
APPROACHES FOR THE PRACTICAL ATTAINMENT OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE (1986)

*Prepared for, and under the guidance of,
the Committee on the Exercise of the
Inalienable Rights of the Palestinian People*

Since 1947, although no just solution has been achieved to enable the Palestinian people to attain its inalienable rights and the problem has continued to be the core of the Middle East conflict, numerous attempts have been made inside and outside the United Nations to approach a solution. This study catalogues in chronological order some of those approaches.

Plan of Partition with Economic Union, ([General Assembly resolution 181](#) (II))

Once the mandate for Palestine was terminated, two independent States were to be established (a "Jewish State" and an "Arab State"). The territory of Palestine was divided into eight parts. Three were allotted to the Jewish State, three to the Arab State, the seventh, Jaffa, was to form an Arab enclave in the Jewish territory. The eighth part would be Jerusalem. Jerusalem would be a *corpus separatum* under a special international regime. It was to be administered by the United Nations Trusteeship Council for a period of 10 years, at the end of which the plan would be re-examined and the residents of Jerusalem should be free to express their wishes by means of a referendum. The rationale for this territorial division was to ensure that the Jewish State included a maximum number of Jews and that those left in the Arab State would be reduced to the minimum (estimated at. about 10,000). A very large number of Palestinian Arabs (approximately 497,000) would remain within the boundaries of the Jewish State. The overall population breakdown in the two States envisioned by the Plan of Partition was as follows:

	Jews	Arabs	Total
Jewish State	498 000	497 000	995 000
Arab State	10 000	725 000	735 000
City of Jerusalem	100 000	105 000	205 000

As regards human rights provisions, resolution 181 (II) stated that the constituent assembly of each State shall draft a democratic constitution that shall embody chapters 1 and 2 of the Declaration provided in section C of the resolution and include, *inter alia*, provisions for guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly and association.

Chapter 1 of the Declaration makes detailed provisions for the protection of the Holy Places and for the preservation of access to and rights concerning them. Chapter 2 includes the following provisions:

"1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.

"2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex.

"3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws."

The Partition Resolution contains analogous human rights provisions for the inhabitants of the Holy City of Jerusalem.

The Bernadotte proposals

The General Assembly appointed Count Bernadotte as United Nations Mediator to supervise the cease-fire of the 1948 war and to promote a peaceful adjustment of the future situation in Palestine. After arranging for a truce, the United Nations Mediator presented a tentative plan, proposing a union comprising two members, one Arab and one Jewish. The plan also proposed some territorial adjustment in the borders, return of all refugees and some limitations on Jewish immigration.

When the first truce expired and a second truce was effected, a new plan was envisaged, whereby an Arab State encompassing Transjordan joined with most of the territory allotted by the Partition resolution to the "Arab State" with far-reaching territorial adjustments that would consolidate Arab territory by including the Negev, while Galilee would be taken over by Israel. Jerusalem would be placed under United Nations administration and in return Galilee and the enclave of Jaffa would become part of the Jewish State.

General Assembly resolution 194 (III) of 11 December 1948

General Assembly resolution 194 (III) of 11 December 1948 was based on the recommendations of the United Nations Mediator. Its main provisions were the following:

- (a) To establish a Conciliation Commission with headquarters at Jerusalem, to continue the functions of the United Nations Mediator and the United Nations Truce Commission;
- (b) To request the Security Council to take further steps to ensure the demilitarization of Jerusalem;
- (c) To instruct the Conciliation Commission to offer detailed proposals for a permanent international regime for Jerusalem in view of its distinctive significance for the three world religions (Judaism, Christianity, Islam);
- (d) To resolve the refugee problem as follows: those refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date; and compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.

Lausanne Peace Conference, 6 May 1949

The Conciliation Commission for Palestine established in January 1949 was able to arrange a conference in Lausanne in April of the same year. At that Conference, the Commission proposed that talks should be based on the Partition Plan. It reiterated the international commitment to establish a Palestinian Arab State on the basis of the Partition resolution. The Protocol, which was signed on 12 May 1949, was worded as follows:

"The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly's resolution of 11 December 1949 regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the delegation of Israel and to the delegations of the Arab States that the working documents attached thereto be taken as a basis for discussion with the Commission.

"The interested delegations have accepted this proposal with the understanding that the exchange of views which will be carried on by the Commission with the two parties will bear upon the territorial adjustments necessary to the above indicated objectives."

To the Protocol was annexed a map on which were indicated "the boundaries defined in General Assembly resolution 181 (II) of 29 November 1947 which has thus been taken as the basis of discussion with the Commission".

Armistice agreements, 1949

Mr. Ralph Bunche, the Acting United Nations Mediator, arranged armistice agreements between Israel on the one hand and Egypt, Jordan, Lebanon and Syria on the other, which were signed between February and July 1949. These agreements specified, *inter alia*, that the "armistice between the armed forces [was] an indispensable step toward the liquidation of armed conflict and the restoration of peace in Palestine", recognizing "the principle that no military or political advantage should be gained". The agreements "being dictated exclusively by military, and not political, considerations" did not prejudice the political positions of any of the parties on the ultimate settlement of the Palestine question. Thus, they gave Israel no legal right to the territories occupied during the 1948 hostilities, beyond the lines specified in the partition resolution.

Paris Peace Conference, 13 September 1951

The United Nations Conciliation Commission proposed that (a) all claims concerning war damage arising out of the hostilities of 1948 should be cancelled; (b) the Israeli Government should agree to the repatriation of a specified number of Arab refugees in categories which could be integrated into Israel's economy; (c) the Israeli Government should accept the obligation to pay, as compensation for property abandoned by those refugees not repatriated, a sum based upon the valuation arrived at by the Commission's Refugee Office; (d) a payment plan, taking into account the Israeli Government's ability to pay, should be set up by a special committee of economic and financial experts, to be established by a United Nations trustee through whom payment of individual claims would be made; and (e) the Governments of Egypt, Jordan, Lebanon, Syria and Israel should consider, under United Nations offices, the revision or amendment of the armistice agreements between them, especially with regard to the following questions: (i) territorial adjustment, including demilitarized zones; (ii) the creation of an international water authority to deal with the problem of the use of the Jordan and the Yarmuk rivers and their tributaries, as well as the waters of Lake Tiberias; (iii) the disposition of the "Gaza Strip" then administered by Egypt; (iv) the creation of a free port at Haifa; (v) border regulations between Israel and its neighbours, with special attention to the need for free access to the Holy Places in the Jerusalem area, including Bethlehem; and (vi) arrangements to facilitate the economic development of the area, and the resumption of communications and economic relations.

Status of Jerusalem, 1967-1969

Both the General Assembly and the Security Council adopted resolutions during this period expressing deep concern at the situation in Jerusalem as a result of the measures taken by Israel to change the status of the City. [General Assembly resolutions 2253 \(ES-V\)](#) of 4 July 1967 and [2254 \(ES-V\)](#) of 14 July 1967 considered Israel's actions as invalid and in turn called upon Israel to rescind the measures which they had invoked. These principles and demands were also incorporated in [Security Council resolution 267](#) (1969) of 3 July 1969.

Security Council resolution 242 (1967) of 22 November 1967

Following the 1967 war, the Security Council adopted resolution 242 (1967) which emphasized the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area could live in security. It affirmed that the fulfilment of the principles of the Charter of the United Nations required the establishment of a just and lasting peace in the Middle East which should include the application of both of the following principles:

- (a) Withdrawal of Israel armed forces from territories occupied in the recent conflict;
- (b) Termination of all claims or and acknowledgement of the sovereignty, independence of every State in the area within secure and recognized boundaries states of belligerency and respect for territorial integrity and political and their right to live in peace free from threats or acts of force.

It affirmed further the necessity for: (a) guaranteeing freedom of navigation through international waterways in the area; (b) achieving a just settlement of the refugee problem; and (c) guaranteeing the territorial inviolability and political independence of every State in the area through measures including the establishment of demilitarized zones.

[General Assembly resolution 2535 \(B\) \(XXIV\)](#) of 10 December 1969

At its twenty-fourth session, the General Assembly, recognizing that the problem of Palestine Arab refugees had arisen from the denial of their inalienable rights under the Charter and the Universal Declaration of Human Rights, reaffirmed the inalienable rights of the people of Palestine.

[The Jarring Mission, 8 February 1971](#)

In its resolution 242 (1967), the Security Council requested the Secretary-General to designate a Special Representative to assist in efforts to achieve a Middle East settlement. In 1971, in an aide-memoire addressed to Egypt and Israel, the Special Representative (Mr. Gunnar Jarring) proposed that the two countries give simultaneous and reciprocal commitments subject to the eventual satisfactory determination of all other aspects of a peace settlement. Israel would give a commitment to withdraw its forces from occupied Egyptian territory to the former border between Egypt and Mandated Palestine, and Egypt would give a commitment to enter into a peace treaty with Israel on certain explicit understandings in relation to resolution 242 (1967).

[Security Council resolution 338](#) (1973) of 22 October 1973

In October 1973, the Security Council met once again on the Middle East issue in an attempt to reach a cease-fire on the ongoing war. In its resolution 338 (1973) the Security Council called upon all parties concerned to terminate all military activity and to implement Council resolution 242 (1967) in all of its parts. It also called for the start of negotiations between the parties concerned concurrent with the cease-fire, under appropriate auspices, to establish a just and durable peace in the Middle East.

[Geneva Conference, 21 December 1973](#)

Pursuant to Security Council resolution 338 (1973), a peace conference was convened in Geneva. It was attended by the foreign ministers of Egypt, Israel, the Union of Soviet Socialist Republics and the United States of America, and by the Prime Minister of Jordan (also its Foreign Minister), as well as by the Secretary-General. Working committees were set up, but the Conference was unable to provide the setting for substantive negotiations.

For several years, the question of Palestine was discussed as part of the Middle East issue or in its refugee or human rights aspects. In 1974, at its twenty-ninth session, the General Assembly included in its agenda an item entitled "The Question of Palestine".

[General Assembly resolution 3210 \(XXIX\)](#) of 14 October 1974

In its resolution 3210 (XXIX) the Assembly considered that the Palestinian people were the principal party to the question of Palestine and invited the Palestine Liberation Organization (PLO), the representative of the Palestinian people, to participate in the plenary deliberations of the General Assembly on the question of Palestine.

[General Assembly resolution 3236 \(XXIX\)](#) of 22 November 1974

In its resolution 3236 (XXIX) the Assembly reaffirmed the inalienable rights of the Palestinian people in Palestine, including the right to self-determination without external interference; the right to national independence and sovereignty; and the right to return to its homes and property. It recognized the Palestinian people as the principal party in the establishment of a just and lasting peace in the Middle East and its right to regain those rights by all means in accordance with the purposes and principles of the Charter. It requested the Secretary-General to establish contacts with the PLO on all matters concerning the question of Palestine.

[General Assembly resolution 3237 \(XXIX\)](#) of 22 November 1974

In its resolution 3237 (XXIX) the Assembly invited the PLO to participate in the sessions and the work of the General Assembly in the capacity of observer. It also invited the PLO to participate as an observer in the sessions and work of all international conferences convened under the auspices of the General Assembly. It considered also that the PLO was entitled to participate as an observer in the sessions and the work of all international

conferences convened under the auspices of other organs of the United Nations.

[General Assembly resolution 3375 \(XXX\) of 10 November 1975](#)

Resolution 3375 (XXX) called for the invitation of the PLO, the representative of the Palestinian people, to participate in all efforts, deliberations and conferences on the Middle East on an equal footing with other parties. In the preambular paragraphs, it reaffirmed resolution 3236 (XXIX) of 22 November 1974, which recognized the inalienable rights of the Palestinian people and furthermore, in paragraph 1 requested that the Security Council adopt the necessary resolutions and measures which would enable the Palestinian people to exercise its inalienable rights in accordance with the above-mentioned resolution.

[General Assembly resolution 3376 \(XXX\) of 10 November 1975](#)

At the same session, in its resolution 3376 (XXX), the Assembly decided to establish a Committee on the Exercise of the Inalienable Rights of the Palestinian People, composed of 20 Member States appointed by the General Assembly. Its membership was increased to 23 in 1976. The Assembly requested the Committee to submit its report and recommendations to the Secretary-General no later than 1 June 1976 and requested the Secretary-General to transmit the report to the Security Council. The Assembly requested the Security Council to consider, as soon as possible after 1 June 1976, the question of the exercise by the Palestinian people of the inalienable rights recognized in paragraphs 1 and 2 of resolution 3236 (XXIX).

[Security Council draft resolution on "the Middle East problem and the Palestinian question of 23 January 1976](#)

As early as January 1976, the Security Council had before it a draft resolution which contained the following basic principles that were to be affirmed by the General Assembly a few months later:

- (a) The Palestinian people should be enabled to exercise its inalienable national right of self-determination, including the right to establish an independent State in Palestine in accordance with the Charter of the United Nations;
- (b) The right of the Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so and the right of those choosing not to return to receive compensation for their property;
- (c) Israel should withdraw from all the Arab territories occupied since June 1967;
- (d) Appropriate arrangements should be established to guarantee, in accordance with the Charter, the sovereignty, territorial integrity and political independence of all States in the area and their right to live in peace within secure and recognized boundaries.

The draft resolution was supported by the majority but was vetoed by the United States.

[Recommendations of the Committee on the Exercise of the Inalienable Rights](#)

[of the Palestinian People, June 1976, endorsed by \[General Assembly resolution 31/20\]\(#\) of 24 November 1976.](#)

The proposals of the Committee outlined a programme for the implementation of the legitimate and inalienable rights of the Palestinian people: the right to return to its homes and property and the right to self-determination, national independence and sovereignty. In order to implement the exercise of the right of return, the Committee proposed that this should be carried out in two phases:

- (a) Phase one, involving the return to their homes of the Palestinians displaced as the result of the war of June 1967. The International Committee of the Red Cross (ICRC) and/or the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) might be employed to assist in the solution of the logistical problems, in co-operation with the host countries and the PLO.
- (b) Phase two, dealing with the return to their homes of the Palestinians displaced between 1948 and 1967. The United Nations, in co-operation with the States directly involved and the PLO, should be involved.

Those not choosing to return should be paid instead equitable compensation.

As regards the right to self-determination, national independence and sovereignty, the Committee considered that the evacuation of the territories occupied by force and in violation of the principles of the Charter was a condition sine qua non for the exercise of those inalienable rights.

The Committee also felt that the United Nations had a historical duty and responsibility to help the Palestinian entity and, in this connection, recommended that:

- (a) A time-table should be established by the Security Council for the complete withdrawal by Israeli occupation forces from those areas occupied in 1967; such withdrawal should be completed no later than 1 June 1977;
- (b) The Security Council might need to provide temporary peace-keeping forces in order to facilitate the process of withdrawal;
- (c) Israel should be requested by the Security Council to desist from the establishment of new settlements and to withdraw during that period from settlements established since 1967 in the occupied territories. Arab property and all essential services in those areas should be maintained intact;
- (d) Israel should also be requested to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to declare, pending its speedy withdrawal from those territories, its recognition of the applicability of that Convention;
- (e) The evacuated territories, with all property and services intact, should be taken over by the United Nations which, with the co-operation of the League of Arab States, would subsequently hand over these evacuated areas to the PLO as the representative of the Palestinian people;
- (f) The United Nations should, if necessary, assist in establishing communications between Gaza and the West Bank;
- (g) As soon as the independent Palestinian entity had been established, the United Nations, in co-operation with the States directly involved and

the Palestinian entity, should, taking into account General Assembly resolution 3375 (XXX), make further arrangements for the full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region, in accordance with all relevant United Nations resolutions;

(h) The United Nations should provide the economic and technical assistance necessary for the consolidation of the Palestinian entity.

These recommendations have been repeatedly endorsed by the General Assembly but the Security Council has still to take action on them.

Joint Communiqué of the Union of Soviet Socialist Republics and the United States

On 1 October 1977, United States Secretary of State Cyrus Vance and the Soviet Minister for Foreign Affairs, A. A. Gromyko, Co-Chairmen of the Geneva Peace Conference on the Middle East, made the following statement on behalf of their countries:

"1. Both Governments are convinced that vital interests of the peoples of this area, as well as the interests of strengthening peace and international security in general, urgently dictate the necessity of achieving, as soon as possible, a just and lasting settlement of the Arab-Israeli conflict. This settlement should be comprehensive, incorporating all parties concerned and all questions.

"The United States and the Soviet Union believe that, within the framework of a comprehensive settlement of the Middle East problem, all specific questions of the settlement should be resolved, including such key issues as withdrawal of Israeli Armed Forces from territories occupied in the 1967 conflict; the resolution of the Palestinian question, including insuring the legitimate rights of the Palestinian people; termination of the state of war and establishment of normal peaceful relations on the basis of mutual recognition of the principles of sovereignty, territorial integrity, and political independence.

"The two Governments believe that, in addition to such measures for ensuring the security of the borders between Israel and the neighbouring Arab states as the establishment of demilitarized zones and the agreed stationing in them of U.N. troops or observers, international guarantees of such borders as well as of the observance of the terms of the settlement, can also be established should the contracting parties so desire. The United States and the Soviet Union are ready to participate in these guarantees, subject to their constitutional processes.

"2. The United States and the Soviet Union believe that the only right and effective way for achieving a fundamental solution to all aspects of the Middle East problem in its entirety is negotiations within the framework of the Geneva peace conference, specially convened for these purposes, with participation in its work of the representatives of all the parties involved in the conflict including those of the Palestinian people, and legal and contractual formalization of the decisions reached at the conference.

"In their capacity as co-chairmen of the Geneva conference, the United States and the USSR affirm their intention, through joint efforts and in their contacts with the parties concerned, to facilitate in every way the resumption of the work of the conference not later than December 1977. The co-chairmen note that there still exist several questions of a procedural and organizational nature which remain to be agreed upon by the participants to the conference.

"3. Guided by the goal of achieving a just political settlement in the Middle East and of eliminating the explosive situation in this area of the world, the United States and the USSR appeal to all the parties in the conflict to 'understand the necessity for careful consideration of each other's legitimate rights and interests and to demonstrate mutual readiness to act accordingly.'"

General Assembly resolution 33/28 of 7 December 1978

In its resolution 33/28, the Assembly declared that the validity of agreements purporting to solve the problem of Palestine required that they be within the framework of the United Nations and its Charter and its resolutions on the basis of the full attainment and exercise of the inalienable rights of the Palestinian people, including the right of return and the right to national independence and sovereignty in Palestine, and with the participation of the PLO.

Security Council resolution 446 (1979) of 22 March 1979

In resolution 446 (1979) the Security Council determined that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 had no legal validity and constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. It called once more upon Israel, as the occupying Power, to abide scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem, and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories.

The Council established a commission, consisting of three members of the Security Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem.

Security Council draft resolution of 23 August 1979

In accordance with General Assembly resolution 33/28 A and owing to the failure of the Security Council to take a decision on the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, a draft resolution was submitted for consideration but was not brought to a vote.

In the draft resolution, the Security Council would have reaffirmed its resolutions on the Middle East and the question of Palestine, particularly resolutions 237 (1967), 242 (1967), 252 (1968), 338 (1973) and other relevant resolutions, and would have affirmed further:

(a.) That the Palestinian people should be enabled to exercise its inalienable rights of self-determination, national independence and sovereignty in

Palestine, in accordance with the United Nations Charter and relevant resolutions of the Security Council and the General Assembly;

(b) The right of Palestinian refugees wishing to return to their homes and live at peace with their neighbours to do so and the right of those choosing not to return to receive compensation for their property, in accordance with the Universal Declaration of Human Rights and General Assembly resolutions, in particular, resolution 194 (III) of 11 December 1948. It also sought to have the provisions contained in paragraph 1 taken fully into account in all international efforts and conferences organized within the framework of the United Nations for the establishment of a just and lasting peace in the Middle East.

[General Assembly resolution 34/65 B](#) of 29 November 1979

The Assembly, in its resolution 34/65 B noted with concern that the Camp David accords 1/ had been concluded outside the framework of the United Nations and without the participation of the PLO, the representative of the Palestinian people; it rejected those provisions of the accords which ignored, infringed, violated or denied 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. It strongly condemned all partial agreements and separate treaties which constituted 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. It declared that the Camp David accords and other agreements had 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.

[Security Council resolution 465](#) (1980) of 1 March 1980

In its resolution 465 (1980), the Security Council determined that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem or any part thereof, had no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constituted a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. The Council strongly deplored the continuation and persistence of Israel in pursuing those policies and practices and called upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem. The Council also called upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories.

[Security Council resolution 476](#) (1980) of 30 June 1980

In adopting resolution 476 (1980), the Security Council reaffirmed the overriding necessity for ending the prolonged occupation of Arab territories occupied by Israel since 1967, including Jerusalem. It reconfirmed that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purported to alter the character and status of the Holy City of Jerusalem, had no legal validity and constituted a flagrant violation of the Fourth Geneva Convention and also constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.

The Council reiterated that all such measures which had altered the geographic, demographic and historical character and status of the Holy City of Jerusalem were null and void and must be rescinded in compliance with the relevant resolutions of the Security Council.

It urgently called on Israel to abide by the present and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem. Finally, the Council reaffirmed its determination in the event of non-compliance by Israel with the resolution, to examine practical ways and means in accordance with relevant provisions of the Charter to secure the full implementation of resolution 476 (1980).

[General Assembly resolution ES-7/2](#) of 29 July 1980

Owing to the lack of unanimity among the permanent members of the Security Council and in accordance with [General Assembly resolution 377 \(V\) A](#) of 3 November 1950, Senegal requested the convening of an emergency special session of the General Assembly to discuss the question of Palestine. In its resolution ES-7/2, the Assembly reaffirmed, in particular, that a comprehensive, just and lasting peace in the Middle East could not be established, in accordance with the Charter and the relevant United Nations resolutions, 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.

The Assembly also reaffirmed the inalienable right of the Palestinians to return to their home and property in Palestine, from which they had been displaced and uprooted, and called for their return; it reaffirmed 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.

The Assembly further reaffirmed the right of the PLO, 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 within the framework of the United Nations; it reaffirmed the fundamental principle of the inadmissibility of the acquisition of territory by force; it called upon Israel to withdraw completely and unconditionally from all the Palestinian and other Arab territories occupied since 1967, including Jerusalem, with all property and services intact and urged that such withdrawal from all the occupied territories should start before 15 November 1980; it demanded that Israel should comply fully with the provisions of Security Council resolution 465 (1980) adopted unanimously by the Security Council on 1 March 1980; it expressed its opposition to all policies and plans aimed at the resettlement of the Palestinians outside their homeland; it requested and authorized the Secretary-General, in consultation, as appropriate, with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to take the necessary measures towards the

implementation of the recommendations contained in paragraphs 59 to 72 of the report of the Committee to the General Assembly at its thirty-first session as a basis for the solution of the question of Palestine; it requested the Security Council, in the event of non-compliance by Israel with the resolution, to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter.

[Security Council resolution 478](#) (1980) of 20 August 1980

By resolution 478 (1980), the Security Council censured in the strongest terms the enactment by Israel of the "Basic Law" on Jerusalem and its refusal to comply with relevant Security Council resolutions.

The Council reaffirmed that the enactment of the "Basic Law" by Israel constituted a violation of international law and thus did not affect the continued application of the Geneva Convention to the Palestinian and other Arab territories occupied since June 1967, including Jerusalem. The Council determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem, and in particular the recent "Basic Law" on Jerusalem, were null and void and should be rescinded forthwith. It decided not to recognize the "Basic-Law" and such other actions by Israel that, as a result of that law, sought to alter the character and status of Jerusalem and called upon (a) all Member States to accept that decision; (b) those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.

[General Assembly resolution 35/169 B](#) 15 December 1980

Taking note of paragraphs 31 and 47 of the Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People ([A/35/35](#)), resolution 35/169 B reaffirmed its rejection of those provisions of the accords which ignored, infringed, violated or denied the inalienable rights of the Palestinian people and expressed 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 had no validity in so far as they purported to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967.

[General Assembly resolution 36/120 C](#) of 10 December 1981

In its resolution 36/120 C, the Assembly decided to convene, under the auspices of the United Nations, an international conference on the question of Palestine not later than 1984, on the basis of General Assembly resolution ES-7/2. The Assembly authorized the Committee on the Exercise of the Inalienable Rights of the Palestinian People to act as the Preparatory Committee for the Conference and to take all the necessary steps for its organization, to hold sessions particularly for that purpose and to make recommendations regarding, *inter alia*, the site, scheduling of and participation in the Conference and the provisional agenda of the Conference.

In August 1982, the General Assembly, at a special session ([resolution ES-7/7](#)), decided to convene the International Conference on the Question of Palestine at the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris, from 16 to 27 August 1983.

[French-Egyptian initiative \(Egypt and France\): Security Council draft resolution of 28 July 1982](#)

Following the invasion of Lebanon by Israel in June 1982, the French-Egyptian initiative addressed itself to the invasion of Lebanon and considered that the settlement of the Lebanese problem should contribute to the initiation of a durable restoration of peace and security in the region within the framework of negotiations based on the principles of security for all States and justice for all people, in order namely to:

- (a) Reaffirm the right of all States in the region to existence and security in accordance with [Security Council resolution 242](#) (1967);
- (b) Reaffirm the legitimate national rights of the Palestinian people, including the right to self-determination with all its implications, on the understanding that to this end the Palestinian people should be represented in the negotiations and, consequently, the PLO should be associated therein;
- (c) Call for the mutual and simultaneous recognition of the parties concerned.

Elaborating on the above in the Security Council, the Ambassador of Egypt specified that self-determination for the Palestinian people included "statehood in the West Bank and the Gaza Strip". As regards the call for negotiations, he stated "the Palestinian people should be represented in the negotiations and, consequently, the PLO shall participate therein" (S/PV.2384 of 29 July 1982, pp. 16, 21).

[Reagan plan](#) 2/

On 1 September 1982, President Ronald Reagan of the United States made detailed proposals summarizing the position of his Government regarding a comprehensive Middle East settlement which, in the view of that Government, would take into account the preoccupation of all parties and would respond to the legitimate rights of the Palestinian people. This approach was based on the principle that the Arab-Israeli conflict should be resolved through negotiations involving an exchange of territory for peace which is enshrined in Security Council resolution 242 (1967). President Reagan remained convinced that Jerusalem must remain undivided, but its final status should be decided through negotiations. However, these proposals were immediately rejected by Israel and were subsequently criticized by most Arab States which felt that the proposals fell short of ensuring Palestinians the exercise of their rights in Palestine and, besides, had been framed outside the United Nations.

Fez Declaration of 9 September 1982

Following the invasion of Lebanon by Israel, the Twelfth Arab Summit Conference was held at Fez in November 1981 and September 1982. Its principles are:

1. The withdrawal of Israel from all the Arab territories occupied by it in 1967, including Arab Jerusalem;
2. The dismantling of the settlements established by Israel in the Arab territories since 1967;
3. The guaranteeing of freedom of worship and performance of religious rites for all religions in the Holy Places;
4. The reaffirmation of the right of the Palestinian people to self-determination and to the exercise of their inalienable and imprescriptible national rights, under the leadership of the PLO, their sole and legitimate representative, and the indemnification of those who do not desire to return;
5. The placing of the West Bank and the Gaza Strip under the control of the United Nations for a transitional period not exceeding a few months;
6. The establishment of an independent Palestinian State, with Jerusalem as its capital;
7. The establishment by the United Nations Security Council of guarantees of peace between all States of the region, including the independent Palestinian State, and
8. The guaranteeing by the Security Council of the implementation of these principles.

Soviet Plan for Peace in the Middle East 3/

On 15 September 1982, W. L.I. Brezhnev, then General Secretary of the Central Committee of the Communist Party of the Soviet Union and President of the Presidium of the Supreme Soviet of the USSR, presented the following six-point plan for a Middle East settlement:

"First, the principle of the inadmissibility of the acquisition of foreign territories by aggression must be strictly observed. This means that all the territories occupied by Israel since 1967 - the Golan Heights, the West Bank of the Jordan, the Gaza Strip and the Lebanese territories - must be returned to the Arabs. The borders between Israel and its Arab neighbours must be declared inviolable.

"Secondly, the inalienable right of the Arab people of Palestine to self-determination and to the establishment of their own independent State in the Palestinian territories which will be freed from Israeli occupation - the West Bank of the Jordan and in the Gaza Strip - must be guaranteed in practice. Palestinian refugees must be granted the opportunity, provided for in United Nations decisions, to return to their homes or receive compensation for properties which they left.

"Thirdly, the eastern part of Jerusalem, which was occupied by Israel in 1967 and where one of the main Moslem Holy Places is situated, must be returned to the Arabs and become an integral part of the Palestinian State. The freedom of access of the faithful to the Holy Places of the three religions must be guaranteed throughout Jerusalem.

"Fourthly, the right of all States in the region to security, independent existence and development must, of course, be guaranteed on a basis of complete reciprocity, because one cannot guarantee the security of one while disregarding that of others.

"Fifthly, the state of war must be ended and peace must be established between the Arab States and Israel. This means that all parties to the conflict, including Israel and the Palestinian State, must undertake to respect each other's sovereignty, independence and territorial integrity and to settle any disputes which may arise by peaceful means, through negotiations.

"Sixthly, international guarantees for the settlement must be worked out and adopted, for example, the permanent members of the Security Council or the Council as a whole could assume the role of guarantors.

"Such a comprehensive, truly just and lasting settlement can be worked out and implemented only *through* collective efforts, with the participation of all interested parties - among which, of course, must certainly be the PLO, the sole, legitimate representative of the Arab people of Palestine.

"Our proposal for convening an international conference on the Middle East, which has received widespread support."

General Assembly resolution ES-7/7 of 19 August 1982

" The General Assembly ,

" Recalling its resolution 36/120 C of 10 December 1981, by which it decided to convene an international conference on the question of Palestine, not later than 1984, for a comprehensive effort to seek effective ways and means to enable the Palestinian people to attain and exercise its rights,

"Deeply alarmed at the explosive situation in the Middle East resulting from the Israeli aggression against the sovereign State of Lebanon and the Palestinian people, which poses a threat to international peace and security,

"Deeply aware of the responsibility of the United Nations under its Charter for the maintenance of international peace,

"Gravely concerned that no just solution to the problem of Palestine has been achieved and that this problem therefore continues to aggravate the Middle East conflict, of which it is the core, and to endanger international peace and security,

"Taking note of the final communique of the Extraordinary Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Countries on the Question of Palestine, held at Nicosia from 15 to 17 July 1982,

"Recognizing the need to intensify all efforts by the international community to enable the Palestinian people to attain and exercise its inalienable rights as defined and reaffirmed in United Nations resolutions,

"1. Decides to convene the International Conference on the Question of Palestine at the headquarters of the United Nations Educational, Scientific and Cultural Organization, in Paris, from 16 to 27 August 1983;"

Subsequently, the International Conference on the Question of Palestine was convened at the United Nations office at Geneva from 29 August to 7 September 1983.

General Assembly resolution 37/86 D of 10 December 1982

In its resolution 37/86 D, the Assembly requested that the Security Council discharge its responsibilities under the Charter and recognize the inalienable rights of the Palestinian Arab people, including the right to self-determination and the right to establish its independent Arab State in Palestine. Furthermore, the Security Council was requested to take the necessary measures to implement the plan which, inter alia, recommended that an independent Arab State should come into existence in Palestine.

General Assembly resolution 37/86 E of 20 December 1982

By resolution 37/86 E, the Assembly reaffirmed the principles relevant to the question of Palestine and urged the Security Council to facilitate the process of Israeli withdrawal. Conjunctionally, following the withdrawal of Israel from the occupied Palestinian territories, the Assembly recommended that those territories be subjected to a short transitional period under the supervision of the United Nations, during which the Palestinian people would exercise its right to self-determination.

International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1983

The Geneva Declaration of September 1983, adopted by acclamation by the International Conference on the Question of Palestine, stated inter alia

....

"4. The Conference considers that the various proposals, consistent with the principles of international law, which have been presented on this question, such as the Arab peace plan adopted unanimously at the twelfth Arab Summit Conference held at Fez, Morocco, in September 1982, should serve as guidelines for concerted international effort to resolve the question of Palestine. These guidelines include the following:

"(a) The attainment by the Palestinian people of its legitimate inalienable rights, including the right to return, the right to self-determination and the right to establish its own independent State in Palestine;

"(b) The right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East;

"(c) The need to put an end to Israel's occupation of the Arab territories, in accordance with the principle of the inadmissibility of the acquisition of territory by force, and, consequently, the need to secure Israeli withdrawal from the territories occupied since 1967, including Jerusalem;

"(d) The need to oppose and reject such Israeli policies and practices in the occupied territories, including Jerusalem, and any new situation created by Israel as are contrary to international law and relevant United Nations resolutions, particularly the establishment of settlements, as the policies and practices constitute major obstacles to the achievement of peace in the Middle East;

"(e) The need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, including the expropriation of land and property situated thereon, and in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel;

"(f) The right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people, the sine qua non of which is the recognition and attainment of the legitimate, inalienable rights of the Palestinian people as stated in paragraph (a) above.

"5. In order to give effect to these guidelines, the Conference considers it essential that an international peace conference on the Middle East be convened on the basis of the principles of the Charter of the United Nations and the relevant resolutions of the United Nations, with the aim of achieving a comprehensive, just and lasting solution to the Arab-Israeli conflict, an essential element of which would be the establishment of an independent Palestinian State in Palestine. This peace conference should be convened under the auspices of the United Nations, with the participation of all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, as well as the United States of America, the Union of Soviet Socialist Republics, and other concerned States, on an equal footing. In this context, the Security Council has the primary responsibility to create appropriate institutional arrangements on the basis of relevant United Nations resolutions in order to guarantee and to carry out the accords of the International Peace Conference.

"6. The International Conference on the Question of Palestine emphasizes the importance of the time factor in achieving a just solution to the problem of Palestine. The Conference is convinced that partial solutions are inadequate and delays in seeking a comprehensive solution do not eliminate tensions in the region."

General Assembly resolution 38/58 C of 13 December 1983

The General Assembly, in endorsing the Geneva Declaration on Palestine, adopted by acclamation at the International Conference on the Question of Palestine, adopted resolution 38/58 C which welcomed and endorsed the call for convening an international peace conference on the Middle East in conformity with the following guidelines:

- "(a) The attainment by the Palestinian people of its legitimate inalienable rights, including the right to return, the right to self-determination and the right to establish its own independent State in Palestine;
- "(b) The right of the Palestine Liberation Organization, the representative of the Palestinian people, to participate on an equal footing with other parties in all efforts, deliberations and conferences on the Middle East;
- "(c) The need to put an end to Israel's occupation of the Arab territories, in accordance with the principle of the inadmissibility of the acquisition of territory by force, and, consequently, the need to secure Israeli withdrawal from the territories occupied since 1967, including Jerusalem;
- "(d) The need to oppose and reject such Israeli policies and practices in the occupied territories, including Jerusalem, and any de facto situation created by Israel as are contrary to international law and relevant United Nations resolutions, particularly the establishment of settlements, as these policies and practices constitute major obstacles to the achievement of peace in the Middle East;
- "(e) The need to reaffirm as null and void all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, including the expropriation of land and property situated thereon, and in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel;
- "(f) The right of all States in the region to existence within secure and internationally recognized boundaries, with justice and security for all the people, the sine qua non of which is the recognition and attainment of the legitimate, inalienable rights of the Palestinian people as stated in subparagraph (a) above;
- "4. Invites all parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, as well as the United States of America, the Union of Soviet Socialist Republics and other concerned States, to participate in the International Peace Conference on the Middle East on an equal footing and with equal rights;
- "5. Requests the Secretary-General, in consultation with the Security Council, urgently to undertake preparatory measures to convene the Conference;
- "6. Invites the Security Council to facilitate the organization of the Conference;
- "7. Also requests the Secretary-General to report on his efforts no later than 15 March 1984;
- "8. Decides to consider at its thirty-ninth session the report of the Secretary-General on the Conference.

Report of the Secretary-General of 13 March 1984

In his report ([A/39/130-S/16409](#)), the Secretary-General stated that:

"The first problem to be settled would be that of the participation in the proposed conference. Bearing in mind the provisions of paragraph 4 of the resolution [38/58 C], the following Governments and authorities could be invited to participate in the conference:

- "(a) The fifteen members of the Security Council, namely, China, Egypt, France, India, Malta, the Netherlands, Nicaragua, Pakistan, Peru, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, Upper Volta 4/ and Zimbabwe;
- "(b) The Governments which are directly involved in the Arab-Israeli conflict and which are not members of the Security Council, namely, Israel, Jordan, Lebanon and the Syrian Arab Republic;
- "(c) The Palestine Liberation Organization.

"It would be my intention, as a first indispensable step towards the organization and convening of the proposed conference, to address letters to the Permanent Representatives of the above-mentioned Governments and to the Permanent Observer of the Palestine Liberation Organization to the United Nations in which I would draw their attention to General Assembly resolution 38/58 C, inform them of the list of participants as agreed in consultation with the Security Council and request their participation in the conference in accordance with the provisions of the above-mentioned General Assembly resolution."

In pursuance of General Assembly resolution 38/58 C and having followed consultations with the Security Council, on 9 March 1984, the Secretary-General addressed letters to 19 Governments, 15 members of the Security Council, the parties directly concerned in the Middle East conflict as well as the PLO to ascertain their views on all issues relevant to the organization and convening of an international peace conference in the Middle East, including the identification of participants.

Replies of Governments consulted

The replies of 18 of the Governments consulted have been circulated as General Assembly and Security Council documents (see list of documents in [A/39/130/Add.1](#), para. 2).

In her reply contained in document A/39/130-S/16409 in a letter addressed to the President of the Security Council, the Permanent Representative of the United States of America reaffirmed the position of her Government stating that the United States had voted against General Assembly resolution 38/58 C and had earlier opposed the International Conference on the Question of Palestine, held in Geneva in 1983, from which the idea of a Middle East peace conference originated. The letter indicated that:

"The United States believes firmly that the only path to peace in the Middle East lies in a process of negotiations among the parties based on Security Council resolutions 242 (1967) and 338 (1973), a process that the United States has sought vigorously and consistently to encourage, particularly in the Camp David accords and in President Reagan's initiative of 1 September 1982. Holding an international conference, as recommended by the General Assembly, would only hinder this process. It would predictably become a forum for propagandistic and extreme positions, and in the context proposed

by the General Assembly and further articulated by the Secretary-General, it would very likely yield to a one-sided outcome not acceptable to one or more of the parties and therefore inoperable. The net result would be to diminish the prestige of the United Nations as the sponsor of the Conference and delay the day when peace will come to the troubled Middle East.

"The United States will continue to focus its energies on the task of promoting face-to-face negotiations among the parties directly concerned with the Arab-Israeli dispute."

In his reply (A/39/222-S/16516), the Permanent Representative of the Union of Soviet Socialist Republics reaffirmed that the Soviet Union

"...is continuing consistently to advocate the convening of an international peace conference on the Middle East which would open up a real path towards an all-embracing solution for all the problems generated by the Middle East conflict. The Soviet Union is convinced that, with the help of such a conference, the chain of dangerous crises and wars in the Middle East could be broken and its people guaranteed the peace for which they have so long yearned.

"A conference on the Middle East has not yet been convened, not because the means for solving the organizational and procedural problems are lacking but because the United States and Israel are stubbornly obstructing the initiation of collective efforts to achieve a just settlement in the Middle East.

"In order for the Conference to be convened and its work organized successfully, a number of related matters must naturally be resolved, including the question of who would participate in it; clearly, however, these problems should be considered later, when practical steps have been taken to convene the Conference.

"The main task now is to eliminate artificial barriers to the convening of the International Peace Conference on the Middle East, and to bring about a situation in which everyone concerned, including the United States, would agree in principle to the convening of the Conference. The United Nations and its Secretary-General can indubitably contribute effectively to the achievement of general agreement on the need to achieve a comprehensive solution of the Middle East problem through collective efforts. This would create favourable conditions for the successful resolution of the problems of organizing and convening the Conference itself."

The Government of Israel, in its response (A/39/214-S/16507), stated that:

"Israel's position on this matter was clearly reflected in its vote against General Assembly resolution 38/58 C. As stated in Israel's explanation of vote before the vote (A/38/PV.95, p.47), the said resolution was

'...not the General Assembly's first attempt to undermine Security Council resolution 242 (1967) by setting guidelines that are incompatible with and contrary to that resolution. These guidelines would actually eliminate the carefully balanced meaning and intent of resolution 242 (1967). In fact, resolution 242 (1967) is, very significantly, not even mentioned at all in the draft resolution. The intent is clear. The sponsors of the draft resolution seek to eradicate the only viable resolution which has already proved its constructive value as the sole agreed-upon basis for a peaceful settlement of the Arab-Israeli conflict. Without a doubt, in keeping with the predetermined and biased course defined by the present draft resolution, the proposed conference would harm the chances for peace.'

"Moreover, General Assembly resolution 38/58 C also subsumes the decisions and recommendations of the 'International Conference on the Question of Palestine', held at Geneva in August-September 1983. Initiated and sponsored by the Palestine Committee, which is itself an instrument of the terrorist PLO within the General Assembly, that conference was dominated by the automatic majority against Israel within the United Nations and was the progenitor of the idea of the 'peace conference' proposed in resolution 38/58 C. It also served as a forum for the dissemination of anti-Israel propaganda.

"In the light of these facts, and of the consistency of Israel's position in this regard, Israel will not be a party to any conference dedicated to such purposes and objectives.

"I wish to reiterate on this occasion Israel's position that the sole path to a peaceful settlement in the Middle East is that of direct negotiations, based on Security Council resolution 242 (1967) - which has already proven effective in bringing about the Camp David accords and, through them, the Israel-Egypt Treaty of Peace of 26 March 1979. General Assembly resolution 38/58 C is contrary both to the Camp David accords and to Security Council resolution 242 (1967) on which they are based. Any serious attempt to advance the cause of peace in the Middle East - as distinct from the hollow propaganda exercise exemplified in resolution 38/58 C - must be initiated through direct negotiations based on Security Council resolution 242 (1967)."

The Permanent Observer of the Palestine Liberation Organization to the United Nations, on the instruction of W. Yasser Arafat, Chairman of the Executive Committee of the PLO, addressed a letter to the Secretary-General contained in document A/39/130/Add.I, annex in which he stated that: "We fully agree with you that the Governments which are directly involved in the Arab-Israeli conflict are Israel, Jordan, Lebanon and the Syrian Arab Republic, and that the Palestine Liberation Organization is also 'an authority' which is directly involved in the conflict. However, we do not understand where the provision for the agreement with the plan of action should be sought from the Council. Resolution 38/58 C only calls for consultation with the Security Council so that the Secretary-General may undertake preparatory measures to convene the Conference.

"Be that as it may, we completely disagree with the view expressed by the distinguished representative of the Government of the United States of America (see document [A/39/130 - S/16409](#), annex III, appendix) which considered the holding of an international conference as recommended by the General Assembly "would only hinder" the path to peace. It is clear that the Government of the United States explicitly plans to undermine and foreclose the option to a process within the framework of the United Nations. It may be recalled that the General Assembly, in its resolution 34/65 B, adopted on 29 November 1979, 'declared that the Camp David accords and other agreements 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.' President Reagan's initiative of 1 September 1982 precludes the exercise of the inalienable rights of the Palestinian people to self-determination and to the establishment of an independent, sovereign Palestinian State. Furthermore, it ignores completely the provisions of numerous Security Council resolutions calling for the withdrawal of Israel from all the territories occupied since 1967. The spirit of the letter of the representative of the Government of the United States of America indicates clearly that that permanent member of the Security Council rejects any process leading to a peaceful settlement.

I would like to recall that in his statement before the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1983, Chairman Arafat said the following:

"In this context, we wish to suggest to you the following ideas:

'(a) The Middle East is a very important and vital region with regard to the establishment of peace since it has a direct effect on the international situation as a whole. Consequently, that region must remain free from the monopoly of one power in the world, and free from balkanization and the threat of internal and external explosion;

'(b) the question Palestine and developed as a and Second of international conflicts before world wars and international, political complications

deriving from the changing and conflicting positions and balances of power in the world. Hence, the responsibility for the recovery of the rights of the Palestinian people is a wholly international responsibility within the framework of international legitimacy;

'(c) The Fez Summit resolutions constitute a unique opportunity for the achievement of the minimum degree of justice required. This opportunity for peace in the region, presented jointly by the Arab leaders at the Summit Conference, should not be wasted;

'(d) The exercise by the people of Palestine of their right to return, self-determination and national independence is the only basis for any peace based on justice in the Middle East;

'(e) Failure to deter the Zionist military aggressive mentality and the continuation of unlimited United States support for this barbaric military machine contradict any advocacy of international peace;

'(f) In the light of these principles we are struggling for peace and reject the American-Israeli policies calling upon us to capitulate;

'(g) In the light of these principles we welcome all peace initiatives based on the recognition of the rights of our people. We are ready to co-operate with all forces, and primarily the United Nations, and its agencies, within the framework of international legitimacy and their resolutions concerning the question of Palestine. In this connection, we are calling for an international conference, under the auspices of the United Nations, in which the two super-Powers would participate with the rest of the parties concerned, on the basis of the United Nations resolutions relating to the question of Palestine.' The Government of the Syrian Arab Republic, in its response (A/39/416-S-16708), stated that:

"The Syrian Arab Republic has always supported, and continues to support, the role of the United Nations in matters relating to the maintenance of international peace and security and the settlement of international disputes in accordance with the provisions of the Charter and the principles of international justice and international law, in particular the principle of non-acquisition of territory by force and of the right of peoples to self-determination. "It is on this basis that the Syrian Arab Republic agreed to Security Council resolution 338 (1973), affirming, in document A/9250-S/11040 and Corr.1, dated 23 October 1973, that in its view the resolution contained two essential elements, namely:

"(a) the complete withdrawal of Israeli forces from all Arab territories occupied in, and subsequent to, June 1967;

"(b) the guarantee of the legitimate national rights of the Palestinian people, in accordance with United Nations resolutions.

"In accordance with these convictions, which reflect the wishes of the international community, the Syrian Arab Republic supported General Assembly resolution 38/58 C, dated 13 December 1983, calling for the convening of an international peace conference on the Middle East under the auspices of the United Nations and with the participation of all parties concerned, including the Palestine Liberation Organization, on an equal footing with other parties in order to attain a just and comprehensive settlement of the question of the Middle East that would guarantee that Israel evacuated all the Arab territories occupied since 1967 and ensure the realization of the inalienable national rights of the Palestinian people, including the right to return, the right to self-determination and the right to establish its own independent State in its national territory.

"The events that have occurred in the Middle East region have demonstrated that partial and piecemeal solutions cannot lead to the establishment of a comprehensive, just and durable peace in the region. The situation has become even more complex and explosive and Israel is committing one aggression after another without hindrance and in defiance of the United Nations Charter and international law.

"It is now clear that the policy of force and fait accompli which Israel has been pursuing, with the unlimited support of the United States of America, is the main obstacle to the conclusion of a just and comprehensive peace in the region.

"The Syrian Arab Republic reaffirms its wholehearted support for General Assembly resolution 38/58 C, dated 13 December 1983, concerning the convening of an international peace conference on the Middle East and pays tribute to the efforts made by the Secretary-General in that area. It also expresses its support for the Soviet proposals of 29 July 1984 whereby the Syrian Government again declared that it was ready to contribute, in accordance with the above-mentioned principles, so that a just and comprehensive peace might be attained in the region."

In his reply (A/39/238-S/16543) dated 9 May 1984, the Permanent Representative of Jordan stated that:

"The Jordanian Government is of the opinion that convening an international conference on peace in the Middle East as envisaged in General Assembly resolution 38/58 C is an idea worth pursuing. This position emanates from Jordan's long-established policy of seeking to explore avenues that could lead to the establishment of a just, comprehensive and lasting peace in the Middle East. It also rests on Jordan's conviction that the United Nations is the proper forum for attempting to resolve outstanding international disputes through negotiations.

. . . .

"The Jordanian Government is of the opinion that terms of reference for the Conference should stem from the principles and rules of international law applicable to the issues before the Conference. Specifically, such terms of reference should include the principle of the inadmissibility of the acquisition of territory by force, which is a fundamental principle in relations among States, besides being a just and cogent rule of international law. Thus, the Jordanian Government believes that Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 should provide terms of reference for the Conference."

The Government of Lebanon, in its reply (A/39/275-S/16584) stated that it had voted in favour of all the resolutions adopted by the General Assembly concerning the question of the Middle East, including resolution 38/58 C, stating that:

"Among the firm principles in which Lebanon believes is the principle of respect for the right of peoples to self-determination. Accordingly, Lebanon favours enabling the Palestinian people to exercise its right to self-determination, without which step there will be no peace in the Middle East region.

"The Lebanese Government, wishing to assist in ensuring the climate necessary for the successful convening of this conference, in order that its proposed objective may be attained, has agreed to participate in it, within the limits of the following concepts:

"1. Lebanon is host to a large number of Palestinian refugees, who await a just solution to their problem in accordance with United Nations resolutions. Consequently, it is concerned with any effort made to attain this goal.

"2. Lebanon's agreement to participate in this conference stems from the fact that it is a country concerned with the resolution of the conflict in our region, because it has many times been exposed to problems, acts of aggression and occupation without having been responsible for any act that might give rise to phenomena such as those to which it has been exposed. It therefore grasps any opportunity which might bring about a just and comprehensive solution in the region.

"3. Lebanon considers that the General Armistice Agreement concluded in 1949 is the legal text governing Lebanese-Israeli relations, as is stressed in Security Council resolutions 270 (1969), 332 (1973), 337 (1973), 450 (1979), 459 (1979), 467 (1980), 474 (1980), 483 (1980), 498 (1981), and 501 (1982)."

The Government of Egypt, in its reply dated 27 April 1985 (A/39/219-S/16512 and Corr. 1), stated that Egypt voted in favour of resolution 38/58 C.

Egypt believes that:

"the legislative authority for the conference may be inferred from two documents-of the International Conference on the Question of Palestine and from General Assembly resolution 38/58 C, namely:

The provisions of the United Nations Charter;
General Assembly resolutions relating to the question of Palestine;
The principles of international law.

. . . .

"Believing in the justice of the Palestinian cause and the legitimacy of the inalienable rights of the Palestinian people, in particular their right to self-determination and to establish their independent State in Palestine, and in the responsibility of all States to respect these rights; convinced of the need for the complete withdrawal of Israeli forces from all occupied Arab lands in the West Bank, including Jerusalem, and in the Gaza Strip and the Golan Heights, in accordance with the principle of the inadmissibility of the acquisition of territory by force; realizing the great importance of the time factor in this context, Egypt believes that the convening of an international peace conference on the Middle East would constitute a major turning-point on the path towards the achievement of a comprehensive, just and lasting solution to the problem of the Middle East and its core, the problem of Palestine, within a framework of faithful observance of reciprocal rights and obligations under the Charter of the United Nations, the relevant resolutions of the United Nations, the norms of international law and international covenants and pacts.

"The Government of Egypt calls upon the Secretary-General to hold the appropriate consultations and to exert every effort to ensure the participation of the parties to the conflict and to afford suitable arrangements and conditions for the conduct of constructive negotiations within the framework of the United Nations, with the aim of achieving a just and lasting peace in the Middle East."

Proposals by the Soviet Union on a Middle East settlement

On 29 July 1984, wishing to contribute to the establishment of peace in the Middle East, the Union of Soviet Socialist Republics put forward a proposal (contained in document A/39/368-S/16685) on a Middle East settlement and the ways of realizing it.

"1. The principle of the inadmissibility of the capture of foreign lands through aggression should be strictly complied with. Accordingly all the territories occupied by Israel since 1967...should be returned to the Arabs. The settlements established by Israel in the Arab territories after 1967 should be dismantled. The borders between Israel and its Arab neighbours should be declared inviolable.

"2. Action must be taken to guarantee in practice the inalienable right of the Palestinian people, whose sole legitimate representative is the Palestine Liberation Organization, to self-determination and to establish its own independent State on the Palestinian lands which will be freed from Israeli occupation on the West Bank of the River Jordan and in the Gaza Strip. As envisaged by the decision of the Arab Summit Conference held at Fez, and with the consent of the Palestinians themselves, the West Bank of the River Jordan and the Gaza Strip can be handed over by Israel for a short transitional period, not exceeding a few months, under United Nations supervision.

"Following the creation of an independent Palestinian State, it will naturally, by virtue of the sovereign rights inherent in every State, itself determine the nature of its relations with neighbouring countries, including the possibility of forming a confederation.

"The Palestinian refugees should be given the opportunity envisaged by United Nations decisions to return to their homes or receive appropriate compensation for the property left behind by them.

"3. East Jerusalem, which was occupied by Israel in 1967 and which is the site of one of the main Muslim shrines, should be returned to the Arabs and become an inalienable part of the Palestinian State. Freedom of access of believers to the Holy Places of the three religions should be ensured throughout Jerusalem.

"4. The right of all States in the region to secure and independent existence and development should be effectively guaranteed, with, of course, full reciprocity, as the genuine security of some cannot be ensured by violating the security of other.

"5. An end should be put to the state of war, and peace should be established between the Arab States and Israel. This means that all the parties to the conflict, including Israel and the Palestinian State, should commit themselves to honour each other's sovereignty, independence and territorial integrity, and to resolve by peaceful means, through talks, the disputes that have arisen.

"6. International guarantees of the settlement should be drawn up and adopted; the role of guarantor could be assumed, for example, by the permanent members of the United Nations Security Council or by the Security Council as a whole. The Soviet Union is ready to participate in such guarantees.

Ways of reaching a settlement

"Experience has most convincingly demonstrated the futility and at the same time the danger of attempts to solve the Middle East problem by forcing on the Arabs various kinds of separate deals with Israel.

"The only right and effective way of ensuring a radical solution to the Middle East problem is through collective efforts with the participation of all parties concerned, in other words, through talks within the framework of an international conference on the Middle East specially convened for the purpose.

"In the opinion of the Soviet Union, in convening such a conference the following provisions must be taken as a guide.

"Aims of the conference: The objective of the conference should be to find solutions to all aspects of a comprehensive Middle East settlement.

"The outcome of the conference's work should be the signing of a treaty or treaties embracing the following organically interlinked components of a settlement: withdrawal of Israeli troops from all the Arab territories occupied since 1967; implementation of the legitimate national rights of the Arab people of Palestine, including its right to the creation of its own State; establishment of a state of peace and ensuring security and independent development of all the States parties to the conflict. Simultaneously, international guarantees of compliance with the terms of such a settlement should be drawn up and adopted. All the understandings reached at the conference should constitute an integral whole approved by all of its participants.

" Participants: All the Arab States having a common border with Israel, i.e. Syria, Jordan, Egypt and Lebanon, and Israel itself, should have the right to participate in the conference.

"The PLO should be an equal participant in the conference, as the sole legitimate representative of the Palestinian people. This is a matter of principle as a Middle East settlement cannot be attained unless the Palestinian problem is solved, and it cannot be solved without the participation of the PLO.

"The USSR and the United States of America should also participate in the conference, as States which play, by force of circumstances, an important role in the Middle East affairs and were co-chairmen of the preceding conference on the Middle East.

"The participants in the conference might also, subject to general consent, include certain other States of the Middle East and adjacent regions which are capable of making a positive contribution to the settlement of the Middle East problem.

" Organization of the work of the conference: Like its predecessor, the new conference on the Middle East should be held under the auspices of the United Nations.

"The conference's main working procedure could be working groups (commissions) established, with a membership comprising representatives of all the participants in the conference, to examine key issues of a settlement (withdrawal of Israeli troops and the course of the frontiers; the Palestinian problem and the question of Jerusalem; an end to the state of war and the establishment of peace; the problem of the security of those States which participated in the conflict; international guarantees of compliance with the understandings, etc.).

"If necessary, bilateral groups could also be set up to work out the details of understandings affecting only the two countries concerned.

"To examine the 'results of the working groups' (commissions) activities, and when necessary in other cases, plenary meetings would be held at which, with the common consent of all the participants in the conference, its decisions would be endorsed.

"In the initial stage of the conference's work, the States participating in its could be represented by ministers for foreign affairs, and subsequently by specially designated representatives; when necessary the ministers could periodically take part also in the further work of the conference."

Report of the Secretary-General of 13 September 1984

From the replies received and the discussions held with the Governments and authorities concerned, the Secretary-General, in his report (A/39/130/Add.I-S/16409/Add.I), stated that,

"...it is evident that the convening of the proposed conference would require, in the first place, the agreement in principle of the parties directly concerned to participate in the conference, and also that of the two States specifically mentioned in General Assembly resolution 38/58 C, namely the United States and the USSR. Once such agreement exists, further consideration could more constructively be given to finalizing other related issues, such as the full list of participants, the date of the conference and an agenda acceptable to all concerned. At present, however, it is clear from the replies of the Governments of Israel (A/39/214-S/16507) and the United States of America (A/39/130-S/16409, annex III) that they are not prepared to participate in the proposed conference."

General Assembly resolution 39/49 D of 11 December 1984

" Recalling General Assembly resolution 38/58 C of 13 December 1983, in which it, inter alia, endorsed the convening of the International Peace Conference on the Middle East,

" Reaffirming paragraph 5 of General Assembly resolution 38/58 C, in which it requested the Secretary-General to undertake preparatory measures to convene the Conference,

" Having considered the reports of the Secretary-General of 13 March and 13 September 1984, in which he stated that, inter alia, "it is clear from the replies of the Governments of Israel and the United States of America that they are not prepared to participate in the proposed Conference."

" Reiterating its conviction that the convening of the Conference would constitute a major contribution by the United Nations towards the achievement of a comprehensive, just and lasting solution to the Arab-Israeli conflict,

"1. Takes note of the reports of the Secretary-General;

"2. Reaffirms its endorsement of the call for convening the International Peace Conference on the Middle East in conformity with the provisions of General Assembly resolution 38/58 C;

"3. Expresses its regret at the negative response of the two Governments and calls upon them to reconsider their position towards the Conference;

- "4. Urges all Governments to make additional constructive efforts and to strengthen their political will in order to convene the Conference without delay and for the achievement of its peaceful objectives;
- "5. Requests the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference and to report thereon to the General Assembly not later than 15 March 1985;
- "6. Decides to consider at its fortieth session the report of the Secretary-General on the implementation of the present resolution."

Pursuant to the request contained in the above resolution, the Secretary-General in a letter dated 8 January 1985 addressed to the President of the Security Council stated that as a first step, he should seek the views of the Security Council on the action to be taken for the implementation of the above-mentioned resolution.

On 26 February 1985, in his reply, the President of the Security Council, stated that, having held talks with all members of the Security Council, "it is clear from these consultations that almost all members are in favour of the principle of holding such a conference. Many of these members feel that the conditions that would make it possible to convene such a conference have not been met as yet."

PLO-Jordan agreement

On 11 February 1985, an agreement was signed between the Jordanian Government and the PLO. The principles of the agreement are as follows:

1. Total withdrawal from the territories occupied in 1967 for comprehensive peace as established in the United Nations and Security Council resolutions;
2. Right of self-determination for the Palestinian people: Palestinians will exercise their inalienable right of self-determination when Jordanians and Palestinians will be able to do so within the context of the formation of the proposed confederated Arab States of Jordan and Palestine;
3. Resolution of the problem of Palestinian refugees in accordance with United Nations resolutions;
4. Resolution of the Palestine question in all its aspects;
5. And on this basis, peace negotiation will be conducted under the auspices of an international conference in which the five permanent members of the Security Council and all the parties to the conflict will participate, including the Palestine Liberation Organizations the sole legitimate representative of the Palestinian people, within a joint delegation (joint Jordanian-Palestinian delegation).

Communiqué from the Extraordinary Summit Conference of Arab States, Casablanca, 7-9 August 1985 5/

The Extraordinary Summit Conference of Arab States noted that, according to the explanations provided by His Majesty King Hussein and Mr. Yasser Arafat, the Jordanian-Palestinian initiative was in harmony with the Fez Plan.

The Conference stressed the need for continued collective Arab commitment to the spirit and principles of the resolution of the Fez Summit. The Conference reaffirmed its previous resolutions on the question of Palestine, its support for and endorsement of the PLO, the sole legitimate representative of the Palestinian Arab people, and its backing for it in its efforts to guarantee the inalienable national rights of the Palestinian people.

It further affirmed the right of the Palestinian people to national self-determination and the impermissibility of any outside body interfering in its internal affairs. The Conference considered that the convening of an international conference within the United Nations framework with the attendance and participation of the Soviet Union, the United States, and the other permanent members of the Security Council, as well as the PLO, the sole legitimate representative of the Palestinian people, and the other parties concerned, would help to bring about peace in the Arab region.

Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, 1985

In its recommendations, the Committee contended that action was now required by the Security Council to take positively into account the recommendations of the Committee, and those adopted by consensus at the International Conference on the Question of Palestine, held at Geneva in September 1983 and endorsed by General Assembly resolution 38/58 C. It once again recalled that those recommendations were solidly founded on fundamental and internationally recognized principles relating to the problem of Palestine, the core of the Arab-Israeli conflict.

The Committee pointed out that the question of Palestine had reached a critical phase and urged a renewed, concentrated and collective effort to find a just solution under United Nations auspices and, on the basis of relevant United Nations resolutions, to end the unacceptable plight of the Palestinian people.

To that end, the Committee was convinced that the International Peace Conference on the Middle East, as endorsed by General Assembly resolution 38/58 C, and generating quasi-unanimous support, provided a comprehensive opportunity for all the parties concerned to participate in negotiations which should lead to a just and lasting solution of the question.

Report of the Secretary-General of 22 October 1985

In his report on the situation in the Middle East (A/40/779-S/17581), the Secretary-General stated that during the period under review, he had pursued his contacts with the parties to the Middle East conflict and with others concerned regarding the search for a peaceful settlement, including the convening of an international conference, as recommended by the General Assembly.

In that connection, the Government of Jordan had informed the Secretary-General of an agreement reached by King Hussein and Chairman Arafat of the

PLO on 11 February 1985. The Government of Jordan kept the Secretary-General informed of the efforts undertaken subsequently by King Hussein to bring about negotiations under the auspices of an international conference, with the participation of the five permanent members of the Security Council and all the parties to the conflict. In this connection, it emphasized that the international conference should be within the framework of the United Nations.

The Secretary-General observed that the General Assembly had renewed (in 1984) its call for an International Peace Conference on the Middle East and that King Hussein of Jordan had launched the peace initiative mentioned above, but that efforts undertaken in both cases had not so far achieved the desired results.

The Secretary-General continued to believe that the Middle East conflict could ultimately be fully resolved only by a comprehensive settlement covering all its aspects and involving all the parties concerned, and that such a settlement could best be achieved within the framework of the United Nations. The support of the major Powers, especially the USSR and the United States, was essential for any lasting settlement.

The Secretary-General observed in his report, that while the positions of the various parties to the Middle East conflict remained far apart, there was general acceptance of Security Council resolution 242 (1967) which spelled out two important principles for a settlement in the Middle East, namely, the withdrawal of Israeli forces from occupied territories and, secondly, respect and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries. In addition to those two principles, there was also a wide measure of agreement that in any settlement there must be a satisfactory resolution of the Palestinian problem based on the recognition of the legitimate rights of the Palestinian people, including self-determination.

During recent years, a number of peace proposals had been put forward by individual Governments or groups of Governments. They included the proposals made by President Reagan of the United States on 1 September 1982, the Declaration adopted by the Twelfth Arab Summit Conference at Fez on 9 September 1982, the proposals of the Soviet Union dated 15 September 1982 and 29 July 1984, as well as King Hussein's peace initiative, mentioned earlier in the report and which was based on an agreement concluded on 11 February 1985 by him and the Chairman of the PLO. Although those proposals for various reasons had so far been unacceptable to one or another of the parties concerned, they all contained important elements that could contribute to the formulation of a common approach.

In commenting on the difficulties encountered in his efforts towards the convening of an international peace conference as called for by the General Assembly, the Secretary-General indicated that he had suggested on several occasions that the machinery of the Security Council should be used to enhance the search for a settlement in the Middle East. The Council had a major and universally recognized responsibility for this complex and potentially explosive problem and could play a vital role in the evolution of a just and lasting settlement. Other avenues of the United Nations could also be explored to provide the possibilities that the search for a lasting peace would require.

The Secretary-General was aware of the many difficulties facing this endeavour. Its success would depend on the agreement and co-operation of the major Powers without which the machinery of the United Nations could not be used effectively. It would also require that the parties directly concerned be willing to make the necessary accommodations and adjustments without which no progress was possible.

The Secretary-General observes further that in his contacts with leaders of the parties concerned, he had gained the impression that they were fully conscious of the urgency of finding an agreed settlement of this most complex problem and of the dangers that further delay could entail for their region and beyond. He also noted that although their respective positions on the basic issues remained far apart, there had been some signs of flexibility as regards the negotiating process. He continued to believe that it would be possible to work out a generally acceptable procedure which would enable the parties to embark on a negotiating process if a determined effort were made by all concerned with the full support of other Governments in a position to help. He strongly felt that, despite the existing difficulties, a new and determined effort should be made to explore and to use the various possibilities of the United Nations machinery appropriately to promote progress in the peace process in the Middle East.

General Assembly resolution 40/96 D of 12 December 1985

At its fortieth session the General Assembly, reiterating once again its conviction that the convening of an international peace conference would constitute a major contribution by the United Nations towards the achievement of a comprehensive, just and lasting solution to the Arab-Israeli conflict, reaffirmed its endorsement of the call for convening the Conference and called upon the Governments of Israel and the United States to reconsider their position towards the attainment of peace in the Middle East through the convening of the conference.

Report of the Secretary-General of 14 March 1986

In pursuance of General Assembly resolution 40/96, paragraph 6, the Secretary-General addressed a letter to the President of the Security Council on the question of the convening of an international peace conference on the Middle East stating that:

"In light of the debate of the General Assembly on the above resolution and other available information, I believe that the obstacles which have so far prevented the convening of the international peace conference on the Middle East, as called for by the General Assembly, still exist. However, I also believe that the observations contained in my report of 22 October 1985 remind valid."

In his reply, the President of the Security Council, having consulted the members of the Council, stated:

"Members remain concerned by the situation in the Middle East. It is clear from these consultations that almost all members are in favour of the principle of holding such a conference. The majority of these members feel that it should be convened as early as possible. Others consider that the conditions for the success of this conference do not yet exist and feel that new efforts should be made in this respect."

"In this context, members of the Council invite the Secretary-General to continue his efforts and consultations on the subject in the light of General Assembly resolution 40/96 D."

1/ The Camp David Accords were signed by Egypt and Israel and were witnessed by the United States on 17 September 1978. They invited other parties to the Arab-Israeli conflict to adhere to the agreement. The negotiations for the West Bank and Gaza were to be based on the provisions and principles of Security Council resolution 242 (1967).

The agreement stipulates that a self-governing authority should be established in the West Bank and Gaza. Egypt, Israel and Jordan should agree on the powers and responsibilities of that authority. The delegations of Egypt and Jordan may include Palestinians from the West Bank and Gaza or other Palestinians, as mutually agreed. The self-governing authority would exercise its power for a transitional period of five years. Not later than the third year of the transitional period, negotiations would take place between the parties to determine the final status of the West Bank and Gaza.

The agreement also states that the solution from the negotiations must also recognize the legitimate rights of the Palestinian people and its just requirements.

2/ The New York Times, 2 September 1982.

3/ A/37/457-S/15403

4/ Now known as Burkina Faso.

5/ A/40/564

APPROACHES FOR THE PRACTICAL ATTAINMENT OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

Corrigendum

Page 17, second paragraph

For "Our proposal for convening an international conference on the Middle East, which has received widespread support." read "bur proposal for convening an international conference on the Middle East, which has received widespread support, makes provision for just such a means of settlement."

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