Western Europe should take it upon itself to see that a just and equitable solution be found for the Palestinian Question. As O saod earlier, this problem is one of European making. Why should not Europe be the one to solve it? Europe should feel morally bound to this duty, and has also to shoulder the other responsibility of exerting moral pressure on the US with all the means available, to help solve this question.

Finally, European institutions, conscious of the problem and aware of all the various points of divergence between the parties involved, should be even more cautious not to lose one single foothold in the climb towards a solution, by acting irresponsibly, out of pique, or because of sheer lack of diplomacy. The whole fuss aroused by a decision of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe to hold one of its meetings in Jerusalem, in May, knowing full well the delicacy of the whole problem concerning this Holy City, is a case in point.

Explanatory memoranda and subsequent clarifications of positions though welcome and valid, can at most heal the wound. The scar always remains.

9. THE HUMAN PROBLEM

The Question of Palestine is a complex political problem. We talk about government policies, the play of the super powers, the shifting of boundaries, the recognition of rights, the imposition of laws and regulations, and on similar matters.

We tend however, to forget that besides all this there is the biggest problem of them all - the human problem. In our heated discussions and prolonged negotiations one tends to forget that, after all, it is fellow human beings that are suffering in any conflict - be they on whichever side they are.

Suffering and deprivation are not made less painful by being "for" or "against". The death of an Israeli soldier is no less painful to his family than the death of a Palestinian soldier to his family. The psychological impact of war on children's minds is the same be they Jews or Arab.

Any suffering is part and parcel of the sufferings of humanity.

Whoever is responsible should see to it that there should be no more wasting of time in finding a solution. Time wasted means lives wasted. Civilised countries spend unlimited amounts of money and human effort to save one single life - why should we behave differently when our challenge is not one human life but hundreds and thousands.

THE ROLE OF THE UNITED NATIONS ORGANIZATION
IN THE SEARCH FOR EFFECTIVE MEASURES TO ENABLE THE PALESTINIAN
PEOPLE TO EXERCISE THEIR RIGHTS

Marcel Dinu

1. United Nations responsibilities in the endeavours aiming at the settlement of the Palestinian people's issue, at the recognition of their legitimate rights, including the right to self-determination and to the creation of their own independent state

During the last years, a particularly tense situation has been created in international relations, as a result of the major changes occurred in the balance of forces in the world arena, as a consequence of the continued policies of sharing the world into spheres of influence and domination, of the policy of force and oppression, of the appearance of new forces, of new groups of states that raise claims for a more important role in international life.

In the worsening of world tensions, a negative role has been played by the accumulation of complex issues and conflicts in various parts of the world and which have not been solved at all or which have not been properly settled.

In analysing the reasons which have led to the worsening of national situation, there should also be taken into account the perpetuation - for more than three decades - of the Middle East conflict, the unsettlement of the Palestinian people's issue, of their inalienable rights and above all of their right to self-determination and establishment of their own national independent state.

The United Nations has great responsibility, within the endeavours being made by the international community towards this purpose. This responsibility can be considered from several points of view, e.g.:

- First, as stemming directly from the United Nations Charter's provisions related to all peoples' right to self-determination, to the promotion of friendly relations among all nations, based on the principle of completely equal rights 1/, of which the Palestinian people have so far been deprived and which they are still unable to exercise freely, according to their own interests;
- Second, as stemming from the major role entrusted to the world Organization through the United Nations Charter of solving the major issues 2/ confronting mankind and jeopardizing international peace and security;
- Third, as a result of the fact that the settlement of the question of Palestine may be seen as an older problem of liquidating the colonial system, having particularly in mind that the territory of Palestine was under Mandate by the League of Nations and it has been inherited as such, by the United Nations;

- Last, but not least, as a direct outcome of resolution 181 (1947) of the United Nations General Assembly known as the "Partition Resolution" 3/ which provided for the creation - on the Palestinian territory - of two independent states, an Arab one and a Jewish one.

In approaching the effective measures in the world arena which could be promoted by the United Nations and which could be conducive to the exercise, by the Palestinian people, of their inalienable rights, to the overall settlement of the Middle East situation, it appears necessary to proceed to a review of the way in which the United Nations has been acting since 1947 until now, of the impact of the actions taken under the United Nations aegis and of their limits. The planning of the future United Nations activities in this field should take fully into account the accumulated experience as well as the current international conditions, in order that the solutions which may be suggested be realistic, viable and constructive.

2. Actions within the United Nations aimed at the just settlement of the Palestinian people's problem

The problems of the Middle East conflict, of the Palestinian people's situation have regularly been on the agenda of the ordinary sessions of the United Nations General Assembly, since 1947 until now.

Following the resolution concerning the future government in Palestine (181/II), the General Assembly adopted a large number of resolutions related to Jerusalem 4/, the assistance granted to Palestinian refugees 5/ as well as to their returning to their homes 6/, humanitarian assistance 7/, observance of human rights in the occupied territories 8/ and so on. It should also be noted that the majority of the international organizations of the United Nations system adopted, particularly during the last ten years, numerous resolutions pertaining to various aspects of the question of Palestine. Since 1967, the General Assembly as regularly placed the Middle East situation among the items on the agenda and, since 1974 ample debates have taken place every year in connexion with the question of Palestine. The wide participation of delegates in those debates, although marked often by contradictory viewpoints, the resolutions adopted - particularly after 1967 - have permitted the expression of a broad consensus on the necessity of achieving important progress in realizing the dimensions of the Palestinian problem within the Middle East situation, of the recognition of the inalienable rights of the Palestinian people.

Apart from the ordinary sessions, an important role was played by the proceedings and resolutions of the special sessions of the General Assembly convened in 1956 (after the Suez crisis), in 1967 (after the June War), in 1973 (after the October War) when there were also widely tackled problems related to the Palestinian people's situation 11/. Undoubtedly, the most important of the special sessions - for the topic we are dealing with - was that of July 1980, exclusively devoted to the examination of the exercise, by the Palestinian people, of their inalienable rights. The resolution adopted then 12/, with an overwhelming majority of votes, can be considered as tantamount to a real consensus of international community in this field.

It is also to be underlined that, unlike the preceding special sessions, convened as a result of particularly serious developments in the Middle East, the 1980 July session was mainly the outcome of the desire and interest shown by the great majority of States in the world to offer a framework for the wide debate of the Palestinian people's problem, within the sustained efforts to find its settlement, as the central element of the conflict in the area. The resolution adopted at the session can be considered as representing the widest recognition so far of the necessity of the exercise, by the Palestinian people, of their inalienable rights.

This problem was also debated at the special session of February 1982, convened after Israel's adoption of the legislation on the annexation of the Golan Heights. Unfortunately, the text of the resolution adopted is not mirroring properly the Palestinian issue.

Similarly, the United Nations Security Council has been closely dealing with the Middle East issues, either in situations of open conflicts (1948, 1956, 1967, 1973) or in reply to the demands of certain member countries to discuss particularly the actions taken by Israel in the occupied territories 13/. There should be emphasized the real contribution made by the Security Council and the United Nations Secretary-General to the negotiation and conclusion of the truce agreement between the Arab countries and Israel (1949-1950) 14/, to the cease-fire after the military conflicts in 1956, 1967 and 1973 15/, to the negotiation of the military disengagement agreements between Israel and Egypt and between Israel and Syria (1974) 16/. It was under the guidance of the Security Council that the United Nations mediator, Count Bernadotte, carried out his mission - he encountered his death in the exercise of his duties - like the ad-interim mediator Ralph Bunch (1949) and the Special Representative of the United Nations Secretary-General, the Swedish diplomat Jarring (after 1967).

As it is known, the activity of the Security Council was many times blocked by the exercise of the right to veto by some of its permanent members. However, it should be mentioned that important resolutions and decisions could be adopted on certain items, unanimously or without the opposition of a permanent member, in domains of outstanding importance for the future of the Palestinian people, such as: the maintenance of the legal status of Jerusalem and non-acceptance of physical or juridical changes imposed by Israel 17/; condemnation of the Government of the State of Israel for its repressive actions against the Palestinian population in the occupied territories 18/; condemnation of Israeli attacks against Lebanon and the nuclear centre near Baghdad; refusal to accept Israeli legislation concerning the annexation of the Golan Heights etc. A positive role in diminishing the confrontation, in creating the conditions for reaching solutions acceptable to all parties, was played by the United Nations peace-keeping forces whose missions were to supervise the observance of the agreements concluded with the United Nations direct participation 19/. In this context, there should be emphasized the significance of the Geneva Conference convened on the basis of resolution 338/1973 of the Security Council, which sanctioned the military disengagement agreements between Israel on one side and Egypt and Syria on the other and proved the validity of such an approach in international endeavours aimed at the establishment of peace in the Middle East.

From the humanitarian viewpoint, the United Nations has been carrying on a steady activity in support of the Palestinian population so much affected by the adverse developments in the area. We should mention here the creation - as early as in 1948 - of a specialized body for assistance granted to the Palestinian population - United Nations Relief and Works Agency (UNRWA) 20/. In connexion with the return of the Palestinians to their homes - the main reason why the UNRWA was created - no practical results have been scored; however, in spite of all the financial difficulties met with, this organism played a valuable role in the training of Palestinian personnel, thus contributing also to the consolidation of the Palestinian population's feelings of national conscience. In recent years, as a result of a resolution adopted by the United Nations General Assembly, the Palestinian people was listed among the countries benefiting by technical assistance under the United Nations Development Programme (UNDP) 21/ and the assistance programmes of other international organizations, thus practically entering the ranks of the developing countries which benefit by such assistance programmes.

The year 1974 was marked by two important moments at the United Nations as regards the support granted to the just struggle of the Palestinian people.

First, the President of the Executive Committee of the Palestine Liberation Organization, Yasser Arafat, was for the first time invited to take the floor in the United Nations General Assembly, while the Organization received the status of an observer at the United Nations, in its capacity as the representative of the Palestinian people. Next year, the PLO was invited to take part in all the peace-oriented efforts in the Middle East 22/.

Secondly, the General Assembly adopted the first resolution recognizing the inalienable rights of the Palestinian people, a highly significant step towards the further promotion of the just cause of the Palestinian people 23/. It should be mentioned in this respect that during the evolution of the concept about Palestinians within the United Nations, passing from the notion of "Palestinian refugees" to that of "Palestinian people", an important contribution was made by a resolution 24/ adopted by the United Nations General Assembly in 1969 and in which a reference to the "Palestinian people" is made for the first time.

In support of this idea, the General Assembly decided - in 1975 - the creation of the Committee for the exercise of the inalienable rights of the Palestinian people 25/, called upon to recommend a programme of measures of a nature to enable the Palestinian people to exert their rights, particularly the right to self-determination and the creation of their own independent state, and to submit proposals for actions within the United Nations in this field. The activity of the Committee has so far enjoyed the high appreciation of most Member States, its contribution to the promotion of the Palestinian people's just cause being remarkable. Upon the basis of a decision of the General Assembly, there was created a special unit, within the United Nations Secretariat 26/ to deal exclusively with the Palestinian issue.

This chapter presents the main concrete actions taken by the United Nations during the years and which can be appreciated as positive contributions to the efforts towards the settlement of one of the most complex problems in contemporary international life. It equally proves that, when actions are taken discreetly, in a realistic and persevering spirit, solutions acceptable to all parties can be found even for complicated issues. The presentation has deliberately approached first of all the activities to which the United Nations has been able to make a positive contribution since, on the one hand, these positive developments are seldom emphasized when the Middle East situation is analysed and, in particular, so far as the recognition of the inalienable rights of the Palestinian people is concerned and, on the other hand, they can be sources of inspiration for possible future initiatives within the United Nations in this field. A brief analysis follows of the impact of United Nations actions and of the reasons why, generally speaking, the United Nations contribution has not yet met the expectations of peoples, primarily of the Palestinian people.

3. Analysis of the impact of the United Nations contribution to the endeavours aimed at the achievement of the Palestinian people's rights, for the settlement of the Middle East conflict

Perhaps the most important result scored at the United Nations in connexion with the Palestinian people's legitimate rights is the evolution of the concept itself, the long way covered from the notion of 'Palestinian refugees' to the broad recognition in the world arena of 'the Palestinian people's existence', of the necessity of observing its inalienable rights, of the efforts aimed at placing the Palestinian people on an equal footing within the concert of nations. It can be said that this evolution created the necessary prerequisites for the future debate and settlement of the Palestinian people's issue.

In this context, there should be emphasized the outstanding significance of the PLO's obtaining the observer status at the United Nations, in its capacity as the representative of the Palestinian people. The representation right - in principle granted to independent nations, enjoyed now by the Palestinian people at the United Nations - constitutes a highly important support in the efforts made by that people for the recognition of its legitimate rights.

Many times the problem has been raised of the mutual recognition of Israel and the PLO upon which the achievement of real progress towards the establishment of a comprehensive peace in the Middle East would depend. Without analysing the foundation of such viewpoints, the fact that the Israeli and PLO delegations sit down in the same hall at the United Nations, in the General Assembly and the Security Council, that they take an active part in the debates on the Middle East situation, using the right to reply to each other and thus entering into a direct dialogue, show that, to a certain extent, their mutual recognition is being gradually achieved 27/. In the same context, another example is offered by the cease-fire agreement reached indirectly by the PLO and Israel in South Lebanon in the summer of 1981. As a result of these, one could say that life has shown that the achievement of progress towards the settlement of the Palestinian problem does not necessarily appear to have been conditioned by an initial mutual recognition between the PLO and the State of Israel.

It is also necessary to point out the United Nations contribution to the definition of the basic principles of a settlement in the Middle East conflict and the Palestinian issue. At present, there exists an almost universal consensus on the need for a global, just and lasting solution to the conflict in the area, based on Israel's withdrawal from all the Arab territories occupied in the wake of the 1967 war, the recognition of the Palestinian people's legitimate rights, including their right to self-determination and the creation of their own independent State, the ensuring of integrity and security for all states in the region. Even if the above principles are not yet to be found together in a unique resolution of the Security Council, their letter and spirit prevail in various resolutions adopted by the United Nations General Assembly and Security Council in this respect.

We should also emphasize the United Nations major contribution to the steady assertion of the need for a peaceful solution, through negotiations, to the Middle East conflict, as the only means of building up peace in the region. Apart from the enshrining of this principle in the pertaining resolutions of the United Nations General Assembly and of the Security Council 28/, the debate on these problems within the United Nations implies the a priori acceptance of the conflict's settlement exclusively by peaceful means, since the United Nations Charter rules out war as a means of solving disputes, placing it outside law. As a matter of fact, the United Nations in general, and the Security Council in particular, have made important contributions to the calming down of open conflicts in the Middle East, to the creation of mechanisms for the supervision of the cease-fire agreements, to the withdrawal of the Israeli troops from a number of occupied territories (from Gaza, after the 1956 war, from part of the territories occupied in Egypt and Syria, in the wake of the 1973 war). The Peace Conference in Geneva, provided for in resolution 338 of the Security Council, has paved the way towards a constructive approach in negotiations, so far unsufficiently used. As a matter of fact, several resolutions adopted by the United Nations General Assembly requested the convening of an international conference for peace in the Middle East, but those provisions have not been implemented so far 29/.

The definite refusal to accept Israel's annexation of East Jerusalem and the insistence in maintaining the unchanged status of that city, the clear, unequivocal stand taken in the defence of human rights in the occupied territories, the condemnation of the repressive actions by Israel against the Arab population, generally the refusal of the 'fait-accompli' policy pursued by the Israeli Government in the West Bank - including in the Arab Jerusalem, Gaza and the Golan Heights - have formed the object of resolutions adopted either with an overwhelming majority by the General Assembly, or unanimously by the Security Council, and have also represented a remarkable support granted by the United Nations, by the international community, to the just cause of the Palestinian people.

The actions taken at the United Nations after 1967 and, particularly, the activity of the Committee for the exercise of the inalienable rights of the Palestinian people, have contributed also, to a great extent, to the overthrowing of the image existing in the world public opinion on the struggle waged by the Palestinian people for the recognition of their legitimate rights, on the activities of the Palestine Liberation Organization.

4. Limits of the framework of United Nations actions aimed at the settlement of the Palestinian people's problem

In general, it is considered that the only real basis for negotiations in the settlement of the Middle East situation, created so far within the United Nations and enjoying wide international recognition is resolution 242/67, unanimously adopted by the United Nations Security Council. However, this resolution is not acceptable as such to the majority of the Arab countries, primarily to the Palestine Liberation Organization since it ignores the inalienable rights of the Palestinian people. The efforts made so far for the adoption of a resolution that should correct this shortcoming of resolution 242 have not yet been successful, because of the lack of unanimity of the Security Council permanent Members. Unfortunately, on the other hand, the resolutions adopted by the General Assembly, in spite of the majority of votes in their favour, have not been able to secure a framework for negotiations, since they have not enjoyed the consensus of all participants and, basically, of the parties directly concerned. More than that, it should be noted that a United Nations General Assembly resolution, being a recommendation, enjoys less force than a resolution adopted by the Security Council.

At the same time, the continued tendencies towards confrontation in the proceedings of the General Assembly or the Security Council are not of a nature to create the conditions needed for the initiation of a process of negotiations with the participation of all parties concerned, including the PLO, the representative of the Palestinian people, as recognized by the United Nations.

Under these circumstances, a particularly negative influence has had the permanent refusal of the Israeli Government to implement the provisions of the United Nations resolutions, adopted either by the General Assembly or the Security Council, even when the latter enjoyed the unanimity of its permanent members. This practice of Israel of not taking into account most of the United Nations resolutions concerning the Middle East situation is to be found in the policy pursued by all Israeli Governments since the proclamation of state independence and it has practically become total after 1967. The fact should be emphasized that even the resolutions that are not directly or implicitly related to the security problems of the State of Israel are disregarded by this Government. This attitude greatly contributes to the maintenance of a climate of mutual lack of confidence in the region, preventing the initiation of negotiations on a completely equal footing and with the participation of all parties concerned.

At the same time, the initiation of negotiations within the United Nations in connexion with the Middle East situation is strongly influenced by the international situation, by the worsening of tensions in the world, by the sharpening of confrontations among the great powers, by the continuation of the policy of domination and spheres of influence, starting from the fact that that region is a favourite ground for such a struggle. The global policies promoted by the great powers, the new hotbeds of tension appearing in other parts of the world, have - during certain periods of time - made the settlement of the Middle East conflict lose its high priority, imposed by the complex situation in the area. This fact is directly reflected in the intensity of the efforts made at the United Nations with a view to reaching a comprehensive

fair and lasting solution to the conflict in this area. If, in recent years - particularly after 1974 - the World Organization has devoted much time and room to the problems of that zone, it is first of all due to the endeavours of the Arab countries, primarily of the PLO, meant to keep the topic in the attention of the public opinion and secondly, to the fact that significant negotiations have been held about the situation in that area outside the United Nations, on the basis of the Camp David agreements.

5. Considerations on the relationship existing between the settlement of the Palestinian people's rights and the solving of the Middle East crisis

It is an undeniable truth nowadays that the recognition of the inalienable rights of the Palestinian people is the keystone of a solution to the Middle East conflict. At the same time, we cannot speak about the exercise of the Palestinian people's inalienable rights outside a global, just and lasting settlement of the conflict in that so much tormented part of the world.

A necessary prerequisite for the achievement of the Palestinian people's rights is Israel's withdrawal from the Arab and Palestinian territories occupied in the wake of the 1967 war, including from East Jerusalem. The exercise of the Palestinian people's rights, the exercise of every people's rights can and should take place within a well determined geographical framework. Without Israel's withdrawal from the occupied territories, the exercise of the Palestinian people's inalienable rights remains a mere wish which cannot come true. That is why the efforts being deployed at the United Nations should be focused on the creation of the needed conditions leading to the withdrawal of Israel from the territories occupied since 1967.

In this context, it can be said that there exists an almost unanimous understanding as regards Israel's withdrawal within its frontiers as they were before the outbreak of the 1967 war. This principle, included in the unanimously adopted resolution 242 of the Security Council has been accepted by the Arab countries at the Summit Conference held in Baghdad in 1977 and it is also to be found in the document known as the 'Fahd Plan', which seems to have a good chance to be accepted by the Arab countries.

Starting from Israel's withdrawal from the Arab territories occupied in the wake of the 1967 war, from the settlement of the Palestinian people's issue, through the exercise of their inalienable rights, including the right to self-determination and the creation of their own independent state, the security and independence of all states in the region should be ensured, including that of the future Palestinian State. In order that the efforts to be made in this line be conducive to positive results, the PLO should participate, on a completely equal footing, in all negotiations concerning the future of the Palestinian people.

Of outstanding importance is the achievement of the unity of action of all Arab countries in their combined efforts aimed at the overall settlement of the Middle East conflict on a just and lasting basis. In this connexion, an important role could be played by the adoption of a joint platform of action, based on viable and realistic provisions whose implementation could make

successful the present efforts related to the 'Fahd Plan'. Such a programme is the more necessary as it becomes ever more obvious that the present negotiations on the Palestinians' autonomy held under the Camp David agreements cannot be conducive to positive results.

The element 'time' should be also carefully taken into account. According to certain views, before starting a new process of negotiations, the rebuilding of the balance of forces in the Middle East which, at present would be in favour of Israel, should be firstly needed. Without discussing the validity of this viewpoint - although, while estimating the ration of forces in the Middle East, account should be also taken of the wide international support enjoyed by the Palestinian people, by the Arab cause, in general - it could be mentioned that the prolongation of the present situation, awaiting the establishment of a new balance in the ratio of forces, is primarily to the prejudice of the Palestinian people, prolonging their sufferings and frustrations. At the same time, the fact that Israel is allowed to continue its present policies in the occupied territories, could result in a considerable diminution of the importance of the presence of the Palestinian factor itself in the West Bank and Gaza Strip. Moreover, the lack of clear prospects in negotiations is leading to the escalation of violence, encouraging extremist elements on both sides, thus removing the chances of reaching a mutually acceptable solution. That is why it is necessary that the political efforts be intensified in this line, considering that the solving of the Middle East situation and the settlement of the Palestinian people's issue is one of the most urgent concerns of our epoch.

6. Viewpoints related to possible coming actions taken within the United Nations in favour of the exercise by the Palestinian people of their inalienable rights

Starting from the belief that the United Nations has further an essential role to play within the endeavours being made in the world arena towards the establishment of a comprehensive, just and lasting peace in the Middle East, we will try to outline several possible actions which could be taken into account by the world Organization.

Thus, it appears as necessary to continue the efforts by the Committee for the exercise of the inalienable rights of the Palestinian people which has an important part to play in the promotion of the just cause of the Palestinian people. To this end, a particularly useful activity is the wide dissemination of the Committee's reports, of the viewpoints expressed during the Seminars especially organized for a thorough understanding of the Palestinian people's inalienable rights. At the same time, the Committee, acting in its capacity as a Preparatory Committee of the International Conference on the Question of Palestine 30/, to be held by 1984, has an essential role in determining an appropriate participation of governments, in making the proceedings of the Conference really contribute to the finding of solutions that should enjoy the consensus of the participants. The attraction to the preparation of the Conference of as many states as possible, as well as the appropriate preparation of the documents of the Conference, are highly important tasks facing the Committee.

The United Nations Security Council continues to have an important role in the achievement of progress towards the settlement of the Middle East conflict, of the Palestinian issue. In this respect, it would be a very positive fact if the recommendations of the Committee for the exercise by the Palestinian people of their inalienable rights could be adopted by the Security Council.

The possibility of the adoption of a new resolution of the Security Council could also be considered, drafted on a balanced basis, which should refer both to the recognition of the Palestinian people's inalienable rights and to the securing of the right to free and independent existence of all states in this area. Such a resolution could also encourage the de jure mutual recognition between Israel and the PLO which would be of great importance in the peace negotiations and a positive contribution in this direction. As a matter of fact, this problem has already been an item on the agenda of the Council and the efforts made to this end during 1976 31/ were close enough to a final positive result. We emphasize that the adoption of such a resolution would be of a nature to give a fresh impetus to the negotiations but, at the same time, it does not seem to be an indispensable action, in the sense that the lack of such a resolution cannot be considered as an insurmountable barrier against the promotion of the peace process of the basic negotiations.

The United Nations Secretary-General could also play an important role In this direction, it should be mentioned that an appeal was recently addressed to him by the Ministerial meeting held in Kuwait of the Coordination Bureau of the Non-Aligned Countries, to contact all parties concerned in the Arab-Israeli conflict, in an international endeavour towards a just and lasting settlement in this area.

As regards the United Nations General Assembly, it would be very useful if it would decide the convening of an International Conference, with the active participation and under the aegis of the United Nations to which there should be invited all the parties concerned, including the PLO - as the sole legitimate representative of the Palestinian people - as well as the State of Israel, the Soviet Union and the United States; this Conference should take actions towards a comprehensive solution to the complex situation in the Middle East.

We would like to stress here that the idea of convening such a Conference was put forward by the President of the Socialist Republic of Romania, Mr. Nicolae Ceausescu, as far back as April 1979, that is only several days after the signing of the Camp David agreements 32/. In the conception of the Head of the Romanian State, such a Conference should form a new framework for distinct negotiations, different from that created by the Camp David agreements. Under the present circumstances in the world arena and, particularly, in the Arab world, such a Conference - in order to be successful - should not aim at the rejection or welcoming of the Camp David agreements. On the contrary, it should deal exclusively with the major unsolved issues of the Middle East conflict, namely Israel's withdrawal from the territories occupied in 1967 and the recognition of the Palestinian people's inalienable rights, including their right to self-determination and the establishment of their own independent state.

Apart from the participation of the Arab countries, the PLO and Israel, the proposal concerning the convening - within the United Nations - of an International Conference for the reaching of a comprehensive solution to the Middle East conflict, has in view the participation in the debates of the Soviet Union and the United States in their capacities as former co-chairmen of the Geneva Conference, as well as of other states which, during the course of time, have steadily acted in favour of a solution to the conflict in the area and which can make their own valuable contribution to the endeavours aiming at the settlement of the conflict. There could be considered, in this respect, the participation of a number of Arab and Islamic countries having direct responsibilities as regards the future of Jerusalem city, as well as the participation of some European and Mediterranean countries, of certain non-aligned countries and so on. This does not mean a plea for a very long list of countries, because such an approach would have little chance of action. It is obvious, at the same time, that the participation list should be carefully prepared and it should enjoy the agreement of all parties directly concerned. However, being convened by the United Nations General Assembly, a close connexion between the Conference and the General Assembly is necessary, a system of reporting about the activities carried on, in order that, finally, the United Nations General Assembly, the whole international community should be in a position to give the international guarantees needed by the solutions that would be reached within the Conference. In such a framework, a favourable solution could also be found to the acute problems that no long ago were on the agenda of the Security Council and the Special Session of the United Nations General Assembly, namely the renunciation by Israel of the annexation of the Golan Heights and the giving back of this territory to Syria.

In this view, it is highly important that at such an International Conference the Arab countries should adopt a joint platform of action, previously agreed upon and, in this respect, the Fahd Plan could be a good point of departure. As a matter of fact, many observers agree that these proposals of Saudi Arabia, included in this Plan could be considered as complementary to the proposal for the convening of an International Conference within the United Nations, for the achievement of a comprehensive settlement in the Middle East. At the same time, such a Conference would also meet the positions clearly and repeatedly expressed by the PLO leadership in favour of concrete actions within the United Nations for the solving of the situation in the region.

Undoubtedly, steady political and diplomatic efforts are required in order that the convening of a Conference of this type became possible. But the seriousness and urgency of the problems raised by the continuation of the Israeli occupation in occupied territories as well as Israel's repeated refusal to recognize the inalienable rights of the Palestinian people make it necessary that no effort be spared for the reaching of a comprehensive, just and lasting settlement of the situation. The actions to be taken in favour of the convening of the Conference should be characterized by insistence and also by discretion and tact, for avoiding the escalation and confrontation, for the creation of the international political climate favourable to a positive and constructive dialogue.

For this purpose, the creation of a Committee composed of United Nations member countries appears necessary. Such a Committee should have a composition acceptable to all parties in the conflict and, through steady efforts, should be able to bring closer the stands of the directly interested parties, in order to facilitate the convening of the Conference. Such a working body of the United Nations General Assembly could have the role of a Preparatory Committee of the Conference and could carry on its activity in close co-operation with the Committee for the exercise of the inalienable rights of the Palestinian people, on the basis of the mandate entrusted by the General Assembly, aiming at the promotion of the just cause of that people whose achievement - as shown before - is directly linked to the settlement of all complex issues of the Middle East.

7. Conclusions

- The United Nations Organization has huge responsibilities in the continuation of endeavours towards the comprehensive settlement of the Middle East situation and, in this framework, the settlement of the Palestinian people's issue.
- There should be emphasized the contribution made so far by the United Nations in support of the exercise by the Palestinian people of their inalienable rights. The positive experience gathered so far in this field constitutes a good basis for the initiation of fresh actions towards the establishment of peace in the area and the achievement of the Palestinian people's legitimate rights.
- The settlement of the Palestinian issue objectively requires for an overall, fair and lasting solution to the Middle East conflict, based on Israel's withdrawal from the territories occupied in the wake of the 1967 war. On this basis, an understanding could be reached that should guarantee the right to existence of all peoples in the zone.
- The United Nations is far from having exhausted all means of action as regards the settlement of the Middle East conflict; the world Organization further remains the most appropriate international framework capable to contribute to the solving of the conflict in the zone.
- The convening of an international peace conference for the Middle East within the United Nations could be one of the feasible realistic and constructive solutions to the problem.
- In all the efforts being made within the United Nations for the settlement of the Middle East situation, for the exercise by the Palestinian people of their legitimate rights, it is necessary that the PLO should participate on a completely equal footing.
- The settlement of the complex issues in the Middle East requires urgent actions. The attention should be focused on the finding of realistic solutions that should be beneficial to all countries and peoples in the area, to the cause of world peace and security. The achievement of progress in the settlement of the Middle East situation will have a positive role in the improvement of the international situation as a whole.

FOOTNOTES

1. Article 1, paragraph 2 of the United Nations Charter.
2. Article 1, paragraph 1, and Article 2, paragraph 3 of the United Nations Charter.
3. Resolution "Future Government in Palestine"(181/II) establishes the detailed plan for the partition of Palestine, the preparatory measures for the access to independence of the two states whose creation was suggested, the religious rights of the minorities, the frontiers separating them, the status of the city of Jerusalem ("corpus separatum"). Through the provisions of the Resolution, the United Nations Commission on Palestine has been created, including Bolivia, Czechoslovakia, Denmark, the Philippines and Panama - a body which theoretically has not yet been abolished.
4. Resolutions on the status of Jerusalem adopted by the United Nations General Assembly: 185(ii); 187(II), 303(IV), 2253(SS-V), 2254(SS-V), as well as all the resolutions adopted in connexion with the question of Palestine.
5. United Nations resolutions on the assistance granted to the Palestinian population: 212(III), 302(IV), 393 (V) and all the resolutions adopted on the UNRWA activity; 3419 (XXX) B; 32/111; 33/81; 33/110; 34/29; 34/133.
6. Resolutions of the United Nations General Assembly concerning the return of the Palestinian population to their homes: 194(III), paragraph 11 and the majority of resolutions adopted on the UNRWA activity, the human rights in the occupied territories and the Palestinian issue.
7. Resolutions of the United Nations General Assembly on the humanitarian assistance granted to the Palestinian population: 2252 (SS-V) and most of the resolutions adopted on the UNRWA activity.
8. Resolutions of the United Nations General Assembly on the observance of human rights in the occupied territories: 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI), 3092 (XXVIII), 3240 (XXIX), 3525 (XXX), 31/106, 31/186, 32/91, 33/113, 34/44, 34/90, 36/147.
9. The United Nations General Assembly has adopted many resolutions on the Middle East situation; since 1967 it has been a permanent item on the agenda of the ordinary sessions and it has been materialized in specific resolutions.
10. Resolutions of the United Nations General Assembly on the question of Palestine: the majority of resolutions on the Middle East and the UNRWA activity and, starting from 1970, annually, specific resolutions, concerning this item on the agenda, made up of several parts.
11. Resolutions adopted at the special sessions of the United Nations General Assembly with reference to the question of Palestine: 997-1003 (SS-V), 2252 and 2253 (SS-V).

12. The Special Session of the United Nations General Assembly of July 1980 adopted resolutions ES-7/2 and ES-7/3.
13. Complaints against Israel have been regularly discussed by the Security Council at the request of various Member States, following the non-observance by Israel of the Security Council resolutions.
14. Resolutions of the Security Council adopted in connexion with the truce between Israel and the Arab countries in 1948-1951: 46, 48, 49, 80, 53, 54, 56, 59, 61, 62 of 1948, 73 (1949), 89 (1950), 93 and 95 (1951).
15. Resolutions of the Security Council adopted as a result of the situation created by the military conflicts in 1956, 1967 and 1973: 113, 114, 118, 119 of 1956; 233, 234, 235, 236, 237, 240, 242 of 1967; 331, 332, 337, 338, 339, 340, 344 of 1973.
16. Resolutions of the Security Council concerning the military disengagement agreements of 1974: 350 and 363 (1974).
17. Resolutions of the Security Council concerning Jerusalem; 252 (1968); 267 (1969); 271 (1969); 298 (1971); 465 (1980); 476 (1980); 478 (1980).
18. The Security Council has deplored or condemned the actions taken by Israel in the occupied territories in many resolutions among which 444, 446, 450, 452, etc.
19. The United Nations General Assembly has adopted more than 25 resolutions on the peace keeping forces.
20. The UNRWA activity is reflected in 34 resolutions of the United Nations General Assembly (starting from 1950 at least one resolution annually).
21. Resolution 33/147 of 1978 recognizes the right of the Palestinian people to benefit by technical assistance under the United Nations Development Programme as well as by the programmes of assistance granted by various international organizations within the United Nations system.
22. Resolutions of the United Nations General Assembly on the status of the PLO: 3210 (XXIX) - invitation of the PLO to participate in the proceedings of the General Assembly on the question of Palestine; 3237 (XXIX) - status of an observer granted to the PLO; 3375 (XXX) - invitation of the PLO to take part in the peace oriented efforts in the Middle East.
23. Through resolution 3236 (XXIX) of 1974, the United Nations General Assembly sanctioned - with a great majority of votes - the inalienable rights of the Palestinian people.
24. For the first time at the United Nations, in resolution 2535 (XXIV) B of 1969 of the General Assembly, reference is made to the inalienable rights of the Palestinian people and not only to the "Palestinian refugees". Resolution 2672 (XXV) C of 1970 recognizes the need for the exercise by the Palestinian people of the right to self-determination, emphasizing that the observance of the Palestinian people's inalienable rights is an essential prerequisite for the establishment of a just and lasting peace in the Middle East.

25. Through resolution 3376 (XXX) of 1975 of the United Nations General Assembly, there was created the Committee on the Exercise of the Inalienable Rights of the Palestinian People, including 20 states which subsequently became 23. Romania is a member of this Committee.
26. Resolutions of the United Nations General Assembly on the creation and activity of the Special Unit within the Secretariat which is dealing with the Palestinian issue: 32/40 B, 33/28 C, 34/65 D.
27. At the beginning of April 1982, the United Nations Secretary-General, Javier Pérez de Cuellar, referring to the fact that the Israeli and PLO delegations are taking part together in the proceedings of the Security Council on the Middle East, appreciated that it was practically tantamount to a mutual recognition.
28. The numerous resolutions of the United Nations General Assembly and Security Council make direct reference to the need for a peaceful settlement of the Middle East situation: 2627 (XXV), paragraph 4, resolutions on the Middle East situation resolutions 242 and 338 of the Security Council, etc.
29. The idea of convening a peace conference for the Middle East is to be found in resolutions 3414 (XXX), 31/62, 32/20, 33/39, 34/70 of the United Nations General Assembly as well as in many resolutions of the Security Council beginning with 338 (1973).
30. Through resolution 36/120 C of 1981, the United Nations General Assembly decided the convening of an international conference on the question of Palestine, not later than 1984 to which the Committee on the Exercise of the Inalienable Rights of the Palestinian People, will be a Preparatory Committee.
31. In 1976, Romania was a non-permanent member of the Security Council.
32. The initiative of the President of the Socialist Republic of Romania as regards the convening of an international conference for peace in the Middle East was first put forward in April 1979 and then resumed in many speeches about the foreign policy, in interviews, talks with the representatives at the highest level of the countries directly concerned as well as the PLO leadership. At the 36th session of the United Nations General Assembly, the Head of the Romania Delegation - the Romanian Foreign Minister - officially submitted the proposal that the General Assembly decide the convening of such a Conference.

THE ROLE OF THE UNITED NATIONS AND THE SEARCH
FOR EFFECTIVE MEASURES TO ENABLE THE PALESTINIAN PEOPLE
TO ATTAIN AND EXERCISE ITS RIGHTS

Giancarlo Pajetta

Wherever they are dispersed, the Palestinian people are united through their national sentiment and the consistent, authoritative and tenacious guidance of the Palestine Liberation Organization in a desire to become a nation state. This has been demonstrated on numerous occasions. Such an objective has been recognized as a legitimate one by the major political forces, the larger masses and the influential personalities of every country. It has been sought even through the sacrifice of the participants and martyrs in the liberation struggle, in affirmation and defence of the national identity of this people.

I believe, however, that our pursuit of a realistic political settlement should set as its objective the need by the Palestinian people to see recognized their right for their own State by governments and international organizations which already recognize for Israel the right to a State which in fact it already enjoys.

An essential step in this direction is the recognition of the PLO as the legitimate representative of the Palestinian people and therefore a protagonist in the negotiations leading to the establishment of a Palestinian State. At this stage, the need for such a step supercedes even the question of how and why a Palestinian State can be defined and brought into being. The PLO must be recognized as the organization enjoying the right to represent Palestine during the period of transition and until a government which enjoys Parliamentary support is freely elected.

In support of the right for the establishment of a Palestinian State, it is useful to recall the rights recognized for the Palestinian people in the United Nations resolutions of November 1947. These resolutions were formulated before the 1948 conflict and are therefore unrelated to the various territorial claims and frontier controversies which arose following the outcome of that conflict.

It is important to underline the political and legal significance of the present of a PLO representative at the United Nations on 22 November 1974, even though under a special status. Equally significant is the statement made to the United Nations General Assembly on that occasion by Yasser Arafat in his role as Chairman of the PLO and leader of the movement for the liberation of Palestine.

In this context, it is necessary to recall the resolutions of the United Nations General Assembly dealing with the rights of the Palestinians in order to examine and define the capacity of the United Nations to launch or encourage a process leading to a settlement of the problem. These

resolutions have highlighted the question of the status of the refugees in relation to their organization and to international law, a status which is a sad reality but which represents the negation of a Palestinian nation and therefore presents an insurmountable obstacle to any negotiated settlement.

Frequently the government and political theorists have raised the issue of what the PLO statute has to say with respect to Israel. This is a misleading argument raised only with the purpose of justifying a refusal to deal with the PLO, in fact to deny its recognition.

We are led to believe that the recognition of the State of Israel by the PLO is a basic precondition. On the contrary, however, it is the PLO which must be given recognition since this will give it a juridical status, enabling it in its turn to recognize the State of Israel as a party in the dispute on the basis of a parity which today does not exist.

Israel is already a member of the United Nations and enjoys virtually a universal recognition by all other Member States.

In this context, it should be remembered that even those States which have broken off diplomatic relations with Israel do not contest Israel's right to exist. The severance of diplomatic relations followed the forceful annexation of Arab territories, and further condemnations have followed, even by the United Nations and Israel's friends, in the wake of the annexation of the Golan Heights, the unilateral decisions relating to Jerusalem and the illegal and aggressive presence in Gaza and on the Left Bank. The recognition of Israel however pertains only to its legitimate territory and awaits the restitution of lands illegally annexed by force.

It is therefore necessary to identify a forum in which Israel and the PLO can both participate. Here we already have a possible role for the United Nations. Such a joint participation would imply a reciprocal de facto recognition. It would also open the way for an eventual de jure recognition if it were possible to deal with matters of substance, in particular the recognition of the right of the Palestinian people to establish a State of their own.

It will be borne in mind that the Vance-Gromyko Declaration of 1 October 1977 moved in the direction of seeking a solution which would ensure the legitimate rights of the Palestinian people. Even before that, a similar objective was intended in the launching of the Geneva Conference under the co-chairmanship of the United States/USSR, and which aborted after the first session.

We still believe in this Conference because we maintain that, after the initial difficulties are overcome, it could accommodate a Palestinian representation. At that point, it would be possible to examine methods of operation which would by-pass negative attitudes and preconditions and open the way to a discussion of matters of substance.

The presence of Israel and the PLO at the negotiating table would in any event eliminate a number of purely procedural difficulties. It is not unrealistic to assume, indeed to assert, that once there is a meeting, there is recognition.

It is even possible to argue that the undeniable fact that Israel and the PLO are both sitting at the United Nations, admittedly under anomalous conditions, gives rise to a form of mutual recognition and therefore already eliminates a number of difficulties.

Are the controversies surrounding resolution 242 the only manner in which we can today approach the problem? If so, they will not resolve it.

Can we consider the Venice Declaration by the European States as a step forward not to be ignored? Certainly, on condition that this Declaration is not rejected, in practice if not in theory, through the sending of military forces to the Sinai in support of the separate solution proposed by Camp David, a solution condemned by all Arab States with the exception of Egypt.

We regard Camp David as a futile and sudden move dictated by the interests of one super-Power to assert its presence in this region of the Mediterranean and the Arab world and to exclude the other super-Power whose role as co-president was recognized in Geneva.

At this point the United Nations must ask itself what action it could take through its appropriate organs, including a possible initiative by the Secretary-General.

It is important to encourage the growing bilateral recognition of the PLO, in particular at the intergovernmental level. The latest recognition by a free and democratic Greece certainly has had its solemn impact.

It is essential that a representative of the PLO is given the opportunity to participate in all meetings organized by the United Nations and its related organs.

The United Nations cannot accept that its refusal to recognize unilateral acts by Israel be considered as a futile protest, an empty and verbal ritual.

It is opportune, indeed urgent, to request Egypt, Israel, the United States and the other countries involved to reassess developments in the Sinai.

A definitive solution which would restore to the Palestinian people a secure and sovereign homeland and which would provide a guarantee for security and co-operation in the region, requires an agreement among all peace-loving states in the Mediterranean and the return to a situation of security and normality in the region.

The major powers must and should be involved; neither should expect to act in isolation from the other. At the same time they have to realize that, while an understanding between them is a necessity, other countries cannot be excluded. Furthermore, account must be taken of the need for a sovereign and non-aligned Palestine.

It is conceivable that the United Nations could promote the establishment of an ad hoc commission to circumvent the controversies surrounding the Geneva Conference or the Camp David Agreements ? This could indeed be an act of good will, even a step towards a solution. It cannot however be imposed by force.

A United Nations presence can only play the role of supervising the transition towards sovereignty. This can only materialize once an agreement is reached, with PLO participation, on the right of the Palestinians for a state which represents them and a government, albeit transitional, through which they can express their aspirations.

After the 5 April, a new initiative by the United Nations, through its Secretary-General, is essential to eliminate the possibility of the emergence of an attitude which jeopardized further action and which leads to the conclusion that matters could stall indefinitely. It is for this reason that we believe that an intervention by the United Nations is not only possible but is necessary and should not be delayed.

LEGAL ASPECTS OF THE UNITED NATIONS
RESPONSIBILITY FOR THE IMPLEMENTATION OF THE
INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

Ingo Schoenfelder

It is undoubted that the conflict situation in the Middle East as an outflow of the inseparably intertwined question of Palestine and the Middle East problem as a whole is in the first place a political, military and economic issue. Nevertheless, considerable importance has to be attached to the legal aspect of that complex international issue, which has been a permanent threat to peace. Historical experience has taught that it is more effective to struggle relying on the law than defying the law. This holds also true for the Middle East problem. But just in this connexion the importance of the law is frequently underestimated, the reasoning being that a lasting solution to the conflict was only possible via political compromise. That argument is no doubt justified. It should be noted, however, that general international law is the only legitimate yardstick to evaluate the rights and duties of the parties to the conflict and their conduct in international relations. An acceptable political compromise can only issue from the fundamental principles of international law. And finally, such a compromise must be reflected in concrete agreements in terms of international law. Stability and security in that region cannot be guaranteed otherwise. Along these lines, international law remains the only legal basis for new legal norms in the struggle for a just solution of the question of Palestine.

In view of Israel's refusal over the decades to respect the inalienable rights of the Palestinian people, one partial aspect of the entire legal problem is the question about the competence of the United Nations in this relationship of tension. It is evident that the international legal responsibility of this universal intergovernmental organization is for the implementation of the rights of a people that has not yet attained statehood. The United Nations, though, is an organization of States and not of peoples. Therefore, the Palestinian people can only assert its membership in this Organization after having established its own State which is still being denied to them. In the face of this situation the question is to what extent the rights of the Palestinian people flow from international law and come under the United Nations sphere of competence.

I. The international legal relevance of the inalienable rights of the Palestinian people

The term "inalienable rights of the Palestinian people" ^{1/} comprises a whole catalogue of rights: the right to self-determination without external interference; the right to return to Palestine; the right to self-defence; the right to national independence and sovereignty; the right to establish its own state; and others. These rights in their

entirety reflect the specific features of the Palestinian people's history and define the legal contours of the unsettled question of Palestine. Their weight in international affairs is characterized by the fact that they flow from or are based upon the fundamental principles of international law as embodied in Articles 1 and 2 of the United Nations Charter. In other words, the inalienable rights of the Palestinian people are no subjective assumption, but derive from the general principles of international law which are vested with cogent legal force through custom and accord and are equally binding on all States and other subjects of international law.

In this connexion, the jus cogens principle of equality of rights and of the right to self-determination is of first rate importance for a just solution of the national question of the Arab people of Palestine. It provides that "all peoples have the right to freely 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". 2/

This authentic interpretation of the right to self-determination, unanimously adopted by states, contains essential precepts. First of all, all peoples without exception, i.e. also the Palestinian people, have the right to self-determination. At the same time, all peoples, in accordance with the right to self-determination, have international personality. Consequently, also the Palestinian people is a subject of rights and duties in international relations in so far and as long as it is deprived of its right to freely determine its political status, including its right to an independent sovereign state.

These precepts are confirmed by international practice. More than 100 states have official relations with the PLO; and the United Nations has granted it observer status. 3/ By taking that step, the United Nations not only reaffirmed the Palestinian people's international personality which was for the first time declared in General Assembly resolution 181 (II) of 29 November 1947, but also recognized the representative organ established by that people as the specific and historical subject of its right to self-determination.

With regard to the practical implementation of this right, all states are obligated to respect this right on account of its jus cogens character and its definition in the United Nations Charter. Hence, the primarily internal affair of a people to determine its political and economic status becomes relevant internationally and, consequently, relevant under international law in so far as that particular people is prevented by other States from freely exercising its right to self-determination.

Israel has kept the entire former mandated territory of Palestine under its control since 1948. The legal personality of the Palestinian people which derives from the principle of self-determination, has been ignored and its decision-making capacity on its internal affairs without external interference obstructed by force. Since the inalienable rights of the Palestinian people are protected by international law, their violation automatically evokes the international responsibility of the State of Israel.

II. The international responsibility of the State of Israel

Responsibility under international law always arises for a State when it fails to fulfil its obligations under general international law or the law of treaties vis-à-vis one or several other subjects of international law. The facts constituting such breach of the law as an elementary prerequisite of Israel's responsibility with regard to the Palestinian people have existed, at the latest, since the 1967 war of aggression and the subsequent occupation of all Palestinian territories. While legal consequences ensue from the responsibility thus created, their specific details result from the nature of the particular breach of the law.

International law distinguishes between "international crimes" and "international delicts". The unlawful acts by Israel vis-à-vis the Palestinian people come under the category "international crimes", 4/ which comprises primarily all breaches of the peace and especially military aggressions covered by the prohibition of the threat or use of force precept established in paragraph 4 of Article 2 of the United Nations Charter. This category also comprises breaches of obligations arising from the principle of equal rights and self-determination embodied in paragraph 2 of Article 1. The connexion between these two binding principles was emphasized by the United Nations General Assembly by stating "that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security". 5/ In other words, not only a war of aggression as such but also the maintenance of the occupation of foreign territories by force are constant violations of the prohibition to use force and of the right to self-determination. In reaffirming that the "acquisition of territories by force is inadmissible" and in demanding "the withdrawal of Israeli armed forces from territories occupied in the recent conflict", 6/ the Security Council established Israel's specific responsibility ensuing from its actions back in 1967.

The Palestinian people appears as the first and direct rightful claimant with regard to Israel's responsibility. As a result of aggression and occupation and, in the case of Jerusalem, of annexation, that people may have recourse to all enforcement measures admissible under international law, in particular self-defence, reprisals and the right to compensation and restitution.

But the legal relationship between the State breaking the peace and the state directly afflicted is not the only constituent element of an international crime. Above all, such a crime gives rise to legal relationships with the international community as a whole, indeed with all subjects of international law. This concept, which was laid down in the Covenant of the League of Nations, 7/ has been elaborated in paragraphs 5 and 6 of Article 2 of the United Nations Charter. These paragraphs provide for a general obligation of all States to refrain from giving assistance to an aggressor while cooperating with the United Nations in opposing the aggressor.

Any breach of the peace by non-observance of the prohibition to use force and of the right of peoples to self-determination affects all subjects of international law. All of them, individually and collectively, have a right to the restoration and maintenance of the peace. Responsibility for breaches of the peace therefore involves not only a bilateral but also a multilateral and a universal legal relationship. It is not only designed to protect the party attacked but serves also the entire community of States.

Consequently, Israel's international responsibility is not limited to such relationship with the Palestinian people. Due to the serious character of the breach of the law by Israel, its responsibility covers also a relationship with all other States and with the international Organization which was specifically established by them for the safeguarding of peace - the United Nations.

III. The United Nations international responsibility

The capacity of international intergovernmental organizations to be subjects of international legal responsibility derives from the fact that States have conferred upon such organizations certain rights and duties in the conduct of international affairs. In this context, the United Nations plays a special role. It is the most universal of such organizations with the most extensive rights and duties to promote peaceful co-operation and ensure collective security in the world. The multilateral instrument upon which it is founded - the Charter - established the fundamental principles of international law as binding on all peoples, States and international organizations. Thus, the Charter is not only a yardstick for lawful conduct in international relations but also the overriding rule of interpretation to clarify the content of norms of international law which exist or will be established.

While the special nature of the United Nations and its Charter imply that the majority of international issues will, in one way or another, fall within the competence of the United Nations system, the United Nations nevertheless is not independent in its operations. By virtue of the special nature of its international personality as derived from the States Members, it can perform its rights and duties only with and through its Members. It is not an association existing above States but one founded by States for States on the basis of their sovereign equality. With respect to international responsibility, a distinction has therefore to be made between its competence in the event of specified breaches of the law on the one hand, and its possibilities to perform that responsibility in practical terms and with the help of States, on the other hand.

As far as the inalienable rights of the Palestinian people are concerned, the United Nations responsibility arises firstly from the fact that one of its Members, Israel, has violated the Charter. It was not the United Nations that acted against the prohibition of the use of force or the Palestinians' right to self-determination, for instance by the conduct of any of its officers, but rather Israel that did so by pursuing an aggressive policy of occupation and annexation. Secondly, the United

Nations responsibility derives from its duty under Articles 1 and 2 of the Charter to ensure that the fundamental principles of international law are being observed vis-à-vis all subjects of international law and to take measures in accordance with Chapter VII in the event of violations thereof as a result of threats to the peace, breaches of the peace, and acts of aggression. Finally, its responsibility arises from the fact that the Palestinian people has been recognized as a subject of international law. Hence the Palestinian people, represented by the PLO, is entitled to assert claims in respect of Israel's breaches of the law not only vis-à-vis the aggressor, but also in and through the United Nations.

Concerning acceptance of its own responsibility, the United Nations has a record of achievements. These lie predominantly in condemning Israel's practices in violation of international law and in giving substance to the Palestinian people's right to self-determination.

The Organization laid down its fundamental position on Israel's policy in contravention of the prohibition of the use of force in Security Council resolution 242 of 22 November 1967. That resolution was the first direct reaction to the aggression committed against several Arab States and the Palestinian people, but it failed to provide a concept for the solution of the question of Palestine. Moreover, the United Nations declared as null and void the annexation by Israel of Jerusalem and, more recently, of the Golan Heights. In these cases the United Nations complied with its duty not to recognize any benefits resulting from acts of aggression, a duty which became universally relevant with the Briand-Kellogg Pact and was incorporated in the Declaration of Principles governing friendly relations among States (Res. A/2625(XXV) of 24 October 1970).

Concerning the right to self-determination in this particular case, a complicated process has been under way within the United Nations in dependence on the balance of forces within the Organization and the contours of the Palestinian national movement. Resolution 181 (II) of 29 November 1947 enunciated for the first time the right to self-determination of the Arab people of Palestine, including its right to a State of its own. Based on that document, resolution 194 (III) of 11 December 1948 formulated the right of return. Under the new conditions following Israel's aggression in 1967, this position was affirmed in resolutions 3236 and 3237 of 22 November 1974 as well as in resolution ES - 7/2 of 29 July 1980. The evolution over the years is not merely reflected in the fact that the PLO has been recognized as the legitimate representative of the Palestinian people but that the latter's inalienable rights have been specified. It has thus been confirmed in explicit terms that reducing the question of Palestine to a refugee problem is not in line with the legal positions held by the majority of United Nations Members and the Organization itself.

No doubt, the fact that the United Nations itself has declared its responsibility for the inalienable rights of the Palestinian people marks a step forward. But in light of the continuing violations of these rights by Israel, there is an urgent need for the Organization to translate this responsibility into practical terms. The point is not to employ means in order to clarify contentious law but to enforce existing law or, more specifically, to apply enforcement measures pursuant to Chapter VII of the Charter.

Aware of their experience in fighting fascism, the States conferring on the Security Council primary responsibility for the maintenance of peace (Article 24) deliberately set up a universal system of collective security. That system gives the Security Council the right and the duty, in the event of international crimes which constitute a threat to the peace, breach of the peace, or act of aggression, to take the necessary measures in accordance with Articles 41 and 42, i.e. sanctions for the purpose of restoring international peace and security.

The General Assembly called on the Security Council to discharge the responsibilities assigned to it by Chapter VII. 8/ That request has not been met as yet. It was the United States which have on all occasions prevented the adoption of a decision to this effect. The assertion that the United Nations was not carrying out its responsibility under Chapter VII is, to say the least, unprecise. An absolute majority of the United Nations Members, and the Security Council Members, have declared their willingness to act in accordance with their obligations under the Charter. It was precisely for that reason that the United States felt compelled to join, as a minimum step, with other nations in condemning certain breaches of the law by Israel, e.g. its aggression in 1967 or its annexation of Jerusalem. 9/ Preoccupied by its imperialist and pro-Zionist drive for domination in the Middle East, the United States refuses, however, to draw from these formally stated legal positions the necessary consequences in the form of sanctions. The reason for the Security Council's ineffectiveness in these questions lies in the fact that the United States has blocked the adoption of enforcement measures against the Israeli aggressor. Thus, the United States practice of using its veto power has been the main obstacle to the restoration of peace with the help of the Security Council and to further progress in the United Nations endeavour to discharge to the full its responsibilities concerning the question of Palestine.

Given these circumstances it would seem appropriate to give more thought to the idea of an international conference on the Middle East. Based on the Charter and the pertinent decisions of the Organizations, and with the participation of all the parties to the conflict, such a conference would, with regard to the inalienable rights of the Palestinians, have the following three major tasks:

- to assure the material foundations for the existence of the Palestinian people by settling the territorial question;
- to fix indemnification claims against the aggressor State, Israel;
- to elaborate international legal guarantees designed to ensure compliance with the arrangements made.

The United Nations, in seeking the convening of such a conference and its success, could discharge an essential part of their international legal responsibility for the Palestinian people who is fighting for a sovereign State of its own.

FOOTNOTES

1. This term was used by the General Assembly for the first time in resolution 2535 (XXIV) of 10 December 1969.
 2. Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations of 24 October 1970 (Res. A/2625 XXV)).
 3. Resolution 3237 (XXIX) of 22 November 1974. See also Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character, 14 March 1975.
 4. Under the heading "International crimes and international delicts", Article 19 of the "Draft articles on State responsibility", adopted by the International Law Commission of the United Nations, says, inter alia, "... on the basis of the rules of international law in force, an international crime may result, inter alia, from:
 - (a) a serious breach of an international obligation of essential importance for maintenance of international peace and security, such as that prohibiting aggression;
 - (b) a serious breach of an international obligation of essential importance for safeguarding the right of self-determination of peoples, such as that prohibiting the establishment or maintenance by force of colonial domination; ..."
- See General Assembly, Official Records: Thirty-first session, Supplement No. 10 (A/31/10), pp. 170.
5. Resolution A/2625 (XXV) of 24 October 1970.
 6. Security Council resolution 242 (1967) of 22 November 1967.
 7. Article 11 of the Covenant of the League of Nations says, inter alia, that "any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League ...".
 8. See General Assembly resolution 2625(XXV) of 24 October 1970.
 9. Security Council resolutions 476(1980) of 30 June 1980 and 478 (1980) of 20 August 1980.

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Kuwait
Libyan Arab Jamahiriya
Malta
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Pakistan
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Yugoslavia
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Participating observers

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