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SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. RODRIGUEZ-MEDINA (Colombia)

Later: Mr. STARČEVIĆ (Yugoslavia)

CONTENTS

AGENDA ITEM 69: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES (continued)

AGENDA ITEM 71: COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS (continued)

AGENDA ITEM 75: ISRAEL'S ACTION TO BUILD A CANAL LINKING THE MEDITERRANEAN SEA TO THE DEAD SEA (continued)

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The meeting was called to order at 3.35 p.m.

AGENDA ITEM 69: REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED TERRITORIES: REPORTS OF THE SECRETARY-GENERAL (continued) (A/SPC/38/L.35)

1. Mr. MANSOUR (Observer, Palestine Liberation Organization) informed members of the Committee that, according to a message he had just received from the International Committee of the Red Cross, Israel had refused to release Ziyad Abu Ein although his name was on the list of prisoners who were to be exchanged pursuant to the agreement concluded between the Palestine Liberation Organization and the Israeli Government. The International Committee of the Red Cross had said that the prisoner exchange would not be completed until Ziyad was freed and had sent its representative to Tel Aviv to speed up his release.
2. In addition, a member of the Knesset had asked that an investigation be carried out into Ziyad's kidnapping. The Zionist leaders of Israel had not only refused to accede to the request but had even deleted all traces of the statement from the record of the Knesset, an action which was completely contrary to existing procedure and demonstrated clearly that they feared the reaction of the Israeli people to that latest example of piracy.

AGENDA ITEM 71: COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS: REPORT OF THE SPECIAL COMMITTEE ON PEACE-KEEPING OPERATIONS (continued) (A/SPC/38/L.46)

3. Mr. SHEHATA (Egypt), introducing draft resolution A/SPC/38/L.46 on behalf of the sponsors, recalled that the work of the Special Committee on Peace-Keeping Operations had remained deadlocked for five years because of lack of consensus even on procedural matters and because of lack of the necessary political will on the part of some members. However, during the discussion in the Committee on the comprehensive review of the whole question of peace-keeping operations in all their aspects, the overwhelming majority had succeeded in not only overcoming the stalemate but also in presenting, for the first time since 1978, a substantive resolution on the matter, reflecting objectively and honestly the common interests and concerns of the vast majority of members of the Committee, in accordance with the mandate of the Special Committee.
4. The sponsors had refrained from reproducing entire sections of the earlier resolutions or from submitting a new procedural resolution, as that would have been tantamount to signing the death warrant of the Committee of 33 instead of giving it a new lease on life. The draft resolution before the Committee was the product of long consultations and negotiations among the countries which provided troop contingents, the host countries and other major parties with special interests in the matter. It represented the minimum common denominator among the countries consulted, although some delegations had unfortunately objected to a number of questions of principle. The vast majority of non-aligned countries which had been consulted on the text supported it.

(Mr. Shehata, Egypt)

5. Any draft resolution on peace-keeping operations must take account of two fundamental issues, the prerequisites for the effective functioning of peace-keeping operations and the serious financial situation of the peace-keeping forces - the latter was the *raison d'être* of the Committee of 33. Of course, ideally agreement would be reached by consensus, but the sponsors of the draft resolution were not prepared to make any sacrifice in order to reach that ideal, especially if it meant postponing the adoption of a resolution on the subject year after year.

6. After drawing the attention of the members of the Committee to the main points of the draft resolution, he invited them to vote for the document, which was in keeping with the spirit and letter of the Charter, and thus fulfil their obligations and responsibilities in respect of the maintenance of international peace and security.

7. Mr. SMIRNOV (Union of Soviet Socialist Republics) expressed regret at being unable to support draft resolution A/SPC/38/L.46. It was essential, both on the political and on the practical level, to reach a general agreement on the question of recourse to armed force on behalf of the United Nations and his delegation had always maintained that it was necessary to complete the drafting of agreed guidelines to govern the conduct of the Organization's peace-keeping operations in accordance with the Charter, for the only way to achieve fruitful results was to follow the path traced by the Charter and to seek, through concerted efforts, to reconcile the viewpoints of all Member States.

8. It was disappointing to see that the sponsors of the draft resolution had chosen another path even though seeking to impose a unilateral approach which departed from the Charter could lead only to a stalemate: that was what had happened in 1978, at the thirty-third session of the General Assembly, when attempts had been made to force adoption of a resolution over the objections of a number of delegations and without regard for the principle of consensus.

9. Draft resolution A/SPC/38/L.46, introduced by some major countries, took no account of the fact that the small countries needed the United Nations to guarantee them dependable protection, totally distorted the mandate of the Special Committee on Peace-Keeping Operations and was therefore doomed to failure. He condemned the attitude of those who sought deliberately to substitute their own operations for the peace-keeping operations of the United Nations whose success could be assured only by a decision based entirely on the Charter. Only through fruitful negotiations, patience and good sense could consensus be reached on an issue which was of vital importance both for the Member States and for the Organization itself.

10. Mr. NOWAK (Poland) said that, in submitting draft resolution A/SPC/38/L.46, the representative of Egypt had referred to the consultations with a large number of countries, particularly with the countries which were taking part in peace-keeping operations: he wished to state officially that his delegation had not been consulted even though Poland was participating in those operations. He would comment on the substance of the matter in due course.

11. Mr. LOGOGLU (Turkey) said that draft resolution A/SPC/38/L.46 was very important to his delegation. He would have to study it very carefully for the sponsors had not consulted his delegation. He reserved the right to submit comments in due course.

12. Mr. CHAMMAS (Lebanon) said that he had not seen the text of the draft resolution before and he had been able to read it through only very quickly. However, he was astonished to see that paragraph 2 recommended that the Secretary-General should continue to use his functions in accordance with the Charter to promote the peaceful settlement of disputes, particularly in those areas where the United Nations peace-keeping forces were stationed. If the General Assembly was recommending that the Secretary-General should do what was incumbent upon him by the nature of his functions, that implied either that he was not performing them properly or that he had to await the Assembly's instructions before doing so; that would lead to delays in the execution. He therefore proposed that operative paragraph 2 of the draft resolution should be deleted. He would inform the sponsors during the informal consultations of his views on the other paragraphs.

13. Mr. MIKUS (Hungary) said he wished to point out that his delegation had not been consulted on the draft resolution, even though Hungary was a member of the working group of the Special Committee.

AGENDA ITEM 75: ISRAEL'S DECISION TO BUILD A CANAL LINKING THE MEDITERRANEAN SEA TO THE DEAD SEA: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/502 and Add.1; A/SPC/38/L.45 and L.47)

14. Mr. MANSOUR (Deputy Permanent Observer for the Palestine Liberation Organization) said that the report of the Secretary-General on the canal project conceived by Israel to link the Mediterranean Sea to the Dead Sea (A/38/502) was very clear in terms of the illegality of such an undertaking and its adverse economic impact.

15. It could therefore be seen once again that Israel posed a continuous threat to its Arab neighbours and that the Zionist régime sought to annex the occupied territories once and for all. The canal project was a very elaborate undertaking conceived to serve the Israeli economy. One could therefore suppose that Israel had clearly decided to exploit the canal for a long time to come, which meant that it had no intention of withdrawing from the Gaza Strip. The canal would also facilitate the diversion of the waters of the Jordan, which would deprive thousands of Palestinian farmers of their livelihood. The only conclusion to be drawn was that Israel fully intended to remain on the West Bank. It was already dealing with the occupied territories as if they were private Israeli property.

16. The construction of the canal would have disastrous consequences from the economic and social points of view for the Palestinians in the Gaza Strip: confiscation of more land, displacement of the population and farmers deprived of their livelihood. The repercussions would be equally devastating for the Palestinians on the West Bank, particularly those in the Jordan valley. However, that was exactly the objective of the Zionist rulers, who hoped that if it was made ever more difficult, politically and economical, for the Palestinians, the latter would prefer to leave the occupied territories once and for all.

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(Mr. Mansour, Deputy Permanent
Observer, PLO)

17. However, the Zionists were not content with the illegal annexation of the occupied Palestinian territories. They were also attempting to change the demographic make-up by multiplying their colonies in order to convert all of Palestine into a purely Jewish State, their old dream, a racist ideology which recalled Hitler's dream of a Europe purified of Jews. In Jordan too the construction of the canal would have serious economic and political effects because that country, like all the Arab States of the region, would be even more threatened by the expansionism of the Zionist State.

18. Israel was trying desperately to break the will of the heroic Palestinian people by any means, with that racist and fascist spirit which was inherent in Zionism. However, they would not succeed. Since armed struggle was the only language those new Nazis understood, the Palestinians had no other choice but to intensify the struggle. Israel, and its principal paymaster, United States imperialism, would eventually give in to the determination of a people which, supported by nearly all the countries of the world, refused to allow itself to be exterminated or to live on its knees. Then the Palestinian people would be able to exercise its inalienable rights as a nation and return to its ancestral homeland to form an independent State under the leadership of the Palestine Liberation Organization, its sole legitimate representative.

19. For its part, the United Nations, and in particular the Security Council, must take adequate measures to force Israel to comply with the many resolutions which the international community had adopted on the question of the Middle East and the question of Palestine in particular. It was the duty of all Member States to associate themselves with the movement against Israel. The latter saw itself as predestined to dominate the entire region. It had proven that by remaining not only in the Palestinian territories but also in certain parts of Egypt, Syria and Lebanon. It was therefore a threat to the peace and security of the region and even to the rest of the world. However, it was not enough to recognize that threat - action must be taken to put an end to it.

20. Mr. FLEISCHHAUER (Under-Secretary-General for Legal Affairs, Legal Counsel) said that, at the meeting the day before, the representatives of the Syrian Arab Republic, the Libyan Arab Jamahiriya and Jordan had expressed strong reservations about the distribution, as an addendum to the report of the Secretary-General, of the information provided by Israel on the question of the Dead Sea canal.

21. The Assistant Secretary-General for Special Political Affairs had already explained to the Committee the principles which guided the Secretariat in the preparation and distribution of reports to the General Assembly. When the Secretary-General was requested by the Assembly to prepare a report on a given subject under a given resolution, he and his staff must seek from the party or parties concerned all available information relevant to the provisions of the resolution and bring it to the attention of the General Assembly in an appropriate form.

22. The General Assembly itself had on many occasions underscored the importance of obtaining information from the Governments concerned. The draft resolution on

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(Mr. Fleischhauer)

the assassination attempts against the mayors of Nablus, Ramallah and Al Bireh (A/SPC/38/L.42), which had been adopted by the Committee the day before, was a recent example. In accordance with that draft resolution, the General Assembly would demand once again that Israel inform the Secretary-General of the results of the investigations relevant to the assassination attempts and would request the Secretary-General to submit a report on the subject to it at its thirty-ninth session.

23. With respect to the question of the Dead Sea canal, it seemed essential that the General Assembly should also receive the information provided by Israel on the subject, since the core of the problem to be considered by the General Assembly was the decision of the Israeli Government to build a canal linking the Mediterranean Sea to the Dead Sea, as explicitly indicated in General Assembly resolutions 36/150 and 37/122.

24. In that connection, it seemed that the main point of controversy was the way in which that information had been conveyed to the Assembly. It had been suggested that the Secretary-General should not have had it distributed as an addendum to his report and that if the Israeli Government had wanted it circulated, it could have so requested. The fact was that that information had been provided by the Government of Israel at the request of the Secretary-General within the framework of the implementation of General Assembly resolution 37/122. In view of his reporting responsibility under that resolution, the Secretary-General had felt obliged to bring the information to the attention of the General Assembly. The most appropriate way of doing so had been within the context of the report on the item, and since that report had already been completed, the letter from the Israeli Government had been reproduced as an addendum thereto. As had already been pointed out, the distribution of information provided by Israel in no way implied that the Secretary-General supported or endorsed its contents. That procedure was the standard one followed on many occasions and would naturally be followed with respect to any information received from other parties concerned.

25. The letter dated 9 June 1983 addressed by the Secretariat to the Israeli Government was therefore within the context of General Assembly resolution 37/122. The reply from the Israeli Government dated 8 August 1983 had been received after the report prepared by the experts had been completed. The fact that the reply of the Israeli Government had been published was therefore without prejudice to the position of the group of experts on its contents and did not imply any judgement as to those contents.

26. The Secretary-General regretted any misunderstanding which might have arisen and hoped that it would be cleared up by the explanation given. He wished to assure the Committee of his determination to co-operate fully with it in the performance of its important task.

27. Mr. BURAYZAT (Jordan) said that his delegation was among those which had been troubled by the status of document A/38/502/Add.1, concerning which the Legal Counsel had just given clarifications. He had listened to those clarifications with great attention and would communicate them to his Government. He nevertheless

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(Mr. Burayzat, Jordan)

wished to point out once again that the mandate given to the Secretary-General by the General Assembly was set out in paragraph 5 of resolution 37/122, which stated that the Secretary-General was requested to monitor and assess, through a competent expert organ, all aspects of the adverse effects of the implementation of the Israeli project.

28. The CHAIRMAN said that he understood Jordan's position. Nevertheless, in order to break the deadlock, he suggested that a second addendum to document A/38/502 should be issued in which the reasons for the initial misunderstanding would be clearly explained, as had been done by the representative of the Secretary-General. He urged delegations, in particular that of Jordan, to support his suggestion.

29. Mr. ABOUCHAER (Syrian Arab Republic) thanked the Legal Counsel for his explanations, but said that his delegation did not find them convincing and therefore could not accept them.

30. According to the Legal Counsel, the information contained in A/38/502/Add.1 had been provided by the Israeli authorities at the request of the Secretary-General pursuant to the provisions of resolution 37/122. Nowhere in that resolution, however, was it said that the Secretary-General should solicit information from the Israeli Government or any other Government. He was simply requested to send a competent expert organ to assess, on the spot, all aspects of the adverse effects of the Israeli project. Israel had refused to receive that organ, a fact which should have been explicitly stated in the report of the experts.

31. Israel, or any other Member State, incontestably had the right to circulate any information it saw fit. His delegation, however, could not concede, as the Legal Counsel had affirmed, that the most appropriate way for the Secretary-General to bring such information to the attention of the General Assembly was within the context of his report. It would have been preferable for it to have been contained in a separate document, and Syria requested that it should be stricken from the report.

32. The Legal Counsel had also made a comparison between resolution 37/122 and draft resolution A/SPC/38/L.42 which had been adopted by the Committee on the previous day and in which the General Assembly demanded that Israel inform the Secretary-General of the results of the investigations relevant to the assassination attempts against the Mayors of Nablus, Ramallah and Al Bireh. There again, in resolution 37/122 it had not been a question of requesting information from Israel but of establishing an organ which would itself be entrusted with the task of gathering whatever information it deemed appropriate. The only point of similarity between the two resolutions was that their implementation required the co-operation of Israel, a co-operation which it had in both cases obstinately refused. The issuance of the information in question in the form of an addendum to the report could only be interpreted as an attempt to conceal the refusal of Israel to receive the group of experts.

(Mr. Abouchaer, Syrian Arab Republic)

33. Finally, the Legal Counsel had stated that the circulation of the information provided by Israel did not in any way imply endorsement or support by the Secretary-General. It was difficult to see how the dispatch, on the express instructions of the General Assembly, of an expert or a group of experts to investigate the situation in a given place and, as a consequence, the publication of its report, implied either the endorsement or the support of the Secretary-General. The Syrian Arab Republic therefore felt justified in requesting once again that the document in question, which should never have been issued as an addendum to the report, be withdrawn. Moreover, it could not accept the suggestion of the Chairman since, if its own proposal was adopted, the issuance of a second addendum would be pointless. It insisted that a decision should be taken on that matter without delay.

34. The CHAIRMAN said that he hoped the fact of his having himself, over the years, upheld the interests of his country and of the developing world before the Committee with the same fervour as the representative of Syria conferred upon him a certain moral authority in seeking a compromise solution.

35. The Secretariat was an executive organ entrusted with carrying out the tasks assigned to it by the General Assembly, which tasks could, in controversial cases, be seen in different lights depending on the angle from which they were approached. He had himself read many reports whose contents had displeased him or had appeared to him to be contrary to the interests of his country. That would not, however, have justified their withdrawal; otherwise, few United Nations documents would be exempt from the application of such criteria. A report could be considered complete or incomplete, accurate or inaccurate, but the legal basis of a document requested by the General Assembly could not be called into question. Swayed by emotion, the Committee risked taking a decision which would create a dangerous precedent and which might disrupt the smooth progress of the work of the General Assembly and of the Organization itself.

36. It was for that reason that he had suggested the issuance of a second addendum which would place matters in their true perspective. That suggestion not having been accepted, he would like to suggest that the representatives of Syria and Jordan should meet with him and with the representative of the Secretary-General a little later so that they might together seek a solution satisfactory to all parties.

37. Mr. BURAYZAT (Jordan) said that his delegation, while it could not accept that suggestion without reservations, would, in a spirit of co-operation, take part in the proposed consultations. It wished to assure the Chairman that any decision taken on the matter would be dictated not by emotion but by reason. It was not a question of whether a document was found pleasing; information of any kind was always welcome. However, a procedural problem was involved. Nothing in resolution 37/122 required the Secretary-General to solicit the views of the Governments concerned, whether of Jordan or of Israel. Paragraph 5 had been drafted with great care precisely in order to prevent the kind of situation now faced by the Committee from arising. To accept that situation out of a desire to avoid setting a precedent would amount to creating another precedent. Paragraph 5 of draft

(Mr. Burayzat, Jordan)

resolution A/SPC/38/L.45 was, in fact, identical with paragraph 5 of resolution 37/122. It was to be feared that Israel, emboldened by the sanction given to its behaviour, might again refuse in 1984 to receive experts coming to inquire objectively into the effects of a project as dangerous as it was illegal, and might transmit to the Secretary-General for purposes of propaganda, tendentious information on whose circulation it could count.

38. Mr. ABOUCHAER (Syrian Arab Republic) said that he would heed the Chairman's appeal and would co-operate fully in the proposed consultations.

39. He nevertheless wished to state that the objections of his delegation concerned, as the representative of Jordan had said, not substance but procedure. Every Member State was certainly entitled to communicate whatever information it wished, but it could not be issued in the form of a report of the Secretary-General. His country requested the withdrawal of A/38/502/Add.1 as an addendum to the report, even if that entailed issuing the information concerned under another document symbol. Incorporating that information in the report would encourage Israel to refuse in the following year to receive an organ established in implementation of a General Assembly resolution.

40. Moreover, the documentation transmitted by Israel had been drawn up by an Israeli company and an American consulting company. That was a flagrant violation of the provisions of paragraph 4 of resolution 37/122, in which the General Assembly strongly urged national, international and multinational corporations not to assist, directly or indirectly, in preparations for and execution of the Israeli project.

41. Mr. ALI (Oman) said that the right of every delegation to communicate whatever information it chose was not the point at issue.

42. For his part, he was convinced that the disagreement in the Committee could be settled satisfactorily if the parties in question agreed that a decision should not be taken until after the informal consultations to be held, under the auspices of the Chairman, by the representatives of Jordan, Syria and the Secretary-General. He therefore proposed that a decision on the question should be deferred until the next meeting.

43. The proposal of the representative of Oman was adopted.

44. Mr. KHALIL (Egypt) said that item 75 was of major importance not only for the countries involved but for the entire international community. Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea constituted a serious legal precedent and was one more political obstacle to efforts for the establishment of a comprehensive, just and lasting peace in the Middle East. Moreover, the General Assembly had already adopted two resolutions requesting Israel not to build the canal but that country had paid no attention to them.

45. Egypt had studied with great interest the report issued as document A/38/502 and wished to express its gratitude to the Secretary-General and to the team of

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(Mr. Khalil, Egypt)

experts for the work that had been done. It associated itself with the conclusions of the experts on the legal dimensions of the question, and wished to stress that the information provided by the report on the nature and possible magnitude of the effects of the project on Jordan and the occupied Arab territories proved the seriousness and urgency of the question.

46. Egypt had stated its position on that project time and again, notably in the letter that it had addressed to the Secretary-General on 13 April 1981, issued as document A/36/187. It nevertheless wished to remind the Committee that the proposed operations would extend beyond the geographical limits of Israeli territory and will have serious effects on the Gaza Strip, the West Bank and Jordan. With regard to the Gaza Strip, a territory which had been under control from 1948 to 1967, it should be recalled that the intake system and "rectangular canal", underground pumping station and approximately seven kilometres of pressure pipe were to be built in that part of Palestinian territory which had been occupied since 1967. Israel's decision was therefore in violation of the principles of international law, in particular the provisions of the Hague Conventions of 1907 and the fourth Geneva Convention of 1949, which stipulated that the occupying State had no right of sovereignty in an occupied territory and that its authority was limited to transitional and temporary powers of a purely military and administrative nature. The project also violated Security Council resolution 242 (1967), which emphasized the inadmissibility of the acquisition of territory by war and requested Israel to withdraw from the occupied Arab territories, as well as the resolutions of the General Assembly demanding that Israel desist from taking any action which would result in changing the legal status, geographical nature or demographic composition of the occupied territories. It also violated the resolutions concerning the sovereignty of the Palestinian people over its national resources.

47. In that connection, Egypt continued to wonder whether the Israeli authorities had not intentionally taken the decision to build the canal across the occupied territories precisely in order to implement their policy of fait accompli and to consolidate the annexation of those territories.

48. Finally, as the representative of Jordan had clearly indicated at the previous meeting, the building of the canal would also cause direct, serious and irreparable damage to Jordan and to the West Bank in the economic, agricultural, demographic and ecological fields.

49. Egypt therefore wished to make a new appeal to all States, to all governmental organizations and to all national, international and transnational corporations not to assist, directly or indirectly, in preparations for and execution of that project. Moreover, it requested the Secretary-General to continue study of the question through the intermediary of an expert organ and, in view of the complexity of the problem, it requested the experts to consult not only the parties concerned but also scientific institutions of international repute.

50. Mr. Starčević (Yugoslavia) took the Chair.

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51. Mr. AL HASSANI (Kuwait) said that he would like first to commend the Secretary-General for the quality of his report, which provided valuable information on the legal dimensions of the illegal project planned by Israel and the damage it might cause. Unfortunately, the document had given no indication of the stage the project had reached. The customary lack of co-operation on the part of the Israeli authorities in preventing the experts from visiting the sites in question was to be deplored. In fact, those authorities violated international law so often that it looked as if such behaviour had become an article of faith for them. However, if one considered the way in which Israel had been established and the attitude of its nationals towards the land they occupied illegally and the people who were its legitimate owners one could not escape the conclusion that that State, by its very nature, could never be normal and, above all, could never act in a normal manner. As long as the Israelis considered that Arab Palestine was an integral part of what they called Eretz Yisrael they would have recourse to all possible and imaginable stratagems to impose their point of view. They went so far as to apply the term "liberated territories" to territories which, in the view of the international community, were occupied and should for that reason be protected until such time as a just and lasting settlement of the question of Palestine was reached.

52. According to the report of the experts, only one fourth of the shoreline and waters of the Dead Sea were in Israeli territory while the remaining three fourths belonged to Jordan and the West Bank. That meant that the canal would affect territory which was not Israeli and would violate the rights of the other riparians, notably Jordan. In building the canal, Jordan was in violation of the Regulations Respecting the Laws and Customs of War on Land annexed to the Hague Convention No. IV of 18 October 1907.

53. Moreover, the project threatened to cause serious and irreparable damage to Jordan. It would have adverse effects on the economy of that country, particularly on the potash mining industry, and on agricultural lands, which would be inundated. It would also cause the displacement of people and the destruction of historic sites, roads and other elements of the country's infrastructure. Taking due account of all those aspects, it was entirely natural that the experts should have stated in their report that Jordan's consent would be an essential precondition for implementation of the project.

54. As for the harm the canal could cause to the Palestinian people, it was essentially of two kinds. Firstly, under the previously mentioned Regulations Israel did not have the right, as occupying State, to confiscate land in the occupied territory in order to execute the project and, secondly, as indicated in the report, the canal would be illegal because it would constitute a permanent installation constructed in occupied territory for the benefit of the home economy of the occupying State.

55. In its resolution 37/122, the General Assembly had deplored Israel's non-compliance with General Assembly resolution 36/150, which demanded that that country cease forthwith the implementation of its project, which the Assembly had characterized as a violation of the rules and principles of international law, especially those relating to the fundamental rights and duties of States and to

(Mr. Al Hassani, Kuwait)

belligerent occupation of land. Kuwait hoped that that project would not become another in the long list of illegal Israeli acts which the international community was content to deplore without doing anything to put an end to them.

56. Mr. FAN Dachun (China) noted that the General Assembly had adopted many resolutions demanding that Israel abandon its project of building a canal linking the Mediterranean Sea to the Dead Sea, an undertaking which would be illegal and would constitute a violation of the provisions of international law, particularly the Fourth Geneva Convention of 1949. In those resolutions, it was not only the Palestinians and the Arab countries which expressed themselves energetically, but also the entire international community which addressed a justifiable demand to Israel.

57. The project directly served Israel's expansionist and aggressive policy in the region. Like the programme of establishing colonies, which was being pursued against and in defiance of all, it was directly linked to the ultimate design of the Zionists, who were creating pretexts to continue to occupy indefinitely the territories which they were planning to annex in order to form Greater Israel. Implementation of the project would infringe the territorial integrity of the occupied territories and the inalienable rights of the Palestinian nation, as well as its permanent rights over its natural resources. It would also be a violation of the fundamental principles of international law, which prohibited the use of force to acquire territories or change their character, and an open challenge to the Charter of the United Nations.

58. Moreover, the competent experts who had written the report (A/38/502) and had studied the situation had concluded that the construction of the planned canal would have serious economic and ecological effects in the Dead Sea region and the Jordan Valley, as well as political implications. It was therefore an absolutely inadmissible undertaking, and the opposition of the Palestinians and Arab countries was entirely legitimate. It was with the utmost conviction that China supported the Palestinians, who wanted to defend their national rights, and Jordan, which sought to preserve its rightful interests. The General Assembly must unequivocally reject the initiative taken by Israel. If the latter persisted, the Security Council should consider taking effective measures to stop it.

59. Mr. ALI SHAH (Pakistan) said that his country condemned most emphatically the Israeli project to build a canal linking the Mediterranean Sea to the Dead Sea through an occupied territory. In the first place, Israel would thereby abuse its authority as the occupying Power, since it was prohibited by the rules of international law annexed to the Hague Convention of 1907 from making changes in the territories it had seized, beyond the immediate needs of the occupation. Even if the territory belonged to it, Israel would be obliged, by virtue of a well established principle of international law, not to take measures which would jeopardize the interests of neighbouring populations. In either case, the construction of the canal would be inadmissible, first because it would have irreversible effects on, and would be absolutely contrary to, the vital interests of Jordan and of the Palestinians in the occupied territories; and secondly because there were areas which did not belong to Israel.

(Mr. Ali Shah, Pakistan)

60. The effects of such an undertaking would be felt in many fields. Mining, industry, agriculture and ecology would be affected, along with archeology and tourism; the human consequences would be dramatic and, lastly, there was the strategic question of security. To sum up the most important effects, it was known that the canal would change the characteristics and chemical composition of the Dead Sea, among other things by reducing its potash content. In particular, it would ruin the most important industry of Jordan, the potash industry, which would have repercussions on the entire Jordanian economy and would endanger the establishment of a chemical industry, and it would destroy very costly existing installations. The canal would provoke long-lasting changes in the salinity and water content of arable land, with the resulting effects on agricultural output. It was also probable that certain important archeological sites and a number of holy places would be covered by water. The entire Jordan Valley would be constantly exposed to flooding and its landscape would become desolate, losing all attraction for tourists. Lastly, there would be human repercussions, for many persons would be forced to leave the flooded areas, thrown out of their homes or deprived of their lands. Nor should it be forgotten that the project represented a security risk, since Israel intended to give it a military dimension by constructing nuclear installations along the canal.

61. The Israeli project had been denounced both by the Islamic Conference and by the United Nations, in the General Assembly and at the Conference on New and Renewable Sources of Energy held at Nairobi in 1981. The international community had described it as an aggression against the natural resources belonging to the Palestinian people in its own land in contempt of its legitimate and inalienable rights as a nation. It had demanded that Israel should abandon its project and that it should be given no financial or technical assistance.

62. The official explanation was that the project would contribute to Israel's energy resources, but the real objective had not been acknowledged, namely to give permanency to the Israeli occupation of Palestinian and Arab territories. That was why it was essential to prevent Israel from going ahead with its sinister protean project.

63. Mr. BAALI (Algeria) pointed out that the General Assembly had already called on Israel twice, the second time by an overwhelming majority, to abandon its project of building a canal linking the Mediterranean Sea to the Dead Sea. The idea had been periodically promoted by the Zionists, but now Israel was stubbornly planning to implement, at whatever cost, a project which would be illegal under the law of nations and international law, cause major economic, demographic and ecological damage and gravely imperil peace and security. Israel sought thereby to modify irreversibly the geographical status and demographic characteristics of occupied Arab territories, and was therefore violating the general rules of the laws of war, in particular the provisions of the Geneva Conventions of 1949, which were fully applicable to those territories. International law also prohibited an occupying Power from treating the territories it controlled as if they were its own, since sovereignty still belonged to the people under occupation. The authority of the occupation force, as noted in the Secretary-General's report (A/38/502), was limited to temporary powers of a purely administrative and military nature, solely determined by the immediate needs of the occupation.

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(Mr. Baali, Algeria)

64. The regulations concerning war on land annexed to the fourth Hague Convention (18 October 1907), which were binding on all States without exception, stipulated that private property could be requisitioned only for the needs of the army of occupation. Israel could not therefore legally use private or public land to build the canal. International law also prohibited activities with respect to an international watercourse system when they could cause appreciable harm to other system States. The Dead Sea was a common natural resource which Israel must share with Jordan and the territories of the West Bank. The building of the canal, with the serious consequences involved for the riparian States, would be a flagrant violation of that principle of law. Israel was therefore exceeding its rights by abusing its power to serve its own economic interests. But that was not the first time that it did not respect principles and that it treated the Geneva Conventions of 1949 and United Nations resolutions with contempt. Particularly flagrant examples which could be cited were the establishment of colonies and of settlers and the diversion of the waters of the Jordan basin.

65. The building of the canal could have extremely serious consequences economically, agriculturally, demographically and ecologically. In Jordan, it would mean a complete halt in potash production, with incalculable consequences for the economy of the country. The project would also have devastating effects on the sites where a number of industrial projects were to be carried out which would all be jeopardized. It might also cause the flooding of hundreds of hectares of land in the Dead Sea area. It would not be agricultural production alone that would suffer: nearly 2000 persons farming the area would have to abandon their property and move elsewhere.

66. Lastly, according to a United Nations Environment Programme report, the building of the canal would cause salt water to infiltrate the land it crossed and the agricultural areas situated in the north, would alter the chemical composition of the Dead Sea and would have harmful effects on the local flora and fauna. Moreover, the discharge into the Dead Sea of water used to cool Israeli nuclear power plants would have serious health and ecological consequences.

67. Israel's policy was well known: to complete the Judaization process, in particular in the occupied territories, by using every means available, such as taking more and more land away from the Arab inhabitants or depriving them of water, so as to make them leave. That policy was also directed at the Arab countries of the region, being designed to maintain a permanent atmosphere of insecurity around them through multiple acts of aggression and sabotage and constant threats to their frontiers and territorial integrity. Israel was once again demonstrating its design by stubbornly insisting on its project and by entirely disregarding the conclusions of the United Nations fact-finding mission. It was thus introducing a new factor of tension in a region which had already been sorely tried, thereby greatly endangering peace.

68. It was high time for the United Nations to put an end to Israel's criminal activities and adventurism. It served no purpose to appeal to the good sense of a régime which had made war its *raison d'être* and provocation its favorite weapon, convinced that it could violate with impunity the rules of law and universal morality. The United Nations, whose fundamental goal remained the search for

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peace, must, if it was to remain credible, compel Israel to withdraw from the territories which it occupied by force and to allow the Palestinian people to exercise its inalienable rights as a nation.

69. Mr. ABDUL GHAFFAR (Bahrain) said that when Israel in 1980 had announced the building of the canal linking the Mediterranean Sea to the Dead Sea, it had indicated that the objectives of the project were basically economic, primarily the generation of electric power. However, closer examination of the project revealed that it also had political and strategic aspects. In that connection, it must not be forgotten that the founder of Zionism, Theodor Herzl had alluded to a project of that type in his book Altneuland or that, even before the creation of the State of Israel, the Jewish Agency had requested a United States expert to make a study on the exploitation of Palestine's water resources, and that the subsequent study, entitled Palestine, the Promised Land, had stated that digging a canal linking the Mediterranean to the Dead Sea would make possible the settlement of approximately 4 million Jewish colonists. The study had even then put forward a number of objectives which could be summarized in the following manner. First, the project would strengthen the settlement policy of Israel, which would be able to build numerous factories along the canal and thus encourage Jews the world over to emigrate to Israel and inhabit the desert areas. It would also enable Israel to divert the waters of the Jordan to the desert areas of the Negev, by drawing from its two principal tributaries, the Banias in Syria and the Hasbani in Lebanon. Israel could also utilize the waters of the Litani in southern Lebanon for its agricultural projects and for the generation of electric power. Another objective of the project was strategic in that it would require the building of a natural dam which would make it possible, in case of hostilities, to flood enormous parts of Jordanian territory. Lastly, Israel hoped to build nuclear power plants all along the canal in the northern part of the Negev for both military and strategic ends.

70. The project thus fell entirely within Zionist expansionist plans and the policy of accomplished facts for the formation of Greater Israel. In any case, as indicated in the section of the report of the Secretary-General on the legal dimensions of the question, the project was a flagrant violation of the 1907 Hague Convention to the extent that it was to be carried out in occupied Arab territories. In that connection, it was clear that the Israeli politicians were in no way worried by that aspect of the question. The leader of Ha-Techiya (the Revival Movement), Yuval Neeman, one of those responsible for the project, had stated that building the canal would put an end to controversies about the future of the Gaza Strip and that Israel had to settle the problem of the Arab inhabitants of that territory by offering them land in the Sinai.

71. The Secretary-General's report described the harmful effects the project would have for Jordan and the occupied West Bank. The canal would affect in particular numerous sectors of the Jordanian economy, especially the potash industry, agriculture, the infrastructure, various services and archaeological sites. Moreover, as clearly indicated in paragraphs 47, 48 and 49 of the report, the project would have adverse consequences on the environment, particularly the biota of the Dead Sea.

(Mr. Abdul Ghaffar, Bahrain)

72. Consequently, his country requested all States, and especially those providing assistance to Israel, not to participate in any way in the preparation and execution of the project and to comply with the provisions of General Assembly resolution 37/122 of 16 December 1982.

73. Mr. AL MALKEY (Saudi Arabia) recalled that on 24 August 1980 the Israeli authorities had approved a project for the building of a canal linking the Mediterranean Sea to the Dead Sea and passing through the Gaza Strip, which was under Israeli military occupation. In 1981, Israel had gone a step farther by forming a corporation to implement the project. All those measures flagrantly violated international law and General Assembly resolutions, in particular resolutions 36/150 and 37/122, by which it requested the Israeli authorities to cease the implementation of the project, stressing that it constituted a violation of the rules and principles of international law.

74. There was therefore proof that the Israeli authorities had treated resolutions 37/122 and 36/150 with equal disdain and that they were bent on proceeding with the project, as was clear from the studies and plans contained in document A/38/502/Add.1 of 31 October 1983. In that regard, his delegation wished the document had not been published as a report of the Secretary-General. It was in fact document A/38/502 which constituted the real report of the Secretary-General, prepared pursuant to General Assembly resolution 37/122. Whereas Jordan had fully co-operated with the experts who had prepared the report, Israel had refused to do so. His country therefore considered that there was no justification for publishing documentation supplied by the Israeli authorities as an addendum to the report of the Secretary-General.

75. The report of the experts dealt with various aspects of the project including its legal dimensions. It pointed out that the canal would pass through the Gaza Strip and that the water from the Mediterranean might inundate the three quarters of the Dead Sea shores bordering on Jordan and the West Bank, which was under Israeli military occupation. Moreover, the canal project would result in considerable damage to the potash and other mineral industries of Jordan, which would incur losses running into hundreds of millions of dollars. The project would also have extremely harmful effects on environmental conditions in the area.

76. Israel's persistence in pursuing the project constituted a clear defiance of the General Assembly and its resolutions. His Government believed that it would be necessary to adopt a resolution warning Israel of the consequences of its attitude, and declaring that implementation of the project would constitute a threat to peace and security in the region warranting firm measures to prevent such implementation.

77. The CHAIRMAN said that he hoped that, at its next meeting, the Committee would be able to decide on the pending draft resolutions and that he would be in a position to announce the outcome of the consultations he would have with the delegations concerned on the question raised by the publication of document A/38/502/Add.1.

The meeting rose at 5.45 p.m.