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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
SEVEN HUNDRED AND EIGHTY-FIRST MEETINGHeld at Headquarters, New York,
on Thursday, 14 January 1988, at 12 noonPresident: Sir Crispin TICKELL(United Kingdom of Great Britain and
Northern Ireland)Members: Algeria
Argentina
Brazil
China
France
Germany, Federal Republic of
Italy
Japan
Nepal
Senegal
Union of Soviet Socialist
Republics
United States of America
Yugoslavia
ZambiaMr. DJOUDI
Mr. DELPECH
Mr. ALENCAR
Mr. LI Luyue
Mr. BROCHAND
Mr. VERGAU
Mr. STARACE-JANFOLLA
Mr. ABE
Mr. JOSSE
Mr. SARRE

Mr. BELONOGOV
Mr. WALTERS
Mr. PEJIC
Mr. MFULA

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The meeting was called to order at 12.10 p.m.

STATEMENT BY THE PRESIDENT

The PRESIDENT: On behalf of the Security Council, I should like at the very outset of this meeting to express condolences to the bereaved family and to the Government of Australia in connection with the fatal injury suffered by Captain Peter McCarthy of Australia, a military observer of the United Nations Truce Supervision Organization, assigned to Observer Group Lebanon with the United Nations Interim Force in Lebanon, whose untimely death was caused by an explosion of unknown origin in southern Lebanon, on 12 January. Our best wishes for a full recovery go to Major Gilbert Côté of Canada, who was injured in the same incident.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

The PRESIDENT: I should like to inform members of the Council that I have received letters from the representatives of Israel and Lebanon in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Netanyahu (Israel) and Mr. Fakhoury (Lebanon) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT: I should also like to inform the Council that I have received a letter dated 14 January 1988 from the Permanent Representative of Algeria to the United Nations, which reads as follows:

"I have the honour to request that the Security Council extend an invitation to Mr. Zehdi Labib Terzi, Permanent Observer of the Palestine Liberation Organization to the United Nations, in accordance with the Council's past practice, in connection with the Council's consideration of the item 'The situation in the occupied Arab territories'."

That letter will be circulated as document S/19430.

The proposal by Algeria is not made pursuant to rule 37 or rule 39 of the provisional rules of procedure of the Security Council, but if approved by the Council the invitation to participate in the debate would confer on the Palestine Liberation Organization the same rights of participation as those conferred on Member States when invited to participate pursuant to rule 37.

Does any member of the Council wish to speak on this proposal?

Mr. WALTERS (United States of America): I personally have not had the chance, Sir, to congratulate you on your assumption of the presidency of the Security Council. I wish to do so now, and to express confidence that your qualities, which are known to all, are a guarantee of the success of our work. I also express to your predecessor, Ambassador Belonogov, our thanks for his outstanding performance in presiding over the Security Council.

The United States has consistently taken the position that under the provisional rules of procedure of the Security Council the only legal basis on which the Council may grant a hearing to persons speaking on behalf of non-governmental entities is rule 39. For four decades the United States has supported a generous interpretation of rule 39, and we certainly would not object

(Mr. Walters, United States)

had the matter been raised under that rule. We are, however, opposed to special, ad hoc departures from orderly procedure.

The United States consequently opposes extending to the Palestine Liberation Organization the same rights to participate in the proceedings of the Security Council as if that organization represented a Member State of the United Nations. We certainly believe in listening to all points of view, but not if that requires violating the rules. In particular, the United States does not agree with the recent practice of the Security Council which appears selectively to try to enhance the prestige of those who wish to speak in the Council through a departure from the rules of procedure. We consider this special practice to be without legal foundation and to constitute an abuse of the rules.

For those reasons, the United States requests that the terms of the proposed invitation be put to the vote. Of course, the United States will vote against the proposal.

The PRESIDENT: I thank the representative of the United States for the kind things he had to say about me.

If no other member of the Council wishes to speak, I shall take it that the Council is ready to vote on the proposal by Algeria.

It is so decided.

A vote was taken by show of hands.

In favour: Algeria, Argentina, Brazil, China, Japan, Nepal, Senegal, Union of Soviet Socialist Republics, Yugoslavia, Zambia

Against: United States of America

Abstaining: France, Germany, Federal Republic of, Italy, United Kingdom of Great Britain and Northern Ireland

The PRESIDENT: The result of the voting is as follows: 10 votes in favour, 1 against and 4 abstentions. The proposal has been adopted.

At the invitation of the President, Mr. Terzi (Palestine Liberation Organization) took a place at the Council table.

The PRESIDENT: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting today in accordance with the understanding reached in the Council's prior consultations. Members of the Council have before them document S/19429, which contains the text of a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.

The first speaker is the representative of Israel. I invite him to take a place at the Council table and to make his statement.

Mr. NETANYAHU (Israel): This is the third time in less than a month that the Security Council has met on matters related to my country. The whole approach of these meetings, including the actual convening of the Council, reflects and is characterized by a gross imbalance and a total disregard of context. All these meetings have produced resolutions; all of these have been directed against my country and the measures my country has taken to try to restore calm and tranquillity. Now, these measures of my country are attacked; they are criticized; they are assailed with such words as "dismay" and "indignation".

(Mr. Netanyahu, Israel)

I shall not go into a detailed presentation of our position; I have done so in the past. Suffice it to say that we are acting - as is our right under international law - to secure order in the face of violent provocations, and we are doing so with the maximum restraint and in full compliance with the laws that have applied and pertain to these areas for nearly half a century.

Our actions to remove a handful of leading terrorists members of the Habash group and the Fatah - several of them convicted killers, all of them professional riot-inciters and purveyors in blood - are depicted in words appropriate to some mass expulsion and uprooting of entire populations. This is false, and the attempt to present it as such is false.

The interesting question is: What about the actions that have necessitated our reactions? I have read these resolutions carefully, including the document now before the Council, and have not found a trace, not even a syllable let alone a word, about those actions. I have not found a word about the murder of Israelis, Arabs and Jews alike, in the markets in Gaza. I have not found a word about the Molotov cocktails hurled at Israeli passengers travelling in Judea-Samaria. I have not heard a word about entire families being burnt alive by these bombs; not a word about the incitements which have resulted in riots, stabbings and stoning; nor a word about the death threats to Arab merchants, to Palestinian Arabs, to doctors, to school teachers who even consider deviating from this path. And there is not even the mainstay of any decent diplomacy, not even an appeal for restraint on all sides; there is not a word about that either. Instead, in the past three or so weeks, we have had three meetings of the Security Council with these resolutions cascading down on Israel.

Somebody outside said to me: "Well, you know, this is par for the course." Maybe it is. But during that period we have been here I asked my Mission to

(Mr. Netanyahu, Israel)

collate what has happened in the Middle East, according to Arab sources as broadcast in the FBIS. I have here seven pages crammed with incidents reported by the Arab press of bombings, murders, assassinations, kidnappings, riots and the death of thousands. The Security Council has been convened three times, twice to discuss the deportation of four members of a terrorist organization and nothing else.

In these recent meetings and resolutions what the Security Council is doing is sending a very clear message, saying basically this: We condone all Palestinian violence against Israel; we condemn any Israeli countermeasures. And, since the function of the Security Council is to try to promote international peace and security, I have a simple question: Does this promote peace? Does this promote security? Of course it does not; it does the exact opposite. What it does is encourage the men of the bomb and the gun to inflame passions, to fan the violence and to push peace further away.

How are we supposed to relate to these resolutions? Does anyone seriously expect us to believe that they inspire confidence in the impartiality and fair-mindedness of this body? I think that even if we were to throw rose petals at the Molotov cocktail throwers this body would find the means to criticize us. So, if we started out with an objection in principle to the involvement of the Security Council in matters of security - matters that under international law are Israel's exclusive responsibility - the recent meetings and approach of the Council have added a second objection, namely, the biased and pre-ordained nature of these gatherings.

We believe that any truly fair-minded members of this Council will find the means to distance themselves from this reflexive prejudice and its conclusions. Israel certainly will never accept them.

The PRESIDENT: The next speaker is the representative of Lebanon. I invite him to take a place at the Council table and to make his statement.

Mr. FAKHOURY (Lebanon) (interpretation from Arabic): Since this is the first time that I have had the opportunity to address the Council this month, please allow me at the outset to congratulate you, Sir, on your assumption of the presidency. I assure you of our complete confidence in your skill, competence and objectivity in conducting the Council's work.

I cannot fail to thank the Ambassador of the Soviet Union, who presided in an exemplary way over the Council's work last month.

Lebanon's position with regard to the deportation of citizens is well known, since we have set it forth in an official message to the Secretary-General. It is a position of rejection - the rejection of deportation and expulsion, which are contrary to article 49 of the Fourth Geneva Convention and the provisions of international humanitarian law.

Israel has exploited its occupation of a portion of Lebanese territory it terms a "security zone" so as to deport four Palestinians to Lebanese territory, leaving them without shelter, without a home, in order for them to proceed northward to the Lebanese Army, which had to welcome them - there was no other solution - and reach an area between Lebanese and Israeli positions. Those persons are still waiting in that region to see what their fate will be.

The solution that we foresee is to allow the International Red Cross to meet those individuals and bring them to Palestinian territory.

The Council has the responsibility to adopt prompt measures, as required by international humanitarian law. Such a solution would be consistent with the draft resolution which is now before the Council.

(Mr. Fakhoury, Lebanon)

In expelling and deporting these persons Israel has demonstrated its defiance of the Security Council and its contempt for its resolutions. It is important - indeed it is our duty - to compel Israel to cease violating the resolutions of the Council and to comply with them.

The PRESIDENT: I thank the representative of Lebanon for the kind words he addressed to me.

It is my understanding that the Council is ready to proceed to vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour: Algeria, Argentina, Brazil, China, France, Germany, Federal Republic of, Italy, Japan, Nepal, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Zambia

Against: None

Abstaining: United States of America

The PRESIDENT: There were 14 votes in favour, none against and one abstention. The draft resolution has been adopted as resolution 608 (1988).

I shall now call upon those members of the Council who wish to make statements after the voting.

Mr. WALTERS (United States of America): The United States position against Israeli deportations from the occupied territories is clear and unambiguous. It has been stated on numerous occasions, and was most recently reflected in our vote in favour of Security Council resolution 607 (1988) and in our subsequent explanation of that vote. We deeply regret the deportations that have taken place, and we urge Israel to avoid further deportations.

(Mr. Walters, United States)

The United States abstained on the present resolution because we believe that repeatedly raising the issue in the Security Council does not assist the process of restoring calm to the territories or addressing the problems that have contributed to the recent disturbances. We also note that in this case the four individuals who have been deported declined to appeal to the Israeli Supreme Court and did not, therefore, allow the judicial process to run its course.

While we do not minimize the seriousness of these deportations, we do not believe that selective attention to this issue in the Security Council is justified. The United States does not believe that repeatedly raising this issue in the Council serves a useful purpose.

The PRESIDENT: The representative of the Palestine Liberation Organization wishes to speak. I call upon him.

Mr. TERZI (Palestine Liberation Organization): In pursuing its policies, this morning, at about 3 a.m., the occupying Power, knocked at the doors of four journalists and took them to military headquarters. At about 8 a.m., in the Gaza area, they went to the house of Dr. Haidar Abdul Shafi, head of the Palestine Red Crescent Society, to the house of lawyer Fayez Abu Rahme, to Dr. Zakaria Al Agha and to lawyer Khaled Al Kidra. They detained those people - there were no charges, nothing - in an arbitrary way, and one of them, Dr. Khaled Al Kidra, has, as far as we know, been transferred to the Arab Affairs Section of the military headquarters.

These people are among the figure-heads, the notables, the symbols. The only explanation is that, in pursuing a fascistic method, the occupying Power is adopting this intimidation process and - who knows? - might keep them, might deport them or expel them across the frontiers.

We do appreciate the position of the Government of Lebanon, but we also believe that the statements made yesterday by the Secretary-General, by the

(Mr. Terzi, Palestine
Liberation Organization)

International Red Cross, and by your good self, Sir, should have been deterrent enough to cause the occupying Power, Israel, to abide scrupulously by its obligations.

On 5 January the representative of the United States, maybe "justifying" the positive attitude it had taken, said:

"The view of the United States is that deportation of individuals from the occupied territories is a violation of Article 49 of the Fourth Geneva Convention, which prohibits individual or mass forcible transfers 'regardless of their motive'. The United States further believes that such harsh measures are unnecessary to maintain order. They also serve to increase tension rather than contribute to the creation of a political atmosphere conducive to reconciliation and negotiation. We therefore voted for the resolution, which calls upon Israel to refrain from carrying out the envisaged deportation."

(S/PV.2780, p. 19-20)

We are now surprised by a sort of sudden change in the concepts and views of the United States. Is the Government of the United States opposed to deportation? Does it consider deportation a violation that, once carried out, is tolerable and a pill the United States has to swallow and let bygones be bygones? I thought that reasonable people, if they considered an act to be a violation, would not sanction it and tolerate it at a later stage. I am really surprised and depressed that the Government of the United States made us understand that it felt obliged to honour its commitment to the Geneva Convention, which says that parties to it undertake to ensure respect for its provisions.

The deportations violate not only the Fourth Geneva Convention but also Article 9 of the Universal Declaration of Human Rights, which states that no one shall be subjected to arbitrary arrest, detention or exile.

(Mr. Terzi, Palestine
Liberation Organization)

The issue has been raised that the Israelis of course had to deport those people because due process of justice was rejected by the deportees. That is an insult to our intelligence. What sort of justice is expected under foreign military occupation, whether or not they agree to the so-called process of justice?

(Mr. Terzi, Palestine
Liberation Organization)

Whatever motives are advanced, however, under article 49 of the Geneva Convention the occupying Power is prohibited from deporting persons. Therefore, whether those detainees or those to be deported have recourse to the entire judicial process available to them or not is irrelevant at this stage. The issue, as the United States and the Council stated at the outset, is that deportation is a violation of that Convention. Unfortunately, we are forced to state here that the position of the United States is not consistent with what it claims to be its commitment to the norms of international law and to justice. Indeed, our lack of confidence in what the United States says has been clearly borne out by its action today.

The PRESIDENT: There being no further speakers, the Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 12.40 p.m.