



DIVISION FOR
PALESTINIAN RIGHTS

THE SEVENTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

Theme: "The Inalienable Rights of the Palestinian People"

9 - 13 August 1982

Dakar, Republic of Senegal

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1. REPORT OF THE SEMINAR

1. The Seventh 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 Centre International d'Echanges, Dakar, Republic of Senegal, from 9-13 August 1982. Seven meetings were held and 14 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 H.E. Mr. Massamba Sarré (Senegal), Chairman of the Committee; Mr. John Aje (Nigeria); Mr. Cheick Cissé (Mali); Mr. André Tahindro (Madagascar); and Mr. Alexandros Vikis (Cyprus) who served as Rapporteur of the Seminar.
3. The Seminar was opened on 9 August 1982 by H. E. Mr. Habib Thiam, Prime Minister of the Republic of Senegal on behalf of H.E. Mr. Abdou Diouf, the Head of State of the Republic of Senegal. H.E. the Prime Minister expressed the great concern felt by the Government and people of Senegal regarding developments on the question of Palestine. For this reason, he declared, the President of the Republic of Senegal had welcomed the opportunity to provide the venue for the seminar. He reaffirmed Senegal's consistent support for the Palestinian people in its efforts to attain and exercise its rights. The failure to find a just, comprehensive and lasting solution for the problem of Palestine endangered international peace and security. In this context, Senegal once again called for Israel's withdrawal from all the territories it has illegally occupied, including the Holy City of Al Quds. He strongly condemned Israel's aggression in Lebanon. In the opinion of Senegal, the aspirations of a people or nation could not be destroyed by aggression. Senegal's participation in UNIFIL reflected its active interest and concern in the Middle East problem, in general, and in the question of Palestine, in particular.
4. At that session Mr. Massamba Sarré, Chairman of the Committee, gave an account of the Committee's work and referred to the tragic events in Lebanon in the months of June and July this year. He referred also to the repressive measures taken in the West Bank and Gaza by Israel which seemed to be the forerunner of annexation. He stressed that the slaughter in Lebanon could have been avoided if the Palestinians had been able to exercise their rights in their own land.
5. At the same session a statement was made by Mrs. Lucille Mair, Secretary-General of the International Conference on the Question of Palestine, who stressed the need for the active participation of all countries in the Conference and in the preparatory activities connected with it.
6. Mr. Moncef el May, Political Counsellor of the Secretary-General of the League of Arab States conveyed to the Seminar a message from His Excellency Mr. Chedli Klibi, its Secretary-General, who extended his greetings to the

Seminar and drew attention to the severe loss of life in Lebanon of unarmed Lebanese and Palestinians - caused by Israel's aggression. To remain silent in the face of such aggression would be tantamount to complicity in these acts. He appealed to all nations to unite in opposition to this aggression.

7. A message from H.E. Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization was conveyed by Dr. Adnan Abdel Rahim, his Special Representative to the Seminar. In this message, Chairman Arafat expressed his appreciation of the work of the Seminar which represented solidarity with the people of Palestine. He stated that Israel continues its destruction of Palestinian institutions established by both the Palestine Liberation Organization and the United Nations, and is responsible for over 30,000 deaths. He hoped that the Committee on the Exercise of the Inalienable Rights of the Palestinian People would help to reveal Israel's real aims. Peace could only be achieved when Palestinians could exercise their right to self-determination. He wished to assure the Seminar that the struggle continues and that the Palestinian people would never surrender.

8. H.E. Abdel Haq Tazzi, Representative of His Majesty King Hassan of Morocco, Chairman of the Al Quds Committee addressed the Seminar on behalf of His Majesty and appealed to the world body to do everything necessary to compel Israel to withdraw from the Holy City and to preserve its Status in accordance with the relevant United Nations resolutions.

9. The meetings of the Seminar were presided over by H.E. Mr. Moustapha Niasse, Minister of State for Foreign Affairs, H.E. Mr. Falilou Kane, Minister of State for Commerce and former Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and by H.E. Mr. Massamba Sarré, the present Chairman of the Committee. The closing session of the Seminar was addressed by H.E. Mr. Moustapha Niasse, Minister of State for Foreign Affairs who reaffirmed the position of Senegal on the situation in the Middle East and the question of Palestine.

10. During this Seminar, four panels of experts were established 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

Ms. Gay McDougall (U.S.A.); Dr. Alfred Moleah (South African);
Mrs. Saturnin Soglo (Benin) and Dr. Seydou Madani Sy (Senegal)

ii. ISRAELI POLICIES IN THE OCCUPIED ARAB TERRITORIES

Ms. Rita Giacaman (Palestinian); Mr. Ilan Halevi (Palestinian); and
Mr. Maki N'Diaye (Mali)

iii. AFRICA AND PALESTINE: Measures to Promote Solidarity and Mutual Support in the Search for Peace

Mr. Luis de Almeida (Angola); Mr. Aaron Shihepo (Namibian);
Prof. Harold McDougall (U.S.A.); Dr. Alice Palmer (U.S.A.) and
Mr. Babacar Sine (Senegal)

iv. THE ROLE OF THE PALESTINE LIBERATION ORGANIZATION IN THE SOCIAL, CULTURAL, ECONOMIC AND POLITICAL DEVELOPMENT OF THE PALESTINIAN PEOPLE

Mr. Mohammed Akbar Kherad (Afghanistan); and Dr. Adnan Abdel Rahim (Palestinian).

11. 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 and recommendations of the Seminar as a contribution to its objective appraisal of the Question of Palestine and a wider understanding of the issues relating to it.

12. The discussions which followed the presentation of papers at each meeting covered many aspects of the question of Palestine and elaborated on some of the points made by the panelists. The main points made in the papers and in the discussions demonstrated broad agreement amongst the participants over a wide range of issues relating to the realization of the inalienable rights of the Palestinian people which were systematically and continually violated by Israel. There was unanimity on the universal condemnation of these violations and of the moral, political and human issues arising therefrom.

13. The Israeli attack against the Palestinian people in Lebanon and the wanton massacre of Lebanese civilian populations since the month of June of this year gave ample proof of Israel's criminal intentions as well as of its determination to resort to genocide in order to achieve its expansionist aims. By its defiance of United Nations resolutions and violations of the Geneva Conventions of 1949, Israel had set itself above the law. The seminar was of the view that these developments demonstrate that there could be no resolution of the Middle East conflict until a just, comprehensive and lasting solution was found for the question of Palestine based on the exercise by the Palestinian people of its inalienable rights. It was further noted that the mere rhetorical support of the right of the Palestinian people to self-determination was no longer an adequate response to the situation. What was required was concrete action by states to urge the supporters of Israel, especially the United States, to compel Israel to conform to the will of the international community.

14. The Seminar was particularly concerned that Israel could exploit the events in Lebanon to annex the West Bank and Gaza. The Seminar felt it to be its duty to focus international attention on this possibility and the need to ensure that Israel did not further violate international law with impunity. Israel's acts of repression, which occurred with increasing frequency in the occupied Palestinian and Arab territories should be stopped.

15. In light of the recent Israeli aggression against the Palestinian and Lebanese people in Lebanon the following views were expressed:

a. The refusal of successive United States administrations to accept the international consensus of condemnation of Israeli aggression and expansionism has encouraged Israel to pursue further its expansionist policies and to launch its genocidal military operation in Lebanon against the Palestinian and the Lebanese people.

- b. Serious questions were raised concerning the nature of the special relationship of the United States of America with the state of Israel and the responsibility and complicity of the United States administration in the situation created in Lebanon by the recent and continuing Israeli aggression.
- c. Israeli intransigence and aggressiveness was encouraged by the material, political and moral support it received from the United States. It was thus emphasized that all such support should immediately cease as it only encourages Israel.
- d. For the purpose of putting an end to Israel's genocidal operation in Lebanon, the Security Council was strongly urged to consider the imposition of sanctions against Israel.
- e. The participants in the seminar expressed their admiration at the bravery of the Palestinian and Lebanese defenders of Lebanon and extended their wholehearted support to the Palestine Liberation Organization and all the Lebanese patriotic forces.
16. When the fundamental rights of the Palestinian people were discussed, it was noted that there is a growing international consensus on the fundamental rights of the Palestinian people in spite of opposition by the state of Israel. These inalienable rights and fundamental principles for a just, comprehensive and lasting solution to the Palestine question are the following:
- a. the right of the Palestinians to return to their homes and property from which they had been displaced and uprooted;
- b. The right to self-determination without external interference and the right to national independence and sovereignty;
- c. The right to establish an independent state in Palestine;
- d. The question of Palestine is at the heart of the problem of the Middle East and no solution to that problem can be envisaged without taking into account the inalienable rights of the Palestinian people;
- e. The implementation of these inalienable rights of the Palestinian people will contribute to a just solution of the Middle East crisis;
- f. The participation of the Palestine Liberation Organization, the representative of the Palestinian people, on an equal footing with all other parties on the basis of the General Assembly resolution 3231 (XXIX) of 22 November 1974 and 3375 (XXX) of 10 November 1975 is indispensable to all efforts, deliberations, and conferences on the Middle East which take place under the auspices of the United Nations;
- g. The inadmissibility of the acquisition of territory by force and the consequent obligation for Israel to withdraw completely and speedily from all territories so occupied.

17. There is international consensus that the restitution of these rights is a sine qua non for establishing a just, comprehensive and lasting peace in the Middle East. Until these rights are attained, the Palestinian people will strive to regain them by all means at their disposal.
18. The participants at the seminar emphasized that the problem of Palestine could only be solved with the participation of the Palestinian people headed by the Palestine Liberation Organization, its sole and legitimate representative in any negotiations. It was stated that the Camp David Accords, by refusing to accept the Palestine Liberation Organization as an equal partner in the negotiations; by attempting to determine the destiny of the Palestinian people in their absence, and by denying them their fundamental rights, violate United Nations resolutions. The Israeli invasion of Lebanon is further evidence of the real intentions of Israel and of the real content of the so-called "autonomy" offered to the Palestinians by the Camp David Accords.
19. In the discussion on Israel's policies in the occupied Arab territories, the participants noted that Israel was alone in holding that the Fourth Geneva Conventions of 1949 did not apply to the West Bank and Gaza, and the Syrian Golan Heights, the Arab territories it illegally occupies and that constant and repeated violations of these Conventions continued daily. Israel's policy of settlements, collective punishments, administrative detention, expulsions and confiscation of land and water resources and the dismissal of duly elected mayors were clear examples of these violations.
20. The reports of Israel's treatment of Lebanese, Palestinian and others captured in the invasion of Lebanon and its refusal to grant them prisoner of war status are cause for deepest concern. The four Geneva Conventions of 1949 apply in their entirety to the conduct of hostilities by Israel in Lebanon. Captured Palestine Liberation Organization combatants must be treated as prisoners of war within the meaning of the Geneva Convention. At the very minimum, captured members of the Palestine Liberation Organization and other individuals affiliated with them, together with all Lebanese and Palestinian civilians detained, are entitled to the full panoply of protections set forth in the Fourth Geneva Convention for the protection of civilians and the customary international law of belligerent occupation.
21. Israel's policy in the occupied Arab territories was seen clearly as aimed at dispossessing the non-Jewish inhabitants of Palestine as a prelude to the annexation of the territories, in the path of the illegal annexation of the Syrian Golan Heights and of the city of Jerusalem. The dismissal of Palestinian elected municipal councils and the imposition of an Israeli so-called "civilian administration", as well as the so-called "village leagues" at its service clearly constitutes steps towards such an annexation.
22. The Seminar heard a detailed account of the role of women in the occupied territories. It was noted that in spite of having to adjust to the effects of military occupation, women played a major part in inhibiting the destruction of the social and cultural infrastructure, in preserving the Palestinian identity and in preparing the way for the reconstruction of a Palestinian society. Furthermore, women's organizations worked not merely for the improvement of the status of women, but were mobilized for the struggle for national rights and to resist the occupation.

23. Along with the physical dispossession of their land and water resources, the Palestinian Arab inhabitants, both in the occupied territories and in Israel itself, face the unhappy prospect of having even their culture eroded by the imposition of discriminatory laws and practices, particularly the repeated and arbitrary closures of educational institutions. It was suggested that the United Nations and specialized agencies should take action to stop these practices. It was underlined that the Palestinian Arab citizens of the state of Israel have been subjected, since 1948, to systematic dispossession and discrimination, in violation of Israel's formal commitments.

24. The seminar was informed of the recent military order 973, introduced with the evident aim of exerting economic pressure on the Palestinian people. This order, promulgated on 9 July of 1982, places yet further restrictions on the transfer of funds into the occupied territories. This order is aimed at imposing further control on Palestinian political, economic, cultural and social life, thus compounding Palestinian dependency on, and domination by, the Israeli state.

25. Attention was drawn to the close parallels between the policies of Israel in its treatment of the Palestinians and the Apartheid policies of South Africa. The denial of the right to self-determination, with its attendant subjection to alien and discriminatory rule was unfortunately the lot of Africans in South Africa and Namibia and of the Palestinians both within Israel and in the illegally occupied Arab territories.

26. In examining the contribution of Africa to the Palestinian cause, the Seminar stressed that Africa's support for the cause was based on the sympathetic identification of a common struggle against imperialism, and colonialism as well as on solidarity with the Arabs for their support in the struggle of African nations against imperialism.

27. It was emphasized that for some time African Americans have felt a sense of solidarity with the just struggle of the Palestinian people because of their common struggle against all forms of racism including zionism. In view of the recognized bias of the western mass media, especially that of the United States, the seminar recommended that serious efforts should be made to present to the international public all the facts relevant to the question of Palestine in order that the issues would be viewed from a correct perspective. The seminar was heartened by a new awareness of the situation among the American people growing out of the Israeli invasion of Lebanon.

28. The seminar noted that the United Nations had repeatedly reaffirmed the fundamental rights of the Palestinian people and that it had for over 35 years attempted to find a solution for the problem of Palestine. The recommendations of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian people formed a firm basis for such a solution but had unfortunately not been implemented so far, since the Security Council had been unable to take positive action due to the negative vote of a permanent member.

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29. It was recommended that the Committee on the Exercise of the Inalienable Rights of the Palestinian People should take measures in order to ensure the continuation and intensification of United Nations support for the Palestinian people and ensure that the violations of the principles of the United Nations Charter and the resolutions of the General Assembly and the Security Council do not continue.

30. The participants consider that the present Israeli aggression and invasion of the sovereign state of Lebanon demands a response by the Security Council acting under Chapter VII of the United Nations' Charter. The failure of the United Nations to take such measures would create a crisis of credibility similar to that faced by the League of Nations in the wake of fascist Italy's invasion of Ethiopia.

31. The seminar expressed its concern at the alarming financial situation of UNRWA which threatened the closure of schools and in fact its entire mission due to a lack of funds. It was recommended that the international community should assume the responsibility of aiding the Palestinian refugees and should ensure that UNRWA should have a special fixed budget to which member states should contribute on the same basis as their contributions to the budget of the United Nations and to which voluntary contributions should be possible.

32. The role of the PLO in the struggle of the Palestinian people was examined. It was noted that the Organization had wide ranging responsibilities in the political, economic, social and cultural fields, and provided a political platform as well as infrastructure for socio-economic progress of its people. The United Nations agencies are urged to increase their aid to the PLO in its cultural and educational activities and enable the PLO to intervene actively in defining national goals within UNRWA schools curricula.

33. The success of the Palestine Liberation Organization in this area, and the fact that it constituted the foundation of a viable State had led Israel to wage a total war against it ever since it was formed. The massive military action in Lebanon was the latest manifestation of this attempt to obliterate the Palestine Liberation Organization.

34. Confidence was expressed in the PLO's ability to continue to be the focal point of the Palestinian people's struggle to exercise its inalienable rights, and to establish the Palestinian State as a factor for peace and stability in the region.

35. In concluding their work, the participants in the seminar expressed their gratitude to the Head of State of Senegal, His Excellency Mr. Abdou Diouf for his directives which contributed to the Seminar's success and reflected Senegal's commitment to the just cause of the Palestinian people. They warmly thanked the Government and people of Senegal for their assistance in holding the Seminar.

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RECOMMENDATIONS

1. The Seminar recommends that the Committee on the Exercise of the Inalienable Rights of the Palestinian People should establish a working group composed of its members and experts to consider the utility and the viability of convening a War Crime's Tribunal to assess Israel's conduct of hostilities vis-à-vis the international laws and customs of war.
2. The Seminar urges the Committee to request the Secretary-General of the United Nations to demand that:
 - (a) Israel produce immediately a comprehensive list of all persons detained as a result of the invasion of Lebanon;
 - (b) The International Committee of the Red Cross be given full access to all facilities in which these detainees are being held, and
 - (c) Those combattants and civilians be accorded the full panoply of protections of the Third and Fourth Geneva Conventions of 1949, respectively.
3. The members of the Seminar request the Committee to:
 - (a) Support efforts for sending delegations to investigate and assess the extent of damage brought by the Israeli invasion of Lebanon in both infrastructural and human terms;
 - (b) Recommend the coordination of activities, both in terms of investigation and program implementation, between United Nations agencies and other agencies (governmental or voluntary) that are operating in the area;
 - (c) Recommend the intensification of efforts to channel adequate amounts of material resources and manpower so that families and the general population affected may be relieved as quickly as possible. Aid should include: rebuilding and fixing of settled areas, particularly West Beirut, Tyre, Sidon and all refugee camps, blood donations, food distribution, medical aid and rehabilitation for the injured.

All the above should be implemented in close association and coordination with the PLO.

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4. The members of the Seminar request the Committee to:
 - (a) Support national institutions in the occupied territories in their economic social and cultural development efforts including research grants for Palestinians, allocation of funds to support productive projects and scholarships to appropriately train Palestinian manpower;
 - (b) Support educational institutions in the occupied territories through the allocation of funds, appropriate training of manpower, and most importantly, at present, join international educational institutions in protesting the repeated closure of schools and universities, which constitute a form of collective punishment;
 - (c) Recommend the initiation of a program of investigative visits to the occupied territories by United Nations officials (formal and/or informal) so as to gain a better understanding to the depth and intensity of the occupation problem as well as for coordination purposes.

All the above should be undertaken in close association and in cooperation with Palestinian national institutions, bodies or organizations.

5. The Seminar recommends that the ties, similarities, and even identity between zionism and apartheid be widely publicized, especially in Africa, the Caribbean, and African American communities in the United States, that a special fund be established for such purpose and that Non-Governmental Organizations be enlisted.

6. The Seminar recommends that the Committee undertake the necessary measures to establish a special fund for the dissemination of information on Palestinian rights and to invite contributions to be made to it by Member States of the United Nations. The special fund should be administered by a sub-committee of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and should be authorized to launch a program of direct action so as to disseminate relevant information and make disbursements to NGO's so that this information may reach specific constituencies.

7. The participants propose that the Committee on the Exercise of the Inalienable Rights of the Palestinian People recommend to the General Assembly that it invest the Committee with the powers, pursuant to

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General Assembly resolution, to issue travel documents to Palestinians which could serve in lieu of passports with U.N. Member States recognizing the resolution, and also to declare products extracted from land and water resources expropriated from Palestinians on the West Bank and Gaza Strip as contraband, to be seized in international commerce by any observing Member State, such products to be held in trust for the Palestinian people.

2. STATEMENT BY AMBASSADOR MASSAMBA SARRE, CHAIRMAN OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I have the pleasure and the pleasant duty to welcome you to the Seventh United Nations Seminar on the Question of Palestine. My pleasure is all the greater because the Committee has chosen Senegal; my own country, to host the second seminar held in Africa. In doing so, it underlined the interest shown by Senegal in the question of Palestine and the just cause of the Palestinian people. Your presence among us, Mr. Prime Minister, on behalf of the Head of State, His Excellency, Mr. Abdou Diouf, clearly demonstrates that interest. We recall that the first office of the Palestine Liberation Organization in African territory was opened in Senegal. To be more exact, Senegal gave that office the status of an embassy.

For all these reasons, to which are now added the warmth of the welcome and the perfect organization of the Seminar, I would like, on behalf of the Committee and on my own personal behalf, to express our gratitude to the Head of State of Senegal and to the Senegalese people and Government.

The Seminar has been convened pursuant to the mandate given to us by the United Nations General Assembly and constitutes an important element in the work undertaken by the United Nations to make world public opinion more aware of a question that is critical for international peace and security. It assumes even more importance when considered in the light of the tragic events of recent months in the Middle East and more specifically in Lebanon. The tragedy suffered recently by the Palestinian and Lebanese people and felt by all peace and justice-loving peoples has taught us the following lesson: so long as a just solution is not found to the Palestinian question, it will be impossible to re-establish peace and stability in the Middle East. A Palestinian State is a force for peace and stability in the region.

Previous seminars held at Arusha, Vienna, Colombo, Havana, New York and Valetta were instructive and led to a better understanding of the Palestinian issue. It is admissible to state, in view of the Senegalese national and the international environment, that this Seminar will help to focus public attention on the seriousness of the Palestinian problem.

Although this Seminar is being held on the African continent and is directed towards African public opinion, it should go beyond that original framework. We hope, therefore, that the views expressed here will be taken into account at the international level in the formulation of policies which will enable the Palestinian people to exercise its inalienable right to self-determination and independence.

It was on the basis of this concept of self-determination and independence that the United Nations General Assembly set up this Committee.

As you know, the United Nations has been dealing with this matter since 1947, when, in an attempt to find a solution to the problem, the General Assembly adopted resolution 181 (II), by which it recognized the right of the Palestinian Arabs to establish an independent State side by side with that of the Jewish people. Only one part of this resolution has so far been implemented, since only a Jewish State has been established. However, this situation in no way alters the validity of resolution 194 (III), adopted in 1948, by which the General Assembly decided that the refugees, if they wished to do so, should be permitted to return to their homes as soon as possible and to live at peace with their neighbours. The spirit and content of both these fundamental resolutions cannot be called in question.

Throughout the years, obstacles have prevented those two resolutions from being implemented scrupulously and completely. Since then, new obstacles have arisen and have only served to compound the severe difficulties in which the Palestinians find themselves today. By way of example, I might cite the unwilling dispersal of Palestinians to neighbouring States, Israel's occupation, since 1967, of the entirety of that region which, under the terms of General Assembly resolution 181 (III), is the rightful homeland for the Palestinians, and, still further, the continuing tension, if not actual state of war, between the State of Israel and neighbouring Arab countries.

All these circumstances have scarcely facilitated the legitimate expression of the Palestinians' right to self-determination. Moreover, for many years, the international community tended to confine consideration of the whole Palestinian question to the humanitarian rather than the political aspects of the problem. That approach, which was, of course, well-intentioned, and, indeed, essential, given the plight of the refugees, was certainly not the best if the Palestinians were ever to assert their right to nationhood during a period of decolonization which has led to an increased United Nations membership.

The decisive turning-point came in the 1970s. After some 27 years, the United Nations reverted to consideration of the political aspects of the Palestinian question. In 1974, the General Assembly, in resolution 3236 (XXIX), reminded the world of the need to implement previous resolutions - namely, resolutions 181 (II) and 194 (III). National rights and the right of return were thus reaffirmed by the international community. The slow progress made in implementing those resolutions led the General Assembly to take further action. Thus, the Committee on the Exercise of the Inalienable Rights of the Palestinian People was established in 1975. Under the terms of its mandate, the Committee adopted recommendations to facilitate the exercise of the rights set forth in resolution 3236 (XXIX). These recommendations are designed:

- (i) To facilitate in a graduated manner the exercise of the recognized rights of the Palestinian people and to endorse the role of the Palestine Liberation Organization as its sole representative;
- (ii) To bring about a peaceful solution satisfactory to all States and peoples in the Middle East;

- (iii) To utilize all the latent possibilities of the United Nations for promoting peace and guaranteeing security in overseeing the recommended process of change;
- (iv) To ensure strict observance of international law and the relevant resolutions of the United Nations.

Since those recommendations of the Committee were first submitted in 1976, the General Assembly has endorsed them at each of its sessions. Despite their fundamental legal and moral authority, however, their implementation has been constantly blocked, since the Security Council has been prevented from taking any decision on the matter, as a result of the use of the veto by one of its permanent members.

The Committee has remained firm in its conviction that its recommendations remain valid and offer sound basis for a just and lasting solution to the Middle East problem. It has repeatedly stressed this view. It is reassuring to note that its views have been approved by an ever-increasing number of Member States.

The major change in attitude of several Western European nations has been extremely significant. This reassessment of position may well be due to the increased interest in the question and the fact that the relevant facts have become better and more widely known.

I think we may claim that this change is also due, in part, to the efforts of the Committee and to the work of the Special Unit on Palestinian Rights, which was established within the Secretariat of the United Nations at the initiative of the Committee and which works under the Committee's guidance and in consultation with it. The Special Unit has prepared and disseminated studies on the question of Palestine, which have been a major contribution to a better understanding of the problem. The seminars organized by the Special Unit have also made it possible to promote public knowledge of the issues involved. The Committee attaches the greatest importance to the question of information, a part of which are seminars such as the one we begin today.

I have referred to the recent tragic events which unfolded in Lebanon in the month of June and which we have watched with indignation. Those events were the climax of a series of Israeli actions in violation of international law and in defiance of world public opinion.

Thus, we have seen Israel annex the occupied Syrian territory of the Golan Heights. Although the Security Council unanimously decided that that act was "null and void and without international legal effect", Israel has defied the Security Council resolution, demanding that it rescind its decision. Instead of respecting that decision, it began to extend its laws, jurisdiction and administration to that occupied territory.

Since last March, Israel has taken similar measures in the occupied Palestinian Arab territories of the West Bank and Gaza, measures which are tantamount to annexation. It has dismissed the duly elected mayors of several cities, despite protests, which it has put down with a strong hand. It has taken actions which are universally considered to be violations of the Fourth Geneva Convention of 12 August 1949. This is not, however, the first time that Israel has indulged in acts of this type in the region. Since 1967,

it has persistently violated the Fourth Geneva Convention by establishing new settlements in the illegally occupied territories, by expelling the mayors of Hebron and Halhoul, to name only two, and by annexing Jerusalem and making that city its eternal capital.

The United Nations has not remained inactive in the face of Israeli actions. The behaviour of the Tel Aviv authorities has been denounced and condemned more than once by the international community. It is, however, regrettable to note that the reason why the United Nations has up to now been limited in its action is that the Security Council, which is responsible for the implementation of decisions concerning the maintenance of peace, has often been paralyzed because of a veto on the part of one of its permanent members.

The General Assembly, despite that paralysis, has met twice this year in emergency special session and has adopted strong resolutions reaffirming once again the inalienable rights of the Palestinian people and condemning Israel for its non-compliance with Security Council resolutions. It is noteworthy that, on 26 June, the General Assembly adopted one of those resolutions with only 2 votes against, 1 being from Israel, and 1 abstention. That vote clearly reflects the feeling of the international community on the subject of the inalienable rights of the Palestinian people and the need to allow that people to exercise its rights, which have been consolidated and reaffirmed by the recent events in Lebanon.

The international community firmly believes that there can be no peace in the Middle East as long as there is no just and comprehensive solution to the Palestinian question.

The Committee is convinced that the Dakar Seminar, for a number of reasons, will contribute to a better understanding of the events surrounding the question of Palestine. We hope that our deliberations may also contribute to the search for approaches that will enable the Palestinians to exercise, without further delay, 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, may I express my thanks to all those who have devoted time to the consideration and preparation of papers that will undoubtedly contribute to the success of this Seminar. I would also like to reiterate the tribute which I paid at the beginning of this statement to the Head of State of Senegal and to the Senegalese people and Government for all the facilities made available to the Committee and for their devotion to the noble cause of the restoration of the inalienable rights of the Palestinian people.

3.. STATEMENT OF THE SECRETARY-GENERAL OF THE INTERNATIONAL CONFERENCE
ON THE QUESTION OF PALESTINE

It is a great pleasure for me to be present at this Seventh United Nations Seminar on the Question of Palestine. I should first like to express the appreciation of the United Nations to His Excellency, the Prime Minister of Senegal, and to the Government and the people of Senegal for allowing us the privilege of holding this important United Nations activity in their capital, Dakar, one of the great cities of West Africa. I should also like to pay a personal tribute to the distinguished Permanent Representative to the United Nations, Ambassador Sarré, the Chairman of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, for his firm commitment to the ideals of the United Nations and to the cause of Palestinian self-determination. I have personally enjoyed and benefited greatly from my association with Ambassador Sarré, in his capacity also as Chairman of the Preparatory Committee of the International Conference on the Question of Palestine, for which I have the responsibility as Secretary-General of that Conference.

The question of Palestine has commanded the attention of the United Nations from its inception in 1945, and especially since the historic partition resolution of the United Nations of 1947 which brought the State of Israel into being, and placed the fate of Palestinians on the international agenda where it still remains.

Enormous political obstacles have blocked all efforts to date to implement United Nations decisions and on the issues as a consequence, threats to the achievement of justice, peace and security in the Middle East have escalated dangerously as the tragic events in Lebanon today testify.

The United Nations, nevertheless, must ceaselessly pursue the quest for a solution to the conflicts of that troubled region and continue to work intensively on the core of the conflicts, namely, the question of Palestine.

This Seminar is a part of the response of the United Nations to its responsibilities regarding this issue and is most appropriately sited in a region of the world whose great history bears testimony to the universal determination of people to secure their fundamental rights of political independence and natural sovereignty.

The Conference which I have the privilege of organizing is another effort of the United Nations to fulfill its mandated responsibility for equity, peace and security in the Middle East. The decision to hold this International Conference on the Question of Palestine was taken by the General Assembly at its thirty-sixth session and confirmed in resolution 120 C. The Assembly took that decision out of its conviction that the widest possible international knowledge and understanding of the facts underlying the question of Palestine could lead to a just solution. The Conference, therefore, aims at increasing world awareness of those facts and simultaneously attaining the support from Governments and peoples for effective ways and means of enabling the Palestinians to exercise their rights in Palestine on the basis of the relevant United Nations resolutions.

The Conference and its many activities are designed to assist in creating the appropriate international political climate of opinion which can make effective a peaceful negotiated settlement.

It is scheduled to take place either in July or August of next year (1983) and it is recommended that the site should be Paris.

The United Nations looks forward confidently to the fullest support and participation of the Government and people of Senegal as indeed of all of Africa in that process.

4. STATEMENT BY MR. YASSER ARAFAT, CHAIRMAN OF THE EXECUTIVE COUNCIL OF THE PLO READ BY MR. ADNAN ABDEL RAHIM.

I would like first to express our deep gratitude and appreciation for the activities of the United Nations Committee in defending the national rights of the Palestinian people, and to thank the Senegalese Government for its hospitality and support and solidarity with the just struggle of our people.

Brother Arafat, who wanted to attend the meeting but was unable to, has asked me to express his appreciation of your work and his wish that this meeting should represent international solidarity with the just struggle of the Palestinian people. The Palestinian national movement is now facing the imperialist Zionist aggression against the Lebanese and Palestinian people. And our militants in Lebanon are defending not only the national rights of the Palestinians but also the rights of all peoples of the world to enjoy freedom, justice and peace. The imperialist Zionist aggressive offensive in the Middle East is not only threatening peace in the Middle East but also all the progressive and peace-loving forces all over the world.

The criminal Zionist invasion of Lebanon has led to the destruction of most of the social and educational institutions and achievements of the PLO and the United Nations agencies. The Israeli forces have destroyed the Palestinian camps in South Lebanon, including UNRWA schools and social centres and Palestinian kindergardens, and more than 300,000 Palestinians are now once again homeless and uprooted. More than 30,000 Palestinians and Lebanese were killed and more than 50,000 wounded, and our militants in Lebanon are now bravely defending the future of all the progressive forces in the Middle East and in the world. In spite of all this, and regardless of the end result, the Palestinian people in Lebanon and the Palestinian resistance movement will continue their struggle to defend their rights to self-determination, the establishment of a Palestinian independent state in Palestine and an end to the Naziist aggressive policy of the Zionist entity in the Middle East and the imperialist offensive in the area.

We are proud, satisfied and encouraged by the increasing solidarity of the progressive and peace-loving forces with the just struggle of our people, and we hope that this support and solidarity will be more effective in explaining the just cause of the Palestinian people. Peace can only be achieved when the Palestinians are able to enjoy the right of self-determination and when Zionist and imperialist forces recognize the PLO as the sole legitimate representative of the Palestinian people, with the right to participate in any negotiation concerning the establishment of a just peace in the Middle East. Peace will not be achieved through the war of annihilation launched by the Zionists and imperialist forces or through the Camp David agreements, which deal with the Palestinian people as refugees and not as a political community looking for independence and a homeland. The activities of your Committee represent an effective effort in order to achieve a just peace in the Middle East, peace that responds to the aspirations of the Palestinian people for justice, political recognition and independence. We hope that your Committee will be able to reveal to the world the real aim of the imperialist Zionist aggressive policy in the Middle East and in Lebanon.

We are not asking for humanitarian aid and declarations but for political attitudes that respond to the real aims of the Palestinian struggle. And this demands, first, emphasizing the right of the Palestinian people to self-determination and the establishment of an independent Palestinian state in Palestine; two, condemning the Zionist imperialist invasion of Lebanon and calling for an end to this criminal war against the Palestinian and Lebanese peoples; three, calling for unconditional withdrawal of Israeli forces from Lebanon; four, calling for an international recognition of the PLO as the sole legitimate representative of the Palestinian people; five, rejecting the Camp David accords because they defend imperialist interests and domination of the Middle East and not genuine peace; six, the undeniable right of the PLO to participate in any negotiation dealing with a settlement of the conflict in the Middle East; seven, rejecting the expulsion of Palestinians from Lebanon to other Arab countries and demanding the rebuilding of the Palestinian camps in Lebanon where United Nations agencies should play an important role in this process; eight, defending the right of the Palestinian people to use all means - military, political and diplomatic efforts - to achieve its national goals. These cannot be achieved through acceptance of surrender to the enemy, and the first step towards this is to recognize the Palestinians as a people and not as a community of refugees. We do not like wars, we respect other peoples' beliefs or religions, cultures and aspirations, but the enemy offers us nothing but slavery, oppression, annihilation, exploitation and domination so we have no choice but to resist with all means.

Last, Brother Arafat, who is now leading our militants in Beirut, asked me to assure you that, however the battle ends in Lebanon, the Palestinian people will never surrender and will not stop struggling till victory. Once again I thank you all and thank the Senegalese Government for its hospitality and support. We believe that your support and solidarity with the just struggle of our people makes us more confident that our people are not fighting alone now that we have gained this valuable international support for them. We will keep on struggling for peace, justice, freedom and dignity, not only for ourselves but for all peoples of the world.

5. STATEMENT BY MR. MONCEF EL MAY ON BEHALF OF THE SECRETARY-GENERAL OF THE LEAGUE OF ARAB STATES

First of all, I should like to express, on behalf of the League of Arab States my appreciation to the Republic of Senegal and its President, who have kindly hosted this meeting.

I should also like to express my gratitude to your Committee, which has taken the initiative of organizing this meeting, as well as to its Chairman, His Excellency Ambassador Sarré who, with his deep understanding of the reality of the Palestinian cause and his laudable, untiring efforts, has helped to reveal the true nature of the problem not only to all who are to any degree motivated by good faith and who do not let themselves be confused by falsifications and untruths, but also to all who are willing to study the history of a people, land and civilization whose history goes back thousands of years.

To all I transmit the greetings and thanks of Mr. Chedli Klibi, Secretary-General of the League of Arab States.

I am happy to participate in the work of this Seminar on the inalienable rights of the Palestinian people, organized in accordance with the wishes of the international community, which has recognized these rights after realizing the seriousness of the injustice done to the Palestinian people and the failure to recognize its rights, which have been confirmed by international law, conventions and custom.

It is paradoxical that the Palestinian people, which has always lived in its land, the same land where revelation first opened up to man the royal road of justice, law and respect for the individual - it is paradoxical that this valiant people, the guarandian of faith and civilization, should today be dispossessed of everything, flung onto the roads of exile and threatened with extermination by an entity which was built on the sympathy aroused in the world by the genocide practised by the Nazis against the Jews and which today is even more systematically applying Hitler's methods.

Even as you are holding your Seminar, thereby expressing the will of the whole world to defend the rights of the Palestinian people, the racist Israeli forces are intensifying their aggression against the Palestinian people, pursuing it inside and outside its territory and threatening to destroy it. Moreover, Israel is concentrating tens of thousands of soldiers equipped with the most sophisticated weapons, many of which are strictly forbidden by international law, and launching combined land, air and sea attacks.

Israel is consistently using its struggle against Palestinian fighters in Lebanon as a justification for killing thousands of unarmed civilians, both Lebanese and Palestinian.

Nothing could justify the Israeli aggression. Nothing could justify the occupation by force of the territories of a State Member of the United Nations, the destruction of its towns, the devastation of its countryside, in order to subdue it politically and impose the law of the strongest. By putting forward the need for secure frontiers, Israel is reverting to the logic of a Hitler, whose armies invaded the neighbour States of Nazi Germany on that very same pretext of a need for secure frontiers. Israel has, in fact, never concealed its aims: on the contrary, several of its leaders have loudly proclaimed them, stating that the territories occupied by Israel form a part of "Greater Israel" (not that they constitute "Greater Israel"), because the State of which they dream stretches from the Nile to the Euphrates. This State is, in principle, a racist State; it is intended for Jews only; it is set up in the region on the basis of the liquidation of the Palestinian people and the expulsion of the Arab population.

The only explanation of this Israeli arrogance is the passivity and silence of the rest of the world regarding the crimes perpetrated by Israel, a passivity and silence that goes as far as complacency, even complicity. Could Israel possibly carry out its work of death and devastation with the knowledge and before the eyes of the whole world, without the moral support and material and military assistance of the great Powers? That support and assistance are confirmed by the conclusion of a strategic agreement and the supply of weapons whose use is strictly forbidden, except in the case of self-defence. What is now happening in Lebanon and Palestine is the expression of the Zionist entity's open contempt for the international will and the right of peoples to existence. It is also a flagrant attack on the dignity of man, wherever he may be.

From my place on this rostrum, I appeal to all nations to give assistance and support to the Lebanese and Palestinian peoples so that they may confront aggression and defeat it. If this aggression were to attain its objectives, it would establish a dangerous precedent. Any State would then feel free to invade another which was incapable of mustering an equivalent force against it. What the Palestinian people is suffering today any people of the third world which is fighting for its freedom and the right to self-determination may suffer tomorrow. We must, therefore, all work together while there is still time to put an end to what may bring the world back to the time of hegemonism and colonial wars.

The resolutions, decisions and recommendations adopted by your distinguished Committee at various meetings held on all continents have clearly and explicitly emphasized the right to life of the Palestinian people, just as they have denounced the hateful crimes committed by Israel against the rights of that people. It is now the duty of the United Nations to adopt strict measures at the international level to dissuade Israel and put an end to its expansionism before it is too late - and it is already almost too late.

Let Israel and those who support it know that the Palestinian people may lose a battle, or even battles but that its will and determination to pursue a constantly renewed struggle will remain intact as long as it is expatriated or oppressed inside its homeland and until it regains its inalienable rights.

I could not end without reiterating my gratitude to the Government and brother people of Senegal, who have welcomed us to this hospitable land and who unceasingly support the causes of justice and right, in Africa, in the Middle East, wherever the forces of evil threaten the integrity of a territory or the rights of a people.

I note with pride the strong condemnation of the Zionist invasion by the African States and their active solidarity with the Palestine Liberation Organization, which is the sole legitimate representative of the Palestinian people and which, by resisting for weeks an infinitely superior fire power, has affirmed not only its determination and its faith in the justice of its cause but also the fact that it is one with the Palestinian people, for which it expresses the will to live, to live free, in an independent national State, recognized by all and respecting the laws established by the international community.

I beg you to associate yourselves with the tribute I pay to the courage of this handful of fighters who are still resisting the Israeli war machine in the ruins of Beirut.

6. STATEMENT MADE BY HIS EXCELLENCY MR. HABIB THIAM, PRIME MINISTER OF SENEGAL

It is with genuine pleasure that, on behalf of the President of the Republic, His Excellency Mr. Abdou Diouf, the Senegalese people as a whole and its Government, I welcome you to Senegal, on the occasion of the Seventh United Nations Seminar on the Fundamental Rights of the Palestinian People.

We attach special importance to the Palestinian question and follow it with the greatest attention.

For us Senegalese, the Palestinian problem has always been and is still, today, at the centre of the tragic conflict which, for more than 30 years, has been tearing the Middle East apart.

At the start, when the United Nations General Assembly, on 29 November 1947, adopted the Palestine partition plan, the problem of the Middle East was presented in terms of the implementation of the right to self-determination of two peoples, the one Jewish, the other Arab, in one and the same territory.

That conflict, which set nationalist aspirations against each other, was subsequently, for reasons of a strategic, ideological and economic nature, replaced by another, which, with the intervention of foreign Powers, took on a regional, or even international, dimension. That evolution of the nature of the conflict has led to four wars, which, on each occasion, seriously threatened mankind with a global conflagration.

The prolongation of that conflict, which thus increases the permanent danger which it constitutes for international peace and security, is maintained, from outside, by the interplay of complex political alliances involving apparent elements of contradiction, because those alliances concern countries which, for the most part, are in a state of belligerence and which, above and beyond any religious and confessional considerations, are, nevertheless, attached to the same principles of freedom.

In the mediation efforts undertaken over many years, there was not only a refusal to accept that the resolution of the Palestinian question should be given priority in relation to the Middle East problem as a whole but also, above all, a tendency to lay excessive stress - for reasons of State egoism, it must be admitted - on the conflict situation between Israel and the Arab countries.

That erroneous approach to the problem, which consisted of ignoring the question of the right of the Palestinian people to self-determination, in the search for a settlement in the Middle East, was, fortunately, corrected when, in 1975, after finally recognizing that the Palestinian problem was the essential element in the Middle East conflict, the United Nations decided to establish the Committee on the Exercise of the Inalienable Rights of the Palestinian People to return to their homeland and to the establishment of an independent sovereign State.

This gives me an opportunity to express once more to the international Organization, on behalf of the Head of State of Senegal, His Excellency Mr. Abdou Diouf, and the Senegalese Government, our gratitude for its subsequent choice of Senegal to preside over the work of that Committee.

Our country, which has always militated in favour of a peaceful settlement of the Middle East problem that would take due account of the interests of all the parties involved, was among the first to maintain that the recommendations arrived at by the Committee on the Exercise of the Inalienable Rights of the Palestinian People constituted an appropriate framework for a just solution of the problem.

These recommendations relate:

Firstly, to the withdrawal of Israel from all Palestinian and Arab territories occupied since 1967, including the Holy City of Al-Quds;

Secondly, to the sovereign exercise by the Palestinian people of its inalienable rights, including the right to self-determination, the right to return to its homeland and the right to establish an independent State in Palestine;

Thirdly, to the participation of the Palestine Liberation Organization, the legitimate representative of the Palestinian people, in all efforts, negotiations and peace conferences aimed at finding a lasting solution to the problem of the Middle East.

Such recommendations, which, thanks to the political wisdom which characterizes them, are today the subject of a broad consensus at the international level and are in line with the relevant provisions of United Nations resolutions advocating recognition of and respect for the sovereignty, territorial integrity and political independence of all the States in the region and their right to live in peace within recognized frontiers.

Unfortunately, the implementation of these principles comes up against the intransigent position of Israel, which, profiting from the paralysis of the United Nations Security Council, which is unable, owing to the use of the veto, to bring to bear against the Hebrew State the provisions of Chapter VII of the Charter concerning mandatory sanctions, persists in closing its eyes to the existence of the Palestinian reality and occupying militarily, with arrogance and with disdain for respect for human life, territories belonging to neighbouring States.

The Dakar Seminar on the Fundamental Rights of the Palestinian People opens at a particularly crucial moment in the struggle being waged by this fraternal and martyred people for its sovereignty and independence.

A little over two months ago, on 5 June 1982, Israel, in implementation of a cynical plan conceived in conformity with its policy of refusal to acknowledge the Palestinian reality, committed against the brother country of Lebanon an act of murderous aggression, the avowed purpose of which was to

drown in blood the resistance of the Palestinian patriots, in the hope of thus being able to consign the question of the enjoyment of all the legitimate national rights of the Palestinian people to oblivion. The idea of liquidating militarily the Palestine Liberation Organization was supposed, according to Israeli logic, to enable the Tel Aviv authorities to impose on the inhabitants of the occupied territories an "autonomous" status which would strengthen their projects for the annexation of those territories, which they persist in wishing to effect by force.

To the blind massacre of thousands of Lebanese and Palestinian civilians, including children, the symbol of innocence - to this systematic genocide - should be added the most serious challenge ever presented to the authority of the United Nations, which, however, presided over the establishment of the State of Israel. For the first time, a peace-keeping force - in which Senegal participates - deployed by the United Nations itself in southern Lebanon, was treated with derision by the army of a Member State and the discharge of its functions rendered impossible.

That act, unanimously condemned by the international community, only confirms the logic of a policy, the Zionist policy, the final objective of which must be not only the subjugation of the Palestinian people but, above all, the negation of its identity and the creation of "Greater Israel, that third Kingdom of David" extending from the Nile to the Euphrates, in violation of the legitimate rights of the peoples of the region.

Let Israel remember !

Let Israel remember, as do all those alive today, certain moments in the history of the twentieth century relating to the conditions of existence and the very future of its people !

Let Israel understand, in short, before it is too late, the Utopian nature and the vanity of its strategy ! It has been and remains a constant lesson of history that nothing can be imposed on a people fighting to secure its destiny, guided by respect for its identity. The viciousness with which the Israeli leaders commit their heinous crimes, trampling underfoot the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Hague Conventions of 1864 and 1907 on the laws and customs of war on land, has not succeeded and will not succeed in changing the reality by one fact: the Palestinian nation exists, built in suffering and frustration, war-hardened by years of fighting for freedom and dignity and motivated by a thirst for justice.

Whatever the military means used by the Israeli army, in Lebanon or elsewhere, now or later, the Palestinian forces will survive and will continue their national battle.

The greatness of a nation is not measured by the unjustified and irresponsible use of the military arsenal which it possesses against other peoples in an attempt to wipe them out; the greatness of a nation is judged by its capacity to respect, with regard to others and to itself, the rights on which it bases itself in its desire to exist and prosper in peace.

We Senegalese, as we salute the courage and determination with which the brave Palestinian patriots continue to resist the assaults of the Israeli aggressor, wish to reaffirm here, as the Head of State of Senegal, President Abdou Diouf, just did 10 days ago at the Meeting of the National Council of the Senegalese Socialist Party, our firm, cogent and unwavering support for the Palestinian cause and our unreserved support for the sovereignty and territorial integrity of the brother country of Lebanon.

We would like to echo also the appeal launched by President Abdou Diouf, on that same occasion, to the international community as a whole to exert on Israel all such pressures as might prove necessary to make it desist from its aggression and evacuate, completely and unconditionally, all the territory of Lebanon.

Like the previous seminars which have been held in other regions of the world, the Dakar Seminar will have, in the course of its work, to explore in depth and present to Senegalese and African public opinion the different aspects of the Palestinian question. There will be no lack of ears to hear you in this country, which was the first State in black Africa to grant diplomatic status to the Palestine Liberation Organization.

May your Seminar, which I now declare open, contribute to the strengthening of Afro-Palestinian and Arab-African solidarity, to the triumph of right over force and to the advent of a just and lasting peace in the Middle East, so that the Palestinian people may live in freedom under the leadership of its sole legitimate representative, the Palestine Liberation Organization, in a Palestinian sovereign State.

7. PAPERS PRESENTED AT THE SEMINAR

PALESTINIAN PRISONERS CAPTURED IN THE ISREALI INVASION OF LEBANON:
ARE THEY PRISONERS OF WAR?*

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The recent massive Israeli invasion in Lebanon raises some important questions in international law, particularly with respect to the humanitarian law of armed conflict. The controversy surrounding Israel's treatment of prisoners taken in the invasion, both combatants and civilians, necessitates a re-examination of the relevant laws of armed conflict and a consideration of Israel's obligations thereunder.

I. The Geneva Conventions of 1949

The bulk of humanitarian law exists in the form of four multilateral treaties referred to as the Geneva Conventions of 1949: relative to the wounded and sick in the field; relative to the wounded, sick and shipwrecked at sea; relative to the treatment of prisoners of war (hereinafter the "POW Convention"); and relative to the protection of civilians (hereinafter the "Civilian Convention"). 1/ This paper will examine the provisions of the latter two Conventions (the POW Convention and the Civilian Convention) as they relate to the treatment of prisoners.

The provisions of the POW Convention specify in great detail the requisite treatment of prisoners of war with regard to such matters as interrogation, evacuation, quarters, food, hygiene, labor, and correspondence.2/ No form of coercion whatsoever including physical and mental torture, threats, insults, or exposure to unpleasant or disadvantageous treatment, may be employed in interrogating prisoners of war (article 17) Prisoners of war may not be interned in areas where the climate is injurious to the health (article 22), must be quartered under conditions as similar as possible to those of the forces of the detaining power (article 25), and must be fed in sufficient quantity, quality, and variety to keep prisoners in good health (article 26). Except in relation to war crimes, prisoners of war may not be tried for acts committed prior to capture. Even if convicted of war

* This paper was prepared for publication on 24 July 1982. The legal agreements herein have been applied to the state of the facts as known on that date. The paper does not purport to address events occurring thereafter.

1/ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of Aug. 12, 1949, 6 U.S.T. 3114, T.I.A.S. No. 3362, 75 U.N.T.S. 31; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of Aug. 12, 1949, 6 U.S.T. 3217, T.I.A.S. No. 3363, 75 U.N.T.S. 85; Geneva Convention Relative to the Treatment of Prisoners of War of Aug. 12, 1949, 6 U.S.T. 3316, T.I.A.S. No. 3364 74 U.N.T.S. 135 (hereinafter cited as POW Convention); Geneva Convention Relative to the protection of Civilian Persons in Time of War of 12 Aug. 1949, 6 U.S.T., T.I.A.S. No. 3365, 75 U.N.T.S. 287 (hereinafter cited as Civilian Convention).

crimes prior to capture, the prisoners retain the full benefits of prisoners of war status under the Convention (article 85). With regard to penal and disciplinary sanctions, prisoners of war are subject only to the laws, regulations, and order in force with respect to the armed forces of the detaining power. They are immune from criminal prosecution for those acts of combat which do not violate the laws of war but which might otherwise be crimes under municipal law.

The intention of the Civilian Convention is to protect the civilian population from the harsh effects of armed conflict. Its provisions prohibit, among other things, torture, pillage, reprisal, deportation, and conscription.^{3/} The International Committee of the Red Cross (hereinafter the "ICRC"), in its Commentary on the Conventions, points out that article 5 of the Civilian Convention and article 4 of the POW Convention require that any person captured in a combat situation be classified as either a military prisoner of war under the POW Convention, or as a protected person under the Civilian Convention. It is not permissible to classify either one as a common criminal. Article 66 of the Civilian Convention permits trial of captured individuals only by "non-political military courts, on condition that the said court sit in the occupied country." Both Conventions guarantee recourse to fair procedures where the protected person is charged with committing an offense while in captivity, ^{4/} and mandate that the detaining power grant the ICRC access to visit prisoners.

Further, article 49 of the Civilian Convention prohibits the forcible transfer of protected persons, whether individually or en masse, from occupied territory to the territory of the occupying power.

II. Israel's Treatment of Prisoners Taken in the Invasion of Lebanon

While the actual number of prisoners is unclear, it is certain that, as of the date of this paper, Israel is holding more than 5,000 prisoners captured during the recent invasion of Lebanon. ^{5/} The majority of them are Palestinian. ^{6/} They have been detained, at least initially, at Israel's

^{2/} POW Convention, supra note 1, arts. 17, 19, 25, 26, 27, 29, 49-57 and 71.

^{3/} Civilian Convention, supra note 1, arts. 32, 33, 49 and 51.

^{4/} POW Convention, supra note 1, arts. 95-108; Civilian Convention, supra note 1, arts. 64-78 and 117-126.

^{5/} Various reports on the number of detainees range from 5,000 to 9,000. St. John, After the shooting stops: Problems of prisoners and weapons, The Jewish Week, July 1-7, 1982; Rogal, Israel's Prison Camps, Newsweek, July 26, 1982; Cody, Awkward Questions on Palestine Captives in Internment Camps, The Guardian, June 24, 1982.

^{6/} According to the Israeli Consultate General Press Office in New York, the detainees included more than 150 Syrians, and others from Bangladesh, Sri Lanka, Austria, Jordan, Somalia, Egypt, Germany, Yemen, Kuwait, Pakistan, Saudi Arabia, Libya, Cuba, Mali, Niger, India, Korea, Belgium, Turkey, Italy, and West Germany. See St. John, supra note 5.

Ansar Camp in southern Lebanon or at smaller facilities elsewhere in Lebanon and in Israel. 7/

As of the date of this paper, there are reports that manhunts and interrogations continue throughout Israeli-occupied southern Lebanon. 8/ A Western diplomat who visited the ruined Palestinian refugee camps in southern Lebanon stated that "every young man over 14 had been taken away." 9/ In the al-Baas refugee camp in Tyre, all men between the ages of 16 and 60 were rounded up and taken to undisclosed locations. 10/ A young Lebanese Christian told Wall Street Journal reporter David Ignatius that all the men of Sidon between 16 and 60 were gathered together and stood in long lines "while Arab men in hoods - apparently Israeli collaborators - pointed out the ones they thought were terrorists." 11/

Eyewitnesses have reported the mass sorting of prisoners. According to Newsweek, at the Sapfra Citrus Corp. warehouse in Sidon, the Israelis have set up a center where they attempt to identify members of the Palestine Liberation Organization 12/ by using hooded Palestinian informants who point out suspects to Israeli soldiers. 13/ Lebanese were marked with black chalk crosses on their forearms while Palestinians received a white

7/ Rogal, supra note 5.

8/ Cody, supra note 5.

9/ Time, July 5, 1982.

10/ Washington Post, June 23, 1982.

11/ Ignatius, Lebanese Civilians Caught in Middle, Wall Street Journal, June 22, 1982.

12/ The Palestine Liberation Organization (hereinafter the "PLO") is the umbrella organization framework within which several Palestinian organizations work for the achievement of Palestinian national goals. The organizations which fall under the PLO umbrella include the various Palestinian resistance organizations such as Al Fatah, the Popular Front for the Liberation of Palestine (P.F.L.P.), the Democratic Front for the Liberation of Palestine (D.F.L.P.), Saiga, the Arab Liberation Front (A.L.F.), the Popular Front-General Command, The Palestine Liberation Front (P.L.F.), and the Palestine Popular Struggle Front. See: Hamid, What is the PLO?, J. of Palestine Stud., 89 (Summer 1975); P.L.O. Structure, 15 The Link 8, 8-9 (reprint from July) Aug., 1982).

13/ Rogal, supra note 5.

cross on their backs. When people were cleared for release, Israeli processors stamped the star of David on their identity cards; those who lacked cards were stamped on their wrists.^{14/} Similarly, an article in The Times stated that prisoners were brought blindfolded to the heavily guarded warehouse;^{15/} some were then taken by bus to Israel for interrogation by intelligence experts, while others were questioned on the spot and released if found "clean." The article stated further that "occasionally the blindfolded columns are spotted stumbling from one location to another attached by ropes or clutching at each other's clothing."^{16/}

Dr. Christopher Giannou, a Canadian doctor who worked in Sidon, was, along with two of his colleagues, a witness to and victim of Israel's manhunts and interrogations in southern Lebanon. In his testimony before the U.S. House of Representatives Subcommittee on Europe and the Middle East, Giannou stated that:

"[T]he entire male population of Sidon which had crossed Israeli lines to get out of the zone of hostilities were herded onto the beach and then taken one by one, and paraded past three parked jeeps. In each jeep sat a man wearing a hood with the eyes punched out, or a blanket wrapped around him to cover his face; an Israeli soldier sitting next to each one. As the men paraded past, a number of them would be singled out, pulled from the line, a large X or something in Hebrew written on their backs, then placed against a wall. In this way, there were 4,000-5,000 men arrested, including myself, two Norwegian colleagues, and the entire male medical staff of the Palestine Red Crescent Society in Sidon."^{17/}

One Belgian doctor was left working "frantically and alone."^{18/}

^{14/} Cockburn & Ridgeway, Israeli Terror-U.S. Silence, The Village Voice, Jun. 29, 1982.

^{15/} Walker, Prisoners Stumble Blindfolded into an Uncertain Future, The Times, Jun. 23, 1982.

^{16/} Id.

^{17/} Testimony of Dr. Chris Giannou before the U.S. House of Representatives Subcommittee on Europe and the Middle East on the Situation in Lebanon and U.S. Policies (Jul. 13, 1982).

^{18/} N.Y. Times, Jun. 15, 1982.

Released prisoners have reported harsh prison conditions. The statements of Dr. Giannou and his Norwegian colleagues-- Dr. Steinar Berge and Mr. Øyvind Mjøller--provide some of the few accounts of the conditions under which prisoners were held by the Israelis.

Recounting his experience in the hands of the Israelis, Giannou stated:

"After being taken into custody, the prisoners were led to a convent school and placed there in the schoolyard. There were 500 to 600 prisoners at any one time in the yard, and new groups of prisoners were being continuously brought in, and others being taken out. The conditions of detention were difficult; hands bound, stiffling [sic] heat, food and water in short supply. Prisoners would be taken into one of three classrooms, used for interrogation purposes. I, myself, was interrogated five times during the four days that I was kept there. During one of my interrogations, I could hear blows struck in the next room, and saw the prisoner as he exited; his face was puffed up, eyes blackened and blood trickled from the corner of his mouth. The scene in the schoolyard, however, was one of savage and indiscriminate beatings of the prisoners by the forty Israeli guards. A prisoner would call out for water and told that there was none. When he continued to call out, he would be insulted and then a guard would wade into the crowd and start to beat him. The physical abuse ranged from simple punching and kicking to beatings with wooden sticks, plastic hose or even a bunch of pieces of rope with nuts and bolts tied to the ends; a sort of cat-o-nine-tails. One Palestinian, Dr. Nabil, was at one point hung by his hands from a tree and beaten. An Iraqi surgeon, Dr. Mohammed Ibrahim was beaten by several guards viciously, and left to lie in the sun with his face buried in the sand."^{19/}

^{19/} Testimony of Dr. Chris Giannou, supra note 17.

A Lebanese teenager told a reporter that he was held at a prison camp for four days; while there, prisoners were given only water and several who asked for food were beaten in the stomach by Israeli soldiers.^{20/} Similarly, Dr. Berge and Mr. Møeller stated that "In the 36 hours we were there [a schoolyard in Saida] many received no water and we saw Israeli soldiers beating the other prisoners with spiked clubs and rubber hoses, some were kicked unconscious."^{21/}

The future of the thousands of prisoners held by the Israelis is uncertain. According to the Jerusalem Post,^{22/} the prisoners are being held as "administrative detainees" under the authority of an emergency regulation which authorizes any Israeli officer at or above the rank of brigadier general to detain, for up to three months, anyone in Lebanon deemed a threat to Israel's security.^{23/}

III. The Geneva Conventions Apply to the Invasion of Lebanon

A. Declarations of the Parties to the Conflict

Israel, as well as all the other states involved in the recurring Middle East hostilities, is a state-party to the Geneva Conventions of 1949.^{24/} At the beginning of the invasion of Lebanon, the ICRC declared the applicability of all four Geneva Conventions to the conflict. It specifically noted that the Lebanese and Palestinian combatants captured by Israeli forces in Lebanon are protected by the POW Convention.^{25/} Further, the ICRC stated that "the Israeli authorities affirmed their intention to apply the four Geneva Conventions."^{26/}

^{20/} Ignatius, supra note 11.

^{21/} Daily Telegraph, Jun. 24, 1982.

^{22/} Amrani, Immense legal problem caused by PLO prisoners, Jerusalem Post, Jun. 16, 1982.

^{23/} Rogal, supra note 1.

^{24/} Israel became a party to the Conventions in 1949, Lebanon on Apr. 10, 1951, Syria on Nov. 2, 1953, Jordan on May 29, 1951, and Egypt on Nov. 10, 1952.

^{25/} Int'l Committee of the Red Cross, Report No. 5 on Lebanon (Jun. 23, 1982).

^{26/} Id.

However, a variety of sources report Israeli intentions to deny prisoner-of-war status to captured Palestinian combatants.^{27/} According to the Israeli Consul General in New York, the Palestinians will not be "tried as prisoners of war because the Palestine Liberation Organization does not act as an army" and that many will be tried as criminals.^{28/} An Israeli Army Command source^{29/} stated that "By definition of the Geneva Convention, they [the Palestinian guerrillas] are not prisoners of war, even though they might have been combatants captured in battle."^{30/}

While the ICRC has had very limited access to a few hospitalized Palestinians and Syrians,^{31/} it did not have access to Israel's prison camps until July 18 when ICRC representatives inspected the Ansar prison camp.^{32/} In its grant of access to the ICRC to visit its prison camps, however, Israel carefully avoided admission of any obligations to do so under the Conventions.

On June 7th, the PLO submitted to the Swiss Federal Council (depository of the Geneva Conventions) a declaration that it intends to be bound by the terms of the Conventions in the conduct of its armed struggle.^{33/} Access was given to the ICRC to visit the Israeli pilot captured by the PLO on July 4th.^{34/}

^{27/} Israeli Consult Predicts Trials for Many Seized in Lebanon, N.Y. Times, Jul. 2, 1982; Claiborne, Israel Does Not Consider Palestinians POWs, Wash. Post, Jun. 13, 1982; Cody, supra note 1; Rogal, supra note 1.

^{28/} Israeli Consul Predicts Trials for Many Seized in Lebanon, supra note 27.

^{29/} Int'l Committee of the Red Cross, Report No. 5, supra note 25.

^{30/} Claiborne, supra note 27.

^{31/} Under international pressure, the Israelis permitted the ICRC to visit 18 wounded and hospitalized Palestinian prisoners in Israel in late June. By the end of the second week in July, the ICRC had visited 18 Palestinians and 50 Syrians. So far, only the Syrians are regarded as prisoners of war by the Israelis. See Int'l Committee of the Red Cross, Report No. 7 on Lebanon (Jul. 7, 1982).

^{32/} Israel to Release Boys Captured in Lebanon, N.Y. Times, Jul. 20, 1982; Israelis Setting Free Teenaged Guerrillas, Wash. Post, Jul. 20, 1982.

^{33/} Press Release from David Barakat, PLO Rep. in Geneva (Jul. 9, 1982).

^{34/} Int'l Committee of the Red Cross, Report No. 7, supra note 31.

The testimonies of Dr. Giannou and his colleagues confirm that the Israelis have not applied the provisions of the Conventions relevant to the treatment of prisoners.

B. Applicability of the Provisions of the Conventions

Article 4 of the POW Convention grants the protections of prisoner of war status to several categories of combatants which would include many of those captured by Israel during the invasion of Lebanon. First, prisoner of war status is accorded to those who meet the traditional categories of lawful combatants or "privileged" belligerents as they were defined at the Brussels Conference of 1874 and embodied in article 1 of the Hague Regulations. This category included members of "regular" armed forces, including militias and volunteer corps attached thereto.

Even Israeli Defense Minister Sharon has conceded that the Palestinians have both "regular" and "irregular" troops.^{35/} The PLO maintains a regular military force known as the Palestine Liberation Army ("PLA") and various militia forces. Additionally, the organizations that constitute the PLO have their own fighting units.^{36/} A PLO spokesman has reportedly stated that Palestinian fighters in West Beirut fall into three categories--1,000 members of the PLA, 3,000 full-time guerrillas and 2,000 militiamen who guarded three Palestinian camps in Beirut.^{37/} Many of the militiamen serve in the PLO police force--the Palestine Armed Struggle Command.^{38/}

Article 4(A)(3) of the POW Convention anticipates any attempts to limit the coverage of the Convention's protections based on expedient national policies of political recognition. By its terms, article 4(A)(3) includes as privileged combatants:

"Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power." (emphasis added)

^{35/} Wash. Post, Jun. 12, 1982, at A20, col. 2.

^{36/} See Hamid, supra note 12; Halsel, Yasser Arafat: The Man and His People, 15 The Link 1 (reprint from Jul./Aug., 1982).

^{37/} PLO Disputes Who's to Leave Beirut, If Anyone, N.Y. Times, Jul. 8, 1982.

^{38/} Id.

This provision envisages a situation in which a belligerent state confronts an entity which lacks full state identity. The word "authority," in contrast to "government," indicates that the entity to which these forces belong is not necessarily a "state,"^{39/} although impliedly it must at a minimum be a public rather than a private body. While the inclusion of 4(A)(3) in the terms of the Convention was motivated by the case of the forces of De Gaulle which fought under the unrecognized authority of the French National Liberation Committee,^{40/} it has clear implications for the regular armed forces of the Palestine Liberation Organization, "an authority not recognized by the Detaining Power." William Claiborne comments on this in the Washington Post, June 13, 1982:

"Although Army officials declined to acknowledge it, refusal to grant internationally recognized prisoner of war status to the guerrillas apparently is the result of a political decision stemming from a reluctance of Israeli officials to recognize the Palestine Liberation Organization as a legitimate armed force."

In addition to "regular" forces, the POW Convention extends the category of privileged combatants who are entitled to prisoner of war status if captured to include "irregular" forces, i.e., other militias, volunteer corps, and organized resistance movements, provided they meet several conditions:

- (1) the group must belong to a Party to the conflict;
- (2) the group must be commanded by a person responsible for his subordinates;
- (3) the group must ensure that its members have a fixed distinctive sign recognizable at a distance;
- (4) the group must ensure that its members carry their arms openly; and

^{39/} Contra Military Prosecutor v. Omar Mahmud Kassem et al., 42 I.L.R. 470 (1969); Draper, The Status of Combatants and the Question of Guerrilla Warfare in the Law of War, 40 Am. J. Int'l L. 173, 191 (1971).

^{40/} Mallison and Mallison, The Juridical Status of Irregular Combatants Under the International Humanitarian Law of Armed Conflict, 9 Case W. Res. 39, at 53 (1977).

- (5) the group must ensure that its members conduct their operations in accordance with the laws of war.^{41/}

All of these conditions are impliedly present in article 1 of the Hague Regulations of 1907 which defines those to whom the laws of war apply, i.e., lawful combatants. Each of the criteria and terms of article 4(A)(2) must be considered carefully in light of the facts of the recent invasion of Lebanon.

1. Belonging to a Party to the Conflict.

The phrase "Party to the Conflict" in this requirement must not be read as synonymous with "High Contracting Party" or as requiring the resistance movement to be subordinate in any way to a sovereign state belligerent. The official Commentary of the ICRC indicates that an informal relationship between the irregular forces and a state belligerent would suffice:

"It may find expression merely by tacit agreement if the operations are such as to indicate clearly for which side the resistance organization is fighting."^{42/}

^{41/} There is controversy over the question of which of these conditions are collective, i.e. must be met by the entire group at all times, or must simply be met by the individual at all times in order for that individual to receive protection as a prisoner of war if captured. See Mohammed Ali v. Public Prosecutor (Judicial Committee of the Privy Council, 1968), 9 EILC 269; Military Prosecutor v. Omar Mahmud Kassem et al., supra note 39; Draper, supra note 39, at 196; Bindschedler, A Reconsideration of the Law of Armed Conflict, in Report of the Conference on Contemporary Problems of the Law of Armed Conflicts. Geneva: 15-20 Sept. 1969, 1-61 (1971) (available from Carnegie Endowment for Int'l Peace, N.Y.); A. Rosas, The Legal Status of Prisoners of War, 333 (1976).

^{42/} J. De Preux, Commentary on the Geneva Prisoners of War Convention of 1949 (ICRC, J. Pictet ed. 1960) at 57, as quoted in Mallison and Mallison, supra note 40, at 52.

Clearly, the relationship between the irregular forces of the Palestinian Liberation Organization and the Arab governments parties to the current conflict meet this test. Further, when interpreting the term "a Party to the conflict" in article 4(A)(2) in the context of other provisions of the Convention,^{43/} commentators have proffered the analysis that the organized resistance movement itself may be considered the party to the conflict.^{44/}

2. The Group Must Be Commanded by a Person Responsible for His Subordinates.

This requirement is an analogue to the threshold requirement that the resistance movement be organized. Military organization would of necessity give rise to a hierarchy and chain of command. The requirement is not one of having an organizational structure of a specified character but rather, as has been stated by the Secretary-General of the United Nations, of having a "command...capable of ensuring generally the execution of its orders, including, as far as possible, respect of the laws and customs of war...."^{45/} The organized character of units of the Palestinian combatant forces is not in dispute. Even the Government of Israel has conceded this point and has recently distributed documents purportedly captured during the invasion of Lebanon which, if taken as accurate, gives evidence of the command structure of a battalion of the Castle Brigade of the Al Fatah,^{46/} the dominant resistance organization within the PLO.

^{43/} See references to "High Contracting Parties" as against "Party to the conflict" in POW Convention, arts. 1, 2, 3, 4(A)(1) and 4(A)(3).

^{44/} Mallison and Mallison, supra note 40, at 54, considers this interpretation to be borne out by the fact that article 4(A)(2) was based on the partisan forces of Marshal Tito in World War II, who were not associated with any state party, but rather owed allegiance only to their own organized resistance movement which was considered a party to the conflict. See also Abi-Saab, Wars of National Liberation and the Laws of War, 3 Annals Int'l Stud. 93, 117 (1972); and Baxter, Humanitarian Law or Humanitarian Politics? The 1974 Diplomatic Conference on Humanitarian Law, 16 Harv. Int'l L. J. 1, at 14 (1975).

^{45/} Report of the U.N. Sec.-Gen. on Respect of Human Rights in Armed Conflicts, A/8052, para. 176 (18 Sept. 1970).

^{46/} The Nature of the Activities of the Palestinian Terrorists in Southern Lebanon and Their Ties with Eastern Bloc Countries: Documents Captured during IDF Operation in Lebanon. (Distributed by the Israeli Embassy, Wash., DC), at 3.

3. Wearing A Fixed Distinctive Sign and Carrying Arms Openly.

These two requirements are not meant to hold irregular combatants to any higher standards than those that must be met by members of regular armies. The purpose served is the maintenance of a distinction between combatants and civilians. The fixed distinctive sign must be worn only in "...circumstances where concealment would directly jeopardize the lives or liberty of civilians."^{47/} The "sign" may be interpreted broadly: it may be a particular hat, or insignia, or armband. Recognizing that surprise is a legitimate tactic in any war operation, whether involving regular or irregular troops, the requirement to carry arms openly has been interpreted to mean that:

"all members of militias, volunteer corps and other organized movements should carry arms in a way which is similar to that utilized by members of regular armed forces, when they are engaged in operations which can reasonably be expected to require the use of weapons. This would cover actual combat and operations preparatory, in a direct manner, to the combat (for instance, infiltration into enemy lines), but not ancillary activities such as information-gathering and propaganda among civilians."^{48/}

Particularly with respect to the requirement of wearing a distinctive sign, the various combatants of the PLO have, in the past, been found to meet the test.^{49/}

^{47/} Report of the U.N. Sec.-Gen., supra note 45, para. 177.

^{48/} Id.

^{49/} These organizations seem to have worn uniforms not only when fighting alongside troops from the Arab countries in the 1967 and 1973 wars, but also in some of their independent operations. Thus, in Military Prosecutor v. Omar Mahmud Kassem et al., supra note 39, the court held that the accused members of the Popular Front for the Liberation of Palestine fulfilled this condition because they were captured wearing green clothes and mottled caps that distinguished them from the civilian population. This holding was not affected by the defendants' clear intention to [footnote continued on following page]

In any event, a review of state practice on this point reveals that while some manner of distinction from the civilian population has been required, there is no reported instance of denial of prisoner of war status to irregular forces based on an alleged collective failure to wear a "fixed distinctive sign recognizable at a distance."^{50/}

4. Conduct Operations in Accordance with the Laws and Customs of War.

There is some evidence in the official Commentary of the ICRC that in applying this standard to "irregulars," recognition has been made of realistic conditions, both material and otherwise, which inhibit absolute adherence to the laws of war by even well-organized resistance movements. Consequently, the ICRC Commentary states that:

"Partisans are...required to respect the Geneva Conventions to the fullest extent possible."^{51/} [emphasis added]

Without question, a minimum standard exists:

"In all operations, they must be guided by the moral criteria which, in the absence of written provisions,

[footnote continued from previous page]

switch into civilian clothes at the completion of the military operation. See also J. Freymond and T. Hentsch, On Mediating Violence. Armed Political Movements and Humanitarian Principles, 19 (Geneva 1973), which states that the combatants of the PLO who infiltrate through the lines or fight against Israeli forces in southern Lebanon "openly carry their weapons and usually wear uniforms." Cf., however, Meron, 40 Nordisk Tidsskrift for International Ret 1970, 63-64, who asserts that "The fact is that often members of Arab terrorist organizations, while fighting on or near cease-fire lines, wear a kind of uniform and carry arms openly. However, if they succeed in penetrating deeper into Israel-held areas, they usually discard their uniforms, and, both for fear of being caught and to increase the element of surprise in their operations, wear civilian clothes when on operations."

^{50/} Rosas, The Legal Status of Prisoners of War, 344-349 (Helsinki, 1976).

^{51/} J. DePreux, supra note 42, at 61, as quoted in Mallison and Mallison, supra note 40 at 59.

must direct the conscience of man; in launching attacks, they must not cause violence and suffering disproportionate to the military results which they may reasonably hope to achieve. They may not attack civilians or disarmed persons and must, in all their operations, respect the principles of honor and loyalty as they expect their enemies to do.^{52/}

On three occasions the PLO has formally declared its intentions to conduct its military operations in accordance with the laws of war. In 1969, the PLO informed the Swiss Federal Political Department (as depository of the Conventions) of its decision to accede to the Conventions. In 1974 the PLO renewed its declaration to adhere to the terms of the Conventions,^{53/} and on June 7, 1982, as the invasion of Lebanon began, the PLO made a unilateral declaration to the Swiss Federal Council that it would adhere to the additional terms of Protocol I to the Conventions

The overall effect of article 4(A)(2) is that organized resistance movements have currently the same obligations and privileges under international law as do regular forces of state parties to the conflict.

In addition to irregular forces which meet certain requirements, the POW Convention establishes another category of privileged combatant which may encompass some of the prisoners taken by Israel in its recent invasion of Lebanon. Article 4(A)(6) extends the protections of prisoner of war status to:

"Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war."

A rising of--in the words of the Hague Rules--"the inhabitants of a territory not under occupation who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves," is described as a levée en masse. Such persons are recognized as being entitled to the privileges of belligerent forces if they fulfill the last two conditions laid down for "irregulars," namely, if they carry arms openly and conduct their operations in accordance with the laws and customs of war. They are exempt from the obligations of operating under a responsible commander and wearing a distinctive

^{52/} Id.

^{53/} See Rosas, supra note 50, 208.

^{54/} See discussion of Protocol I infra, pp. 21-24.

sign. The inhabitants of a territory already invaded by the enemy who engage in combat against the occupying power do not enjoy the privileges of belligerent forces and are not entitled to be treated as prisoners of war, unless they are members of organized resistance movements fulfilling the conditions set out in the POW Convention, article 4(A)(2).

In the event that those captured and taken as prisoners in the recent invasion into Lebanon do not meet the criteria for prisoner of war status set out above, they may be considered illegal combatants and tried as criminals of war. That is, if private persons take up arms and commit hostilities without having satisfied the conditions under which they may acquire the privilege of members of the armed forces, they are guilty of unlawful acts and, when captured, are liable to punishment as war criminals. Alternatively, they may be entitled under the Civilian Convention, article 5 and part III, section III, to the rights of protected persons in occupied territories.^{55/} Such rights include humane treatment and a fair trial by a properly constituted court. If doubt exists as to whether such a person is entitled to prisoner of war status, article 5 of the POW Convention guarantees certain protections:

"Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal."

^{55/} Note particularly article 70:

"Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the law and customs of war.

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IV. Past Practice of Israel Regarding the PLO

Since the commencement of armed activities by the Palestine Liberation Organization in the mid-60's, Israel has captured small numbers of Palestinian combatants, either in connection with the 1967 and 1973 wars, or in connection with Palestinian raids into Israel and Israeli-occupied territory, or Israeli raids into the neighboring countries. Israel has consistently maintained that neither PLO combatants nor other Palestinians captured in combat have a right to prisoner of war status under the Conventions; Israel considers all Palestinian Liberation Organization members as "terrorists" lacking any status of belligerency. Therefore, in Israel's view, the PLO does not qualify as a "party to the conflict" as required under article 4(A)(1) of the POW Convention. Further, while for other purposes, Israel consistently stresses the close relationship between the Arab states and the Palestinian movement,^{56/} Israel has maintained that the PLO does not fulfill the requirements of an organized movement "belonging" to a party to the conflict (under this interpretation the Arab states), and that it fails to meet the requirements of 4(A)(2)(a)-(d) in the conduct of its operations.^{57/}

Israel's strict construction of the provisions of the POW Convention in relation to the operations of Palestinian combatants is amply demonstrated in the decision of the Israeli military court in the case of Military Prosecutor v. Omar Mahmud Kassem et al.^{58/} As noted above, the Israeli interpretations of the Convention's requirements as reflected in the court's holding in this case, are not always borne out by the travaux preparatoires or the official Commentary to the Conventions.

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"Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offenses committed after the outbreak of hostilities, or for offenses under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace."

^{56/} See Rosas, supra note 50, 209.

^{57/} Id.; see also Meron, supra note 49, 54-70, 77.

^{58/} 42 I.L.R. 470 (Israeli Military Court sitting in Ramallah, 1969), excerpted in 1 I.Y.H.R. 456 (1971).

The defendants, members of the Popular Front for the Liberation of Palestine (PFLP) were captured by Israeli forces while on a mission in the occupied West Bank. At the time of their capture, they wore military dress--green clothing and green peaked hats--were carrying arms and were in possession of military passes which identified them as members of the PFLP as required by article 17 of the POW Convention. The court, having dismissed a preliminary challenge to its competence to decide the issue of status under article 5 of the POW Convention, proceeded to apply the criteria laid down by the Convention and the Hague Regulations.

In considering and rejecting the application of articles 4(A) (1) and (6), the court found that the accused were neither "[m]embers of the armed forces of a Party to the conflict [n]or members of militias or volunteer corps forming part of such armed forces" as required in 4(A) (1), nor were they members of a "levée en masse" which would trigger the application of 4(A) (6).

The court rejected the applicability of article 4(A) (3) by reading that provision as limited to non-state parties which are recognized as a legal entity by at least one of the belligerent states. It could not be invoked by a body which has not been recognized by either of the parties to the conflict. The PFLP operated independently in Jordan; it was not a part of or under the control of the Jordanian army, it enjoyed no other grant of Jordanian authority, and moreover was considered an illegal organization in Jordan. Article 4(A) (3), therefore, could not be invoked to grant privilege combatancy to the PFLP. The court appears to have implied that once some form of recognition is granted to the resistance organization by a belligerent state, article 4(A) (3) would become applicable.^{59/} This requirement has subsequently been met with regards to the PLO.^{60/}

In considering the status of the accused under article 4(A) (2), the court considered the requirement that irregular forces belong "to a party to the conflict" to be pivotal:

^{59/} Kuttner, Israel and the West Bank, Aspects of the Law of Belligerent Occupation, 7 Isr. Y.B. Hum. Rts., 205 (1977).

^{60/} Currently, over 65 states, including all of those involved in the Middle-East conflict, have recognized the PLO at least insofar as permitting it to establish representative offices within their territory.

"We agree that the Convention applies to military forces (in the wide sense of the term) which, as regards responsibility under International Law, belong to a State engaged in armed conflict with another State, but it excludes those forces--even regular armed units--which do not yield to the authority of the State and its organs of government. The Convention does not apply to these at all. They are to be regarded as combatants not protected by the International Law dealing with prisoners-of-war, and the occupying Power may consider them criminal for all purposes."^{61/}

The court considered the requirements of conducting their operations in accordance with the laws and customs of war and carrying arms openly to be requirements to be met by the collective, rather than by the individual combatant. Therefore, an organization like the PFLP, which operates underground and thereby does not carry arms openly at all times, would, the court held, ipso facto exclude its members from possible prisoner of war status even if the individual combatants were captured while carrying arms openly. With respect to the conduct of the individual combatants before it, the court found that "while in contact with Israeli troops the accused used their weapons [openly], but, on the other hand, the presence of arms in their possession was not established until they began to fire...."^{62/} The court concluded that "carrying arms openly" should not be understood to mean simply "while using them during an engagement."^{63/}

^{61/} 42 I.L.R. 477.

^{62/} 42 I.L.R. 479.

^{63/} Id.

In practice, Israel has tended to differentiate between the treatment of various members of the Palestine Liberation Organization when captured in combat, depending on the circumstances under which they are captured. For example, those captured in the 1967 and 1973 wars while fighting alongside Egyptian and Syrian troops were treated as prisoners of war along with captured Egyptian and Syrian combatants.^{64/} Members of the Al Fatah Organization captured in open battle while fighting in uniform during an Israeli raid on Jordan in 1968 were detained without trial but denied prisoner of war status.^{65/} In the 1970 Israeli invasion of Lebanon, the Israeli authorities contested the ICRC's request that "...the Israeli authorities... grant these detainees treatment similar to that of prisoners of war, in conformity with the humanitarian provisions of the 3rd Geneva Convention."^{66/}

Since 1967, however, the Israeli authorities have granted to the ICRC authority to visit Arab civilian detainees in Israel and Israeli-occupied territory. In most instances, Palestinian combatants captured, whether inside or outside Israel, would be held in those detention facilities. The authorization extended to "all prisons in Israel and occupied territories where protected persons were detained, particularly Palestinian residents in the occupied territory"; this included persons charged or sentenced with various offenses, as well as the so-called "administrative detainees."^{67/} At present, the ICRC is allowed to visit detainees only after their interrogation.

^{64/} Rosas, supra note 50, 210.

^{65/} Id.

^{66/} Id. In several of these cases, the ICRC was eventually granted access to visit the detainees; however, such access was granted by the Israelis without conceding the juridical status of the detainees.

^{67/} For comment on administrative detention in the West Bank and Gaza as a violation of the Civilian Convention, see: Treatment of Palestinians in Israeli-Occupied West Bank and Gaza: Report of the National Lawyers Guild 1977 Middle East Delegation (N.Y., 1978).

They are not permitted access to detainees held in police stations or military camps.^{68/} Reports produced by the ICRC, based on its visits to detention facilities since 1969, tend to support evidence produced by other groups,^{69/} that torture, overcrowding, and other inhumane conditions are common features of Israeli detention of Palestinians. Such conditions would violate not only the POW Convention, but also provisions relating to the detention of civilian persons under the Civilian Convention and minimum standards of humane treatment mandated by the Universal Declaration of Human Rights.

^{68/} Rosas, supra note 50, 210-211.

^{69/} The subject of torture of Palestinian prisoners in the occupied territories has been treated by several bodies. The U.N. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, in its report to the General Assembly in November 1978, referred to evidence which "confirms the allegations that persons under interrogation are ill-treated and that no adequate remedies exist to safeguard such persons from abuse." In 1978, the Human Rights Division of the U.S. Dept. of State stated that: "The accumulation of reports, some from credible sources, makes it appear that instances of mistreatment have occurred." See Dept. of State, Country Reports on Human Rights Practices for 1978, 565 (GPO: Wash., 1979). In 1978 the U.S. Nat'l Lawyers Guild issued a detailed investigation which stated that:

"The more primitive forms of torture commonly alleged by the prisoners interviewed, and by many others as well, include beatings (particularly of the back, feet, sexual organs and other sensitive areas), burning by cigarettes, forcing detainees to stand naked for long periods exposed to heat or cold; dousing naked detainees with hot or cold water; cutting the body with razor blades, use of dogs to bite or scratch detainees; sensory deprivation (withholding of food, blindfolding for long periods); insertion of bottles or sticks into a detainee's anus or vagina; insertion of a wire into the penis....Some detainees have alleged their bodies were suspended from the floor by tying their hands or feet to a pulley device. Others have alleged that electrical shock was applied to sensitive parts of their bodies with wires specially prepared for that purpose."

Treatment of the Palestinian in Israeli-Occupied West Bank and Gaza: Report of the National Lawyers Guild 1977 Middle East Delegation (N.Y., 1978), 97. Other organizations, such as the highly-regarded London Sunday Times

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V. Additional Protocol I to the Geneva Conventions of 1949

As a result of the harsh treatment and sentences, very often involving capital punishment, that had been given to captured irregular combatants in wars of national liberation, the U.N. General Assembly in 1968 requested that the Secretary-General, in consultation with the ICRC, make a study of the need for the revision of humanitarian law, and outline steps for its better application. It was proposed that the study give "special attention to the need for protection of the rights of civilians and combatants in conflicts which arise from the struggles of peoples under colonial and foreign rule for liberation and self-determination and to better application of existing humanitarian conventions and rules to such conflicts." The result of the study was a series of four diplomatic conferences from 1974 to 1977 which produced two Protocols to the Geneva Convention of 1949.

To underscore the intention of the diplomatic conferences to produce new practical and realistic criteria that would make recognition of combat tactics adopted by necessity by irregular forces, a number of liberation movements were invited to participate in the deliberations of the conferences. Among them was the Palestine Liberation Organization.^{70/} The resulting Protocol I expands the scope of the Conventions and modifies the criteria for privileged combatancy to reflect the realities of modern warfare. Its provisions successfully address the objections Israel has raised in the past to the claims of Palestinian combatants to prisoner of war status upon capture.

In accordance with article 1(4) of Protocol I, the protection of prisoner of war status is now open to combatants engaged in:

[footnote continued from previous page]

Insight Team, the International Committee of the Red Cross, Amnesty International and others, have also come to similar conclusions. See: Arab Red Cross and Red Crescent Societies, Violations of the Geneva Conventions of 1949 (1969); Amnesty International, Report and Recommendations of an Amnesty International Mission to the Government of the State of Israel (1980).

^{70/} See Mallison and Mallison, The Juridical Status of Privileged Combatants Under the Geneva Protocol of 1977 Concerning International Conflicts, 2 Law and Contemporary Problems, 7 (Spring 1978).

"armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on...Friendly Relations...."

This extension of scope does not run solely to the provisions of the Protocol. It applies as well to the Conventions. Therefore, as to those parties to the Conventions who are also parties to the Protocol, these clear terms end any controversy over the interpretation of the text of the Conventions with regard to (1) inclusion of liberation movements fighting wars of national liberation regardless of their lack of status as sovereign states and (2) the international character of such conflicts under the Conventions, as read with the Protocol.

Article 96(3) establishes a procedure for liberation movements ("the authority representing a people engaged against a High Contracting Party in an armed conflict of the type referred to in article 1 paragraph 4") to unilaterally undertake to apply the Conventions and the Protocol.^{71/} Such a declaration would extend to the liberation movement the full rights and obligations of the Conventions and the Protocols.^{72/}

^{71/} The Swiss Federal Council, unfortunately, interprets article 96(3) as authorizing "unilateral declarations" by liberation movements only when the state against which it is fighting has acceded to the Protocol. This interpretation was first revealed in 1980 when the Swiss Federal Council rebuffed the attempts of the African National Congress (South Africa) to make a declaration under article 96(3). This is an extremely narrow reading of the article and, since it is highly unlikely that any of the regimes that may be considered colonial, racist or alien occupying powers will accede to the Protocol, the interpretation of the Swiss Federal Council appears to be at variance with the overall intent of Protocol I and has the effect of rendering the Protocol a nullity.

^{72/} See, however, article 4 which forestalls any broader implications that might be drawn from article 96(3) insofar as the political or juridical standing of liberation movements is concerned.

Article 43 of Protocol I defines the lawful combatant and, in so doing, retains the requirements of an organized group and a responsible command. However, the provisions liberalize the requirement of article 4(A)(2)(d) of the Convention (i.e., "conducting their operations in accordance with the laws and customs of war") to "an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict." In shifting the emphasis from a violation of the laws to the requirement of maintaining a disciplinary system, the Protocol opens the door to prisoner of war status for those individual combatants who belong to fighting units whose tactics as a group may have involved some isolated instances of unlawful behavior.

Further liberalization of the article 4(A)(2)(d) rule can be seen in the terms of article 44(2) of the Protocol which, with exceptions in 44(3) and (4), states that regardless of the requirement for an internal disciplinary system which enforces compliance with the rules of war, violations of these rules by a combatant shall not deprive him of his prisoner of war status. A combatant, therefore, who individually violates a rule of the laws of war, retains his status as a lawful combatant and as a prisoner of war if captured so long as the entity for which he fights maintains a disciplinary system as required in article 43.

Article 44 of the Protocol contains a statement of the scope of individuals entitled to prisoner of war protection and its terms effectively provide for the freedom of operation necessary in the conduct of guerrilla warfare. The first sentence of article 44(3), which applies to both regular and irregular troops, requires that they must distinguish themselves from civilians (reminiscent of article 4(A)(2)(b) and (c) of the POW Convention) but only while "engaged in an attack or in a military operation preparatory to an attack." While this allows some room for liberation armies to function, e.g., at all other times while not "engaged in an attack" etc., they may totally integrate with the civilian population, it is the second sentence of article 44(3) that extends the greatest freedom to guerrillas:

"Recognizing, however, that there are situations in armed conflicts where, owing to the nature of the hostilities an armed combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that, in such situations, he carries his arms openly:

(a) during each military engagement, and

- (b) during such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate."

The key phrase "owing to the nature of the hostilities" is not defined in the Protocol. Yet, the intent of the drafters to make special provision for the totally asymmetrical nature of guerrilla warfare in the context of wars of national liberation suggests a convincing argument that this phrase refers to such situations.

Article 44(4) gives additional clarity to the drafters' intent to provide the widest possible application of the humanitarian rules of the Conventions and the Protocol. While Article 44(4) specifies that failure to observe the conditions in (a) and (b) gives rise to forfeiture of lawful combatancy status, and upon capture by the enemy, forfeiture of prisoner of war status, nevertheless, such a captured unlawful combatant is to "be given protections equivalent in all respects to those accorded to prisoners of war...."

On June 7, 1982, the PLO addressed to the Swiss Federal Council^{73/} a declaration made in accordance with article 2(3) common to the four Geneva Conventions of 1949, and article 96(3) of the first additional Protocol to the Conventions.^{74/} The declaration stipulates that the PLO declares its commitment to apply the Geneva Conventions of 1949, as well as the first additional Protocol to these Conventions, in the armed conflicts to which it is party.^{75/} Needless to say, Israel has not acceded to the Protocol.

^{73/} The Swiss Federal Council is the depository of the Geneva Conventions.

^{74/} Press Release from David Barakat, supra note 33.

^{75/} See, however, note 71.

Conclusion

The four Geneva Conventions of 1949 apply in their entirety to the conduct of hostilities by Israel in Lebanon. The terms of Additional Protocol I (1977) indicate the intention of the international community to construe the criteria for privileged combatancy broadly in conflicts such as that in the Middle East, thereby guaranteeing that the members of the PLO be treated as prisoners of war within the meaning of the Geneva Accords. At the very minimum, captured members of the PLO and other individuals affiliated with them, together with all Lebanese and Palestinian civilians, are entitled to the full panoply of protections set forth in the Fourth Geneva Convention and the customary international law of belligerent occupation. Statements by the Israeli government that captured PLO members will be treated as "terrorists" and thus presumably deprived of their protected status under the Geneva Conventions would, if acted upon, constitute a grave violation of the humanitarian laws of armed conflict that have been universally accepted by all civilized states.

PALESTINE AND NAMIBIA: TWO FOCAL POINTS FOR
ARAB AND AFRICAN SOLIDARITY

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I. Introduction

At the close of World War I, the victorious Allied and Associated Powers redistributed among themselves the colonies of the vanquished countries of Germany and the Ottoman Empire. The League of Nations, though founded on the principles of self-determination, saw no inconsistency in thus continuing the colonial status of the subject peoples of territories such as Palestine, a colony of the Ottoman Empire, and Southwest Africa (Namibia), a colony of Germany until it was invaded by South Africa in 1914 (shortly after the outbreak of World War I). Article 22 of the League Covenant stated:

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the states which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The Covenant thus declared that the continued subordinate status of such colonized peoples should continue under the administration of Mandatories (select members of the victorious Allied and Associated Powers). Palestine was placed under the administration of the United Kingdom as a Class "A" Mandate and Southwest Africa (Namibia)

was placed under the Administration of "His Britannic Majesty, to be exercised on his behalf by the Union of South Africa" as a Class "C" Mandate.

The differences in Mandate category in which the imperialists placed Palestine and Namibia should not obscure the common historical, political, and legal legacy they share. First, note that the United Kingdom was ultimately in control of both Palestine and Namibia. Second, as we shall see, British administration was succeeded by two remarkably similar and historically related settler regimes--South Africa and Israel--the former after World War I, and the latter after World War II. Finally, both Mandates passed through the machinery of the United Nations as well as that of the League, with indifferent results.

II. The Role of British Imperialism in the Dilemmas of Palestine and Namibia

The Middle East and Southern Africa have always been viewed as the front and rear gates, respectively, for imperialist penetration and dissection of Africa, twin portals of land and sea from Asia and Europe. When Napoleon invaded Egypt in 1803, for example, it was only logical that the United Kingdom should invade Southern Africa in 1806. A century later, the British ruling class l/ and British imperialism simultaneously set up the Union in South Africa and entrenched Zionism in Palestine to serve as watchdogs at these portals. The Union of South Africa was founded in 1909, nine years after the British victory over the Boers in 1900. South Africa invaded Namibia in 1914. The Balfour Declaration, establishing

Palestine as the site for a "Jewish National Home," was issued by the British government in 1917. Jan Smuts, a future Prime minister of South Africa, was a major force in the framing of the Balfour Declaration, 2/ working closely with Zionist leader Chaim Weizman in the early days. Cecil Rhodes, Smuts' mentor, saw the Suez Canal and the Cape of Good Hope as the keys to Africa.

During World War I, Britain and France promised independence to Arabs in Palestine, Syria, Lebanon, and Jordan who would fight their Turkish rulers. Secretly, however, the two imperialists agreed to carve Arab countries up among themselves (This Sykes-Picot Agreement was exposed by the USSR in 1917). By 1920, Arab and African countries alike had been carved up and served to various imperialist powers and their agents. Palestine and Namibia were two of these, linked as hostages to Zionism, racism, and imperialism. In Palestine, the British Mandatory authority suppressed Arab revolts while constantly increasing the quota for Jewish immigrants. At the same time, British settlers from South Africa suppressed African revolts in Namibia. Both Palestine and Namibia were kept out of the UN Trusteeship system, and their peoples' legitimate aspirations to self-determination denied, even after World War II.

III. The United Nations Role in the Questions of Palestine and Namibia

The League of Nations and the United Nations were both founded upon the principles of self-determination and peaceful resolution of disputes. Both were also controlled at the outset by imperialist powers of the West. Clearly the world situation had changed some by 1945, and the strength of the USSR and the Communist

Party in China, as well as the Afro-Asian solidarity movement, caused the UN to be less of an instrument of Western foreign policy than the League. The UN as a legal or super-structural instrument of international law became an object, a product, and a determinant of political struggle around and within it. Though in the period from 1945-1960, the UN performed roughly as an instrument of Western and particularly US foreign policy, by 1960, tension between the US and USSR (e.g. the Cuban missile crisis) and the increasing influence of the Non-Aligned Movement (viz.-the landmark Declaration on Independence to Colonial Countries and Peoples) made it possible to speak of the UN as relatively autonomous from the will of western powers in a way which the observer of the League of Nations would have found impossible to conceive.

PALESTINE:

Contrast the treatment of Palestine before and after 1960, for example. The partition plan for Palestine of 1947, 3/ recommended by the UN Special Committee on Palestine, divided Palestinian land without so much as a plebescite, in clear violation of the emerging peremptory norm of self-determination, and even violated the arrogant promises of the League Mandate. It is as if the UN in 1947 had offered to partition Namibia between the Europeans (about 15% of the population) and the Africans (85% of the population) such that the Europeans got the lion's share of the land. By this division, 56% of Palestine went to Jews who were 30% of the population and who owned only 6% of the land. Even this illegal division of Palestine was ignored by the Zionists, however,

who drove out 750,000 Palestinians during the hostilities of 1948-49 and occupied 80% of Palestine. Israel, thus constituted, was admitted into the UN with the blessing of the United States, on May 11, 1949 4/ (President Truman cabled recognition of Israel eleven minutes after Ben-Gurion proclaimed Israel's existence in 1948).

By 1967, however, the growing influence of the Non-Aligned movement was felt in Security Council Resolution 242 of November, calling for Israeli withdrawal from all territories occupied in the 1967 Arab-Israel war (the remaining twenty percent of Palestine, that is, the West Bank and Gaza; the Egyptian Sinai; and the Syrian Golan Heights). Resolution 242 blurred the issue considerably by failing to call for a retreat at least to the territory delimited in the 1947 Partition Plan (recognizing Israel's "secure and recognized borders)." Still Israel was censured for the first time. By 1970 the UN took special note of the denial of self-determination to the peoples of Palestine and the peoples of Southern Africa in the same breath. 5/ By 1974 Israeli mistreatment of more than a million Palestinians in the West Bank and Gaza, the still-growing influence of the Non-Aligned Movement, and, above all, the determined struggle of the Palestine Liberation Organization (PLO) culminated in an invitation of the PLO to participate in the deliberations of the General Assembly, as the sole legitimate representative of the Palestinian people 6/. In 1975, Zionism was openly condemned as racism in the UN, 7/ a world body once totally dominated by imperialist power. From the instrument of the destruction of Palestinian self-determination and claims to their lands, the UN has

developed into one instrument for the legitimation of the national claims and just aspirations of the Palestinian people.

There are still great challenges the UN must face, however. It may well be that the Israeli invasion of Lebanon gives a challenge to the United Nations as serious as Mussolini's invasion of Ethiopia and Hitler's invasion of the Sudetenland posed to the League of Nations. How long will it be before Israeli settlers cross into Southern Lebanon? As they did into the Arab sectors of partitioned Palestine? As they did into the West Bank and Gaza? As they did into the Sinai and the Golan Heights?

NAMIBIA:

It is important for us to remember that what change has occurred in the UN position on Palestine has not taken place in a political, economic, or historic vacuum. The change in UN policy towards the Palestinians was not a gentle evolutionary process, but rather the result of (1) the determined struggle of the Palestinian people for their liberation; (2) the struggle between the US and the USSR taking place in the context of detente (from the Cuban Missile crisis to the crisis in Afghanistan, roughly 1962-1977); and (3) the growing force of the anti-colonial struggles of the oppressed people of the world, represented by the Non-Aligned Movement. One of the most important of these struggles against colonial domination has been the struggle against settler-colonialism in Southern Africa. Let us now examine the role of the UN with respect to Namibia to look for similarities and contrasts with the UN role in Palestine.

While the UN in its early years did great damage to the Palestinian right of self-determination, it was the League of Nations, 30 years earlier, which fundamentally compromised the rights of the Namibian people. As was stated by a Namibian representative to the UN council on Namibia:

We feel that the world as a whole has a special responsibility toward us. This is because the land of our fathers was handed over to South Africa by a world body. It is a divided world, but it is a matter of hope for us, that it at least agrees about one thing - that we are entitled to freedom and justice. 8/

In 1946, after 30 years of South African administration as League mandatory on behalf of the United Kingdom, numerous observers testified that in Namibia, Africans were completely banned from voting and political activity. Attempts at political organization were forcibly repressed. African leaders were forced into exile or subjected to constant harassment, including long-term imprisonment. Africans could move about only with passes, and printed or written matter, pictures or posters considered "unsuitable for the native mind" were censored and suppressed. This system of racial subordination and segregation shocked most members of the UN in 1946, and South Africa's proposal to formally annex Namibia was rejected. In another 30 years, it would be clear to most UN members that Israel has followed virtually the same oppressive policy in the West Bank and Gaza as South Africa did in Namibia, and Israel's similar bid to annex the West Bank and Gaza would be firmly denounced. In 1948, the world knew the infamy of South African oppression; not for another 30 years, however, would the infamy of

Israeli oppression be known as well. In 1949, South Africa openly declared apartheid to be its national policy. In 1979, the UN equated Zionism with racism, and condemned them both.

In 1950, a series of confrontations over Namibia began in the International Court of Justice, a struggle which culminated, after a major set-back in 1966, with a ruling that the South African presence in Namibia was illegal and properly subject to retaliation by the UN and its individual members. The 1966 proposal of the USSR and Czechoslovakia, that the General Assembly should declare Namibia independent and enable the OAU to assist the National Liberation Movement in forming a new government, was in effect accepted when the General Assembly established the Council on Namibia in 1967. Perhaps this latter strategy is a model for the future UN role in Palestine. Such a strategy would be based on a legal theory that sovereignty over Palestine, like sovereignty over Namibia, has never rested anywhere but with the people. This proposition is dismissed below, in the following section on "Legal Theories."

IV. Legal Theories

A number of legal theories have been advanced to describe the location of Sovereignty with respect to League Mandates:

- (1) That Sovereignty was transferred to the Mandatory power subject to the provisions of the Mandate;
- (2) That Sovereignty was entrusted to the League of Nations;
- (3) That Sovereignty remained suspended during the Mandate subject to future settlement; and

(4) That Sovereignty to the Mandated territory remained in the inhabitants of the Mandated territory themselves.

The first three theories have been discarded or discredited, and the fourth generally embraced as consistent with the stated objective of the Mandate system (to prepare the territory for self-government) and, even more importantly, as consistent with the peremptory norm favoring self-determination.

In the case of Namibia, the UN has formally applied the fourth theory by declaring South African occupation of Namibia illegal, and establishing the UN Council on Namibia, which provides a trustee government for Namibia pending total liberation by armed struggle. The UN actively cooperates with the OAU in facilitating the work of the liberation movements. The interim strategy, of seeking to persuade (or even force) South Africa to report to the UN on her activities in Namibia as Mandatory, was consistent with the theory of limited sovereignty in the Mandatory or sovereignty entrusted to the League (with the UN as its successor). These legal theories, and the strategies they involved, have been rejected in the case of Namibia. Yet in the case of Palestine, the UN and the world community are slow to come to similar conclusions. The Palestinian right of self-determination and consequent sovereignty over a substantial portion of Palestine has yet to be recognized. The original Partition Plan was no more valid than a partition of Namibia, imposed by a world body against the will of the inhabitants, without even so much as a democratic vote, could have been. Continuing Palestinian and Namibian sovereignty over their respective homelands, in addition to their legitimate rights to

self-determination, give them both the right to govern themselves.

In both Palestine and Namibia, today, we have instances in which a people's right to their homeland has been withheld from them by force. In the case of Namibia, the use of force prevents the return of Namibia to its inhabitants. In the case of Palestine, the use of force ripped the territory away from its inhabitants and keeps it, in defiance of their rights. In both cases, the aggressors pretend that the lands they occupy are terra nullius, belonging to no one, having no sovereignty. This is racism - to disregard entirely the right to self-determination of the peoples indigenous to the land. In 1959, when the South Africans sought to relocate Namibians from Windhoek to "Katutura" (a Herero word meaning "we have no place of our own"), the Namibians, led by Sam Nujoma, refused and demonstrated their opposition. The South Africans, in a massacre that proceeded Sharpeville by only a few months, opened fire. The Palestinians, like the Namibians, refuse to disappear, refuse to go to "Katutura". Thus in the case of both Palestine and Namibia, the use of force and the denial of self-determination coincide, presenting precisely the formula for world war the UN was set up to avoid.

V. Israel and South Africa: Two Settler Regimes

In both Israel and South Africa, European invaders expelled the residents, and settled in their place--in their homes, in their land--and exploited them. Fashioned out of British imperialism at the turn of the twentieth century, both South Africa and Israel are to this day defended by Western imperialist powers, with economic,

political, and military support. The support of Western imperialism for these two regimes continues despite numerous Security Council and General Assembly resolutions, despite gross violations of human rights and self-determination. Both function as regional gendarmes for imperialism; Israel guards North African and Middle-Eastern oil, South Africa guards the diamonds, uranium and other mineral resources of southern Africa, particularly of Namibia.

But there is more to the connection between Israel and South Africa than historical and political similarity. There are intimate historic, political and economic linkages between the two. 9/ As mentioned above, both were founded by the same members of the British ruling class, so ties go back to the time of "the twins," Weizman and Smuts. Hundreds of South African volunteers joined Zionist soldiers in the 1947-48 War to found the settler colony of Israel. The first pilot from the Israeli air force killed in battle was a South African. This same pattern was repeated in the 1956, 1967, and 1973 Zionist wars against the Arab people. Large numbers of South African volunteers participated, both as soldiers and as civilians replacing Israelis called to war. At the same time, hundreds of Israeli soldiers were working with the South African army, training them in counter-insurgency tactics. In 1976, SWAPO reported sighting Israeli soldiers actively fighting along-side South African troops in Namibia. 10/

South Africa, the world's second largest diamond exporter, sends its rough diamonds, produced by the exploitation of African labor, to Israel, the world largest diamond cutter and polisher, for finishing touches before they are sent to the United States, the

world largest diamond market. Unfinished South African goods are sent to Israel for completion and a "made in Israel" stamp that allows the goods to be sold in violation of existing trade sanctions against South Africa on account of its apartheid policy. Such goods are also eligible for the favored trade status afforded Israel by the U.S. and the European Economic Community (EEC).

Israel supplies South Africa with weapons, and blue-prints for weapons, from tanks and patrol boats to airplanes. South Africa is licensed by Israel to manufacture Uzi sub-machine guns. In return, South Africa supplies Israel with steel, coal, ferro-alloys, and money to support Israel's arms industry. In 1979, Israel and South Africa set off a joint nuclear test: South Africa supplied the uranium, Israel the technology. With the technology to make U.S. cruise missiles, reportedly leaked by the U.S. Air Force, the new twins, Israel and South Africa (the brain-children of Weizman and Smuts) could deliver nuclear warheads anywhere within a fifteen hundred-mile radius of Tel-Aviv or Pretoria. The resulting Tel-Aviv/Pretoria axis would cover virtually all of Africa, the Middle East, and reach far out into the Indian Ocean. Namibia and Palestine, at one time long isolated from one another by imperialism, now appear intimately linked by their common struggle against imperialism, particularly imperialism's pretensions to once again dominate the African Continent.

There is a growing collaboration between South Africa and Israel which must be matched by a growing collaboration, cooperation, and eventual unity within Arab nations and within African nations, as well as among and between them. The two settler

regimes threaten to destabilize each African and Arab nation by attacking them at their weakest point -- ethnic and religious division -- hence destroying the prospects for continental solidarity. Ethnic and religious differences must be transcended, within each Arab nation, within each African nation, among them, and between them. This may sound like fantasy, and today it obviously is, but the threat of Israel and South Africa working as a team means that, unless this fantasy can become a reality, Arab and African independence as we know it will disappear. My purpose today is not to assert that higher levels of unity among and between African and Arab peoples can be made to appear as if by magic, but only to suggest that the topic of unity as a strategic objective, worthy of hard struggle, must become part and parcel of all our discussions. Our very survival depends upon it.

VI. Arab and African Solidarity on Namibia and Palestine

Mandatory status is not unfamiliar to the citizens of the Arab and African worlds. The other former mandates include: British and French Cameroons; British and French Togoland; Tanganyika; Ruanda-Urundi; Somaliland; Syria; Lebanon; and Trans-Jordan. Two League Mandates, Palestine and Namibia, are the last in line for self-determination. And why are they the last? Because the lands they occupy and the resources they inherit are indispensable to imperialist control of the entire African continent.

After World War I, South Africa, and after World War II, Israel, as regional gendarmes for imperialism, took over from the

British the job of policing the peoples at Africa's southern and northern gates. Today, just as Namibia is at the center of the conflict in Southern Africa, Palestine is at the center of the conflict in Northern Africa and the Middle East. Nasser, the architect of Arab-African solidarity, was one of the first to recognize this fact. Just as Egypt had a responsibility to resist attempts to convert it into a "highway for the imperialist infiltration of the African continent" from the North, so Black Africa had a responsibility to prevent such infiltration from the South. Ahmed Sekou Toure of Guinea was the first African leader South of the Sahara to stand with Nasser, cabling a message of support and an offer of troops to Nasser's Egypt in the face of the 1967 Israeli invasion. Sekou Toure demonstrated that Islamic solidarity and radical pan-Africanism are natural allies, and together pose a formidable threat to Israeli diplomacy.

Today, the crucial roles of Palestine and Namibia in the future of Africa are underscored by numerous OAU resolutions recognizing the importance of the Palestinian question 11/ and by the League of Arab States' recognition of the importance of struggles in Southern Africa. This is why Africa has rejected Camp David, for example. This is partly a function of moral solidarity, but increasingly it is a function of African recognition of the strategic role Israel is poised to play in the control of the African continent.12/ At the OAU summit in 1963, Nasser expressed confidence that the progress of history would lay the Palestinian problem "unmasked before the African conscience." As the racism and intransigence of the Israeli state has become more and more open, it

has become increasingly isolated, and more and more forced to openly curry favour with the apartheid regime of South Africa and with other reactionary states.

Ultimately, only Arab unity and African unity can free the continent of the continuing threat of Zionism, racism and imperialism; unity on all levels, from unity among women across generational lines, such as Dr. Rita Giacaman observed yesterday, to unity among Kurds, Berbers and Arabs, Sunnis and Shiites, across tribal lines and between Muslims and Christians. All these are essential building blocks, part of the necessary foundation for the continental solidarity required to withstand settler expansionism from North and South. The struggles of our brother and sisters in Palestine and Namibia point the way.

FOOTNOTES

- 1/ Lord Milner, Lord Lansdowne, Lord Balfour, Joseph Chamberlain and Lloyd George. Balfour was one of the key advocates of white supremacy in South Africa.
- 2/ The Balfour declaration, proposing a "Jewish National Home" in Palestine, was preceded in 1916 by a resolution to the same effect unanimously adopted at the South African Jewish Congress in Johannesburg. Zionism was also the "primary cultural and group concern of South African Jewry" (Stevens).
- 3/ General Assembly Resolution 181(II).
- 4/ General Assembly Resolution 273.
- 5/ General Assembly Resolution 2249 (XXV) of 11/30/70.
- 6/ General Assembly Resolution 3210 (XXVIII) of 14 October, 1974.
- 7/ General Assembly Resolution 3379 (XXXIV).
- 8/ Namibia, A Trust Betrayed, p.9.
- 9/ "Thus, where Israel engages the northern African countries in indecisive battles, forcing them to spend their scarce resources on arms, South Africa keeps sub-Saharan African countries fighting drawn-out wars of liberation, delaying the moment when they can concentrate their resources on modernizing their economies."
(Anyang'-Nyong 'o)
- 10/ See General Assembly Resolution 31516 (XXVIII) of 14 December 1973, condemning the alliance between apartheid and Zionism.
- 11/ From the first Resolutions at the Fifth Summit Meeting of the OAU, in September 1968 in Algiers, basically tracking the language of Security Council Resolution 242, the OAU has become progressively tougher on Israel. See, e.g., Resolution 77 (XII), adopted by the Assembly of the Heads of State and Government of the OAU held in Kampala from

28 July to 1 August 1975.

12/ The Israeli support of Biafrans in the Nigerian Civil War is an example of the type of activity which could become common place.

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AFRICAN-AMERICAN ATTITUDES TOWARD THE MIDDLE EAST

Alice Palmer

I appreciate the invitation to participate in this very timely and important Seventh United Nations Seminar on the Question of Palestine and welcome the opportunity to join with the distinguished, committed body assembled here to speak out forcefully in support of the Palestinian people's inalienable rights.

The mainstream American press has generally reinforced American Middle East policy which was until recently uncritically supportive of Israel and antagonistic to Palestinian national rights.

In contrast, the African-American press has not persistently spoken with one voice since it has been from inception a forum for debate and a genuine barometer of Black American public opinion.

African-Americans began questioning the United States' support for the reactionary Israeli Government long before the tragedy in Lebanon made anything else untenable.

Their reasons were: skepticism about America's motives toward people of colour anywhere; constant reminders that America's social, political, and economic policies vis à vis minorities and the poor contradict in practice America's democratic rhetoric; their escalating struggles with an emerging Jewish-American elite in the United States; and their long-term identification with and support for African liberation movements.

My aims in this paper are to examine some of the factors that have shaped African-American attitudes toward the Middle East and Palestinian rights in particular, and to show how these factors influenced the generally progressive direction these attitudes have taken.

After World War II most African-Americans, drawing parallels between their own oppressive situation and that of Jews in Nazi Germany, sympathized with Jewish demands for a permanent homeland. Public opinion favouring the formation of a Jewish State was also influenced by the key role that Ralph Bunche, a Black American, played as acting mediator for the United Nations Palestine Commission following Count Folke Bernadotte's assassination, and again in 1949 when he negotiated the Arab-Israeli armistice.

In African-American minds at that time both the formation of the State of Israel and Mr. Bunche's participation in the formulation process were victories over racism. It was not until later that African-Americans addressed the fact that the resolution creating the state of Israel also recognized the right of Palestinians to return to their home.

When the Black Muslims came into being during the 1950s, their newspaper Muhammad Speaks reported favourably on the Palestinian question and Arab people in general. Articles showed Arabs as human beings who lived in a complex region made up of people with varied cultures, and one where life was often difficult, and made more complicated by America's imperial role in the political economy of the Middle East.

The Muslim paper helped many African-Americans see that their support for Zionist Israel, with its close ties to racist South Africa, contradicted their own struggles against racism in America. At its peak Muhammad Speaks had a circulation of over 3,000,000 papers a week, obviously reaching many more African-Americans than were members of the Black Muslim community.

Malcolm X, at one time the leading spokesperson for the Black Muslims, also built a bridge to the Middle East for African-Americans when he went to Mecca and embraced the Arab people as brothers. Since Malcolm X enjoyed tremendous respect for being a powerful leader of the dispossessed, his ability to articulate the issues and link the struggles in the Middle East to those of Black Americans commanded attention.

And when the celebrated, beloved Cassius Clay became Muhammad Ali, the average American-American wanted to know why a man so clearly identified with Black interests would accept Islam if all the stereotypes about the Arab people were true.

Although the Black nationalist character of the American Muslim community changed with the death of Elijah Muhammad, the seeds this movement planted in the minds of African-Americans had taken root.

One of the most important factors reinforcing progressive attitudes among African-Americans toward the Palestinian question is their active, ongoing support for African liberation movements - in the Congo, Angola, Mozambique and now South Africa and Namibia.

Throughout the United States African-Americans have organized to stop United States investments in South Africa, ban the sale of Krueger and, keep South African teams from playing in the States, and teach the American people about the political and economic forces that operate to maintain apartheid, Israel being one. It is not difficult to see that these same forces also work against Palestinian national rights.

Just as significant to African-American attitudes toward the Middle East and the Palestinian question in particular is the growing rift between Blacks and the emerging Jewish-American elite.

When Jews first came to the United States they were generally speaking part of the working class. Now, though Jews are only 3 per cent of the total United States population, they have the highest median income of any ethnic group in the country. Consequently, many have abandoned progressive causes to become supporters of the status quo. It is an interesting lesson of history that there is now a conflict between liberal conservative Jews which the New York Village Voice newspaper calls "The Star for America's Mind". Increasingly the emerging Jewish elite is joining forces with the right wing to challenge what they consider the failure of liberalism, a position the Raegan administration wholeheartedly supports.

Jewish liberals are alarmed because they recall that a similar mix of conservative Jewish intellectuals and the right wing helped open the way to the McCarthy era in the 1940s, which among other things, re-awakened anti-semitism in the United States.

In fairness I must point out that in the past many working class Jews joined forces with working class Blacks in the 1930s to challenge anti-labour practices. And numbers of Jewish working class and middle class people participated actively in the civil rights movement of the 1960s.

Yet when African-Americans became more militant, more demanding of the right to power and control over the economy and politics of their own communities, they clashed with those Jews who, as a consequence of history, are prospering at the expense of Black people.

When the United States Supreme Court decided in favour of Alan Bakke, a Jewish-American who claimed that the University of California-Davis Medical School denied him admission because the school had a quota system favouring Blacks, African-Americans felt betrayed.

Hostility came to a head in 1979 when United Nations Ambassador Andrew Young resigned, seemingly as a result of pressure brought to bear on the Carter administration by Zionist Jews inside and outside the United States after Young's "unauthorized" meeting with the PLO's United Nations observer Zehdi Labib Terzi. African-Americans were outraged. Young was a folk hero, a soldier in the civil rights battles. Young diffused much of this anger, however, by not challenging his ouster which polarized Black opinion even more.

More than anything else up to this time, Young's resignation focused widespread public attention specifically on the Palestinian question. For one thing, African-Americans took a closer look at Israel. Some Black papers, habitually supportive of Israel, rebuked the Israelis for mistreating the Palestinian people. More progressive papers saw Israel for what it is: a junior partner in imperialism, taking its cues from the United States.

During this time several African-American journalists and activists were invited to visit Lebanon. Their articles describing the dehumanizing conditions under which the Palestinians lived in battle-scarred Lebanon appeared in African-American newspapers across the country.

At the same time, African-American opinion leaders began to speak out publicly in support of the Palestinians and their sole legitimate representative, the Palestine Liberation Organization. Rev. Jesse Jackson, among other Black spokespersons, went to Lebanon to meet with PLO Chairman Yasser Arafat, which raised a storm of protest among Zionist Jewish Americans.

It was rumored that some Jewish philanthropical organizations threatened to withdraw funding from a number of African-American civil rights organizations. Whether or not the threat was made outright or just anticipated, some heads of Black money did rush to Israel's defense in the wake of Rev. Jackson's controversial visit.

Nevertheless, pictures of Rev. Jackson and Mr. Arafat appeared in many African-American papers, and the Black press overwhelmingly supported Rev. Jackson's visit. They argued that it was blind-sided of the United States not to meet with all parties to the conflict in the Middle East since the crisis threatened world peace.

It is worthwhile mentioning here a few quotes from Black publications during this period as a way of underscoring the base of support for Palestinian rights that exists among African-Americans.

New York Amsterdam News (18 August 1979) quoted Councilwoman Mary Pinkett in the wake of Andrew Young's resignation, "The United States talked with the Germans in World War II, the Japanese after Pearl Harbor, and the Vietnamese, so why can't we talk to the PLO?"

Amsterdam News (25 August 1979) reported that Israel's Ambassador to the United Nations Yehuda Blum chastized Rev. Lowery and other Southern Christian Leadership Conference leaders for meeting with the PLO. Spokesperson Rev. Wyatt T. Walker responded, "There is a new equation of morality being introduced into the Middle East. Israel's right to exist does not mean we have to be anti-Palestinian."

Chicago Defender editorial (20 October 1981) - usually a pro Israel paper - "The Palestinian question, which looms larger with each passing day and which Israel and successive United States Presidents have tried to undermine, is nevertheless the centrepiece in the unsettled conflict between Israelis and Arabs."

Freedomways Journal editorial (Vol. 19 Nos. 3, 1979) "It is racist arrogance to give the Israelis United States blessing to bomb mosques and villages in Lebanon while calling the PLO terrorists."

Editorials and articles taking these positions continue to appear in the African-American press.

Probably the clearest expression to date of the African-American media's opposition to Imperialist Israel showed up in the results of a Black Press Institute sponsored survey. Black Opinion Poll Director Thomas Mitchell queried all 239 Black-owned and/or controlled newspapers and all 119 radio station managers. Significantly, this poll was conducted before Israel invaded Lebanon.

An answer to the questions, "Is Israel an oppressive force? Should the United States continue selling Israel sophisticated weapons?" Fifty-three point four per cent of the respondents said, "Yes, Israel is an oppressive force and United States arms sales should be discontinued. "Another 33.3 per cent were uncertain, and only 4.4 per cent thought Israel was a progressive ally.

History has proven that American public opinion is a real force that can influence government policy. The public outcry against the war in Viet Nam comes to mind as a recent example. Until recently public opinion has been held captive by the stranglehold Zionist influences have been allowed over the interpretation and dissemination of information about the Middle East and the Palestinian question in particular.

The vanguard position many African-Americans have taken recognizing and supporting the inalienable rights of the Palestinian people could be a useful base of support in the days to come. There is an effort now by progressive Americans to consolidate what

appears to be growing public sentiment against the horror and bestiality that Israel has visited on the Palestinian and Lebanese people.

In the final analysis the struggle to change public opinion is the struggle to change ideas and the political and economic forces that sustain racism in the United States, apartheid in South Africa and Zionism in the Middle East.

In closing, I would like to read a statement issued on 20 June 1982 by the Afro-American Committee Against Genocide to which I belong. The statement has been reprinted in a number of African-American and other newspapers and distributed widely in countries outside the United States.

STATEMENT FROM THE AFRO-AMERICAN COMMITTEE AGAINST GENOCIDE

Now we know that the peace which the Israeli Government of Menachim Begin would establish in Lebanon is the peace of genocide and death for the Palestinian and Lebanese people; we, as a committee of concerned Afro-Americans, call for a halt to this carnage and these crimes against humanity. Now that we've heard an Israeli General tell us with brutal candour on ABC-TV that the purpose of the Israeli invasion of Lebanon is to impose a "final solution" on the Palestinian people, we say enough, no more! AND WE CHARGE GENOCIDE! In this tragic situation we see history confronting us with a cruel irony, a savage reply, not of Hitler, but incongruously, of Zionism, wearing a fascist face three generations after the incinerators at Dachau had become museum pieces.

Censored Israeli accounts would have us believe that all the death and devastation was inflicted upon the Lebanese and Palestinian people "democratically". But to describe an avowed attempt at a "final solution" as democratic is to be as perverse as Beaudelaire's Devil, who claimed that "the cleverest trick I ever played was to pretend that I didn't exist".

General Ariel Sharon, the Israeli Defense Minister and the Commander of the forces in Lebanon, stated last December that Israel's security interests extend to Turkey, Pakistan, Iran, the whole of North Africa and Zimbabwe. It was the same General Sharon who, after inspecting South African forces on the Namibian-Angolan border, issued a plea to the United States to supply more arms to South Africa.

The French paper Le Monde (no United States paper has done it so far) reported that in Israeli-occupied Lebanon, all young males, some of them as young as eleven years old, are being rounded up and interrogated. The Palestinians with a cross branded on their backs are then separated from the Lebanese and taken away in trucks or air-lifted in nets to an unknown destination. The Israeli Prime Minister, speaking to the United Nations General Assembly, from which the representatives of 94 nations walked out before he spoke, declared that the right of self-defense was a sacred one. This spurious claim vis-à-vis Lebanon and other States bordering on Israel is not unlike the ones made by Hitler before he moved into Sudetenland prior to swallowing up all of Czechoslovakia and before occupying France. Hitler, carrying his fatuous claims to a logical conclusion, was to engulf most of the world in a destructive war that lasted from 1939 to 1945. Begin's "sacred right" could, if unchecked lead us down the road to the end of all human life on this planet.

As Afro-Americans this South African-Israeli connection is of particular concern to us, and this concern is not academic but visceral, because the same forces supporting the

invasion of Lebanon and the genocide being carried out there behind a wall of censorship, half-truths, lies, deceit and omissions are pushing Black people to the brink of destitution here in the United States. Heartless cuts in social services, in education, the attack on voting rights, the growing armies of unemployed appear to us as part and parcel of a grand scheme to Lebanonize us and our children. Therefore, when we raise our voices in defense of the Palestinian and Lebanese people, we are also defending ourselves. This attempt at genocide against the Palestinian people is something we can feel in our bones.

As we piece together fragments of what is said, and what is left unsaid, we know that "if they come for them in the morning, they'll come for us that night". We therefore join with our fellow Americans, 54 per cent of whom declared themselves against the invasion of Lebanon in a recent poll taken during the week of 14 June, and demand a halt to the genocide and the systematic campaign of racial extermination. As Americans, and in particular as Afro-Americans, we would be diminishing ourselves as human beings if out of fear, indifference or an apparent lack of humanity and compassion, we allowed the Palestinian and Lebanese people to be sent down into an appalling oblivion while we remain silent.

The Afro-American Committee Against Genocide therefore calls for the following steps to be taken immediately:

- (1) Following the tradition already set by the Nurenburg Trials, we demand that an international tribunal be immediately set up to carry out a thorough investigation into the systematic genocide being perpetrated against the Lebanese and Palestinian people in Lebanon;
- (2) That those responsible for this illegal act of war and genocide be put on trial;
- (3) That a halt be called to the slaughter of innocents and the burying of thousands in mass graves, and that the inmates of concentration camps be set free immediately and compensated;
- (4) That a world-wide campaign be waged to raise funds for the hundreds of thousands of homeless and destitute who were left in the wake of the Israeli devastation of their towns, cities, villages and hamlets;
- (5) That United States covert and overt complicity in this carnage and desolation be brought to an end immediately;
- (6) That Israeli troops be immediately withdrawn from Lebanon and that steps be taken to ensure that no United States troops are sent to Lebanon to bail out the Israeli

occupiers and to share the world's odium at the spectacle of mass graves, concentration camps, and mass torture;

(7) That since the Israeli Government illegally used weapons supplied for its defense in a war of aggression, no further arms should be supplied to that country by the United States;

(8) That the United States Government and people stand squarely in support of the inalienable rights of the Palestinian people to self-determination and representation by a national authority of their own free choice. Since Palestinians the world over have already expressed their choice and are already represented by such a national authority, the Palestine Liberation Organization, we call upon the United States Government to recognize this authority.

We are not anti-semites; but we are anti-fascists, and if by words and deeds a ruling class of Israelis chooses a path that can only lead the great majority of the Jewish people to destruction and earn them the hatred of the majority of the world's peoples; if by word and deed this class chooses to be fascists, we oppose them as anti-fascists and not as anti-semites, and the distinction is very clear to us.

And finally we would like to declare that if the genocide is not halted terror will beget terror, hate will beget hate and a holocaust could well engulf us all.

SIGNED BY: Prof. Jan Carew, Dr. Joy Carew, Edward Palmer, Dr. Alice Palmer, Fannie Rushing, Prof. Sterling D. Plumpp, Thomas A. Curtis, Ms. Christine Johnson, Lee Bush, Ms. Ruth Booze, Earl Johnson, Dr. Mikal Ramadan, Sidney Williams, Fr. George Clements, Richard Durham, Ishmael Flory, Rev. Al Sampson, Rev. Harry Gibson

Chicago, Il. June 21, 1982

AFRICA AND PALESTINE: MEASURES TO PROMOTE SOLIDARITY
AND MUTUAL SUPPORT IN SEARCH FOR PEACE

Luis de Almeida
Ambassador of Angola to France

I am very proud and honoured to represent the People's Republic of Angola here, in the lovely, hospitable city of Dakar.

I am also honoured to be able to respond to the appeal of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People by making my humble contribution to this Seminar, in the hope that concrete and effective conclusions may be adopted with a view to taking measures in solidarity with the martyred people of Palestine. We should like to express our warm thanks to the authorities and people of Senegal for their brotherly welcome, so characteristic of our traditional African hospitality.

Mr. Chairman, today the world looks on helplessly as a great tragedy, a new holocaust occurs. Lebanon is being put to fire and sword while we all stand shocked and impotent, not knowing what to do, or how to help put an end to the carnage of the Lebanese and Palestinian peoples.

What lessons are to be learned from this outburst of murderous fury by the leaders of the Hebrew State? What can we in Africa do to help the Palestinian people in their struggle to recover their rights to self-determination, to return to their homeland and to the establishment of an independent national State?

As we see it, some major points emerge from what is referred to as "the battle of Beirut". The Zionist ideology, like that of apartheid in South Africa, is based on three constants: repression, occupation and expansionism. The means of achieving these ends are murder, assassination and genocide. In Lebanon, the true nature of the Hebrew State has been unmasked: its Fascist and racist character requires no further demonstration. Those who yesterday were persecuted in the Nazi holocaust have become today's butchers in a Palestinian holocaust. One wonders if there is any difference between the "final solution" for the Jewish people espoused by Hitler and Goering, and the "final solution" advocated for the PLO and the Palestinian people by Begin, Sharon and Shamir.

The second major point is the firm backing of the United States Administration, under Ronald Reagan, for the Israeli Government's policy of annihilating the PLO. As for the Jewish people, they have given virtually unanimous support to the policy of terror pursued by Begin and Sharon. For their part, despite widespread indifference of Arab States and Governments, the Palestinian people have won the admiration and respect of the entire international community, even their adversaries in the United States and elsewhere.

The third major point is the invincibility of a people determined to resist and to struggle. Despite the means invested and the brutality of the military operations conducted by the State of Israel, the PLO and the progressive Lebanese forces have proved to the world that the Palestinian people incontrovertibly have the right to exist and to a homeland, and that no final settlement can be attained in the Middle East without a solution being found to the Palestinian problem. Even the United States, under Ronald Reagan, has had to acknowledge this fact, although the United States President, like Begin, dearly wishes that the PLO would vanish, and that the Palestinian people would be dispersed and scattered.

The PLO, in its solitude, has grown and matured. "God helps those who help themselves" is the great lesson which the PLO and the rest of us should learn from this terrible Palestinian tragedy.

Left in the lurch by their own neighbouring Arab brothers (who nevertheless were and still are capable of providing support) and obliged to resist single-handedly (the Lebanese Army and Government do not seem to have budged), the Palestinian people, backed by some progressive Lebanese forces, have compelled their enemy to reveal his true self and at the same time have destroyed the myth of the Israeli army's invincibility.

The world today knows Israel for what it is. Its image is for ever tarnished. The myth of the tiny State beleaguered on all sides has been shattered. In defiance of all the international conventions governing the laws of warfare and flouting world public opinion, appalled by horror scenes of bombed civilian populations, the Israeli leaders stop at nothing in their efforts to impose their Zionist "peace".

The leaders in Tel Aviv, like their South African allies, base their aspirations to expansionism and domination on the dual concept of military and technological superiority.

To impose their diktat, they have resorted to an array of new weapons never before used: cluster bombs, aerosol bombs, phosphorus bombs and napalm. In the space of a few months, Lebanon has become a testing ground for the most lethal weapons manufactured by the United States.

Mr. Chairman, at this point, I would like to address the problem which has brought us to Dakar. What is to be done? What action can the United Nations and the international community take to induce Israel to respect international law and to withdraw from Lebanon? How can the United States be made to change its policy of support for the Hebrew State? Finally, what can we, in Africa, do to further solidarity with the Palestinian people and establish peace in the Middle East?

Events in the Middle East, and particularly in Lebanon, display similarities with the situation in southern Africa. The ideologies of Tel Aviv and Pretoria are founded on a common philosophy. The Zionist ideology and that of South Africa are based on racist and religious doctrines.

In southern Africa, the apartheid régime is waging an undeclared war against Angola and committing acts of aggression against Namibia's neighbours because of the active support which SWAPO receives from Luanda and Lusaka. In addition, South Africa's soldiers are occupying vast portions of Angola's southern provinces and a large number of its troops are stationed along the Namibian-Angolan border. Luanda is expecting a South African military offensive similar to the one launched in 1975 and to Israel's offensive in Lebanon. In both the Middle East and southern Africa, the same pretext is employed to justify acts of aggression: they are always described as operations specifically geared to rooting out "terrorists", whether Palestinian or Namibian.

Also, in both southern Africa and the Middle East, a ghetto mentality has been created, and the myth of a country besieged on all sides, while serving as a bastion of the "free world" and a "bulwark" against communist domination is propagated. The United States is supporting the same policy in southern Africa as it does in the Middle East.

The liberation forces in southern Africa, particularly in Namibia, are of course in a better position than the Palestinian fighters. While SWAPO is protected from the rear, and enjoys the unqualified support of the neighbouring countries, notably Angola, the PLO has no similar advantages. Expelled from Jordan in September 1970, treated as undesirables by other Arab countries, the Palestinian fighters and the PLO are, according to the latest news, on the verge of suffering the same fate in Lebanon.

Furthermore, the African countries have demonstrated for more active solidarity towards SWAPO than has the Arab world towards the PLO, despite the considerable material and financial resources of the Arab countries, especially the Gulf States.

Should the Hebrew State succeed in its objective of banishing the PLO from Lebanon, the question would then arise what the PLO, without a fall-back position and without logistical support, could do to induce Israel to recognize its right to self-determination and the establishment of an independent Palestinian State? In view of the Israeli leaders' visceral opposition to the idea of any kind of discussions with the PLO, would it then be possible, by purely political means, to bring Israel to accept a solution taking account of the Palestinians' existence?

In these circumstances, how can Africa contribute to the emergence of an independent Palestinian State?

It must be said that Africa has the merit of applying a loyal and fairly consistent policy. With the exception of Malaur, and more recently Zaire, which has just re-established ties with Tel Aviv, only the racist régime of South Africa maintains relations of any sort with the Hebrew State. Pretoria and Tel Aviv are co-operating in all areas, including the military and nuclear fields. For example, Israeli pilots train South African Air Force officers.

All the other African States have either broken off or have never had diplomatic relations with Israel. There is admittedly a good deal of speculation about the possible re-establishment of diplomatic relations between Tel Aviv and some African countries, but for the time being, these are only rumours. The Palestine Liberation Organization has been granted diplomatic status in several African countries, and 18 of its diplomatic missions are headed by Ambassadors. The PLO has observer status with the OAU.

The crisis in Lebanon and Israel's policy of repression could be the starting-point for an intensive campaign aimed at inducing the African countries to use their influence with the Powers which maintain excellent relations with Tel Aviv, particularly the United States, so that Israel can be made to cease its aggression against neighbouring countries, withdraw from the occupied Arab territories and from Lebanon, and recognize the right of the Palestinian people to self-determination and to the establishment of an independent Palestinian State.

This campaign should be co-ordinated and carried out in agreement with the PLO and the United Nations.

Efforts should also be made to arouse African public opinion so as to discourage the African States from re-establishing diplomatic relations with the Hebrew State, which were broken off in 1973.

In addition, material, political and diplomatic support should be extended to the PLO, particularly in international bodies. In view of the ideology shared by Zionism and the South African apartheid régime and the co-operation which exists between Israel and the racist Republic of South Africa in the military and nuclear fields, the African States and the OAU should make strong representations to Arab States to suspend all forms of co-operation with South Africa, and in particular to halt oil supplies.

Similarly, the Arab countries should provide the African liberation movements with the same degree of support as the African States extend to the Palestinian cause. In this context, Afro-Arab co-operation should be revived, and efforts should be made to establish a fund to assist in the liberation of Palestine, Namibia and South Africa, as well as to provide aid to the front-line States bordering those countries.

At the meeting of the National Council of the Senegalese Socialist Party on 1 August 1982, President Abdou Diouf stated:

"On the Palestinian question, I will begin by recalling the position we have always held, which is that no lasting peace can be established in the Middle East without Israel's withdrawal from all the occupied Arab territories, including Al Qods al Sharif, and without recognition of the inalienable rights of the Palestinian people, of which the PLO is the sole and legitimate representative. These rights include the right to return to one's homeland and the right to establish an independent and sovereign Palestinian State."

President Abdou Diouf then appealed to the entire international community "to continue to exert all necessary pressure on Israel to induce it to comply with United Nations decisions and recommendations".

May these words inspire and guide us in our search for better ways and means to help the Palestinian people recover their violated dignity, their independence and their homeland.

VIOLATIONS OF PALESTINIAN RIGHTS: SOUTH AFRICAN PARALLELS

Alfred Moleah

The issue of human rights is basic to human existence. All the elements that describe man's eternal struggle can be reduced to the issue of human rights. The most basic and, therefore, the most fundamental of human rights is the right to self-determination. The right to self-determination is the necessary pre-condition for the attainment of all other human rights because all other human rights are attainable and derive meaning only within the context of a sovereign peoplehood with its own territorial base or state. Therefore, denial of the right to self-determination, with its attendant subjection to alien and discriminatory rule, is the most fundamental violation of human rights. This denial is, unfortunately, the lot of Palestinians and Africans in South Africa.

Central to this human tragedy is racism embodied in the ideologies of zionism and apartheid. Israel, as a zionist entity, and South Africa, as an apartheid entity, constitute the most complete denial and negation of the human rights of their subject peoples. The zionist entity and the apartheid entity are an idea - an idea that has become a material force. They are an idea that is racist, an idea that is anti-human, an idea that is the total negation of the humanity of its victims so that the question of their human rights hardly arises. This constitutes not only a tragedy to the victim peoples, but also constitutes a danger to the world at large and to all humanity, whose only antecedent was the danger posed by Hitlerite nazism.

The tragedy of the Palestinians and that of Africans in South Africa is the same, but with a difference in manifestation and, therefore, also in world perception. Apartheid is clearly racist in its postulates and premises, whereas zionism has no such clear racist postulates and premises. The problem with the perception of zionist racism is due, first, to adroit dissimulation and obfuscation of its true nature and ends and, second, to its awesome power and influence. Zionism has, through skilful manipulation, managed to parlay the tragedy of Jews, particularly the holocaust, into a position of unassailability and immunity for its world view. Consequently, the world knows the Palestinians through the zionists; even more tragically, any other differing information is received through a zionist filter - a result of unprecedented and unparalleled world brainwashing.

To overcome this blockage, it might be useful to arrive at a true understanding of zionism through its apartheid analogue, i.e. examine whether there are any similarities, if not identity, between the two. This, of course, cannot be fruitfully done by merely examining the critical postulates, it has to go beyond that to be fruitful, and examine the situation on the ground, i.e. pose the question of whether there are any similarities, or even an identity, between Palestinian treatment and condition under zionism and that of the Africans under apartheid.

In South Africa, racial discrimination has official statutory sanction, thereby making it legal to discriminate and illegal not to discriminate. Apartheid literally means separateness of the races or racial segregation to ensure racial discrimination. Apartheid is a logical consequence of white settler colonialism which was initiated by the Dutch East India Company in 1652. The white settlers sent out by the Dutch East India Company were the first whites to settle in the southern tip of Africa. These Dutch settlers were later augmented by German and Huguenot (French) settlers, and together they came to constitute a white tribe which developed its own identity of language and culture, and appropriated the identity of the land by calling itself the Afrikaners, i.e. "Africans", in Dutch. African possessions and land were expropriated through unequal exchanges, chicanery and force. To rationalize and justify this wholesale plunder and dehumanization the ideology of apartheid was incrementally developed. Apartheid, as an ideology, postulates the inherent superiority of whites by reason of their Christianity and Western European culture. Since others could also acquire Christianity and even Western European culture, this difficulty was obviated by simply declaring a white skin to be coterminous with Christianity and Western European culture. The equation of a white skin with Christian/Western European civilization was made possible, in fact made inevitable, by the Calvinism to which the white settlers adhered.

The tenets of the orthodox Calvinism of the settlers were in the main "a belief in the sovereign God, sole creator and ruler through his Providence of the universe; the inborn sinfulness of both man and the world as a result of the Fall; the election by predestination of the few through grace to glorify God in building his kingdom on earth; and the damnation of the rest of mankind, also to the glory of God." 1/ Another significant characteristic of Calvinism is the central place it gives to the Bible. This induces "a thoroughgoing fundamentalism, a literal interpretation of the Bible, not only as the revealed Word but also as the final source of all knowledge." 2/ These tenets have social implications that inexorably led to apartheid in the South African context.

First, the two-class distinction between the elect and the damned gave to the elect a special responsibility to implement the will of God in the world and, as such, a right to rule. 3/ Second, in situations where Calvinists were confronted with a large population of different cultural background and different physical attributes, defined as less civilized, there was a strong tendency to categorize these people as belonging to the non-elect. 4/ The dichotomy referred to individuals but in the South African context it was transmuted into racial categories, whereby all whites belonged to the elect and all Africans and non-whites belonged to the damned. Third, a fundamentalist and literal acceptance of the Bible resulted in the Afrikaners' definition of their situation, their conceptions of themselves, of others, and of the world being derived from the symbolism and mythology of the Bible, especially the Old Testament.

"The meaning of their being in the new land found expression in the symbols of the Chosen People, the Promised Land, the Children of Ham and the Philistines. They were called and led by Jehovah, their King, Ruler, and Judge, to glorify him by establishing his kingdom on the dark continent among the heathen. The Calvinists doctrines of predestination and election provided justification of their position as defined by these constitutive symbols." 5/

Fourth, the Afrikaner/Calvinist conception of God as sovereign and intensely, actively busy at every turning point in the affairs of nations and men, allows them to shirk responsibility for their acts. All is pre-ordained and they are mere agents of a Divine will. This has pernicious and dangerous possibilities.

Afrikaners see themselves as faithful to their faith in promulgating and upholding apartheid. The authority of the Bible is constantly invoked, such as Psalm 105 which tells them that "He brought forth his people with joy, and his chosen with gladness: and gave them the lands of the heathen; and they inherited the labour of the people", to justify African expropriation. Segregation and discrimination find their justification in the advice given to the Corinthians which read: "Be ye not unequally yoked together with the unbelievers: for what fellowship hath righteousness with unrighteousness? Wherefore come out from among them and be ye separate, saith the Lord, and touch not the unclean thing and I will receive you." 6/

Within the realities of South Africa, skin colour increasingly became the index and, with time, the only index. D.F. Malan, who, when the Afrikaner Nationalist Party came to power in 1948, became Prime Minister and therefore the principal helmsman of apartheid, brought out the meaning and significance of colour thus:

"Difference in colour indicates a simple but highly significant fact, i.e. that Whites and Non-whites are not of the same kind. They are different.... The difference in colour is merely the physical manifestation of the contrast between two irreconcilable ways of life, between barbarism and civilization, between heathenism and Christianity, and finally between overwhelming numerical odds on the one hand and insignificant numbers on the other." 7/

Malan, who was also a minister of the Dutch Reformed Church - the spiritual guide of Afrikanerdom - was in full accord with the teachings of the Afrikaner Church on this score. Similar views are expressed in a report, Human Relations in South Africa, adopted by the General Synod of the Dutch Reformed Church (1966). The report stated, among others, that:

"God created everything including the different races, peoples and nations on the earth. Had He wished to create all men the same He would have done so.... God mercifully decreed that man should have many languages and that he should be diversified and spread to all parts of the earth. This resulted in the formation of many different races, peoples, languages and nations. This can be seen from His anger at the sinful attempt at unity, manifest in the attempted construction of the Tower of Babel." 8/

Afrikaners see themselves, apartheid and their State, as well as all their acts, as all a part of the fulfilment of a divine scheme. To them, God is the architect of all history, and imbues it with ultimate meaning. The Afrikaners' settlement in South Africa was divinely ordained and their history of survival and triumph a miracle. D.F. Malan spoke for Afrikanerdom when he observed:

"Our history is the greatest masterpiece of the centuries. We hold this nationhood as our due for it was given us by the Architect of the Universe. His aim was the formation of a new nation among the nations of the world.... The last hundred years have witnessed a miracle behind which must lie a divine plan. Indeed, the history of the Afrikaner reveals a will and a determination which makes one feel that Afrikanerdom is not the work of men but the creation of God." 9/

and further elaborated on this theme:

"It is through the will of God that the Afrikaner People exists at all. In his wisdom he determined that on the southern point of Africa, the dark continent, a People should be born who would be the bearer of Christian culture and civilization. In his wisdom He surrounded this People by great dangers. He sent the People down upon unfruitful soil so that they had to toil and sweat to exist upon the soil. From time to time he visited them with droughts and other plagues."

"But this was only one of the problems. God also willed that the Afrikaans People should be continually threatened by other Peoples. There was the ferocious barbarian who resisted the intruding Christian civilization and caused the Afrikaner's blood to flow in streams. There were times when as a result of this the Afrikaner was deeply despairing, but God at the same time prevented the swamping of the young Afrikaner People in the sea of barbarianism." 10/

This, in sum, is the ideological foundation of apartheid. In the name of their Calvinist God crimes against Africans are daily committed and this is the rationalization and justification for the gross and blatant violations of human rights that apartheid has come to represent. This is what justifies white privilege and explains away African dispossession, exploitation, repression and discrimination. Laws have been passed to accord with this divine scheme and fulfil this divine plan. To maintain and jealously protect the purity of the Elect of God, there is the Population Registration Act of 1950 which, with absurd meticulousness, classifies each person into the racial pigeon-hole of white, coloured*, Asian** and black. This Act, undaunted by the failure of the geneticist and the anthropologist to compile a complete and perfect grouping of people along racial lines, has constructed a racial classification scheme based on the criteria of descent, appearance and general acceptance. 11/ In spite of this serious difficulty, this Act remains the cornerstone of the whole system of apartheid. Further guarantees of white purity are offered by the Immorality Act of 1927, which prohibits any carnal intercourse outside marriage between Europeans (whites) and Africans. In 1950, an amendment to this Act extended this prohibition to all classes of non-Europeans, namely, Africans, Asians and Coloureds. 12/ There is also the Prohibition of Mixed Marriages Act of 1949, which forbids marriage of a European and a non-European and provides that any union entered into in contravention of this law "shall be void and of no effect."

* These are people of mixed parentage or descent.

** Indian and Pakistani descent.

Territorial segregation of whites from non-whites is effected through a legal fiction which accommodates the ruthless exploitation of African labour and dispossesses them of their land and possessions to ensure their helotry. The Bantu* Land Act of 1913 and the Bantu Trust and Land Act of 1936 together set aside some 13 per cent of the total area of South Africa for the exclusive occupation of Africans. The 1913 Act demarcated certain areas, known as "reserves"*** for Africans and forbade the transfer to, or lease of land by, other races within these reserves. At the same time, Africans were prohibited from acquiring land elsewhere. ^{13/} As of late, under the Bantustan Scheme, these are also areas within which Africans will be able to exercise sovereignty and reclaim their rights of citizenship. Conversely, 87 per cent of South Africa (with the best land, mineral resources and all major urban and industrial centers) is designated "white South Africa". So, officially all Africans in "white South Africa" are temporary sojourners, there only to sell their labour in accordance with its needs and requirements. There were already Africans in "white South Africa" (about 50 per cent of the African population) whose presence could not be simply wished away. The Group Areas Act with its latest amendment of 1966 was brought in to solve this problem - its cumulative effect is to deny Africans all citizenship rights in "white South Africa" and to carefully regulate their presence on a racially segregated basis. Africans are, therefore, migrant labourers in 87 per cent of their country, with no rights; in fact, no basis to have rights since they are officially foreigners. It is from this anomaly that all their disadvantages and disabilities derive.

As should be expected, South Africa has many laws aimed at curbing or nullifying any political activity on the part of blacks. Of these, among the most important and most notorious is the "90-day detention law" (section 17 of the General Law Amendment Act, 37 of 1963). This empowered a senior police officer to arrest without warrant and detain any person who he suspected upon reasonable grounds of having committed, or having information about the commission of, the crime of sabotage or offences under the Suppression of Communism Act or the Unlawful Organizations Act. A detainee was held for the purpose of interrogation until he had, in the opinion of the Commissioner of the South African Police, replied satisfactorily to all questions or for "ninety days on any particular occasion." ^{14/} This 90 day detention period was renewable. This Act was withdrawn in 1965 and replaced with a 180-day law. In 1976, the 180-day detention provision was transferred from the Criminal Procedure Act to the Internal Security Act in respect of political crimes. This 180-day law has been superceded by the Terrorism Act of 1967, which permits indefinite detention without trial of political suspects. The 1965 amendment to the Criminal Procedure Act added a new provision dealing with bail, which seriously undermined the power of the judiciary to release an accused person on bail. Until 1961, this power was essentially a judicial one, but in that year, the attorney-general was empowered to refuse bail for 12 days after arrest in all cases where he considered that public safety was threatened. In 1965, the Criminal Procedure Act was amended to permit denial

* Until recently this was the official designation applied to all Africans because whites had already arrogated to themselves the term "Afrikaner", the Dutch term for African. Now the official designation is blacks.

** These are supposed to be areas that Africans occupied before whites came, and, therefore, the only areas that they could rightfully claim.

of bail without a time limit until sentence or discharge. In 1967, there was the Terrorism Act, whose Section 6 introduced indefinite detention in solitary confinement. In 1976, the Internal Security Amendment Act made sweeping changes to the Suppression of Communism Act of 1950, and renamed this law the Internal Security Act. Section 10 of the Internal Security Act now empowers the Minister of Justice to order the detention in prison of any person "if he is satisfied" that such person "engages in activities which endanger or are calculated to endanger the security of the State or the maintenance of public order." 15/

There are many other laws which complement those stated to ensure complete racial segregation and discrimination, African helotry and the eternal denial of their right to self-determination. Untold misery results from this policy but whites in South Africa, buttressed by their rectitude and righteousness, remain undaunted and undeterred. Theirs is a higher calling which exempts them from normal human compunction and accountability. They are answerable only to God.

Zionism presents a much more difficult scenario because it lacks the candor and forthrightness of apartheid. Indicative of the problem is a qualification that needs to be made from the onset, i.e. we are here referring exclusively to political zionism and not to its religious or cultural variants. This problem is compounded by the skilful manipulation of the religious and cultural variants by political zionists. This skilful manipulation even succeeds to confuse Jews, not to mention the utter confusion, if not bewilderment, of non-Jews. To unravel this sedulously cultivated confusion let us turn to the elucidation of Rabbi Berger:

"Undeniably, 'Zion' (and not necessarily Zionism) is one of the sancta of traditional or orthodox Judaism. This Zion, in its authentic, orthodox meaning, is a theological - not a political/nationalistic - concept. In God's wisdom, when 'the people' morally merited it, God would usher in the millenium by sending the messiah to lead 'the children to Israel' back to Zion. Distil-ing this 'future hope' out of a correct interpretation of relevant Old Testament texts, these orthodox Jews understood the ancient Israelites and Judeans lost the Holy Land because they had sinned. They had gone 'whoring' after other gods and engaged in a long list of injustices towards fellow humans. Judaism is a 'covenant' religion. The covenant changed from age to age, but it was always a contract between 'the people' and God. God 'promised' them the land and would prosper them in it if 'the people' rigorously fulfilled the precise moral and ethical stipulations of the covenant as it was interpreted by 'God's prophets' in any particular age. Micah spoke for all the prophets when he warned (III: 9-10:12) 'Zion will be plowed' and 'Jerusalem shall become a heap' because the people 'abhor justice and pervert all equity'. Only God - not men or any combination of men - could make the judgment of whether or not the conduct of the people had reached the point of moral excellence to repair the covenant and so clear the way for God to restore them to the land.

"Interpreted in this accurate sense, not even the enormous tragedy of the holocaust could authenticate 'the return'. The Zionist exploitation of the tragedy perpetrated by Nazism is a better-than-average expedient to explain the establishment of the Zionist state. But it is a human explanation, not the fulfillment of Divine purpose. And the established state is anything but 'a house of prayer for all people'. (Isaiah LXVI:7.).

"It is crucial to recognise that the decisive, definite factor distinguishing this religious/messianic Zionism from the political/territorial Zionism which built the Israeli state is the austere, stringent morality which is embraced in the unquestionable authority of God. God - not men - will determine the time and appoint the leader for 'the return' as it is conceived as a sacrament for some Jews." 16/

Another element of Judaism that has been skilfully manipulated by Zionists is the idea of chosen-ness. Jewish religious tradition has a rich vocabulary referring to the Jewish people variously as "the Chosen People", "the Holy People", the Spiritual People" - a people set apart from the rest of mankind by having a special relationship with a transcendent God. This derives from the Bible which, as a Holy Book, is linked in a supernatural way with the people of Israel who produced it, and with the land of Israel which nurtured it. 17/

Political zionism, which claims to be a nationalist movement, masquerades in religious garb. It freely misuses names and symbols sacred to Judaism. A prime example is the name Israel for the zionist State. The zionist land-acquisition fund' name in Hebrew is Keren Kayemeth Leisrael and Keren Kayemeth, meaning permanent fund or lasting reward, and is taken from the Jewish daily morning prayers. Even more cynically, this term traditionally implies the reward for piety, good deeds, and charitable work. The state symbol of Israel is the menorah (candelabrum). This is extremely cynical. The Israeli army fights under an emblem that means "not with armed force and not with power, but in My spirit says the Lord of Hosts." 18/ Even the special relation of God and children of Israel, so abundant in the Old Testament, has been cynically transmited. The idea of chosen-ness as regards the Jewish people in Judaism is a religious one signifying a community of true believers who put faith in the one true God, and whose membership in that community is conditional on their obeying God's commands. Zionist leaders reject this, except in its totally prostituted form. For instance, Micah Berdichevsky, the Russian zionist writer, declared emphatically that the Jews should "cease to be Jews by virtue of an abstract Judaism and become Jews in their own right, as a living and developing nationality." 19/ Maz Nordau, the zionist leader and close friend of Zerzl, declared that "we do not want to be a mere religious community; we want to be nation like all other nations." 20/ But these same zionist leaders had no qualms, whatsoever, about investing a secular phenomenon with a religious idiom. The sanctity attached to the Jewish people in the religious sense is transferred to the Jewish people in the ethnic sense and, accordingly, to the people's history, to their land and finally and more importantly, to their State. A Jew, therefore, can only attest to his/her Jewishness by being a nationalist, i.e. an unwavering and uncritical supporter of the State of Israel. The Lord and the Volk have become identical.

This zionist transmutation of religion into the political has rightly invited rebuke and even attacks from representatives of religious Judaism because it leads to the worship of the state or the worship of collective human power. It has led to a religio-national pantheism which made it possible for Vladimir Jabotinsky, the mentor of Menachem Begin, to speak of himself as "one of the masons building a new temple for my God - whose name

Jewish People." 21/ And for General Ariel Sharon to declare "the first and the most supreme value is the good of the State. The State is the supreme value." 22/ And for the substitution of the state for God as in the case of Rabbi Isaac Kook, who described nationalism or religion "as merely elements of the spirit of Israel" and stated that "a Jewish nationalist, no matter how secularist his intention may be, must despite himself, affirm the divine." 23/

This transmutation of the religious into the political is a most dangerous attitude in a settler-colonialist set up, with all its attended problems, as Arnold Toynbee so rightly observes:

"The prevalence of this worship of collective human power is a calamity. It is a bad religion because it is the worship of a false god. It is a form of idolatry which has led its adherents to commit innumerable crimes and follies. Unhappily, the prevalence of this idolatrous religion is one of the tragic facts of contemporary life." 24/

Leaders of religious Judaism have been rightly alive to this danger, so much so that the venue of the first Zionist Congress (1897) was changed from Munich to Basel, Switzerland, mainly due to the strong anti-zionist reaction from the German Rabbinic Executive and local Jewish community leaders. Exemplifying this position was the attitude of Rabbi Joseph Hayyim Sonnenfeld, of the Jerusalem separatist community, as expressed in a letter to a friend in Hungary (February, 1898):

"With regard to the Zionists what shall I say and what am I to speak? There is great dismay also in the Holy Land that these evil men who deny the Unique One of the world and His Holy Torah have proclaimed their power to hasten redemption for the people of Israel and gather the dispersed from all the ends of the earth. They have also asserted the view that the whole difference and distinction between Israel and the nations lies in nationalism, blood and race, and that the faith and the religion are superfluous.... For us in the Holy Land it is a sure sign that Dr. Herzl comes not from the Lord but from 'the side of pollution'... 25/

Therefore, political Zionism is a nineteenth-century colonial movement of some European Jews to found an exclusive Jewish colony, preferably in Palestine. This was to be European settler colonialism with the outlook and objectives reflective of other European colonial and imperialist ventures of the period. Zionism's founders were quite unabashed in spelling out their settler colonial scheme and intentions. Jabotinsky, for example, wrote of this in an essay entitled "The Iron Law" (1925):

"If you wish to colonize a land in which people are already living, you must provide a garrison for the land, or find a benefactor who will maintain the garrison on your behalf ... Zionism is a colonizing adventure and, therefore, it stands or falls on the question of armed force." 26/

All colonialism has a racist predicate but settler colonialism has a virulent racist predicate. The natives, to enable their ruthless exploitation, brutal repression, extermination or expulsion, have their humanity denied by the simple act of negation. The settler colonialist declares, one way or another, that "the native is not human" or worse, "the native does not exist". It is this mind-set that prompted Levi Eshkol, a former Israeli Prime Minister, to ask: "What are Palestinians?" and Golda Meir, another former Israeli Prime Minister, to declare: "There is no such thing as Palestinians ... they do not exist", and the first Israeli Prime Minister, Ben Gurion, to elaborate: "In a 'historical and moral sense' Palestine, the Holy Land, is a country 'without inhabitants'". 27/ Neither do Africans exist in South Africa. Denying the humanity of the natives is the sine qua non of settler-colonialism. Yet, an equally important aspect is the assertion of a special superiority over the native. The most pernicious claim to specialness is the one that invokes God. This invocation is the total and ultimate justification. People become agents of God's will; human acts are transmuted into a divine calling and responsibility is avoided. Actions and the consequences of those actions become unquestionable and unassailable. This is the claim of Zionists and that of Afrikaner Nationalists: they claim to be chosen peoples, the elect of God put in this world to fulfil a divine mission. These claims also have a virulent racist component.

Let us, briefly, look at how zionism affects and afflicts the Palestinians. The issue of Palestinian human rights cannot be properly dealt with by the simple act of cataloguing an endless series of violations; a deeper understanding is necessary. This understanding can only derive from an understanding of what the responsible agent is - the State of Israel. The State of Israel is a settler colonial entity produced by some European Jews whose dream was to found an exclusive Jewish colony in Palestine. According to Israel Zangwill, one of the founders of political zionism, it was a movement begun by "a people without land" in search of "a land without a people." 28/ The problem was that Palestine was already populated by over half a million people. This is the crux of the Palestinian issue. An exclusive Jewish state could only be realized by displacing the non-Jewish people already there. Unbelievably, the zionist founders of Israel were undeterred by these realities and proceeded to realize the impossible dream of an exclusive Jewish state.

Let us take a closer look at these realities. According to a 1922 census, approximately 750,000 persons lived in Palestine, about 80,000 of whom were Jews. According to a second official census of 1931 there was 1 million people in Palestine, including approximately 175,000 Jews. No official census was taken after that date but estimates indicate that approximately 2 million people lived in Palestine before the outbreak of the 1947-1948 war, including approximately 600,000 Jews who owned 1.5 million dunums of land, equivalent to 7 per cent of the total area. After the fighting ended in late 1948, only 156,000 Arabs, out of a total of 900,000 who had lived there before the fighting broke out, remained in the land occupied by Israel, which constituted 80 per cent of the area of Palestine. A further 500,000 Palestinians were driven out after the 1967 war. 29/ This tragic process of displacement and colonization continues unabated in realization of the Zionist dream of an exclusive Jewish state asmandated by God in the Bible.

The treatment and fate of Palestinians in the occupied territories after 1967 is a reprise of what happened after 1948. It is, in fact, a continuation of the same basic policy and the same policy objectives whose realization is only possible through military means. Palestinians in Israel came under military rule after the 1948 war and remained so until 1966. Palestinians in the occupied areas came under military rule after the 1967 war and remain so to this day. Military rule in Israel has its legal foundations in the British Mandatory Defense (Emergency) Regulations, 1945 and the Israeli Emergency (Security Zones) Regulations 5709 of 1949. 30/ Being military regulations, they inherently have no regard for the human rights of the subject people and their only regard is for security, i.e. security of the colonial power. Ironically, Defense (Emergency) Regulations, 1945, though initially an outgrowth of military efforts to suppress the Arab revolt in Palestine, 1936-39, were later used against Jews in Palestine. At that time, Zionist leaders rightfully condemned these military regulations as, among others, a violation of the "basic principles of law, justice, and jurisprudence" ... and that these laws "rob every settler of his basic rights, in violation of law, order, and justice", 31/ and correctly that: "It is too much to ask a citizen to respect a law that outlaws him" 32/ and the more insightful, of not prophetic charge against these laws: "They try to reassure us by saying that these laws apply only to offenders and not to the whole of the population, but the Nazi governor of occupied Oslo also said that no harm would come to those who minded their own business...;" and "No government has the right to draw up such laws..." 33/ This irony is symptomatic of an exclusive Jewish state, i.e. how a people so long subjected to exclusion and discrimination and have suffered the ultimate horror of the holocaust could themselves now be capable of such deeds. Zionist behaviour towards the Palestinians is highly suggestive of the "battered child syndrome."

During the 1948 war, Palestinians were simply driven out through terror. Those remaining were relegated to an inferior status by reason of their non-Jewishness in a Jewish state. Their human rights were denied; their properties and land were expropriated. The "law outlawed" them. Palestinians became pariahs in the land of their birth and for the vast majority their Diaspora had begun. 34/ All this happened with a deafening silence from the world communities, especially in Western countries, which had just gone to war against Nazi injustice.

The June 1967 war extended Israeli military rule to the occupied areas of the Golan Heights, Gaza and the West Bank. Again, the fundamental human rights of Palestinians and other Arabs under Israeli occupation were violated in spite of their guarantee under international law. Thousands of Arabs, mostly Palestinians were again displaced. For thousands of Palestinians this was a second displacement following that of 1948. This time, the world took some note, United Nations concern was immediate; on 4 July 1967, the Security Council unanimously adopted a resolution calling upon Israel to facilitate the return of persons who had fled the war. The United Nations General Assembly affirmed the Security Council Resolution one month later. It soon became apparent that repatriation was not the only issue, thus, United Nations concern extended to ill-treatment of Palestinians and violations of their human rights. On 19 December 1968, the United Nations General Assembly established a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The United

Nations Commission on Human Rights, on 4 March 1969, established a special Working Group of Experts to investigate allegations of violations of the Fourth Geneva Convention of 1949. On 11 February 1970, this group issued a report that found substantial Israeli violations of the 1949 convention and this report was approved by the Commission on Human Rights. Israel has repeatedly refused to permit the General Assembly's Special Committee to visit the occupied territories to investigate the allegations made against it. Israel also argues against the applicability of the 1949 Geneva Convention to the Arab territory it occupies. 35/

Unlike the pre-World War II period, the spurious excuse of the Nazis about the absence of texts of penal law or international conventions protecting civilian population, hardly holds. The United Nations Charter in articles 55 and 56 already recognizes and protects individual human rights. The human rights charter provisions have been supplemented by an "international bill of rights" consisting of the Universal Declaration of Human Rights (1948). The human rights conventions carry into treaty form most of the provisions of the Universal Declaration. These are the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime Genocide. 36/ Israeli practices in the occupied territories have repeatedly been adjudged in violation of the United Nations Charter, the International Conventions cited and the Fourth Geneva Convention. Israel refused to heed these condemnations and arrogantly asserts the primacy on her own contentions to the contrary. This posture is routinely coupled with vilifications of the United Nations in language that can best be described as contemptuous. Ironically, again, these conventions were motivated by the plight and tragedy of Jews during World War II.

Let us now take a closer look at these Israeli practices which stand in violation of the human rights of Palestinians and other Arabs in the occupied territories. 37/ This will be done in the light of United Nations Charter, International Conventions on Human Rights and more specifically, the international law of military occupation. That law is found primarily in the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (popularly referred to as the Fourth Geneva Convention). The convention grants the occupier the right to take measures to maintain its security; however, the underlying assumption of the convention is that even military necessity cannot be allowed to deprive human beings certain elementary protections. As already stated, Israel adamantly holds that the Fourth Geneva Convention does not apply to the occupied territories, a contention disputed by legal authorities; the United States and other nations; the United Nations General Assembly and Security Council and other international bodies. Israel, thus, stands very much alone with her contention. Any other nation would be deterred, or at least be uncomfortable, by this isolation but not Israel which only answers to a higher calling. By her own lights, the Fourth Geneva Convention (article 49) which clearly states "The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies" is superceded and, therefore, nullified by "Now the Lord had said unto Abraham, get thee out of thy country, and from thy kindred, and from thy father's house, unto a land that I will show thee: and I will make thee a great nation and I will bless thee, and make thy name great ... and Abraham passed through the land unto the place of Sechem, unto the plain of Moreh ... and the Lord appeared unto Abraham, and said, Unto thy seed will I give this land." (Genesis 12)

Since June 1967, over 60,000 Israeli citizens have settled in some 100 locations, including East Jerusalem in clear violation of Article 49(6) of the Fourth Geneva Convention. These settlements continue. The World Zionist Organization has, in 1980, offered a plan calling for expenditure of \$187 million to expand existing settlements and create new ones. It suggests creation of 70 new settlements that would increase the Jewish population to 100,000. ^{38/} Much higher population figures have been mentioned by other Zionist sources. Jewish settler organizations have become a law unto themselves. They create irreversible facts. Two organizations are in the vanguard of the settlement movement: the Kach movement led by the American-born Rabbi Kahane which openly calls for the expulsion of all Arabs from Israel, i.e. Eretz Israel; Gush Emunim is the largest settlement movement with very close ties to the Government. "As reverent Jews and devoted Zionists, they believe that the West Bank which they call by the biblical names of Judea and Samaria was given by God to the Jews of the Torah". ^{39/} These are not just settlements on unoccupied Arab lands, they often entail expropriation of Arab land and properties and the displacement of Arabs by Jewish settlers. Between a quarter and a third of Arab land has thus been expropriated. The official government position is to deny expropriation with the assertion that these are Jewish lands to begin with. Likud Cabinet Secretary Aryeh Naor asserted that "it would be an act of anti-Semitism to say that a Jew could not settle in Judea and Samaria." ^{40/} All indications are that these settlements are permanent, they are the hub of creeping annexation that Israel obviously intends. All this is done in the name of God, of which Jacob L. Talmon, the late Israeli historian, observed in a March (1980) issue of Ha'aretz: "There is nothing more perverted and retrograde than the use of religious sanction in conflicts between peoples and countries. There is no compromise of a bit more or a bit less when it comes to religious disputations." ^{41/} East Jerusalem was formally annexed in July 1980 as Israel's eternal capital. Massive removals of Palestinians from Gaza are ongoing.

A colonial relationship clearly exists between Israel and the occupied territories, this is especially pronounced in the economic field. The occupied territories serve as a source of cheap and tractable labour. There is a clear plan to attach the inhabitants of the occupied territories to the Israeli economy. The occupied territories also provide Israel with a market for its goods. The occupied territories obtain over 90 per cent of their imports from Israel. Since the occupation, Israel has increased six-fold its exports to the occupied territories making these territories Israel's second largest market, second only to the United States. The trade surplus in Israel's favour is tremendous, \$513 million from 1967-1974. In now classical colonial fashion, the economies of the occupied areas are distorted to serve Israeli interests. Even the modest industry existing in the occupied territories is hostage to the Israeli economy. The Jerusalem Post of January 29, 1975, observed: "... the dependence of the territories on the Israeli economy goes much further ... A substantial part of the modest industry existing in the territories is working on jobbing orders placed by Israeli manufacturers and merchants, and would be unable to find alternative markets." ^{42/} Palestinian agriculture has also been distorted to serve Israeli interest, this is in addition to the devastation caused by massive land expropriations, expulsions and displacements. Add to this the rampant destruction of Palestinian crops such as the "Green Patrol", an arm

of the agriculture Ministry which has sprayed poison on fields, thereby destroying many acres of wheat, barley and olive groves. 43/ Israel has also imposed a dependent specialization; she also prohibits the raising of agricultural products that will compete with those of Israel. Palestinian agriculture has also been hurt by competition from Israel, where the Government provides farmers with a 15 to 30 per cent subsidy plus credit advantages to facilitate modernization. 44/ Thousands of former Palestinian farmers are now day labourers on Israeli farms where they are underpaid and generally abused. The worst case of exploitation and abuse involves Palestinian children as young as 8 and 10 years old who rise at 2 and 3 a.m. for hire on Israeli farms. 45/

One of the first things done by Israel after occupation was to open up employment agencies to recruit Palestinian workers for jobs in Israel. This was necessitated by a trend in all developed capitalist countries where the local workers are becoming or have become an "aristocracy of labour". As such, there are many unskilled positions considered below their dignity thus necessitating the importation of migrant labour to do the dirty and underpaid work. The Israel Economist (October 1971) commented thus on this trend: "The Israel Government is channelling Palestinian workers into the lowest ranks of the Israeli proletariat by denying work permits to persons from the occupied territories for any job deemed appropriate for unemployed Israelis and by referring workers from occupied territories only to unskilled or semi-skilled jobs." 46/ All workers from the occupied territories are underpaid and variously exploited but particularly underpaid and super-exploited are those unable to find jobs through ordinary channels and who participate in "illegal" labour exchanges, gathering "every morning in a series of agreed upon junctions and meeting places ... These are part of the thirty thousand unorganized workers, whose gathering every morning constitutes the stock-exchange of manual labour." 47/ Many of these workers sleep in warehouses or other such structures where they work, being locked in every night. Added to this exploitation are State deductions of 40 per cent for insurance funds. They pay but are entitled to no benefits and do not receive any. Between 1968-1974, Israel deducted \$260 million. 48/ A telling indictment of these labour practices is offered by Danny Rubenstein of Davar in a May 18, 1976 article: "... an Arab worker is extremely movable, one can fire him at one moment and transfer him from one place to another; he does not strike and he has no 'claims' as the Israeli worker has. In short, in many economic respects, the workers of the territories are a treasure for the Israeli economy." 49/

Violations of Palestinian human rights are a constant and all pervasive feature of Israeli rule. Civilian assaults are common and humiliation is part of the order. Under the guise of searching for weapons, Palestinian women have been undressed in the streets and left naked by Israeli security personnel. Palestinian social institutions are forced into a dependent relationship with those of Israel. Regulations of 1945 permit an Israeli military commander to order the demolition or sealing up of a building if there are reasonable grounds to believe that the building has been dired from or where an inhabitant has committed or abetted the commission of a violent act prohibited under the Defense Regulations. In addition, Regulation 119(1) permits the destruction of buildings not used to commit acts prohibited by the Regulations: the building only has to be located in the same general area where a prohibited act has been committed. 50/ This draconian law has been

used as a license to terror, its provisions are used extensively and indiscriminately. Decision to blow-up or board-up a building is made arbitrarily without any judicial determination of guilt or innocence. Many who are later acquitted have had their houses blown-up. A typical incident was the destruction of buildings adjudged implicated in the May killing of 6 Jews and the wounding of 17 in Hebron. Some of the houses blown-up in retaliation by the army turned out to "belong to the family of Idris Hirbawi, an Arab whose grandfather saved more than 20 Jewish families from attack by Arab rioters in 1929 by giving them shelter in his house. The buildings, containing stores, were destroyed within hours of the terrorist attack. 'Nobody decided to ask who they belonged to' an army officer said sheepishly." 51/

Collective punishment is another Israeli popular device. This is meant to be a deterrent by terrorizing the whole neighbourhood or community. Imposition of curfew is another prevalent form of collective punishment. Another is the closing down of social institutions such as schools. Politically active Palestinians are routinely expelled from the occupied territories. These expulsions are arbitrary and particularly cruel since no forewarning is offered and one is simply suddenly separated from home, family and friends. Administrative detention is another prevalent device whereby suspects are held, sometimes for years, without any charges being brought. Palestinian political prisoners are held in inhuman jail conditions and by all accounts, torture is systematic and routine to induce confessions. In July 1980, there were news reports of the deaths of two Palestinian prisoners who were a part of a group that went on a hunger strike to protest prison conditions at the infamous Nafha prison. They were force-fed and died as a result. 52/ This is a general outline of violations of Palestinian human rights.

Whilst there is something unwholesome about comparing oppression, exploitation and denial or violations of human rights, a casual acquaintance with the South African situation will suggest close parallels, if not an actual identity of condition, between Palestinians under zionist rule and Africans under Afrikaner Nationalist rule. Both peoples are victims of racial discrimination: both peoples have been robbed of their land; both peoples have their labour ruthlessly exploited and both peoples have been denied the most fundamental of all human rights - the right of self-determination.

We now witness the genocidal dimensions of zionism. Having denied the humanity of Palestinian the Begin-Sharon-Shamir gang, as true zionists, are bent on a final solution, which is the physical elimination of the Palestinian people. This diabolical scheme is offered to the world under the guise of the spurious distinction between the PLO and the Palestinian people. The PLO is the Palestinian people and the Palestinian people are the PLO. Palestinian self-determination is a fundamental right which cannot be denied forever simply because Palestinian identity cannot be eradicated by tanks, planes or armies. The inhumanity and naked barbarity of zionism is now manifest. Zionism like apartheid is a threat to world peace, indeed, a threat to humanity.

NOTES

1. Jan J. Loubser, "Calvinism, equality and inclusion: the case of Afrikaner Calvinism", in The Protestant Ethic and Modernization, edited by S.N. Eisenstadt, (New York, Basic Books, Inc., 1968), p. 371.
2. Ibid.
3. Ibid., p. 368.
4. Ibid., p. 369.
5. Ibid.
6. Quoted in John Fisher, The Afrikaners, (London, Cassel and Co., 1969), p.302.
7. Quoted in Hermann Giliomee, "The development of the Afrikaner's self-concept", in South Africa: Sociological Analyses, edited by A. Paul Hare, Gerd Wiendieck and Max H. von Broembsen, (Cape Town: Oxford University Press, 1979), p. 58.
8. Robert P.D. Buis, "The relationship between the dogmatic teachings and attitude towards race relations of two South African religious denominations", in Ibid., pp. 105-106.
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AFRICA AND THE PALESTINIAN QUESTION

Babacar Sine

Today, because of its burning, dramatic topicality, the Palestinian question has become a major challenge to the world conscience - today, more than ever, in the light of the importance of the Israeli invasion of Lebanon, for suddenly, the Palestinian resistance, the Palestine Liberation Organization and the very identity of the people of Palestine are threatened by annihilation and negation, with the violence and cruelty we have witnessed. This critical situation directly calls upon our conscience, that of Africa as well as that of the world.

Africa's commitment to the Palestinian question is based on several reasons, of which we shall emphasize some which appear the most obvious and the most legitimate.

On analysis, Africa remains the continent which provides the most cohesive block of solidarity with the just cause of the Palestinian people. The mass severance of the diplomatic relations between the vast majority of African States and Israel has certainly been the most spectacular gesture the practical result of which is the diplomatic isolation of the Hebrew State on this continent and throughout the world.

Furthermore, Africa, through its public opinion, which is extremely sensitive on the Palestinian question, and through the mobilization of its forces of solidarity, intervenes as fundamental support of the struggle of the Palestinian people.

This is because, first of all, from the geopolitical point of view, and, specifically, because of the political area directly concerned, namely the Middle East, which is a strategic region, par excellence, the solution of the Palestinian problem affects world peace. The United Nations has been very conscious of this. It is enough to recall the many resolutions adopted by the Organization on the question of Palestine. Each time this question is seen both as a central element of the Middle East conflict and a factor upon which world peace depends.

Moreover, for Africa, the question of Palestine has become a matter of human solidarity, because of the drama of a people deprived of its basic rights, including that of possessing a homeland. The events taking place in Lebanon sharply illustrate the topical nature of this solidarity.

Over and above all these considerations, even though they are major, with regard to the specific concerns of Africa, there are two sets of compelling reasons for standing beside the Palestinian people and its sole representative, the Palestine Liberation Organization; the first concerns the Palestinian question regarded from the point of view of its very essence, that of a colonial situation. Consequently the struggle of the Palestinian people to recover its sovereignty on the basis of the establishment of an independent State on its own national soil is an integral part of the national

liberation struggles being waged by the third world, for example in South Africa and Namibia. The special feature of the Palestinian question is that it is an extreme form of colonial situation: a people is forcibly driven out of its original homeland, which is occupied and administered by another people. Africa's support for the struggle of the Palestinian people for full enjoyment of its inalienable national rights, therefore, follows the great and noble tradition of Afro-Asian and Afro-Arab solidarity. In 1955, Bandung marked its most significant historic moment. For example, this is what Mahmoud Hussein says, in a lecture organized during Palestine week in Dakar on the theme "Palestine and the Third World": "The struggle of the Palestinian people is at the heart of this exceptional set of events, through which, at the same time, the Arab world regained its self-confidence and the Afro-Asian world awareness of its identity" 1/

Afro-Asian solidarity with the struggle waged by the Palestinian people and the PLO has never ceased to manifest itself and express itself in all international forums, for example, both in the movement of non-aligned countries and in the United Nations.

In 1969, the majority of African States joined the other Members of the United Nations in the discussions in the General Assembly on recognition and reaffirmation of the "inalienable rights of the Palestinian people".

The same occurred in all the following years, and in 1970, when the African States brought all their weight of numbers to bear to ensure that the United Nations General Assembly recognized the right of the Palestinian people to self-determination and "to decide its own future". In 1974, Africa also intervened with many States to ensure that the item entitled "The question of Palestine" was included in the agenda of the General Assembly for the first time since 1952.

There are two reasons for this steadfastness and spirit of perseverance in the support of the struggle of the Palestinian people shown by Africa for some years: political sensitivity with respect to a problem which it sees as a major example of a national liberation struggle and the tradition of Afro-Asian and Afro-Arab solidarity which is rooted in the experience of joint solidarity in the common struggle against the colonial system.

Another set of reasons, this time more decisive than any other, stems from the role played by Israel in the consolidation of the racist régime of South Africa. It is, in fact, a secret to no one: Israel and South Africa have entered into close collusion and solidarity against the fundamental interests of the African people.

We shall take the liberty of recalling the identical historical foundations of the two States, Zionist Israel and South Africa.

1/. Palestine document No. 16: "Palestine and the Third World", Office of the Palestine Liberation Organization, Dakar.

It was during the same period that the same colonial Power decided, in 1910, to grant political rights to the Whites to the exclusion of the Blacks in South Africa. Around the same time, in 1917, by the famous Balfour Declaration, it followed the same procedure in the case of Israel, promising to establish a Jewish national homeland in the land of Palestine. The same man, Lord Balfour, then Secretary for Foreign Affairs, inspired and directed both operations.

This identical method of founding the two States was thus based, from the beginning, on the same racist vision.

Was it not Herzl, one of the founders of the Zionist movement, who stated as early as the end of the nineteenth century:

"For Europe - you understand, Europe - we (we: the Zionist communities), shall constitute over there a stretch of rampart against Asia, we shall be the advanceguard of civilization against barbarism" ?

The South Africans reason in exactly the same way with respect to the African peoples. This explains that they and the Israelis collaborate on the basis of the same racist philosophy and, as foreign minorities, adopt the same systems of racial oppression.

That is, undoubtedly, a fundamental basis for solidarity between the African, Palestinian and Arab peoples. South Africa being the most dangerous and most threatening enemy in the African continent any State which provides it with important logistical aid in quite such a fundamental way as Israel also becomes, objectively and directly, the enemy of the African peoples especially if it is known how much military and nuclear aid Israel gives South Africa.

What is one to say about the sharing of roles between South Africa and Israel ? The former exercises hegemonic control over the whole of the southern part of the African continent, and the latter still holds the key to access to the continent from the North.

"Here is an additional reason, if that were necessary, for an active, deep and solid Afro-Arab solidarity at all levels. The Arabs and the Africans have the same enemy, and each victory gained in the north is also a victory in the south and vice versa; each defeat, each withdrawal on the South African or Israeli front is a withdrawal for all African and Arab countries and peoples." 2/

For all these reasons, each as decisive as the other, the axis of Afro-Palestinian solidarity is essential, today more than ever. This solidarity has already assumed several forms. The establishment of this axis of solidarity started in the period immediately following the independence of most African States. For example, on 16 December 1964, a high-ranking Palestinian delegation, composed of Aliyas Nasser and Salah al Dean al Daback,

2/ Lecture by Professor Samir Amin, "Zionism and racism", Palestine document No. 14, Office of the Palestine Liberation Organization, Dakar.

now members of the PLO Executive Committee, went to Senegal, Guinea, Sierra Leone, Mali, Togo, Chad, Dahomey (now Benin), Gabon, Congo, Cameroon and Central Africa. In Senegal, the Minister for Foreign Affairs at that time, Mr. Doudou Thiam, gave it the support of the Senegalese Government. The newspaper Dakar-Matin, in a special notice on page 3, gave an explicit report of the event. The first steps were thus taken along the road to Afro-Palestinian solidarity. The practical conclusion was that, on 1 November 1972, the first office of the Palestine Liberation Organization in black Africa was opened in Dakar. Successively, most African capitals welcomed and still contain an office of the PLO. 3/

Better still, in almost all cases, diplomatic status is granted to the representatives of the PLO in these African countries. These offices have developed a well-known ability to sensitize and inform the various strata of the African population by information bulletins, lectures, "Palestine Weeks", exhibitions, etc., all of which methods have, unquestionably, made it possible to inform the African peoples and to involve them further in activities of conscious solidarity with the just cause of the Palestinian people. Owing to this action, the struggle of the Palestinian people is better known to African public opinion, especially since the African media (press, radio, television) systematically develop or reproduce all the news about events in Palestine. This news certainly occupies the largest place in the African press, from the point of view both of frequency and of quantity.

This explains the extreme sensitivity of African opinion on the question of Palestine. The so-called man in the street, the intellectual or the African executive are all concerned about the Palestinian question. That is a force and a form of solidarity the true scope of which is not often suspected. It undoubtedly constitutes a psychologically impassible barrier against Zionist propaganda, which has difficulty in winning over African minds to its cause.

This type of informal solidarity is in addition to the organizational adoption of positions, which is effected at various levels:

1. At the international level, where, as we have shown, the overwhelming majority of African countries constitute a bloc in the United Nations, as in other international institutions to defend the struggle of the Palestinian people. To be convinced of this, it is enough to note Israel's failure in its endeavours to induce the African States to renew dialogues and diplomatic relations with it. A recent tour of Israeli leaders in Africa for the purpose of attaining this end produced no positive response. Only one African State, Zaire, changed its position. And the events in Lebanon, where Zionist expansionism and hegemonism are becoming notorious, illustrated with the presumptuousness we all know, are not conducive - far from it - to encouraging the African States to renew relations with Israel. Never has the people of Palestine deserved compact unity and solidarity around its struggle, its dramas and its hopes more than they do today.

3/ In particular, Conakry, Brazzaville, Dar-es-Salaam, Maputo, Nairobi, Kampala, Bissao, Banjul, Djibouti, etc.

2. At the level of the OAU: The pan-african organization has always been characterized by its strong support for the fight of the PLO. As early as the first summit meeting of African Heads of State, the question of Palestine was raised; since then, it has been a central concern of the Organization of African Unity. Not only have many pertinent resolutions been adopted in favour of the restoration of the inalienable rights of the Palestinian people, but also the PLO has been recognized as its sole representative. Moreover, the PLO has been granted a privileged observer status.

Up to the last summit in Nairobi, one of the problems which attracted most attention in the debates of the African organization has been the question of Palestine. This unchanging position of OAU on the Palestinian problem can be explained and understood.

The action of the Arab States members of OAU - Algeria, Egypt, Morocco, Tunisia, Libya, Sudan etc. - counts, it is true, but there are other reasons also, most of which we have already mentioned.

Can the pan-african organization adopt any other line of conduct, without reversing its judgement, contradicting itself or going against its own principles ?

This is an organization which adopts well-known positions with respect to the South African and Namibian problems, problems and situations which are similar in every way and bound up with those encountered by the Palestinian people.

This pan-african solidarity front, a clearly thought-out position of principle, is subject to all sorts of pressure as a result of Israel's attempts to split it, but it must remain an unshakeable supporting force, at a time when the Palestinian people needs it most, even vitally, at a time when it is attacked and threatened with physical annihilation by a cruel act of genocide.

As to the attitude of the African social and political forces (parties, trade unions, mass movements, etc.), they are characterized by near unanimity:

In fact, all, with few exceptions, condemn Israel's policy. The ideological differences "left-right", "communist-capitalist", religious-lay" exercise no influence on their political feelings on the Palestinian question.

For example, in Senegal, all parties, whatever their political labels, are unanimous on the matter. It suffices to read the resolutions of the Senegalese political groupings on the question. Is this due to the absence of a powerful "Jewish lobby", which might exercise a certain political influence ? Should it be attributed to a unanimous anti-Semitism ?

Is it due to the attraction exercised by the Moslem Arab ideology, which has an undoubted influence on wide sectors of African opinion ? All these factors are certainly important but cannot conceal the eminently political nature of the Palestinian question. This is not an "Arab problem" or a religious problem and to consider it under those two aspects would be to falsify the real issue - a national and colonial matter.

Consequently, among the measures which seem to us really worthy of adoption and which are called for by the present situation, from the point of view of African support, the following should be considered:

1. To strengthen Israel's diplomatic isolation. In fact, so long as the Hebrew State persists in ignoring the representative nature of the PLO, especially so long as it shows this warlike aggressiveness, as it is doing today in Lebanon, there is no question of the African States' relaxing their diplomatic pressure. To break Israel's diplomatic isolation is to weaken the front of solidarity which exists around the PLO. Israel is trying to break this unanimous support by multiplying its public relations missions to Africa. African diplomatic pressure should also be exercised on the Powers that support Israel, particularly the United States. Let us not forget that it is also owing to this assured support that Israel can permit itself to pay little heed to United Nations resolutions and to perpetrate acts of aggression, because it benefits from impunity and the complacency of the Western Powers.

2. The African solidarity movements, especially by unifying the national committees for support to Palestine.

This would make it possible to avoid dispersion of efforts and would greatly facilitate the mobilization of popular forces. Such concentration and common determination would provide grass-root support for the diplomatic and political action of the African States:

- By ensuring better awareness of the stakes involved in the Palestinian problem through better information;
- By organizing a boycott in all forms (economic, political and cultural);
- By launching activities of practical support to the PLO (collection of medicine, blood banks, support meetings, etc.);
- By isolating South Africa, the main bastion of support for Israel's policy in Africa itself.

As can be seen, Africa is involved in the struggle waged by the Palestinian people to regain the enjoyment of their national rights. This African commitment is not only a requirement and duty imposed by solidarity, it is vital for Africa itself, because of the close connexion between the policy of South Africa and that of Israel and because of this alliance's numerous threats to Africa's security.

PALESTINIAN WOMEN AND DEVELOPMENT IN THE OCCUPIED WEST BANK

Rita Giacaman

Introduction

In the recent past, much attention has been placed on examining the various elements of the Palestine question. Politicians and researchers alike have investigated several aspects of the problem including the results of aggression on Palestinian political, economic and social systems that prevailed before and after the 1948 and 1967 Arab-Israeli wars, the impact of dispossession and dispersion on Palestinians all over the world, and the impact of Israeli military occupation of the West Bank and Gaza Strip on Palestinian life in general. Yet, in spite of the ever-rising volume of both research and attention paid to Palestinians, very little has been devoted to the problems of Palestinian women under occupation and development.

This paper is an attempt to outline and set a framework for the systematic study of formal women's organizations within the context of over-all Palestinian life. It is not intended to be an exhaustive study of the Palestinian women's movement and its organic linkage with the national struggle. Nor is it intended to cover the various organizational forms that the women's movement took both within and without the occupied territories. It is an attempt to place the women's movement within the context of both resistance to Israeli military occupation through efforts to build and develop social institutions, and the increasing awareness of the need for women to organize. Four themes are highlighted: the history of the Palestinian women's movement, evolution by trial and error, the new movement and development, and retaliation and resistance.

Although both the West Bank and the Gaza Strip, to a large extent, have gone through similar political and social experiences, this paper deals with information relating solely to the West Bank.

History

Palestinian women's organizations are by no means recent creations. They date at least as far back as 1921, with the birth of the first Palestinian women's Union in Jerusalem under the leadership of Slikha al-Shihabi. 1/ Though very little material exists today that may shed some light on questions such as how and why these women were induced to organize, it is clear that a major reason for the creation of women's organizations was directly linked to the Palestinian national problem. Before and after 1936, organized women were actively involved in training and providing first aid to Palestinian revolutionaries, in organizing and participating in demonstrations, in distributing leaflets, and sending telegrams of protest and other activities directed against the British Mandate authorities. It also appears that their activities were coordinated with the activities of the Palestinian resistance movement of the time. 2/3/

The 1948 Arab-Israeli war and the resulting flood of refugees to various parts of the Arab world, including whatever was left of Palestine that was not conquered by the Zionist army (the West Bank and the Gaza Strip) precipitated a further attempt by women to organize. The direct linkage between the reaction of Palestinian women to disaster, lack of services, general chaos and the creation of new women's charitable societies, for instance, has been clearly spelled out in The Arab Women's Union's report of activities during the period of 1947 through 1950 in Bethlehem.4/5/

By 1950, the West Bank was annexed to Jordan and, in 1951, the Jordanian Ministry of Social Affairs was established. 6/ Once basic social services were reestablished by the Jordanian government and other voluntary agencies' relief work reached Palestinian refugees, women's charitable societies turned to activities that were centered also around the relief rather than the solution of problems, such as child feeding programmes, distribution of food and money to the poor and caring for the sick.

Table 1 represents a list of all the names of Women's charitable societies that appear in the register of the General Union of Charitable Societies of the East and West Banks of the river Jordan. Note that the occupied West Bank is divided into three governorates: the Jerusalem Governorate, including Jerusalem, Bethlehem, Ramallah, Jericho and surrounding villages, the Nablus Governorate including Nablus, Jenin, Qalqilia, Tulkarm and surrounding villages, and the Hebron Governorate including Hebron and surrounding villages.

It is important to note that table 1 is by no means an exhaustive list of all women's charitable societies operating in the area. The author herself know of at least four more such societies that, for some reason, were not listed in the General Union of Charitable Societies' guide. Additionally, this list does not include other organizational forms that women have adopted and through which they are today playing a major role in fulfilling both women's and developmental needs of their society. These women's committees will be discussed at length later. Also of interest is the fact that the charitable societies listed in table 1 constitute about 29 per cent of all societies officially registered and in operation in the occupied West Bank. The rest are either men's charitable societies or mixed ones. Over-all, women constitute 42.2 per cent of the total membership in all charitable societies. 8/

An examination of table 1 reveals several interesting observations. First, only six societies have been officially registered since 1967. Second, the majority of the societies are located in major cities or towns, mostly in the Jerusalem Governorate, with minimal village representation (about 70 per cent of the population of the West Bank lives in rural areas). Third, six of the societies are organized on a religious basis. Fourth, 15 of the societies were officially registered in 1965, the same year that witnessed the birth of the Palestine Liberation Organization. Of interest also is the fact that nine out of 21 societies located in the Jerusalem Governorate started operating in some cases very long before their official registration date. This is probably true of a number of societies in other areas as well. The discrepancy between the dates of operation and official

Table 1

Names of officially registered women's charitable societies

Name	Location	Date of official registration
<u>Jerusalem Governorate</u>		
1. Arab Women's Union - Beit Sahur	Beit Sahur	1956
2. Arab Women's Union - Bethlehem	Bethlehem	1965
3. Arab Women's Union - al-Bireh	al-Bireh	1965
4. Arab Women's Union - Ramallah	Ramallah	1956
5. Arab Women's Union - Jerusalem	Jerusalem	1957
6. In'ash al-Usra (Society for Family Revival)	al-Bireh	1965
7. Bisat al-Ruhman Greek Orthodox Women's Society	Bethlehem	1965
8. Hamilat-al-Tib Greek Orthodox Society	Bethlehem	1965
9. Hamilat-al-Tib Greek Orthodox Society for the Relief of the Miserable Sick	Jerusalem	1965
10. The Armenian Charitable Society for Women	Jerusalem	1958
11. Dar-al-Tifl al-Arabi (Arab Children's Home)	Jerusalem	1965
12. Ri'ayat al-Tifl Society (Society for the Care of Children)	Ramallah	1945
13. Rawdat al-Zuhur Society (The Kindergarten of Flowers Society)	Jerusalem	1952
14. Jericho Women's Charitable Society	Jericho	1963
15. Birzeit Women's Charitable Society	Birzeit	1970
16. Arab Women's Society	Jerusalem	1965
17. Ri'ayat al-Tifl Women's Society (Women's Society for the care of children)	Jerusalem	1965
18. Sayidat-al-Bishara Greek Catholic Women's Society (Lady of the Annunciation Greek Catholic Women's Society)	Jerusalem	1956
19. Muslim Young Women's Society	Jerusalem	1979
20. Society for the Training of Young Women	Bethlehem	1973
21. Old People's Home Society	Jerusalem	1957
22. Women's Revival Society	Ramallah	1965

Name	Location	Date of official registration
<u>Nablus Governorate</u>		
1. Arab Women's Union - Tulkarm	Tulkarm	1953
2. Arab Women's Union - Nablus	Nablus	1965
3. Charitable Society of Burqin	Burqin	1971
4. Charitable Society of Burin	Burin	1965
5. Charitable Society of Jenin	Jenin	1976
6. Charitable Society of Huwara	Juwara	1963
7. Arab Orphan's Home	Tulkarm	1961
8. Society for the Care of Children and the Guidance of Mothers	Nablus	1954
9. Women's Charitable Society of Salfit	Salfit	1965
10. Women's Charitable Society of Anabta	Anabta	?
11. al-Mirabitat Charitable Society	Qalqilia	1960
12. Jordanian Red Crescent Society - Tulkarm	Tulkarm	1947
<u>Hebron Governorate</u>		
1. Women's Charitable Society of Halhoul	Halhoul	1964
2. Women's Charitable Society of Hebron	Hebron	1965
3. Women's Society for Social Development of Arroub	Arroub	1973
4. The Society for the Revival of Village Girls	Doura	1965

registration was found to be as small as six years (as is the case with Sayidat-al-Bishara Greek Catholic Women's Society), and as large as 36 years (as in the case of the Arab Women's Union - Jerusalem).

In its beginning years the Palestinian women's movement, as exemplified by women's capacity to organize into societies and their ability to participate in social and political life, was conceived and developed by women of bourgeois origin. ^{10/} It was also led and dominated by women who came almost exclusively from the urban upper middle class, many of them connected by kinship or marriage to the political leadership. A brief inspection of the names of the major women's movement leaders of between the 1930 and 1950 does indeed confirm the observation that most came from cities and enjoyed a relatively higher standard of living and status in society than others. Their backgrounds, in a sense, must have solved some of the logistic problems of organization faced by most rural women, including the problem of time at hand to participate in activities other than the assigned household chores; the rearing of families; the problem of restricted movement imposed by distance, and traditional social norms and customs. Religious grouping, in addition, may be a revealing factor that can possibly improve our understanding of the social class character of the early women's movement, and should thus be systematically examined. But perhaps a more important factor determining the ability of women to organize is education. It has been shown, for instance, that for the academic year 1944-1945, 42 per cent of the students enrolled in urban governmental schools up to the seventh grade were women, while only 8 per cent of the students enrolled in rural governmental schools were female. Although a direct relationship between education and the capacity for organization cannot be established, the impact of education on the ability of women to organize, integrate into and participate in social and political life cannot be overestimated.

Thus, women's charitable societies, until 1967, assisted the Jordanian Government in the provision of basic services to the Palestinian population living in the area. Their programmes included the establishment of first aid centres, basic health programmes, nurseries for needy children, homes for orphans, centres for the aged, the provision of monthly payments for poor families and, in general, the social sponsorship of welfare activities that were largely dominated by bourgeois women and their perceptions of their roles as members of their society. The fairly charitable nature of their work was, at times, even symbolized in their choices of names for their institutions (for instance, Hamilat-al-Tib Greek Orthodox Society for the Relief of the "Miserable Sick", the Home of the Orphan and, the Carpet of the Forgiver's Greek Orthodox Women's Society).

EVOLUTION BY TRIAL AND ERROR

As a result of the 1967 Arab-Israeli war and the fall of the West Bank and the Gaza Strip under Israeli military occupation, women's charitable societies began to adopt new roles, based on the emerging needs of changing times. Although the impact of the military occupation on political, economic and social life was not readily apparent in the early years, women's societies, like all other Palestinian institutions which fell under the brunt of the military occupier, realized that their methods of operation had to be modified, if not altogether changed, into ones that would allow them to operate under truly strenuous conditions, if at all.

In the yearly years of occupation, women's societies were largely involved in general relief operations, in a manner, it seems, that was very similar to their initiative during the 1947-1950 period. Soon, however, they began to realize the real significance of the occupation to Palestinian life in general. The activities of the military occupier in terms of political repression, confiscation of land and water resources, attempts to change the demographic nature of the occupied area in such a way as to create yet another fait accompli, and the systematic policy of the destruction of the economic and social infrastructures, were all seen as attempts to destroy the Palestinian national culture. Thus, women's organizations, along with the existing local non-governmental institutions (Jordanian governmental institutions were taken over by the Israeli military government), saw themselves as perhaps the only structures left that were possibly able to inhibit the destruction of the social infrastructure and prepare the way for the reconstruction of Palestinian society in the future. It was these realizations that resulted in a qualitative change in the perspective, composition and activities of the women's movement, in particular during the 1970s. This was reflected in the adoption of literacy programmes, vocational training programmes for men and women, educational programmes, the creation of committees for the preservation of heritage and culture, and others aimed at fulfilling the unmet needs of the occupied population. Their efforts, though at times remarkable, remained limited. The conditions of occupation, in particular the absence of a national government interested in the welfare of the people, were dictating a new role, with a new perspective guiding activities. The nature of the situation demanded from Palestinian institutions a developmental role and a self-reliant perspective, requiring flexibility of vision that allowed for the growth and development of institutions in a manner compatible with the developing needs of the occupied Palestinians. It also necessitated the fulfilment of the until-then neglected needs of the rural population, which constituted 70 per cent of the total population. With some exceptions, women's charitable societies were largely unable to fill that function. They were, in general unable to extract themselves from the charitable perspective and their efforts, in spite of attempts to fill the gap, remained a palliative treatment to a recurring disease.

Exceptions did exist, however, including the initiatives of both Inash-al-Usra in al-Bireh and the Arab Women's Union in Bethlehem. In the case of Inash-al-Usra, activities for the first two years after the 1967 war were largely centered around the relief of refugees and the families of martyrs. Soon, however, it was faced with the inability to deal with the large volume of people that flooded the society seeking assistance, including villagers from the surrounding area. Both financial and logistic factors thus precipitated a new change in outlook. It began to experiment with the idea of providing people needing assistance with the means that would allow them to earn income, rather than continue relying on the Society for help. The first productive initiatives, including a sewing project for women and a food preservation and packaging scheme, were both aimed at utilizing women's labour in return for income. But these first experiences resulted in failure: marketing problems and competition with the Israeli goods were listed as major causes for this failure. Their initial attempts at chicken farming also failed, primarily as a result of manpower shortage, know-how and the

problem of transportation. But they did not give up. They recognized their failings, and reoriented their productive efforts towards traditional products that did not face competition from Israeli and imported commodities. These included traditionally embroidered objects, pottery, and woven straw items. Their success has been modest but these projects are still existing and financially afloat. They also developed their marketing capacity by agreeing with national local private institutions to buy their food products. They even attempted to move into villages, stating that "we tried to go where needy people are rather than have them go through the difficulty of coming to us", and established four village centres in 1970, only to be hit by a military order to close down the centres "for security reasons". Once again, they did not give up, and managed to overcome the military order by centralizing activities and creating an effective network reaching villages without the need for village centres. And today, over and above their traditional charitable activities, Inash-al-Usra boasts a women's embroidery project that extends to most of the Ramallah district villages, and an extensive vocational training programme for women where employable skills such as typing, secretarial work, machine knitting, sewing and hairdressing are taught. 12/

The case of the Arab Women's Union of Bethlehem is unusual for two reasons. First, its members grasped the necessity of changing roles that were imposed on them by the harsh realities of occupation almost immediately after the 1967 war. Second, they also understood the importance of efforts to unify the activities of various institutions. Accordingly, they called for a meeting of all charitable societies in Bethlehem and demanded a change in outlook, from one that is charitable to one of "steadfastness" (a cultural expression that has become a symbol reflecting a new political awareness and translating into a perspective of the necessity of staying on the land of Palestine as a crucial form of resistance to occupation). How these women managed to unify the efforts of charitable societies into one programme in a small town where petty rivalries have been known to destroy many initiative was eventually translated into a small factory for silver works where local people work and where skills are taught to young men and women. They solved the market problem, like In'ash-al-Usra, by choosing products that required local skills and did not necessarily compete with Israeli ones, and contracted with local souvenir shops to buy their products. They also managed to make some profit that in turn was distributed to young men and women as long-term loans to finance their education. And today, the project still exists and is operating side by side with the traditional charitable ones, and ironically, side by side with projects specifically geared towards the entertainment of the middle- and upper-class Bethlehem families (for instance, a family club with a swimming pool, where membership is attainable by the payment of a substantial sum of money and the recommendation of the board). 13/

Despite the charitable outlook, the failings, the errors, and the fact that the activities of women's societies until recently did not go beyond the role that is imposed on women by a traditional society and the general domination of men's ideology over women's activities, the attempts of Palestinian women to organize, from 1921 until now (if looked at in

evolutionary terms) can be seen as very significant. Palestinian women's experiences in organization and their attempts to participate in social and political life seem to have played a major role in setting the stage for the creation of a much more radical women's movement than the occupied territories have so far witnessed. The traditional women's organizations, if viewed within a historical context, have at least provided younger women with a model for organization that was centered around family welfare activities (the traditional role of women) acceptable by traditional Palestinian society. The importance of their activities also lies in the fact that they brought women out of their homes, and, perhaps for the first time, into the realm of social and political life. As for the more daring women as the women of In'ash-al-Usra and the Arab Women's Union of Bethlehem, they have served, through their trial and error experiences, as a crucial phase of transition between charity and a mass organization directed towards the radical solution of development, the women's and the national problems. It is through the collective experience of both types of women's organizations that lessons were learned, and better understanding of Palestinian societal needs was achieved by younger, more educated and actively politicized women, culminating in the creation of a "new movement" and perhaps a new era in the history of the Palestinian women's movement in the occupied territories.

THE NEW MOVEMENT

Though ideas on the necessity of changing roles of Palestinian women under occupation were conceived and developed in the early seventies, a significant example of the qualitative change in the nature of the women's movement was the creation of the Women's Work Committee in Ramallah in 1978. A group of active, well-educated and young bourgeois women met to discuss the possibilities of organizing themselves in such a way as to be able to better serve their community, both socially and politically. The group was composed of those who were ideologically motivated and politically committed and those who were well-educated, nationalistic, socially aware and already fairly active in social and political life. 14/

Several reasons account for their unwillingness to be absorbed into the framework of women's charitable societies. The stated reason was that the kind of activities and programmes that they wanted to initiate necessitated the creation of a new type of women's movement that went beyond the gaps in the structure and style of work of the majority of existing women's institutions. 15/ Upon further examination of the actual reasons that precipitated the change in both structure and style, however, other factors are revealed. To begin with, the framework that was newly created and is still being used until today did not require a permit from the Israeli military government's social welfare department, as is the case with the charitable society framework. Appreciating the difficulties they had to endure in order to get such a permit, if at all, they opted out of the charitable society framework altogether, in spite of the fact that this meant that they would not qualify for Jordanian governmental financial backing. They also had a perspective for their work that was not charitable in nature, but more directed towards the building of an organized women's movement, and, in that sense, the Jordanian law regulating the activities of charitable societies would have been extremely restrictive. 16/17/

Finally, due to the at times substantial differences in perspectives, both political and social, between the women of the older movement and the new ones, coupled with the standard petty rivalries and the older women's fear of losing control, it became very difficult for the old movement to effectively absorb the younger generation, with all its radical ideas and the effectiveness it could have offered them. But it is interesting to note that, in spite of differences, the women's committees did not pose themselves as an alternative to other women's organizations, but as an organization that worked hand in hand with them, aiming towards the development of the women's movement, the unification of all women's activities and the building of a unified mass movement for the struggle of all Palestinian women in the Occupied West Bank and Gaza Strip. 18/

Out of these very first radical women's meetings emerged a new model for women's activities, namely, Palestinian women's committees. This model was soon adopted by two other politically committed women's groups. Today, three such committees exist, the "original" Women's Work Committee, the Working Women's Committee and the Palestinian Women's Committee. With the exception of very few differences that exist among them, primarily dealing with specific ideological and political commitments, their structure, perspective and general ideological outlook (all to the left, with varying degrees) is essentially the same, and thus will be treated as one for the purposes of this paper.

At least two major differences exist between the old and the new movements. They are, to begin with, structurally and organizationally different. This affects not only the nature and style of their work, but also their effectiveness in both representing the needs of women from all sectors of society and their extent of spread in the area. The old organizations operate on a centralized model, with the society headquarters almost always in cities and towns, where activities are controlled by an elected executive body that is usually largely composed of bourgeois town and city women. Activities and programmes are based on the perceptions of the controlling body of the needs of the recipient population, whether rural or urban. In other words, the organizational and structural framework of the old movement does not really allow for the representation of the needs and aspirations of women from all sectors of society, thus reducing most of those involved into the role of beneficiaries. The women's committees, however, are structured in such a way as to ensure the adequate representation of women from all sectors of society, and in fact, their stated aim at least indicates their commitment to encourage the active participation of women from all walks of life, particularly rural women. Women's committees are organized into basic committees, wherever they exist (in cities, towns, villages, refugee camps and factories), where one member is elected to represent her committee in the regional committee. The same principle of representation applies to the regional, provincial and higher committees. 19/ Additionally, with very few exceptions, the old movement's activities are generally restricted to the cities or towns where the institution is located, while women's committees have, in a relatively short period of time, successfully reached and penetrated all governorates, most major cities and towns and many villages and refugee camps, in both the West Bank and the Gaza Strip. Efforts are still continuing to form new committees, many times in remote and relatively inaccessible areas.

The second major difference is essentially one of perspective and approach. The old movement is generally guided by the perspective of charity or steadfastness, while behind the new movement lies a systematically elaborated rationale aimed at the creation of a mass women's movement that would eventually mobilize women politically and direct them towards active participation in both the women's and the national struggles. 20/

Though the interrelationship between the national and the women's struggle in the occupied territories remains an important subject that requires a thorough investigation, an attempt to highlight some of the apparent linkages should be made here. What appears to be the case is that the Palestine national question was at least partially the impetus for the very first attempts of Palestinian women to move beyond the boundaries of the home and family life and into the avenue of political and social participation alongside men. It also appears that the same moving force was instrumental in enlarging and solidifying the women's movement to the extent that a model for women's activities outside the home became acceptable to Palestinian society. 21/ The sudden registration of 15 out of a total of 36 charitable societies (see table 1) in 1965 cannot be looked at as a coincidence, for 1965 was a very significant year in Palestinian history. It was the year of the creation of the Palestine Liberation Organization with its various bodies and institutions, including the General Union of Palestinian Women. The timing of the registration of the women's societies is highly suggestive of a strong linkage between the two movements, and seems to further support the argument that the Palestine national problem served as a propellant of the women's struggle for equality. It is also important to place the qualitative change in the nature, constitution and activities of the women's movement that were discussed above, particularly the change in the class origin of its members and their move towards villages and refugee camps, within the context of over-all Palestinian national politics. This change is probably tied to, if not a reflection of, the change in the nature of the Palestinian leadership that was witnessed in 1965, from one essentially dominated by the upper classes (the Nashashibis and Huseinis, for instance) to one that adequately represents all sectors of Palestinian society.

As for the movement of women's committees, the available evidence indicates that at least the organizers of those movements perceive their activities as political and national, in addition to being a women's movement aimed at the improvement of the economic, social and cultural status of women. This is clearly stated, for instance, in the programme of the Women's Work Committee. 22/ What is also interesting is that, in their beginning phases in the latter part of the 1970s, the women's committees were perceived by their organizers as the means through which they could achieve the goal of mobilizing this largely untouched section of the Palestinian population towards the struggle for national rights, rights of self-determination and the construction of an independent Palestinian state. This aim necessitated the creation of a mass women's movement all over the occupied territories. Experience in the field, however, was quite revealing. The organizers were shocked by the realization that, with the existing conditions of women's lives, particularly in the villages and among the poor urban dwellers, it was impossible for them to effectively mobilize women in the national struggle.

Illiteracy, overwork, poverty, economic dependence, the limited interests of women that result from all this and the general low social status were crucial stumbling blocks. And it is precisely this realization of the Palestinian women's condition that precipitated the awareness of the need of women to organize around their own problems, and of the need to adopt specific programmes aimed at the improvement of women's lot. Accordingly, the women's committees proceeded to adopt programmes of literacy, activities aimed at solving some of the women's problems (such as setting up nursery schools which allowed women to leave their "prisons" and attend literacy and vocational training classes), general services (such as health) to alleviate the burdens of everyday life, and productive projects aimed at providing women with some means of earning an independent income.

Finally, it must be remembered that, as Palestinian society evolved and developed in general, particularly during the 1960s and 1970s, so have societal perceptions of the role of women. The increasing participation of women in the labour force (particularly after 1967 due to the financial hardships that Palestinian families faced) as well as the increase in the level of education of women are important and need to be carefully examined in the future. Both factors, including the establishment of Palestinian universities in the West Bank and the resultant accessibility, particularly of village women, to university education probably led not only to the change in the perceptions of women regarding their role in society, but also to a change in the perceptions of society regarding the role of women and their ability to participate in all aspects of Palestinian life.

In spite of this awareness of the problems of women as separate yet integral part of the over-all struggle of Palestinian people for a better life, the national problem dominates political and social thinking today. This is not only due to the hegemony of men over political, economic and social life, but also due to the facts of life, as they are experienced by Palestinians, both men and women. The systematic attempts on the part of the Israeli military government to destroy Palestinian society and culture, and their vicious attempts at annihilating the Palestinian people make the domination of the national problem not only quite understandable, but also necessary at the present stage of Palestinian history. It would be, however, very interesting to see whether the women's movement would continue to develop, once the Palestinian people's aspirations for nationhood were fulfilled, towards more specific demands for equality by women, or whether, once liberation and nationhood are achieved, women would lose the incentive and the justification for organization.

RETALIATION AND RESISTANCE

Apart from the active involvement of Palestinian women in resisting military occupation at the general political level, as can be testified to, for instance, by the imprisonment of at least 3000 women by the Israeli military government since 1967, 23/ women have also been actively involved in resisting occupation at the social level. And the creativity that some of them have displayed in dealing with the retaliatory activities of the military occupier has been truly remarkable. It must be said first that the fairly difficult political conditions of recent months, which the author as well as other researchers were attempting to collect information on the subject, made it impossible for them to either accurately assess the degree

and extent of the stifling of women's social activities, or clearly grasp the interrelationship between political and social resistance and their relative weight in terms of retaliation. The general attitude throughout the investigation was essentially one of fear of divulging information about the repression by the military government lest such information be later used to further stifle their activities. Because of this, it is important to note that whatever picture is drawn here can no more than simply suggest the depth of the problem.

It is also important to note that the Israeli military government generally believes that the mere existence of Palestinian social institutions, let alone the political ones, poses a real threat to its continued domination, so much so that the continued existence of national institutions, in spite of hardships, consistently triggers retaliatory attacks aimed at their total destruction. And if one looks at the actions of the military government in terms of a systematic attempt to have "the land without the people" (as evidenced by the deposition of mayors, the repeated closure of universities, schools, women's committee headquarters and art galleries, and the censorship of books and newspapers - to name only a few examples - one may very well arrive at the realization that the Israeli military government is indeed seeking the destruction of Palestinian national culture.

An extremely wide range of retaliatory methods is used by the Israeli military government against Palestinian social institutions, and women's institutions appear to be subjected to more or less the same policy that dominates the actions and stifles the growth and development of all institutions in general. Examples range from a brief interrogation of organization members to imprisonment for extended periods of time. It must be stressed again here that the question of whether serious retaliatory activities, such as extended imprisonment and long town arrests, are triggered by women's social and developmental activities or by the expression of overtly political positions, remains unclear. Many examples of retaliatory or restrictive activities were given by women and include the refusal of permits to conduct meetings, cultural activities, bazaars or the collection of donations from the local population; refusal of permits for the construction of new buildings which are essential to accommodate the growth of activities in line with the population's growing needs; interrogations; house and town arrests and refusal of permits to leave the country for active organization members. At times such measures are triggered because of the most trivial reasons, as was the case, for instance, with two members of a women's organization who were interrogated and then placed under house arrest for a few days because they placed flowers on the graves of martyrs at the end of a peaceful women's march.

By far the single most important measure of retaliation is aimed against the acquisition of money from local and foreign sources. By the very nature of the work (i.e. financial nonproductive social services), receipt of donations by social institutions is an essential prerequisite for survival. The issue of finances, donations and budgets has thus become, particularly the last few years, a major controlling force that the military government exercises against women's and men's institutions alike. And because of the importance of this issue and the great risk involved in divulging information, very little reliable data can be successfully obtained, except perhaps when investigators have strong personal connexions. 24/ It remains clear, however, that if the Israeli military government were to succeed in its attempts to

stifle Palestinian national institutions completely, it would be probably mainly through their manipulation of the financial issue. And, ironically, in this case, the Israeli military government does not even need to amend Jordanian laws by promulgating a new military order (there are already almost 1000 of those) to achieve control, for the authority already exists in the form of Jordanian law number 33 of 1966, which governs the activities of charitable societies and social institutions.

The resistance of Palestinian women's institutions to occupation has taken many forms, covering a wide range of activities. Major points have already been discussed, and two others need to be stressed. In the absence of a national government interested in the welfare of people, and with the deterioration in the service sector, women resisted occupation by moving toward filling the gap. And the rationale behind this move was simply based on their realization of how important it is to help Palestinian people stay on Palestinian land. Women's institutions today, in co-operation with men's institutions and local and voluntary agencies are largely responsible for fulfilling the basic needs of the population living under occupation, a role that is usually played by governmental agencies.

Perhaps one of the most important aspects of Palestinian women's resistance to occupation is the development of co-operation among the various women's organizations. One example of that has already been described earlier (the initiative of the Arab Women's Union of Bethlehem). Another example is the attempt and the success of the women's work committees to operate their programmes under the umbrella and the protection of the licences of traditional charitable societies. Being unable to acquire a licence for certain activities due to military occupation, they looked towards charitable societies for alternatives. Through remarkable efforts at bridging the ideological gap and because of the commitment of all concerned to the national struggle, the women were able to reach a modus operandi that allowed not only various activities to take place, but more importantly, this allowed a type of unprecedented co-operation to emerge. Perhaps this unification of efforts can be seen as parallel to the co-operation and the unification of efforts of the various political groups that have been working towards the development of a strong resistance to occupation exemplified by the National Guidance Committee.

NOTES

1. al-Khalili, Gazi, The Palestinian Woman and the Revolution, Dar Alaswar, Akka, 1981, p. 77 (in Arabic)
2. Ibid. pp. 77-81.
3. Information obtained by interviewing selected leaders of the women's movement of the time.
4. Jacir, Nasri, "Communiqué of the Arab Women's Union, its two first aid stations and activities, 1947-1950", Jerusalem, 1950 (in Arabic)
5. This has been the consistent position of those women who played a major role in the women's movement of the time who were interviewed by the author. Even the names of the women's organizations that were established at the time are strongly suggestive, for instance: the House of the Refugee Girl, the House of the Arab Boy.
6. Nakhleh, Emile, editor, A Palestinian Agenda for the West Bank and Gaza, American Enterprise Institute, Washington, D.C., 1980, p. 108.
7. General Union of Charitable Societies in Jordan, Guide to Charitable Societies in the West and West Bank, Amman, 1980, (in Arabic) pp. 234-346.
8. Ibid., p. 8/B.
9. Information was obtained from the unpublished data of Ali Jaradat, Law in the Service of Man, Ramallah, Occupied West Bank, and from interviews with selected women organizers conducted by the author.
10. al-Khalili, op.cit., p. 80.
11. Ibid., p. 73.
12. Information obtained by interviewing key members of the Society.
13. Information obtained by interviewing key members of the Society.
14. Eventually, the ideologically and politically non-committed women, by gradually reducing their activities or insufficient commitment to general issues, allowed the politically committed ones to control the movement.
15. The Women's Work Committee, The Road of the Woman, Ramallah, March 1982, pp. 42-45 (in Arabic).
16. The Law of Charitable Societies and Social Institutions, Jordanian Law No. 33, 1966.
17. It is important to note here that the Israeli military government utilizes Jordanian Law No. 33 to govern, control and restrict the activities of charitable societies in the occupied West Bank.
18. al-Khalili, op.cit., p. 44.

19. The Women's Work Committee, op.cit., p. 47.
20. Ibid., p. 43.
21. al-Khalili, op.cit.
22. The Women's Work Committee, op.cit., pp. 42-47.
23. Antonius, Soraya, "Women prisoners for Palestine", Revue d'Etudes Palestiniennes, No. 1, Autumn 1981, (in French), pp. 76-139.
24. All the information in this section was obtained from the unpublished data of Ali Jaradat, Law in the Service of Man, Ramallah, occupied West Bank, and through interviews with selected women's movement organizers conducted by the author.

THE FUNDAMENTAL RIGHTS OF THE PALESTINIAN PEOPLE

Saturnin K. Soglo

The Balfour Declaration of 2 November 1917 was the first illegal act in a long series of breaches of faith in which barbarity vied with the most machiavellian cynicism and through which international imperialism, in collusion with zionism, deprived the Arab people of Palestine of their land and their most indefeasible rights.

The primary objective was the creation of a Jewish State in Palestine, where the overwhelming majority of the population were Palestinian Arabs, and the language and culture were Arabic.

Even at a time when colonialism was credited with a civilizing and liberating mission, the Balfour Declaration aroused sharp criticism. It was long kept secret by its authors, who were aware not merely of their imposture, but also of the tragic consequences which it was to have.

Merging with the cries of protest and disillusionment of the Arabs, a multitude of voices were raised within the colonial Powers themselves; it was judged that Great Britain had no sovereign rights or rights of ownership over Palestine, and hence could not dispose of that land.

Even Dr. Chaim WEIZMANN, President of the zionist organization, took the view that the Balfour Declaration had no basis. Mr. Edward MONTAGU, the sole Jewish member of the British Government at the time, denounced it in the strongest terms.

In both its spirit and its application, the Balfour Declaration was nothing less than a total negation of a people's most fundamental rights, its inherent right to live in its ancestral land.

To justify this imposture, Old Testament relics were exhumed and dusted off. It was argued that 2,000 years previously Palestine had been the Jewish homeland, and that the expulsion of the Jews from 117-138 A.D. under Emperor Hadrian in no way diminished their claim to this land.

Since these were ultimately the decisive considerations in the choice of the site for the Jewish homeland, they should logically have resulted in the establishment of a "secular, democratic and unitary Palestinian State", in which the Jewish and Arab communities, both of semetic origin, could each contribute in its own particular way to the prosperity of a land in which they had lived in harmony for centuries.

Another factor involved was the virulent anti-semitism of the Europeans, which to an extent was undoubtedly fuelled by the Jews' refusal to integrate into the communities

in which they lived. With the rise of nazism this racism was practised with a cruelty equalled today only by zionism and apartheid; the Europeans were left with a guilty conscience which had to be solved. Helping the Jews to establish a "homeland" was thus, for Europe, not only a means of ridding itself of an undesirable population, but at the same time an easy way of absolving itself of the crimes, pogroms and genocide perpetrated against the Jews.

But, above all, there were the ambitions of opportunist international imperialism, which requires strategic points to facilitate its exploitation of peoples: in this regard, oil and the Suez Canal made the Middle East a particularly enticing target. It was thus all too easy for the zionists to exploit Anglo-American contradictions and the efforts of the American oil monopolies to consolidate their position in the region, thereby strengthening their alliance with the United States.

The Governments of Western Europe subsequently lent their full backing to American policy, and in particular, to the consolidation of the State of Israel. Using its vast financial, military and diplomatic resources, the imperialist world basically aimed:

To use the new State for the military annihilation of the liberating forces of the Arab world, formed around Egypt and Syria;

To extend the bounds of Israeli domination by encouraging the zionist vision of Eretz Israel;

And, above all, to prevent the creation of an independent Palestinian State in the land of Palestine, the imperialist world having clearly foreseen that it was the Palestinians who would form the militant anti-imperialist vanguard of the entire Arab nation.

These were the origins of what the Arabs rightly refer to as the "zionist entity", and the tribulations of an entire people, the Arab people of Palestine, who were driven from their ancestral lands and condemned to wander, with only the tents of refugee camps for a shelter. This was the background for the Palestinian rejection of the fait accompli, and their determination to do all in their power to oppose the perpetuation of an injustice which has now lasted for 34 years.

In the Middle East, the situation thus created by international imperialism and zionism has led to four wars in the last 30 years. Today the Israeli military, in its determination to crush the resolve of the PLO fighters, threatens the very existence of Lebanon, and consequently world peace as a whole. It is now universally recognized that a just and comprehensive peace cannot be established until a satisfactory solution to the

Palestinian question which is at the heart of the Middle East problem, has been found or, in other words, until the legitimate rights of the Palestinian people are recognized.

The crux of the Palestinian problem is the fate of the Arab people of Palestine who have been forcibly dispossessed of their homeland. A just solution to this problem hinges on the exercise of the Palestinian people's inalienable rights to self-determination and to the creation of their own independent State. Only on this basis can a stable and lasting peace be established in the Middle East.

The United Nations has a special responsibility in this regard. As Mr. Marcel DIMU has so aptly emphasized, this responsibility may be considered from several standpoints:

1. As a direct outgrowth of the Charter's stipulations concerning the right of all peoples to self-determination and the development of friendly relations among all nations based on the principle of full equality, rights which the Palestinian people have heretofore been denied;

2. As stemming from the key role assigned by the Charter to the United Nations, and the Security Council in particular, in solving the major problems facing humanity and endangering international peace and security;

3. In the light of the fact that settlement of the question of the Palestinian people is a colonial problem which the League of Nations, and later the United Nations, undertook to resolve.

4. As pursuant to the adoption by the United Nations General Assembly of resolution 181 (II) of 1947, referred to as the "partition resolution", which called for the setting up in the territory of Palestine of two independent States, one Arab and the other Jewish.

In this regard, our Organization deserves to be criticized - severely so - for the slowness and timidity displayed in its search for just solutions to the problem up until 1974, owing to the systematic obstructionism practised by certain permanent members of the Security Council - and the various United States Administrations in particular - through the misuse of the right of veto.

No other international problem has given rise to so many meetings and evoked so much discussion in the Security Council, the General Assembly and other bodies as the Middle East problem - and, consequently, the Palestinian issue.

Although the problems of the Middle East and the situation of the Palestinian people have been under discussion at the regular session of the United Nations General Assembly since February 1947, there has been scant improvement in the situation of the Palestinian people.

Yet there has been no lack of recommendations. Following the resolution on the future government of Palestine (181 (II)), the General Assembly adopted numerous resolutions concerning the status of Jerusalem; assistance to Palestinian refugees, including their return to their homes, humanitarian aid; and respect for human rights in the occupied territories.

Despite certain divergences of opinion, the resolutions, especially those adopted since 1967, have enabled a broad consensus to be achieved on significant progress towards an understanding of the Palestinian dimension of the Middle East problem and the recognition of the inalienable rights of the Palestinian people.

In other words, in spite of everything the United Nations has been, remains and should continue to be the only appropriate framework for settlement of the Palestinian question.

The most important achievement made within the United Nations framework has undoubtedly been the gradual transition from the concept of "Palestinian refugees" to that of "Palestinian people". For the first time in United Nations history, reference was made in General Assembly resolution 2535 B (XXIV) of 1969 to the inalienable rights of the "people of Palestine", and not merely to "Palestinian refugees". Resolution 2672 C (XXV) of 1970 recognized the need for the people of Palestine to exercise its right to self-determination, stressing that respect for that people's inalienable rights is an indispensable element in the establishment of a just and lasting peace in the Middle East.

The adoption by the United Nations General Assembly of resolutions 3236 (XXIX) and 3237 (XXIX) of 22 November 1974, reaffirming the fundamental rights of the Palestinian people and conferring observer status upon the PLO, marked a major step in the definition of the fundamental rights of that people. No less important was the special session of July 1980, devoted wholly to consideration of the exercise of the inalienable rights of the Palestinian people. Resolution ES.7/2, adopted on that occasion by an overwhelming majority, may be considered significant in this regard. It explicitly stated that the Palestinian people had "the right to establish its own independent sovereign State", and reaffirmed "the right of the Palestine Liberation Organization, 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 furthermore linked the "attainment of the inalienable rights of the Palestinian people" and the territories seized by the Israeli military forces during the 1967 war. Resolution ES.7/2 stated that a comprehensive, just and lasting peace in the Middle East could not be established "without the withdrawal of Israel from all the occupied Palestinian and other Arab 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".

It emerges from this resolution that the views of the international community not only concur with the proposals of the PLO on the establishment of a Palestinian State, but also run counter to the statements of the Zionist leaders to the effect that Israel will not withdraw from the territories of the West Bank and the Gaza Strip which have been occupied since 1967, and that if a Palestinian State is to be created, it will have to be somewhere other than in Palestine, as notably specified in the recent declarations of the Israeli authorities according to which Jordan should become the Palestinian State.

Resolution ES.7/2 sets out the rights of the Palestinians very clearly.

Paragraph 3 reads as follows:

"Reaffirms the inalienable right of the Palestinian people to return to their homes and property in Palestine, from which they have been displaced and uprooted, and calls for their return".

In paragraph 4 the General Assembly:

"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."

Within the Security Council, the misuse of the veto by certain permanent members has been unable to totally block the adoption of important resolutions on issues of particular significance for the future of the Palestinian people such as maintenance of the legal status of Jerusalem and the inadmissibility of the physical or juridical changes imposed by Israel, the condemnation of Israel for its repressive actions against the Palestinian population of the occupied territories, the condemnation of the Israeli attacks on Lebanon, etc. It should be made quite clear here that Security Council resolution 242 is unacceptable, since it ignores the Palestinian problem. Unfortunately, efforts to secure the adoption of a resolution which would rectify this shortcoming of resolution 242 have so far been unsuccessful.

Though discussions at the United Nations, to some extent, reflect developments, in other organizations, it is none the less necessary to highlight the position adopted by the European Economic Community. In the Venice Declaration of June 1980, the EEC, especially as a result of the futile Camp David agreements, ended up by gradually adopting 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 countries of the region, and the need to associate the PLO in comprehensive peace negotiations).

The same Declaration explicitly states that the Palestinian people, aware of their existence as such, should be able to fully exercise their right to self-determination through a suitable process forming part of a comprehensive peace settlement.

Accordingly, the most overwhelming majority of the international community has finally recognized the most fundamental rights of the Palestinian people. In his message to the United Nations Seminar on the Question of Palestine, held in April 1982 in Malta, the Chairman of the PLO, Mr. Arafat, briefly outlined these rights as follows:

The right to return;

The right to self-determination;

The right to establish an independent Palestinian State.

This is not an exhaustive list, for it implies the exercise by the Palestinian people of other equally essential rights which have been recognized by the various United Nations resolutions and which could be detailed as follows:

The right to self-determination without external interference;

The right to national independence and sovereignty, or the right to establish their own sovereign independent State;

The right to territorial integrity and national unity;

The right of the Palestinians to regain their rights through all possible means;

The right of the Palestinians to be represented as full-fledged parties to the negotiations for achieving a just and lasting peace in the Middle East;

The right of the Palestinians to return to their homes and property from which they were separated and deprived;

The right of the Palestinians of the occupied territories to permanent sovereignty and control over their natural resources;

The right of the Palestinians to full compensation for the damage to their natural and human resources;

The right of the Palestinians to an education and to their culture and to the ways and means of obtaining them, and the right to maintain their national identity.

Though the inalienable rights of the Palestinian people have been reaffirmed by the great majority of the international community, their exercise continued to be thwarted by the arbitrary attitude of the Tel Aviv authorities, encouraged in their evil designs by the United States Government, whose efforts have only tended to work against a comprehensive settlement. It is in this context that the so-called Camp David Agreements and the separate Israeli-Egyptian "peace treaty" were signed.

The underlying idea of the Camp David Agreements was that an "administrative autonomy" should substitute for the creation of an independent Palestinian State. "Palestinian autonomy", as envisaged in the Camp David Agreements and later in the separate Israeli-Egyptian peace treaty, is only a sordid manoeuvre to mask a denial of rights. The objective of this scheme is to legitimize the Israeli occupation of the West Bank and the Gaza Strip.

The international community must therefore remain vigilant in the face of the policy of diktats of Tel Aviv and Washington. In view of the predictable impasse to which the Camp David Agreements have led, a collective and sincere approach is needed in order to achieve a comprehensive, just and realistic settlement. This settlement, under the aegis of the United Nations, must be based on the relevant United Nations resolutions. It should be founded on the idea that a just and lasting peace in the Middle East will only be possible if Israeli troops are withdrawn from all the Arab territories occupied since 1967 and if the Palestinian people are allowed to exercise their legitimate rights, including the right to return to their homes and land, the right to self-determination, the right to national independence and the right to create an independent sovereign State in Palestine.

With a view to achieving this, the decision of the United Nations, in its resolution A/36/120 of 28 January on convening, under the auspices of the United Nations, an International Conference on the Question of Palestine open to all States, is to be commended. The PLO should take part on an equal footing with the other participants. The problem of Palestine cannot be resolved in the absence of the Palestinian people.

I cannot conclude without deploring the inhuman situation which currently exists in Lebanon, where the Zionists are determined to exterminate the Palestinian forces, wrongly believing that the problem can be resolved through the use of force and barbaric acts. The truth which the Israeli's have refused to acknowledge is that the real solution lies in recognizing the inalienable rights of the Palestinian people, their right to self-determination and to the creation of a sovereign State.

It is regrettable and sad that the fascist methods developed in the past by Hitler for the extermination of Jews, methods which were strongly condemned and denounced by the entire world at the time, are today being employed by the Jews against the Palestinian people, who only ask to be allowed to live in peace in an independent State from which they were unjustly expelled. Must might always be right? Is it permissible at the end of this twentieth century, to let the law of the jungle prevail in a so-called civilized world?

There is still hope, in spite of all that has happened, that the countries which in 1947 assumed the historic responsibility of voting in favour of the resolution on partition will today, in the interests of equity, be able to contribute to the creation of a Palestinian State. It is also to be hoped that these same countries will prove capable of stopping in time the bloodshed which has once again been taking place in Beirut since 6 June 1982. It is high time for Israel and its friends to understand that force cannot withstand the determination of a people to liberate itself. Man is mortal, but ideas are immortal.

More, history has taught us that, sooner or later, a just cause will always triumph. We are thus convinced that right and reason will eventually overcome hate, arrogance and arbitrariness and that the inalienable rights of the Palestinian people will finally be recognized by all so that a free, sovereign and prosperous Palestinian State can come into being.

THE FUNDAMENTAL RIGHTS OF THE PALESTINIAN PEOPLE

Seydou Madani Sy

At a time when the entire world is preoccupied by the siege of West Beirut by the Israeli occupying army, there may be some misgivings about tackling such a sensitive subject. Indeed, this subject lies at the heart of the conflict touched off in Lebanon in early June. The Prime Minister of Israel refers to an operation for peace, while PLO representatives talk of resistance of the Palestinian people. The Israelis speak of security at their borders, while the Palestinians speak of the liberation of their homeland. The impression given is of a dialogue of the deaf.

In these circumstances, how is one to approach the the problem of the fundamental rights of the Palestinian people? To begin with, what is to be understood by the expression "fundamental rights"? And how is the Palestinian people to be identified?

(1) It would seem that fundamental rights can be defined as essential freedoms, that is, freedoms guaranteed as in domestic law through texts of broad legal scope such as constitutions or declarations of citizens' rights. In the international order they are "essential human freedoms" as enumerated by President Roosevelt in a message to Congress on 6 January 1941, when he referred to freedom of speech and expression throughout the world; freedom for everyone to worship God as he chooses throughout the world; freedom from want throughout the world; and freedom from fear throughout the world (cf. L.M. Goodrich and E. Hambro. Commentaire de la Charte des Nations Unies, Neuchâtel, édit. de la Baconnière, 1948, p.116).

In terms of the international order, fundamental rights emerge as a series of rights spelled out in the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948. Theorists of international law broadly group these rights into four categories: rights which are inherent in human beings and whose exercise is implied by the individual's very existence; civil and family rights; political freedoms; and economic freedoms (cf. L. Cavaré and J.P. Queneudec, Le Droit international public positif. Paris, Pedone, 1967, vol. I, p.493 et seq.)

(2) At the present time, the Palestinian people appears to constitute a fairly complex aggregate of communities which may be roughly identified within several territories. Since the occupation by the State of Israel of the territory of the former British-mandated Palestine following the 1967 conflict, a part of the Palestinian people has lived there, either as ordinary residents, or as refugees in the West Bank and the Gaza Strip. Another part is settled on a more or less temporary basis in neighbouring countries such as present day Jordan, Lebanon, Syria, Iraq and Egypt, while there is also a Palestinian "Diaspora" in the Gulf States and in Europe and America.

(3) The question is thus how to approach the problem of the fundamental rights of this people, which is scattered, but none the less conscious of its specific identity - for the Palestinian people, organized under "semi-State" structures such as the Palestinian National Council and the Executive Committee of the Palestine Liberation Organization, considers itself to be a national entity aspiring to the creation of a Palestinian State in the relatively near future.

(4) The question then arises whether the fundamental rights of this Palestinian people are recognized and protected in the international order. In this regard, one must distinguish between two sharply diverging positions held by the different parties prospectively concerned with this issue. Broadly speaking, the Palestinian people is currently recognized by the majority of the international community, but is contested by the State of Israel, which is the key protagonist, supported by the United States of America and a few other countries.

(5) In this connection, the fundamental rights of the Palestinian people are recognized by a majority of States through the United Nations. Both the General Assembly and the Security Council have adopted an impressive array of resolutions on the question; if the proportion of positive votes is considered, the favourable majority is striking. Pursuant to preambular and certain other provisions of the Charter of the United Nations, the organization's two principal organs have adopted a mass of decisions for protection of the fundamental rights of the Palestinian people.

Briefly reviewing the various rights provided for in the Universal Declaration of 1948, it may be affirmed that the fundamental rights inherent in human beings such as the rights to life, protection from genocide and security of the person, the right to liberty, the right to freedom of movement and the right to equality are very generally recognized and are safeguarded by United Nations bodies. There are a host of resolutions relating to these fundamental rights. In this connection, constant appeals are addressed to the governmental and administrative authorities of the State of Israel through United Nations resolutions. Thus, the right of the Palestinian refugees to return to their lands is considered fundamental, as a way of safeguarding the right of the Palestinians until such time as the Israeli occupation comes to an end. Similarly, concerning security, unauthorized entry into the home is condemned, with specific reference being made to the provisions of the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War, in the light of the signature of that Convention by the State of Israel (cf. United Nations General Assembly resolution 35/122 A to F of 11 December 1980).

(6) The same may be said of economic, social and cultural rights, including the right to work, the right to social security, the right to own property and contractual rights, as well as the right to rest and leisure and the right to education and to participate in cultural life. In addition to General Assembly and Security Council resolutions, mention should also be made of the decisions and directives of the United Nations specialized agencies such as UNESCO, ILO, WHO, etc. (cf. resolution 21 C/14.1 (XXI) of 27 October 1980, which strongly condemns Israel's refusal to implement the resolutions of the UNESCO General Conference and the decisions of the Executive Board concerning educational and cultural institutions in the occupied Arab territories). In this resolution UNESCO deplores the arbitrary closure of educational and cultural institutions in the occupied territories of Palestine by the Israeli authorities, and condemns the curtailment of academic freedoms, which is prejudicial to both students and teachers.

(7) Political rights essentially include freedom of thought, conscience and religion, freedom of expression and opinion, and the freedoms of assembly and association. In this regard, the General Assembly and Security Council resolutions have strongly protested against the violation of Jerusalem's status as a Holy City by the State of Israel, through its unilateral proclamation of Jerusalem as the capital of Israel (cf. General Assembly resolution 35/169 E of 15 December 1980). The General Assembly stated that "the enactment of the 'Basic Law' by Israel constitutes a violation of international law and does not affect the continued application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem".

(8) In fact, the General Assembly, since its resolution 3236 (XXIX) of 22 November 1974, has persistently proclaimed the inalienable rights of the Palestinian people in Palestine, affirming the fundamental rights of the Palestinian people to self-determination without external interference, and the right to independence and sovereignty. In that resolution, the Assembly reaffirmed the right of Palestinian refugees who have been displaced or uprooted to return to their homes and property. Recognition of, the existence of the Palestinian nation has been a major factor in the evolution of the Palestinian entity at the international level. Since 1974, the Palestinian people has been recognized as a nation on the way to attaining statehood. This is a far cry from the provisions of resolution 242 (1967) of the United Nations Security Council; the question is no longer one of "achieving a just settlement of the refugee problem".

Now, the international organization has recognized the reality of the Palestinian nation and unhesitatingly acknowledges the PLO as a valid party in the complex political discussions over the question of Palestine and the Middle East. As a result, the Camp David Agreements and the Egyptian-Israeli peace treaty could no longer ignore the existence of the Palestinians as a nation. The instruments of 1978 and 1979 are no longer adequate for resolving the problems of Palestine, having regard to international law and the views of the majority of the international community. It is in this context that the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People has helped to provide the United Nations General Assembly and the international community with clearer understanding of the true issues at stake in the Israeli-Arab conflict. It is therefore not surprising that the Committee not only

advocated, and brought to the attention of the General Assembly, the right of the Palestinian people to self-determination, independence and sovereignty, but also drew up a two-phase plan for the return of the Palestinians to their homes, taking account of the situation of the Palestinians who were displaced as a result of the June 1967 war and of those who were uprooted between 1948 and 1967 (cf. resolution 35/169 B of 15 December 1980).

In this resolution the General Assembly "reaffirms its rejection of those provisions of the accords which ignore, infringe, violate or deny the inalienable rights of the Palestinian people, including the right of return, the right of self-determination and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations and the principles of international law, and which envisage and condone continued Israeli occupation of the Palestinian territories occupied by Israel since 1967". Finally, for good measure, the Assembly "expresses its strong opposition to all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, the principles of the Charter and the resolutions adopted in the various international forums on the Palestinian issue, as well as the principles of international law, and declared that all agreements and separate treaties have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967".

(9) Reading these various resolutions, one would be inclined to believe that the fundamental rights of the Palestinian people have won final acceptance in the international order. Nevertheless there has been resistance to the international consensus by the State of Israel, the other indispensable protagonist in the question of Palestine. One writer has given the following seven-point summary of this consensus:

1. The Palestinian problem is the source of the Israeli-Arab conflict and is the crux of the Middle East problem.
2. The Palestinians constitute a distinct Arab people.

3. The Palestinian people are entitled to equal rights, and in particular the right to self-determination and the national right to sovereignty and to political independence, as well as the right to return for the Palestinians who have been displaced.
4. The restitution of these rights is a sine qua non for the establishment of a just and lasting peace in the Middle East.
5. Until such time as these rights are recognized, the Palestinian people will strive to regain them by all the means at its disposal.
6. The Palestinian people is the principal party in the search for, and the establishment of, a just and lasting peace in the Middle East. For this reason, its participation in all efforts and deliberations aimed at achieving this peace is essential.
7. The PLO is the sole legitimate representative of the Palestinian people (cf. Favez Sayegh, Le problème palestinien et le rôle de L'OLP, Lausanne, Association Suisse - Palestine, 1977, p.11).

(10) In opposition to this consensus, affirmed by the United Nations and other international institutions including the OAU, the Non-Aligned Movement, the League of Arab States and the Islamic Conference, the rights of the Palestinians are contested by Israel. In the opinion of the Israeli Government, the present territorial situation represents the natural dimension of Eretz Israel. The Palestinian people does not exist for Prime Minister M. Begin, who only chooses to acknowledge the existence of the Palestinians on the battlefield. He has no hesitation in classifying the PLO as a "terrorist" organization. The attitude of the Israeli army in Lebanon since June of this year demonstrates that the Zionist ideology is always central to the position of the Government of the State of Israel. The fundamental rights of the Palestinian people have simply been denied. There is no question of self-determination, still less of independence. The Camp David Agreements and the Egyptian-Israeli treaty refer only to autonomy ("a self-governing authority") and to an Administrative Council. Even if "the legitimate rights of the Palestinians" are mentioned, there is no question of attaining self-determination and national sovereignty.

As one commentator has observed, it is remarkable that all the issues affecting the rights and the future of the Palestinians should have been negotiated by Israel, Egypt and the United States of America (cf. H. Cattani, "Nullity of the Egyptian-Israeli Accords under International Law", in The Camp David Accords - A Challenge to International Law, Paris, Le Sycomore, 1981, pp.107-121).

(11) Furthermore, the Israeli Government continues to ignore the resolutions of the United Nations, while methodically pursuing its plan and its policy of territorial expansion and annexation). The Prime Minister himself has been encouraging the establishment of Jewish settlements in the territories occupied in 1967, which have been dubbed Judea and Samaria. The expropriations of Palestinian property and expulsions alarm humanitarian organizations such as the International Committee of the Red Cross (ICRC). The Special Committee for the investigation of torture and maltreatment of Palestinian prisoners has not been permitted access to the occupied territories. Even Amnesty International has serious misgivings about the conduct of Israeli gaolers during the interrogation of suspects. In the West, there have been some press campaigns taking the Israeli régime to task. There is talk of forced transfers of Palestinians, maltreatment, destruction of property, organized terror, etc. (cf. The Question of the observance of the Fourth Convention of 1949 in Gaza and the West Bank, including Jerusalem, Occupied by Israel in June 1967, United Nations, New York, 1980, 87 pp. Study prepared for the Committee on the Exercise of the Inalienable Rights of the Palestinian People).

(12) In view of the obstinacy of the State of Israel, the question arises whether the fundamental rights of the Palestinian people will finally triumph over adversity. The turn of events in Lebanon would tend to prompt pessimism, especially when it is recalled that the problem has been in existence since the Balfour Declaration of 1917, as confirmed by the Mandate of the League of Nations, article 2 of which states that:

"The Mandatory shall be responsible for placing the country under such political, administrative, and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion." (cf. N. Barbour, Nisi Dominus, A Survey of the Palestine Controversy, Beirut, The Institute for Palestine Studies, 1969, p.103.)

ZIONIST POLICIES OF EXTERMINATION
AND EXPANSION IN THE OCCUPIED TERRITORIES

H.E. Mr. Maki N'Diaye
Minister for Foreign Affairs of Mali

The policy of extermination and expansion
in the occupied territories

I would like to begin by expressing my heartfelt thanks to the Committee on the exercise of the Inalienable Rights of the Palestinian People for inviting my country, Mali, to participate in the work of this Seminar. I also wish to express my appreciation to the Senegalese authorities for their hospitality and for their exemplary organization of this meeting. I can assure you that we stand fully prepared to contribute to the success of this Seminar, which we consider to be an important step in the search for just solutions to the Palestinian problem.

The aspect of Zionist policy in the occupied Arab territories which we will endeavour to discuss here is the policy of extermination and expansion conducted by Israel.

For a better grasp of the problem, we should examine the historical background.

Creation of the national homeland

The two factors permitting the creation of the national homeland were land and people; the land was obtained in Palestine, and the people came from abroad, under the Jewish immigration programme. Operations were in both cases marshalled by the Zionist organization, through "Jewish Agencies". The Arabs' existence was practically ignored, and the slogan proclaimed abroad to promote immigration was: "A land without people for a people without land".

Encouraged by the Mandatory, the Zionists openly advertised their intention to dispossess the non-Jewish inhabitants of Palestine of almost all their land, through purchases of various kinds. There was a wave of mass immigration shortly after the Balfour Declaration, well before the mandate's entry into force in late 1923. Between 1920 and 1929, the population of Palestine, officially estimated at 750,000 in 1922, was swollen by the arrival of approximately 100,000 immigrants, mainly from Europe, who raised the proportion of Jewish inhabitants from 10 to 17 per cent.

The Jewish immigration strategy

In 1896, in the publication "Jewish State", Theodor Herzl, founder of the Zionist movement, wrote: "The idea I have expounded upon in this pamphlet is a very old one. It is that of the restoration of the Jewish State ... grant us sovereignty over a part of the globe which is sufficiently large to satisfy a Nation's legitimate needs, and we will do the rest".

This statement demonstrates that the strategy of land seizure is not a recent invention.

Continued Israeli exactions in the occupied Arab territories

For over 30 years the martyred people of Palestine have daily been subjected to the worst forms of injustice, oppression and humiliation by a State whose policy has been deliberately based on the annexation of land and denial of the principles proclaimed in the Charter of the United Nations.

Israel has conducted and continues to conduct depopulation campaigns designed to introduce foreigners into the region in place of the indigenous Arabs, while at the same time it pursues its policy of creating settlements within the occupied territories.

Gaza and the West Bank

As we all know, at the end of the 1967 war Israel occupied the West Bank and the Gaza Strip. Settlements were established in these territories, to the detriment of their native inhabitants, the Arabs, and the violation of the Charter of the United Nations, international law and the resolutions adopted at the time condemning this illegal occupation. Since then, Israel has carried out an intensive settlement policy in these regions, and numerous Jewish settlements, mostly agricultural, have been established. Between 1967 and 1976 the Zionists set up 76 paramilitary settlements, and the current total is estimated at 140. Particularly large numbers of settlements have sprung up in Judea and Samaria (the West Bank) - that is, in the vast agricultural region which extends from Jenin in the north, to Hebron in the south. There are already 25,000 Israeli settlers in this region alone, and the total number of settlers is expected to grow to 100,000 over the next few years. Israel's policy of settlements is designed to control the natural, agricultural and water resources of the West Bank and Gaza - a deliberate violation of the 1949 Geneva Convention, which stipulates that a State which occupies a territory belonging to another country cannot transfer a part of its own population to that territory.

The Syrian Golan

In December 1981, Israel annexed the Syrian Golan. Worse still, on the Syrian Heights, Israel has since done its utmost to suppress the identity of the population which has fallen under its yoke. More than 300,000 Palestinians and thousands of Syrians have been driven from their land. In the Golan, about 13,000 Druzes have been subjected to a criminal blockade because of their refusal to be issued with an Israeli identity card.

Jerusalem

The over-all strategy of integrating Palestinian territories into the State of Israel is designed to seize Palestinian land and property, but, in addition, Israel has outraged international morality by declaring "Jerusalem", a holy city three times over, its eternal and indivisible capital. The international community's indignation over such usurpation of a city forming part of mankind's common heritage was reflected in the adoption of Security Council resolution 478 (1980) in which the Council "censures in the strongest terms the enactment by Israel of the 'basic law' on Jerusalem and the refusal to comply with relevant Security Council resolutions". In spite of the disapproval of the General Assembly, Israel, under the pretext of undertaking archaeological excavations, is continuing to dig a tunnel under Al-Haram Al Sharif, thereby threatening the very existence of holy places which are among Islam's most revered and which are considered as part of mankind's heritage. It therefore becomes quite clear that this criminal practice on the part of Israel also has an anti-Islamic character.

Lebanon

The Hebrew State continues to hurl defiance at mankind. The events in Lebanon show that, despite the ceasefires, Israel is sticking to its over-all strategy of banishing the Palestinians from their homeland. Israel's policy is becoming more and more cruel, with the most sophisticated weapons being used against unarmed civilians and the Palestinians in refugee camps. As an illustration, it may be mentioned that, among the thousands of persons killed in Beirut, 112 people died in 12 minutes as a result of massive Israeli shelling. Beirut is now consumed in flames which are carrying off old people, women and children and causing untold material damage. This war, which continues to be a source of tragedy and destruction, is linked to the non-recognition of the most elementary rights.

The desecration of the holy places

The strategy of extermination adopted by Zionism is not confined to towns and villages, but is pursued even in the holy places. On 11 April 1982, when Muslims and Christians were performing their religious duties, the Al Aqsa mosque and the Dome of the Rock were the theatre for Zionist-perpetrated killings, in total disregard for universal morality. This sad and heavy toll of hate-inspired bloodshed was blithely attributed to a mentally disturbed person, as was emphasized by the delegation of Mali at the seventh emergency session of the General Assembly on Palestine.

The dismissal of the mayors of certain townships

The dismissal of the Arab Town Council in El Bireth and of the Mayors of Nablus and Ramallah is a demonstration of Israel's determination to impose its own jurisdiction in the occupied territories.

Denial of the right to culture

To name but one example in the area of education and culture, the Bir Zeit University was closed down by the Israeli authorities and professors, including foreigners, were arrested. Israel's various anti-Arab practices constitute flagrant violations of human rights. At its thirty-seventh session, held from 2 February to 13 March 1981, the Commission on Human Rights adopted a resolution again condemning those practices, which are aimed at:

The annexation of parts of the occupied territories;

The establishment of Israeli settlements in the territories and the transfer of an alien population thereto;

The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories;

The confiscation and appropriation of Arab property; etc.

The aims which Israel pursues through its policy are:

(a) To force the Palestinians to emigrate through the use of various means:

1. Recourse to various methods of repression and violations of human rights;
2. Application of economic pressure, expropriation of land and dismissal of workers.

(b) To liquidate the Palestinian resistance.

Through these military adventures, the Zionist State has sought to banish the Palestinians and to liquidate the Palestinian resistance, embodied in the Palestine Liberation Organization, which remains hostile to any form of autonomy in the occupied Arab territories. Israel's objective is to eliminate the PLO, thus presenting the population with a fait accompli so as to bring it to accept autonomy.

Nevertheless, the Palestinian masses in the occupied territories remain firmly determined to resist foreign domination. Nothing - whether it is bloody repression, arrests or abuses committed against the population - can sap their resolve. As Yasser Arafat, the PLO leader, has stated, there will be no peace or stability in the Middle East until the right of the Palestinians to self-determination and their right to return to their territories and to create an independent State are recognized.

Efforts to find solutions

There is an immediate need for urgent measures to cope with Israel's exactions. The Security Council should remove all obstacles to the search for solutions to the Palestinian problem in particular and the Middle East problem in general. The provisions of Chapter VII of the Charter should be applied against Israel, which continues to endanger peace. To be effective, United Nations action must be supported by all States, large and

small, all governmental or non-governmental organizations, all religious organizations - in short - all peace- and justice-loving forces.

Buoyed by moral and material support from its friends, Israel is determinedly practising exactions and aggression of various kinds. The violations of the rights of the Palestinians in the occupied Arab territories and the relations between Israel and its friends offer a perfect example of indirect responsibility under international law: a State which abets another State in its exactions is no less responsible than the State directly committing them. The Palestinian problem is at the heart of the situation in the Middle East. The Republic of Mali has repeatedly stated - and will never tire of stating - that the Palestinian problem is at the heart of the situation in the Middle East. Any solution designed to restore peace in that region will have to result from comprehensive negotiations under United Nations auspices involving all the parties to the conflict, including the Palestine Liberation Organization.

One of the abiding features of my country's international policy is its constant support for peace- and justice-loving peoples. Mali has always spoken out in favour of the exercise of the inalienable rights of the Palestinian people. The right of the Palestinian people to freedom, self-determination, sovereignty, survival, the expression and democratic exercise of its profound aspirations is in conformity with the Charter of the United Nations and international law. His Excellency General Moussa Traore, President of the Republic of Mali, addressing the United Nations General Assembly at its thirty-sixth session, stated:

"The Zionist State, more than any other, should be aware that one cannot attempt with impunity to exterminate an entire people standing behind the Palestine Liberation Organization, its sole and authentic representative".

The opening at Bamako of a PLO Office with the status of a diplomatic mission is a further demonstration of solidarity with the courageous Palestinian people. This solidarity was also manifested in the various messages which President Moussa Traore addressed to the brother Arab peoples, the Arab League, the Islamic Conference and the United Nations following the invasion of Lebanon.

STATEMENT BY THE REPRESENTATIVE OF THE
SOUTH-WEST AFRICA PEOPLE'S ORGANIZATION

Mr. Shihepo

It is a great honour and privilege for me to address this Seventh United Nations Seminar and to participate as a panellist in its important deliberations on the question of Palestine.

Before I get into the subject-matter, however, allow me to express on behalf of SWAPO and the struggling people of Namibia our thanks and appreciation for the excellent arrangements and facilities provided by the host country, Senegal, the cordial hospitality accorded to my delegation by the Senegalese authorities and people and, indeed, the continued material and political support which the Government and fraternal people of Senegal have rendered to SWAPO over many years. Our office in Dakar is a clear testimony and manifestation of this relationship.

Mr. Chairman, this Seminar is taking place at a time when Zionist Israel has unleashed yet another barbaric and brutal war against the Palestinian people and indeed, against the people of Lebanon who have resolved to support the just struggle waged by the Palestine Liberation Organization. Day in, day out Beirut is subjected to scorched-earth bombardment and shelling. Such military actions by the Begin régime are not only resulting in dislocation and destruction of the economic infrastructure but are causing untold death, maiming and injuries to thousands of defenceless civilians, the aged, women and children.

Israel has been able to carry out such pernicious military operations because of the active support the régime enjoys from its powerful friends and allies in the West, especially in the United States of America. The recent veto cast by the Reagan Administration in the United Nations Security Council is yet another confirmation of this bond of unholy alliance. It is a duty of all people of goodwill and humane consciousness to see to it that concerted action is taken to oblige the forces assisting the Zionist régime to see the inhumane implications and abandon their collaboration.

Mr. Chairman, the question of Palestine is a burning issue. The people of Palestine are destituted. Their homeland has been usurped while they are left to wander in foreign lands. Such a situation should not be allowed to continue. A solution, a just and permanent one, has to be found. The Palestinian people are entitled to return to their homeland from where they have been uprooted.

Over the years the Palestinian cause has enjoyed the deserved support of progressive mankind. In this context, the African countries collectively, through the Organization of African Unity (OAU) have played a crucial role. Especially since 1973, the

overwhelming majority of the OAU member States have broken off diplomatic relations with Israel. The member States, with the exception of one, continue to maintain the diplomatic isolation of the Zionist régime.

SWAPO, as a movement for national liberation and part and parcel of the world progressive forces that activate the movement towards progress on the world scale, is unflinchingly committed to supporting the legitimate struggle of the Palestinian people for the realization of their genuine aspirations and wishes, for the establishment of a free and democratic Palestinian State devoid of racial discrimination. We have a duty to promote and strengthen unity and solidarity with those who are fighting for their inalienable rights and the entitlement to their own homeland. The struggle of the Palestinian people is complementary to our own struggle for freedom and independence in Namibia. The triumph of the Palestinian struggle will undoubtedly constitute a valuable strategic inspiration for our national liberation.

On the basis of our commitment to the alliance of peoples still languishing under the yoke of colonial oppression and racial discrimination, SWAPO continues to express its total support and solidarity with the Palestinian people under the leadership of the PLO. This commitment is further strengthened by the ever-increasing collaboration between apartheid South Africa and Zionist Israel. The collaboration of these two régimes culminated in a visit to Israel by John Voster, the former South African Prime Minister, in 1976. After making an inspection of the most secret and sensitive military installations Voster concluded an agreement with Israel whereby a joint ministerial committee was established. This committee, which includes the South African Defence Minister and meets at least once a year, deals with military aspects such as exchange of military technology, training of army personnel, building and arming of South Africa's warships, supply of Kfir jet fighters to South Africa which are used against SWAPO in Namibia, and the recruitment of mercenaries to fight in Namibia.

Mr. Chairman, the magnitude of the co-operation between the Zionist and apartheid régimes, which stretches into the field of nuclear technology, is not only an affront to Africa or the Arab world but a threat to peace and security in the world. In the southern region of Africa the racist régime has stepped up its military aggression against the front-line States, especially against the People's Republic of Angola, using Namibia, which she occupies illegally, as a springboard. The weapons used by racist South Africa include some of Israeli origin.

Economically, racist South Africa's trade with Zionist Israel has increased. It is now thought that the value of exports from South Africa to Israel is well over \$140 million a year. Therefore it is important that action should be taken to undermine the economic links between the two régimes.

It is obvious that the two régimes base their ideology on racial superiority. While the Palestinian people are uprooted from their homeland, the Africans in South Africa and Namibia are confined to arid régions of their respective countries, from where they go to work as cheap labour. The productive and mineral-rich land is reserved for the whites.

In this connection, Mr. Chairman, the Palestinians find themselves robbed of their homeland. The South African and Namibian peoples find themselves deprived of enjoying the fruits of their wealth.

This being the case, there is no other way but to struggle by all means possible so as to achieve their goals. The PLO has indeed demonstrated to the world that the Palestinians are determined to establish their homeland. They have heroically fought against Israel, which is backed by powerful friends.

The United Nations and the international community should redouble their efforts to render the necessary assistance to the Palestinian people. I am sure that we in southern Africa, ANC and SWAPO as well as the front-line States, will continue to demonstrate our solidarity with the PLO.

AFTER THE ESTABLISHMENT OF THE PALESTINE LIBERATION ORGANIZATION
THE PALESTINIAN MOVEMENT ENTERED A QUALITATIVELY NEW PHASE

Professor Akbar Kherad

Now, as I am speaking to you, the Middle East conflict still has not been defused and could, at any time, cause a new outbreak of military action. This conflict is at present the main source of tension in the world. The failure to resolve the problems in that area, with the extremely adverse repercussions which that has on the situation of the peoples and States of the region, poses a grave threat to world peace, undermines the process of international détente and hampers the measures taken to improve the world political climate.

The Middle East has become an arena of harsh confrontations between the forces of national liberation and the forces of imperialism and neo-colonialism and between the forces of progress and the forces of reaction; it has also become the theatre for the struggle between deprived people under occupation, on the one hand, and the expansionist aggressor Zionist entity on the other.

The policy of aggression and territorial expansion followed by the Zionist leadership has caused great suffering for the Arab peoples who are the victims of that aggression, and has transformed Israel into a garrison State, turned against its neighbours.

The Israeli policy of settling the occupied Arab territories, its attempts to seize the lands of others on the pretext of guaranteeing Israel's security and its contempt for the rights of other peoples merely exacerbate the conflict and are a flagrant violation both of United Nations resolutions and of the generally recognized principles of contemporary international law. Moreover, they are an overt manifestation of racism and genocide, which derive logically from the Zionist doctrine.

The Middle East situation is steadily deteriorating because of the extremist policy pursued by the Zionist régime, whose main target is the Palestinian people and its legitimate representative, the Palestine Liberation Organization (PLO).

The question of Palestine, which is illustrated in concrete terms by the conflict between zionism and the Arab people of Palestine, is the crux of the Arab-Israeli conflict, and the guaranteeing of the legitimate national rights of that people remains a key issue in the Middle East crisis.

The Palestinian problem concerns the legitimate interests and the destiny of an entire people, the only people in the Middle East that has been driven from its land and dispersed throughout several countries, a people that is still unable to exercise its right to self-determination and to establish its own State structures in accordance with the principles of international law. The most important element of the problem is the fact that the Zionist leadership is preventing this people from exercising its legitimate rights and creating its own State.

The Palestinian people has suffered considerably and continues to suffer and to pay dearly for its determination to defend and protect its inalienable rights. However, this people, as a national community constituted by history, has not been weakened, nor has it renounced its legitimate rights; rather, it has proved to the whole world its mettle, its courage and its steadfast resolve to continue to struggle, whatever the price. In seeking to exercise its legitimate rights, it is waging a heroic struggle which, both in its essence and in its objectives, is a national liberation struggle. This people is, therefore, fighting for a just cause.

The Palestinian Resistance Movement has now become a real and decisive factor for the just and equitable settlement of the conflict. The Arab people of Palestine is waging its struggle under the leadership of the Palestine Liberation Organization (PLO), the sole legitimate representative of the Palestinian people, which has become an effective guiding force in its struggle for its rights and which is an expression of the identity of all the social, cultural and political categories of Palestinian people. The Palestine Liberation Organization currently represents its sensibilities, embodies its hopes and reflects its vital interests, pending the establishment of an independent homeland and a sovereign State, to which the Palestinians, like all the other peoples of the world, are entitled. It also acts as the legitimate representative of the Palestinian people at the international level.

From 1948 to 1965, the Palestinian people utilized what some call the arsenal of criticism. In so doing, they sought to assert their existence through demonstrations, petitions and complaints. Because of the repressive, aggressive Zionists, those means aroused only compassion and acts of charity at the international level. Since such methods were ineffective, the heroic people of Palestine realized that only armed struggle could liberate its territory from Zionist domination and aggression.

Guided by the axiom that there is not and cannot be any struggle without the awareness of the people, or awareness without struggle, the Palestinian people took up arms and opted for combat.

Combat not for the sake of combat, which is the pursuit of mercenaries, but combat as a noble pursuit, the pursuit of liberty and liberation.

Through that struggle, the national identity and aspirations of the Palestinian people have been recognized by the vast majority of States. In addition, the Palestinian Resistance Movement proved its military credibility at the battle of Karameh in 1968 by heroically repelling a massive Israeli attack that was intended to annihilate it. After that victory over the forces of aggression, the Palestinian people as a whole joined its vanguard, the PLO.

Since 1964, the resistance of the Palestinian people has been led by the PLO. In January 1964, the first Summit Conference of the League of Arab States met in Cairo. At that Conference, the Heads of the Arab States decided to grant the Arab people of Palestine the right to recognize as its duty "the assumption of responsibility for its national cause and for the liberation of Palestine". A decision was taken also to set up the Palestine Liberation Organization.

On 28 May 1964, the first Palestine National Council met in the Arab sector of Jerusalem and was attended by 388 delegates from Jordan, Syria, Lebanon, Gaza, the Arabian Gulf and Iraq. The PLO was established as a result of their work and, shortly thereafter, was recognized by all the Arab countries.

The organization's objective is clear, according to the Palestine National Charter, which has become its basic document: "All Palestinians are ex officio members of the organization, which has the Palestinian people as its base". It is responsible for the Palestinian people's movement which fights for the liberation of that people in all areas.

After the establishment of the PLO, the Palestinian Resistance Movement (PRM) thus entered a qualitatively new phase of its development and its political activity. Palestinian resistance under the leadership of the PLO reflects the aspirations of the masses in their struggle against imperialism, zionism and raction and for a return to the homeland and the foundation of an independent national State. The driving force behind the Palestinian revolution is the people of Palestine: workers, peasants, and intellectuals. Their just struggle enjoys the support of all the peace- and justice-loving peoples of the world.

In order to attain its principal objective, namely, the return to the homeland and the creation of an independent State, without distinction as to race or religion, three interdependent aspects of the Palestinian revolution are developing concurrently:

1. The patriotic aspect which consists in the struggle of the Palestinian people for the right to recover and liberate its occupied territory;
2. The national aspect, which is reflected in the influence which the struggle of the Palestinian people exerts on the Arab world as a whole;
3. The international aspect, which is reflected in the fact that the Palestinian revolution is an integral and organic part of the global national liberation movement and that the Palestinian question is an important world problem.

The Palestinian people and its legitimate national rights have always been a focal point of United Nations debates.

The United Nations has accepted the existence of the Palestinian people and its sacred right to struggle and to resist by all the means at its disposal. A series of relevant United Nations resolutions and documents, adopted by an overwhelming majority of votes, confirm the inalienable rights of the Palestinian people, its right to self-determination, national independence and sovereignty and its right to return to its place of origin from which it was expelled. However, some of the NATO countries, the United States of America in particular, are still seeking to use the United Nations to serve their own interests and those of Israel. If they had not applied their obstructionist policy, the United Nations could have exerted more effective influence over events in the region.

However, the failure to respect the relevant resolutions of the United Nations General Assembly and the United States veto of draft resolutions condemning Israel in the Security Council have left the Arab people of Palestine no alternative but to consolidate their forces and to strive to achieve cohesion among all the Palestinian resistance organizations. At its fourteenth session in Damascus in 1979, the Palestine National Council unanimously adopted a political programme of national unity, drawn up jointly by the representatives of all the organizations in the Palestinian Resistance Movement (PRM).

This document stipulates that the struggle to thwart both the Camp David accords and the plan to establish so-called "administrative autonomy" is the main task of the peoples of the Arab States and of all progressive and patriotic forces. The programme refers to the activities conducted by the United States against the Arab people of Palestine and against the Arab national liberation movement as acts of overt aggression. Thus, the Palestinian people, under the leadership of its vanguard, the PLO, is continuing to resist the policy of aggression and oppression and the intrigues of the Zionists and imperialists, for it is clear that the Zionist State is a truly murderous, terrorist State which has no regard either for peace or for a just and global solution of problems in the region. The events in Lebanon and the Zionist State's policy of genocide have revealed its true nature.

The PLO is not only a military and political movement; it also carries out social, cultural, economic and humanitarian activities.

It can rightly be said that, when a people at the height of its struggle to resist occupation and oppression directs its efforts towards such peaceful sectors with as much competence as goodwill, that people is fully entitled to take control of its destiny, to form its own State and to govern it for the greater happiness of its children.

In these areas, suitable institutions and associations have been established to carry out educational, trade-union, medical, occupational, artistic and other activities. A few examples are sufficient to illustrate this point.

As part of its organization, the PLO has established within its structure a unified information bureau which directs the Palestinian national press agency, WAFA. It has also founded a planning centre responsible for directing and unifying Palestinian action at the political, social and educational levels. In the field of education, a school programme has been set up and a children's library established, thanks to financing from Palestinian businessmen and small industrialists. In 1968, a branch of the Red Crescent Society was founded in Jordan to meet the constantly growing health and medical needs of the Palestinian people.

The Palestine Red Crescent Society is a regular member of the Association of Arab Medical Societies.

In the field of education, Palestinians exiled from their homeland have created a veritable intellectual and technical élite which, through its knowledge and determination, has risen to positions of the highest eminence in many Arab countries.

The foundations for the industrial development of the future Palestinian State have now been laid through the creation of enterprises linked to the PLO. For example, the SAMED Company, which, when it was founded in 1969, comprised only a sewing shop in Jordan, moved to Lebanon in 1971 and has grown constantly, keeping pace with the growing economic needs of the Palestinians. At present, SAMED is working in four main sectors: industry, crafts, agriculture and film production.

Therefore, through its legitimate struggle, the Palestinian people has taken over the initiative from history. As a result, it is no longer merely a pawn of history whose fate is settled in foreign capitals; it has become the protagonist in its own history.

Before being recognized by the international community, the legitimacy of the PLO had already been established at the internal level. The PLO had succeeded in unifying the political voice of a people that was dispersed both geographically and demographically and had channelled its struggle towards the common objective, namely, the right to self-determination and to create an independent State based on non-discrimination, a State where Moslems, Jews and Christians could live in peace on a footing of full equality, without any distinction.

The external legitimacy of the PLO has now been confirmed by its admission to many international organizations. As an observer to the United Nations, the PLO enjoys all the privileges of full membership, except the right to vote; it can participate and take the floor in discussions on international problems and can submit draft resolutions and amendments directly to the bodies concerned.

The PLO is also an associate member of many United Nations specialized agencies and a full, active and effective member of the League of Arab States, the Organization of the Islamic Conference and the movement of non-aligned countries.

In an attempt to counteract the PLO's victory at the social, cultural, humanitarian, economic, political and diplomatic levels, insidious Zionist propaganda has focused on the military aspect of the Palestinian struggle, but its non-military action in other areas plays a no less important role, as has just been seen. The PLO is already carrying out the responsibilities of a State. Accordingly, when the PLO was admitted to the United Nations in 1974, Yasser Arafat was welcomed by members of the United Nations General Assembly as a true head of State.

With regard to the internal functioning of the PLO, the highest decision-making body of the organization is the Palestine National Council, which is considered to be the Palestinian Parliament-in-exile. It meets at least once a year, depending on the political circumstances in the region, and is composed of delegates from all the mass movements, trade unions, occupational organizations, combatants and Palestinian communities.

The Palestine National Council elects an Executive Committee, which resembles a Council of Ministers comprising various portfolios similar to those of a Government. Each member of the Executive Committee is responsible for a specific department: political, economic, information, cultural affairs, occupied territories and so forth.

Today, the Palestinian people feels that it needs this organization more than ever. The permanence of the PLO is considered to be vital for the Palestinian people, which can achieve a sense of its human existence through the organization. The PLO embodies the hopes and aspirations of the Palestinian people for a return to its land and for freedom, independence and dignity through the restoration of its rights.

The whole world now realizes that there can be no settlement of the Middle East conflict without recognition of its existence and without its participation. The PLO is the focal pint of any negotiations.

In view of the legitimate struggle of the heroic Palestinian people for its resurgence and survival, it is time for the international community to take specific action to compel the Zionist entity to comply with the relevant United Nations resolutions; it is time for all countries and all peace- and justice-loving peoples to express their support for and to provide concrete assistance to the PLO, in the hope of ensuring the triumph of that martyred people.

THE ROLE OF THE PLO IN THE SOCIAL, CULTURAL, ECONOMIC AND
POLITICAL DEVELOPMENT OF THE PALESTINIAN PEOPLE

Adnan Abdel Rahim

First of all, I did not want to speak about the political structure of the PLO, but I have to complete certain things which were not mentioned by my previous colleague.

The formal Palestinian resistance movement really began with the PLO. But the PLO is not a resistance movement in itself. The PLO is an umbrella formula that consists of different political Palestinians organizations. The Palestinian struggle did not begin in 1964 under the guardianship of the Arab League because, as we all know, the Arab League had decided to establish the PLO for relieving its conscience and ensuring that the Palestinians would be present, officially at least, in the conferences. The Palestinian resistance movement began at the beginning of the century, and I am not going to start a historic exposition of that, but after 1948 the Palestinians from 1950 to 1960 considered this period as a burial period, a non-existing period, because they lost their character: they were Arabs but the Arabs did not recognize them to be Arab citizens; they were refugees even among brothers. A lot of Palestinian political activists and intellectuals thought that unifying the Arab world would enable a unified regular Arab army to liberate Palestine. So those intellectuals were very active in the national Arab movements between 1950 and 1960. But it seemed that they had to wait a long time for Arab unity.

After the break-up of the union between Egypt and Syria in 1961, more than 20 Palestinian organizations arose. The main task, the main goal of these organizations was that the Palestinians had to play the major role in liberating Palestine through armed struggle. But these movements had no illusions that the small Palestinian people alone was capable of liberating Palestine and facing American imperialism. They thought that, by presenting an example of bravery, an example of sacrifice, an example of organization, they would move, they would mobilize the Arab masses. That will make us understand why we are now, even in these very tragic circumstances, not so pessimistic, because from the beginning the Palestinians had no illusions that they alone would liberate Palestine.

The main slogan of these small groups, some of them no more than 200 persons, was that armed struggle was the only way to liberate Palestine. That a people's war, influenced by the Chinese experience, by the Vietnamese experience, but along Arab lines, was the only means of liberating Palestine because the regular armies were unwilling and incapable of liberating Palestine. These movements grew in numbers till 1965. One of the biggest of these movements, which was Al-Fatah, began its operations in January 1965. So the beginning of the Palestinian revolution had nothing to do with the establishment of the PLO as a formal organization, recommended and guided by the Arab League. What happened later was that the armed struggle really began with small capabilities, and very little ammunition, but it raised, it mobilized the Palestinian people, who were waiting for somebody to give them a chance to participate in the process of liberating their land.

The war of 1967 not only led to the conviction that the Arab armies were incapable of defeating Israel but also convinced the Arabs - and not only the Palestinians - that the only hope of liberating Palestine was through armed struggle and a people's war. The effectiveness of the PLO began when these groups joined the PLO, which at the time represented only notable Palestinians and rich bourgeois Palestinians. From that time, the end of the 1960s, the PLO became a revolutionary movement. I mention this in order to clarify, because there is a widespread illusion that the PLO in itself is an organization, that the beginning of the Palestinian revolution started with the PLO, which is not true. The Palestinian resistance movement is a mass movement, it was not the work of other Arab régimes, because the Arabs had already tried even during the 1950s to create a Palestinian government in exile and to use the Palestinians in their internal disputes, which of course was tragic for the Palestinians.

Concerning the subject I intended to speak about, which is the cultural activities and the educational activities of the PLO in exile, unfortunately it seems it is not the time to speak about achievements in the field of education and culture because what the Israelis have done recently is destroying all that we had done, not only we ourselves, but also the United Nations agencies.

In spite of that there are a lot of questions that can be raised about national Palestinian culture and what the PLO has done in this field. In fact, a lot of Arab intellectuals think that there is nothing called a Palestinian culture, because there is only one Arab culture, and whether we like it or not we are Arabs. But what kind of interpretation did the Palestinians present as an Arab culture? Of course the set of references of Arab culture is already well known: the Arab language, Islamic civilization, its modernization and the penetration of Western civilization into the Middle East. Did the Palestinians introduce something new to this traditional Arab culture? It is difficult to say it even now, because making a culture is not like making clothes; it is a process, it is a historic process, but we can say that the Palestinians - the PLO or the Palestinian resistance movement - have tried to encourage, to develop what is positive, what is progressive, what is modern in the traditional Islamic Arab heritage. Certain Palestinian resistance movements have gone even further and called for a leftist direction in reframing Palestinian national culture. As I have already mentioned, the PLO does not represent one ideological orientation: it represents a compromise. Even the Palestinian Charter represents a compromise between different ideological tendencies, but the dominant one is the national one, which says that all classes and layers must be unified in order to face the common enemy, which is Zionism and American imperialism. The difference comes later because the leftists are more opposed to Arab reactionary régimes and the nationalists are less hostile to the United States. Within this contradiction, the Palestinians managed to find a common programme. First, the strategy of armed struggle: it did not mean that the Palestinians did not recognized the necessity of other means of development, diplomatic means and political means, but that the Palestinian camp inhabitants, who are really representative of the Palestinian national character, had got sick of the diplomatic efforts by the Arabs to obtain Palestinian rights, and research carried out in the Palestinian camps in Lebanon showed that the Palestinians distrusted, not only the United Nations but also all the United Nations agencies, because they thought that they were liquidating their cause. Sorry.

In the field of culture also the Palestinians were the first in the Arab world to become victims of religious fanaticism, were the first to suggest a democratic state in Palestine, a secular state in Palestine. Those victims were the first also who called for a distinction between Judaism as a religion and Zionism as a reactionary political movement. And because of this attitude they have received a lot of criticism from the Arab nationalists.

Later, as an earlier speaker has already mentioned, because of Arab pressure there was a change in the balance of power. After 1973, the Arabs thought it was the right time to get something - even a very small state - from the Americans and the Israelis. And it was because of this, not because they were convinced that Israel would accept a Palestinian state in even a part of Palestine, that the Palestinians accepted what the Arabs offered - the ten-point programme. I am not going to go into more detail about the political and diplomatic side of this, because my friend has done a lot in this field, but I will speak about cultural activities.

It was very difficult for the PLO to conduct any effective cultural activity among communities dispersed all over the Arab world. It was also difficult for the PLO because of Arab political pressures. I am not speaking about imposing on the occupied territories its own cultural images, even its own images of the Palestinian question, of the history of Palestine, even of who is the enemy. But in this field the Palestinians succeeded in socially organizing the Palestinian communities. First of all, the Palestinian mass organizations or popular organizations had done a lot to organize all layers of the Palestinian people. We have federations for writers, federations for women, federations for teachers, etc. and these federations have done their best to crystallize, to bring out a Palestinian unity on the social level and on the cultural level. But these efforts were always met by the régime's pressures because we could only act freely in Lebanon, which is now facing the danger of losing even this freedom.

Second, in the field the Palestinian writers, the Palestinian research centres, the Palestinian planning centres, the Palestinian statistical centre, represent a step toward the first beginnings of polarizing, of crystallizing a more developed and progressive image of Arab culture (we can hardly call it a Palestinian culture). Here we always mix the words nationalism and patriotism. Nationalism to the Palestinians does not mean a special nationalism: they have a special mission to liberate their land but they are at the end Arabs. Now, in this field, the Palestinian writers' and journalists' federation published a monthly magazine, issued a lot of books, poetry, sociological studies, everything, and the Palestinian Woman's Federation did a lot in the field of helping the Palestinian women to get rid of the traditional system of values that used to keep them prisoners in the home. Besides military and political activity these mass organizations did a lot in the field of developing a prosperous cultural activity, too.

Now we come to the field of education and here we are victims not only of Israeli oppression but also of United Nations oppression, of UNRWA oppression, in fact. As you all know, the Palestinians have no national education system because it is impossible to enforce a unified educational system in different Arab countries. Schooling of the Palestinians, especially compulsory schooling of the Palestinians takes place in UNRWA schools. After 1950, UNRWA took the responsibility of teaching the Palestinians till they finished compulsory schooling or what we

call in the Middle East the ninth class. At the beginning, the Palestinian children used to learn in tens from untrained, unqualified teachers, and you can find that in the documents of the United Nations. Later, in each country they were taught the curriculum of the country, so the Palestinians are taught the Jordanian curriculum in Jordan, the Syrian curriculum in Syria and the Lebanese curriculum in Lebanon. And, of course, as we all know, there is nothing called "neutral" educational activity. With different political backgrounds in different Arab countries the Palestinian children have been taught differently and instructed differently. For example, in Jordan they are taught that the King will liberate Palestine and will save them. In Syria it is different because they have a more developed idea about Arab nationalism and the necessity of Arab unity to liberate Palestine. In Lebanon it is a tragedy, for they are taught that Israel is bad because it is against Christianity. So, we thought of doing something to stop this tragedy suffered by our students, but all our efforts, because of Arab political pressures and because of UNRWA's acceptance of this reality, could not successfully interfere in the educating of our children. So, compulsory schooling has nothing to do with the PLO. Yesterday I gave an example that when Israel protested that the books and the curriculum taught in the occupied territories contain a certain paragraph against any State that is a Member of the United Nations, these books were taken out, in spite of the fact that the Jordanian curriculum has nothing to do with our national aspirations. Of course, there were a lot of proposals to improve the situation: for example, that the PLO is accepted in the United Nations as an observer. At the same time it is deprived of its right to impose at least the national guidance it thinks suitable to instruct Palestinian children in what we think is right. Second, there is nothing in the Arab world or in UNRWA called pre-school education. Our students, after finishing compulsory schooling, go to different Arab schools. Their higher studies are also limited. Half of the Palestinian students are deprived of continuing their higher studies simply because they are not offered fair chances like other Arabs in the Arab world to enter universities. Now, after all this, after explaining all this tragic schooling, let us say how the PLO succeeded in creating those young fighters some of whom are now prisoners in Lebanon. How did the PLO succeed in creating a new generation which never saw Palestine, which was born in exile and which is fighting now in the Arab world, and especially in Lebanon, to return to Palestine.

The socialization of the Palestinian children did not take place in schools; it was the Palestinian family, the Palestinian mothers and the non-formal instruction by the PLO. The PLO, for example, established more than 40 kindergardens in Lebanon and more than 20 kindergardens in Syria, where children are taught to be devoted Palestinian patriots. The PLO also established four secondary schools in Lebanon, because the Lebanese Government did not give students a fair chance to continue their secondary schooling. In spite of the fact that the Palestinians have the highest percentage of university graduates, not only in the Arab world but sometimes even higher than certain European countries like England and France, in spite of all this, the percentage of illiteracy in the Lebanese camps is more than 28 per cent among the adults. So, the PLO was planning to launch a campaign for eradication of illiteracy, and the last invasion of Lebanon stopped this project. Another project had been planned in Damascus, where we established what is called the educational cities for the children of Palestinian martyrs. And we also planned to establish an open university with the help of UNESCO and I do not need to remind the respectable Committee of the studies that have been guided by UNESCO about the validity of this open university. But now, I do not think that this project will be able to proceed any time soon.

The PLO also provides or facilitates scholarships for the Palestinians, especially from the socialist countries. So we can conclude that only 10 per cent of the Palestinian children are taught by the PLO, especially the children of the martyrs. Now all these schools have been occupied by the Israelis in the suburbs of Beirut and we have now in Damascus more than a thousand Palestinian children brought from Lebanon, most of them children who lost their parents in the camp of Tal-al-Zaatar during the phalangist attack on the camp in 1976.

We are also facing another problem, which is that now more than 70,000 Palestinians have moved from the south and emigrated to the Bekaa Valley in Lebanon. The school year will begin in September and unfortunately they will not have schools any more. The UNRWA Commissioner openly admitted in Vienna that what UNRWA had done in thirty-five years was destroyed by the Israelis in three days. So this network, this educational network has been destroyed. Of course, whatever the result of the battle in Lebanon, we think that we will always be responsible for educating our children, not in order to integrate them in Arab society, not to train them to be cheap manpower in Arab markets (as was intended by UNRWA), but to be good citizens in an independent state, acquiring the skills and professions that we need in order to build an independent economy.

And here, we need the aid of the United Nations to reconstruct this network of schools and to help us establish an independent educational system for the Palestinians. To conclude, I may say that the Palestinians have never lacked a clear idea about what education they need. In fact, in 1972 a Palestinian published a booklet called "The Philosophy of Education for the Arab People of Palestine", while the Arab League (or the Arab UNESCO if you like the expression) is still now studying a "strategy" for Arab education. Unfortunately we cannot wait. This philosophy of education represents an advanced outlook on the world, nature and history, a realistic understanding of the Palestinian question, a realistic understanding of the process of education not only as schooling but a concrete understanding of the process and the role of education and socialization in the transfer of culture. But what culture? This was our problem and these are our worries. We are not only facing military challenges, we are also facing educational challenges. But it seems that the Palestinians have the patience and the will, if not always the means, to achieve their goal.

7. CLOSING ADDRESS BY HIS EXCELLENCY MR. MOUSTAPHA NIASSE,
MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF SENEGAL

A few days ago, at this Dakar International Trade Centre, a special place for meetings and concerted action among countries, organizations and men of good will, Mr. Habib Thiam, Prime Minister of the Republic of Senegal, opened the Seventh United Nations Seminar on the Fundamental Rights of the Palestinian people, on behalf of the Head of State, President Abdou Diouf.

On that occasion, the Prime Minister of Senegal delivered an address, which has been of particular significance for the work of this Seminar.

Prime Minister Thiam accurately expressed the deeply felt views of the people and Government of Senegal with regard to the Palestinian question, as reflected in President Diouf's determination continually to reaffirm, through deeds, Senegal's fraternal solidarity with the Palestinian nation in its just struggle.

That struggle, waged with exemplary heroism, is that of all the peoples of the third world. Over and above recognition of all the inalienable national rights of the Palestinians, it constitutes one of the most eloquent manifestations of the refusal of our kindred peoples to be subjected to any form of domination, oppression or exploitation, in affirmation of our sovereign right to dignity and freedom.

It is also the struggle of all the other countries and peoples of the international community, of all those countries that, having formally accepted the Charter of the United Nations and General Assembly resolution 1514 (XV) on the right of peoples to self-determination, aspire to a world where there is peace and justice, and of those same countries that regard as a threat to détente and world peace anything at variance with that aspiration, such as the real causes of the Middle East conflict, whose focal point is the Palestinian question.

For all these reasons, President Diouf, his Government and the people of Senegal agreed that the Seminar on the Fundamental Rights of the Palestinian People should be held at Dakar, in this capital city, which has often been the source of messages of peace, and in this forum, which has frequently produced initiatives and appeals to help put an end to the many injustices inflicted upon the Palestinians. Our country, Senegal, has been a pioneer in Africa South of the Sahara in formulating and implementing specific plans for assisting the Palestinian people; examples of such action are: the opening, at Dakar, of an Office of the Palestine Liberation Organization (PLO) in 1974; the Week of Solidarity with Palestine, held in 1975; and the granting of diplomatic status, at the ambassadorial level, to PLO representatives to Senegal, in April 1980. In addition, Senegalese and Palestinian leaders are taking effective concerted action with respect to the Middle East conflict and, in all international forums, Senegal expresses its solidarity with the Palestinian cause and its support for the corollary to that cause, our Arab brothers' right to regain their occupied territories, including the city of Al Quds Al Sharif.

Our consistent position, which has been dictated by reason and conviction, and the confidence that the States Members of the United Nations have placed in our country and in its leaders, prompted Senegal to chair, from the outset, the Committee on the Exercise of the Inalienable Rights of the Palestinian People. That Committee is currently under the leadership of Ambassador Sarré, successor in that office to my colleagues Médoune Fall and Falilou Kane, former Permanent Representatives of Senegal to the United Nations, who are now Ministers of the Interior and Trade.

I should like to take this opportunity to express once again my gratitude, on behalf of the Head of State, the Prime Minister and the Government and people of Senegal, to the international community for this token of confidence in our country and for the active support Senegal receives, from all quarters, in carrying out that task.

The Seminar, which, under the sponsorship of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, has brought together, at Dakar, the distinguished representatives of Governments, international organizations and authentic national liberation movements, as well as renowned experts on the Palestinian question, will undoubtedly go down in the records of the United Nations as a meeting of great significance not only owing to the range and quality of the statements made on this occasion on the fundamental rights of the Palestinian people, but also owing to the particular circumstances in which it has taken place. Themes relating to the Palestinian question as relevant as the questions of the fundamental rights of the Palestinian people, the role and place of the Palestine Liberation Organization in the social, cultural, economic and political development of our Palestinian brothers, Israeli policy in the occupied Arab territories, Africa and Palestine, and efforts made by the United Nations to find effective ways of enabling the Palestinian people to exercise their full rights have been analyzed and considered with a high-minded sense of responsibility.

As Prime Minister Thiam emphasized when opening the Seminar, your meeting has coincided with an agonizing stage in the struggle waged by the PLO, namely, with the cowardly Israeli act of aggression against the Lebanese people and against the Palestinian Resistance.

The Government of Senegal believes that on the horizon, beyond the unspeakable tragedy that has come in the wake of that act of aggression, lies the inevitable triumph of the Palestinian cause, which has once again been validated by the blood and suffering of the martyrs who, in the Lebanese cities and countryside, and chiefly at Beirut, supply proof of the fact that the powerful war machine of the Zionist State of Israel is incapable of overcoming their unswerving determination not to accept defeat. Israel should draw a lesson from the greatest warmongering venture on which it has embarked, which is repeatedly foundering on the rock constituted by the courage and determination of the Palestinian and Lebanese peoples.

On this occasion, Senegal, led and inspired by President Diouf, reaffirms its unreserved support for the noble struggle of the Palestinian people and for the leadership of their sole legitimate representative, the PLO, by paying a tribute to Dr. Yasser Arafat, while at the same time reiterating its condemnation of the repeated violations by Israel of the territorial integrity and sovereignty of Lebanon, a country that has traditionally maintained ties of friendship and solidarity with our country.

The conclusions reached at this Seminar have highlighted the alarming course taken by the Palestinian question. However, at the same time, those conclusions constitute a challenge to the world to heed its conscience and to face its responsibilities, which have been rendered even greater by violations of international law and of the basic principles of the United Nations.

The Head of State of Senegal therefore reaffirms, in accordance with the foreign policy he has established for our country, his determination and readiness to contribute, in co-operation with all countries inspired by the same ideals of peace and justice, to active efforts to find an appropriate solution to the tragedy of the Palestinian people.

In so doing, the people and Government of Senegal mean to pursue what they justifiably see as a mission of solidarity. In the appropriate forums of the United Nations, within the Movement of Non-Aligned Countries, within the Organization of African Unity and at the Islamic Conference the action of our country will be strengthened in the spirit which has always characterized Senegalese policy in the struggle of the peoples of the third world to bring about the victory of the great goals of freedom, independence and the right of peoples to self-determination.

It is in this belief, with the will to co-operate in the tremendous efforts undertaken by Mr. Pérez de Cuellar, Secretary-General of the United Nations, and reaffirmed that Mr. Pérez de Cuellar can count on support from President Diouf, that I declare the work of the Seventh International Seminar on the Fundamental Rights of the Palestinian People closed.

LIST OF PARTICIPANTS AND OBSERVERS

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the Inalienable Rights of the Palestinian People

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Mr. John Aje (Nigeria)
Mr. Cheick Cissé (Mali)
Mr. André Tahindro (Madagascar)
Mr. Alexandros Vikis (Cyprus)

Panelists

Ms. Gay J. McDougal (U.S.A.)
Prof. Harold A. McDougall (U.S.A.)
Dr. Alice Palmer (U.S.A.)
H.E. Mr. Luis de Almeida (Angola)
Dr. Alfred Moleah (South Africa)
Mr. Babacar Sine (Senegal)
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Prof. Akbar Kherad (Afghanistan)
Dr. Adnan Abdel Rahim

Member States

Algeria
China
Egypt
France
Niger
Nigeria
Senegal
Somalia
Sudan
Syrian Arab Republic
Tunisia
Zimbabwe

Non-member States

Democratic People's Republic of Korea
Republic of Korea

Specialized agencies

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

Organizations which have received a standing invitation from
the General Assembly to participate as Observers in the sessions
and work of all international conferences convened under its auspices

League of Arab States
Organization of the Islamic Conference
Palestine Liberation Organization

Press

Office de Radio Diffusion et Télévision du Senegal
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