



Security Council

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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND EIGHT HUNDRED AND SEVENTIETH MEETING

Held at Headquarters, New York,
on Thursday, 6 July 1989, at 4.25 p.m.

President: Mr. PEJIC

(Yugoslavia)

Members:

Algeria
Brazil
Canada
China
Colombia
Ethiopia
Finland
France
Malaysia
Nepal
Senegal
Union of Soviet Socialist Republics
United Kingdom of Great Britain and
Northern Ireland
United States of America

Mr. DJOUDI
Mr. ALENCAR
Ms. THOMSEN
Mr. DING Yuanhong
Mr. PEÑALOSA
Mr. HAGOSS
Mr. TORNUDD
Mr. BLANC
Mr. HASMY
Mr. JOSSE
Mr. BA
Mr. LOZINSKIY
Mr. BIRCH
Mr. PICKERING

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The meeting was called to order at 4.25 p.m.

TRIBUTE TO THE MEMORY OF ANDREI ANDREYEVICH GROMYKO, FORMER CHAIRMAN OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND MINISTER FOR FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS

The PRESIDENT: This meeting of the Security Council is taking place at a time of great sorrow because of the passing of His Excellency Mr. Andrei Gromyko, former Chairman of the Presidium of the Supreme Soviet and former Minister for Foreign Affairs of the Union of Soviet Socialist Republics.

Mr. Gromyko, as the representative of one of the founders of the United Nations at its very inception, was fully committed to the noble causes of the world Organization. His passing last Sunday leaves the world without one of its most prominent political personalities, who made an imprint on international relations and developments in the period after the Second World War.

He represented his great country, the Soviet Union, in this body and in the United Nations as a whole, making his personal contribution to the efforts of the world Organization in the search for peaceful solutions to international problems and the maintenance of international peace and security.

His qualities as a statesman, which were well known to everyone, ensure that he will be remembered in this Organization. On behalf of the Security Council, I have sent a telegram to the Government of the Soviet Union conveying the Council's sincere condolences to the Government and people of the Soviet Union and our heartfelt sympathy to the bereaved family.

I now invite the members of the Council to stand and observe a minute of silence.

The members of the Council observed a minute of silence.

Mr. LOZINSKIY (Union of Soviet Socialist Republics) (interpretation from Russian): First, Sir, allow me to congratulate you on your assumption of your very considerable responsibilities as President of the Council for July. It is a cause of great satisfaction to us to see in that high post a representative of Yugoslavia, a Socialist State which is an active participant in the Non-Aligned Movement and with which the Soviet Union has, and continues to develop, friendly relations. We are convinced that your wisdom and rich diplomatic experience guarantee the successful fulfilment of the tasks before us.

I should like to take this opportunity to thank Ambassador Pickering of the United States for his work as President of the Council last month. We are most gratified by the great skill and the outstanding diplomatic qualities that he manifested in the post, qualities with which the members of the Council are, of course, already familiar.

On behalf of the Soviet delegation, I wish to convey to you, Sir, our sincere gratitude for the condolences you have voiced on behalf of the Council in connection with the death of the distinguished Soviet statesman, Andrei Andreyevich Gromyko. It was in 1939, 50 years ago, that his diplomatic career began. During the Second World War and immediately after it he was the Soviet Union's Ambassador to the United States, and later he was Ambassador to the United Kingdom. After being Permanent Representative of the Soviet Union to the United Nations he became Foreign Minister of the Soviet Union.

(Mr. Lozinskiy, USSR)

From 1957 to 1985 Andrei Andreyevich Gromyko was the Foreign Minister of the Soviet Union. In July 1985 he was elected President of the Presidium of the Supreme Soviet of the Soviet Union, and he occupied that post until October 1988.

Those are the main landmarks of Andrei Andreyevich Gromyko's outstanding career.

Andrei Andreyevich Gromyko worked at the Yalta and Potsdam Conferences of the leaders of the Soviet Union, the United States and the United Kingdom. His signature for the Soviet Union appears at the end of the Charter of the United Nations.

Andrei Andreyevich Gromyko headed the Soviet delegation at many sessions of the United Nations General Assembly and other international conferences and negotiations. He made a significant contribution to the development of co-operation among States and the strengthening of security in the world.

In the last years of his life Andrei Andreyevich Gromyko actively supported the policy of the revolutionary restructuring of Soviet society, having made available his full experience as a distinguished Soviet figure.

The Soviet delegation will convey the condolences which you have expressed here, Mr. President, to the Soviet Government and the bereaved family.

EXPRESSION OF THANKS TO THE RETIRING PRESIDENT

The PRESIDENT: As this is the first meeting of the Security Council in the month of July, I should like at the outset of the meeting to pay a tribute on behalf of the Council to Mr. Thomas Pickering, Permanent Representative of the United States of America to the United Nations, for his dedicated service as President of the Security Council for the month of June 1989. I am sure that I speak for all members of the Council in expressing our admiration and deep appreciation to Ambassador Pickering for the great diplomatic skill and unfailing courtesy with which he conducted the Council's business last month.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

LETTER DATED 30 JUNE 1989 FROM THE PERMANENT REPRESENTATIVE OF THE SYRIAN ARAB REPUBLIC TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/20709)

The PRESIDENT: I should like to inform the Security Council that I have received a letter from the representative of Israel in which he requests 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 the representative of Israel 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. Bein (Israel) took the place reserved for him at the side of the Council Chamber.

The PRESIDENT: I should like to inform the Security Council that I have received a letter dated 3 July 1989 from the Permanent Observer of Palestine to the United Nations, which has been issued as document S/20711 and reads as follows:

"I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the debate on the item entitled 'The situation in the occupied territories'."

The request is not made pursuant to rule 37 or rule 39 of the provisional rules of procedure of the Security Council, but if it were approved the Council would invite the Permanent Observer of Palestine to participate, not under rule 37

(The President)

or rule 39, but with 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?

Mr. PICKERING (United States of America): As this is our first formal meeting in the month of July, I should first like to extend to you, Sir, our warmest congratulations on your assumption of the office of President of the Security Council. Your deep experience and diplomatic skill will, I know, ensure a successful month, in which I want to assure you that you can count on our full support and co-operation. I wish to thank you also for your kind words addressed to me.

The United States will vote against the proposal before the Security Council, on two grounds.

First, we believe that the Council does not have before it a valid request to speak.

Secondly, the United States maintains that the Observer of the Palestine Liberation Organization (PLO) should be granted permission to speak only if the request complies with rule 39 of the rules of procedure. In our view, it is unwarranted and unwise for the Council to break with its own practice and rules. As members of the Council, we should ask ourselves this question: does a decision to break with our rules and procedures enlarge or diminish the Council's ability to play a constructive role in the Middle East peace process? My delegation firmly believes it diminishes the Council's ability to play such a role.

As all members of the Council are aware, it is long-established practice that observers do not have the right to speak in the Security Council on their own request. Rather, a request must be made on the observer's behalf by a Member State. My Government sees no justification for any departure from that practice.

(Mr. Pickering, United States)

It is clear that the General Assembly resolutions are not binding on the Security Council. In any event, there is nothing in resolutions recently adopted by the Assembly that would warrant a change in Security Council practice. General Assembly resolution 43/177, which purported to change the designation of the PLO Mission, did so

"without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system, in conformity with relevant United Nations resolutions and practice". (General Assembly resolution 43/177, para. 3)

That resolution does not constitute recognition of any State of Palestine. Like many other Members of the United Nations, the United States does not recognize such a State.

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 would not object had this matter been appropriately raised under that rule. We are, however, opposed to special, ad hoc departures from orderly procedure.

The United States consequently opposes extending to the PLO the same rights to participate in proceedings of the Security Council as if that organization represented a Member State of the United Nations.

We 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, through a departure from the rules of procedure, to enhance the prestige of those who wish to

(Mr. Pickering, United States)

speak in the Council. We consider that special practice to be without legal foundation and to constitute an abuse of the rules.

For all 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 his kind words addressed to me.

If no other member of the Council wishes to speak at this stage, I shall take it that the Council is ready to vote on the request by Palestine.

It is so decided.

A vote was taken by show of hands.

In favour: Algeria, Brazil, China, Colombia, Ethiopia, Finland, Malaysia,
Nepal, Senegal, Union of Soviet Socialist Republics, Yugoslavia

Against: United States of America

Abstaining: Canada, France, United Kingdom of Great Britain and Northern
Ireland

The PRESIDENT: The result of the voting is as follows: 11 votes in
favour, one against and three abstentions. The request has been approved.

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

The PRESIDENT: The Council will now begin its consideration of the item
on its agenda. The Security Council is meeting in response to the request,
contained in a letter dated 30 June 1989 from the Permanent Representative of the
Syrian Arab Republic to the United Nations addressed to the Security Council,
(S/20709), that the Security Council consider "the situation in the occupied
Palestinian territory, in particular the deportation of Palestinian civilians from
the occupied Palestinian territory."

I should like to draw the attention of members of the Council to the following
documents: S/20708, letter dated 29 June 1989 from the Permanent Observer of
Palestine to the United Nations addressed to the Secretary-General; and S/20714,
letter dated 5 July 1989 from the Acting Chairman of the Committee on the Exercise
of the Inalienable Rights of the Palestinian People addressed to the
Secretary-General.

Members of the Council have before them the text of a draft resolution
submitted by Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal and Yugoslavia,
contained in document S/20710.

The representative of Israel had asked to speak on this item. I invite him to
take a place at the Council table and to make his statement.

Mr. BEIN (Israel): At the outset, Sir, I should like to congratulate you on your assumption of the presidency of the Security Council for the month of July. I have no doubt that your rich diplomatic experience will be of invaluable importance during the coming month.

I should also like to congratulate Ambassador Pickering and thank him for the outstanding way in which he conducted the affairs of the Security Council last month.

Although the Council has been convened to discuss Israel's attempts to quell the violence, it has never expressed an appeal for mutual restraint, let alone any condemnation whatsoever of the resort to violence by Palestinian extremists. By consistently attempting to censure Israel for measures it takes, while ignoring the intense and continuous violence that has necessitated these measures, the Council is confusing cause with effect, which can be construed as legitimizing violence.

Let me emphasize that when we talk of the need to prevent acts of violence, we are not advancing some abstract notion or concept divorced from reality. We are talking about the lives of Israeli citizens - men, women and children.

Only today, this morning in Israel, an act of terrorism led to the death of at least 14 civilians, while 27 were injured. They were travelling on a bus on the Tel Aviv-Jerusalem highway when a terrorist forced the bus over a cliff leading to the total incineration of the bus.

Israel is faced with continuous and escalating violence which continues, owing to deliberate PLO incitement intended to undermine Israel's peace initiative. The ongoing turbulence is being fuelled by acts of violence that have led to the brutal deaths of Jew and Arab alike.

During the last 18 months, 23 of our soldiers were killed defending Israel's borders from 30 PLO infiltration attempts, while at least 42 Israelis and over

(Mr. Bein, Israel)

60 Palestinians were murdered by PLO operatives. In the last three weeks alone 18 Palestinians have been murdered for reasons ranging from inter-factional PLO feuds to intimidation of the local population. Daily statements emanating from the PLO and some Arab countries glorifying the violence can in no way be seen to contribute to the restoration of normalcy. This situation is untenable.

Israel has embarked upon a two-track policy in its pursuit of a political solution. While seeking to promote peace and understanding, we state categorically that by no means can this come about at the expense of the legitimization of violence. Free elections in the territories are endangered in the face of violence and intimidation initiated by the PLO. Peaceful negotiations cannot proceed under duress or the threat of violence.

According to all accepted norms of international law Israel has the unequivocal responsibility to ensure the safety and security of all inhabitants. Israel acts within the context of the rule of law. As such, all actions taken in Judea, Samaria and the Gaza Strip are subject to the strict review of the High Court of Justice of Israel.

Israel has acted with the utmost restraint within the confines of local and international law. Furthermore, we have chosen not to utilize the death penalty expressly contemplated by the Fourth Geneva Convention. Israel has preferred to exercise less-severe measures which are part of the local law applicable in the territories in conformity with article 63 of the Hague regulations. This law of the land has been in force since the British and, later, Jordanian rule over the territories, which permits the expulsion of individuals who pose an immediate and grave threat to security and public order.

(Mr. Bein, Israel)

Israel regards expulsions as the ultimate and severest measure, so the decision to expel particular agitators is not taken arbitrarily or lightly. On the contrary, expulsion is used selectively, and only in extreme cases, in order to stem the violence. Indeed, even when gaoled, some of the individuals concerned continued their activities of incitement and agitation to rioting and violence. Some of them are convicted terrorists whose sentences were commuted following a promise to cease their subversive activities; yet they resumed those activities upon release. All of them were involved in activities ranging from throwing fire bombs and hand grenades to planting explosive devices, possessing arms, blocking roads, and imposing a reign of terror on the local population. Expulsion, therefore, was the only means left to curtail those activities.

(Mr. Bein, Israel)

Each of those expelled was given the opportunity fully to exercise his legal rights and petition an advisory committee and the High Court of Justice. Those lengthy legal proceedings lasted nearly a year.

Needless to say, in the absence of incitement to violence expulsions would not be necessary. Accordingly, Israel's Defence Minister has stated clearly that should quiet be restored the possibility of allowing the return of the expelled persons will be considered.

One cannot help but observe the satisfaction on the faces of the representatives of some countries. Once again they have succeeded in taking advantage of the rules of procedure of the United Nations in order to convene the Security Council and submit a draft resolution against Israel. Again they have succeeded in demonstrating their obstructive solidarity on the one agreed subject: Israel.

In the last few months several extreme political events have shattered the serene flow of history in States and nations across the globe. The future and well-being of many human beings are involved. Thousands of refugees are seeking shelter, wandering within and across international boundaries. While all this occurs, the expected routine reasserts itself in this Chamber: The Security Council is asked to meet in order to criticize Israel, and only Israel.

The Security Council should take into account the full context in which the violence occurs. If it wishes to act constructively, it should call for the cessation of all violence and encourage dialogue and peace. Draft resolutions such as the one before the Council, which do not take the full context into account, cannot help promote those goals.

As I have already mentioned, Israel has decided not to resort to the death penalty permitted by the Fourth Geneva Convention, but rather to limit itself to

(Mr. Bein, Israel)

expulsions as the ultimate punishment. How is it that being more lenient and humane than even international law permits should open the door to censure by the Security Council? Does that make sense? Moreover, the lengthy legal process in Israel, involving petitions and appeals to the High Court of Justice, has been used by the initiators of these meetings, today as in the past, to convene the Council not once, but twice: first when the order of expulsion was issued and again when it was implemented. Is there any other State in the world to which such special and extensive treatment is given? Has Israel become the whipping-boy of the guilty conscience of the world?

The Council should instead encourage a change in the existing situation and promote movement towards a future of non-violence and peace. To ignore the considerable and wide-ranging acts of violence with which Israel is confronted can only make more distant any realistic possibility of furthering the peace process.

On the other hand, to adopt a balanced view of that reality might be the beginning of both the necessary understanding and the tolerance needed to arrive at a political solution. Unfortunately, the draft resolution before the Council will begin neither.

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

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall take it that that is the case.

There being no objection, it is so decided.

Before putting the draft resolution to the vote, I shall call on those members of the Council who wish to make statements before the voting.

Mr. PICKERING (United States of America): The Security Council is convened today to consider a draft resolution submitted by non-aligned members regarding the action of the Government of Israel last week in deporting eight Palestinians to Lebanon. The position of the United States on the issue of deportations is well known to the members of the Council. We are opposed to the practice of deportations as a violation of Article 49 of the Fourth Geneva Convention. We also consider deportations unnecessary to maintain order and unhelpful to the peace process. They serve to increase tension rather than contributing to the creation of a political atmosphere conducive to reconciliation and negotiation.

We have repeatedly made our views on this matter clear to the Government of Israel and we have stated publicly our firm opposition to past deportations as well as to the recent deportation of eight Palestinian civilians which has given rise to the Council's current consideration of this matter.

At the same time we believe it is also important for members of the Council to understand this issue in its correct perspective. Israel for many years has been dealing with a very difficult and complex political and security situation. The Palestinian uprising, which has been under way since December 1987, has presented Israel with new challenges to its security.

The United States is also actively engaged in seeking to assist the parties to come together at the negotiating table in order to break the long-standing impasse between Israel and the Palestinians and to reach interim and final status arrangements on the occupied territories leading to a comprehensive peace in the region. We wholeheartedly support the Government of Israel's initiative to hold elections in the West Bank and Gaza as a first step, and we have urged all concerned to support that effort. The continuing violence in the territories

(Mr. Pickering, United States)

underscores the urgency of the need to get the negotiating process started. We believe that there is no military solution to this problem, only a negotiated solution arrived at through negotiations carried out directly among the parties.

We find deeply regrettable Israel's deportation last week of an additional eight Palestinians, and we agree with the call in the draft resolution before us today for Israel to desist from further deportations.

We do not believe, however, that raising the issue in the Council now, in the form in which it is being presented, will help to reduce tensions or to restore calm. Neither, unfortunately, do we believe a resolution will assist in achieving the cessation of the deportations which we continue to oppose. Neither more deportations nor more such resolutions are likely to serve in the efforts, in which we all share a responsibility, to bring the parties to the negotiating table. For those reasons my delegation will abstain in the vote on the draft resolution now before us.

I wish to add for the record, as we have stated in the past, our objection to the phrases appearing in this draft resolution, "occupied Palestinian territories" (S/20710, third preambular para. and para. 2) and

"Palestinian territories, occupied by Israel since 1967, including Jerusalem, and ... the other occupied Arab territories". (para. 3)

We consider that those phrases describe the territories demographically, are limited to territories occupied in 1967 and do not prejudice their status, which can only be resolved through negotiations. We are convinced that Jerusalem must remain undivided but that its final status should be decided through negotiations.

The PRESIDENT: I shall now put the draft resolution to the vote.

A vote was taken by show of hands.

In favour: Algeria, Brazil, Canada, China, Colombia, Ethiopia, Finland, France, Malaysia, Nepal, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia

Against: None

Abstaining: United States of America

The PRESIDENT: The result of the voting is as follows: 14 votes in favour, none against, and one abstention. The draft resolution has been adopted as resolution 636 (1989).

The representative of Palestine has asked to speak. I call upon him.

Mr. TERZI (Palestine): Mr. President, it is with great joy that we greet a comrade in the Movement of the Non-aligned Countries, a representative of the founders of the Movement. The aspirations of all liberation movements and of all freedom-loving peoples are manifested in the positions and principles of the Movement. We are very happy to see you presiding over our deliberations today.

As far as you personally are concerned, Sir, we do not really have to add too much to what has already been said regarding your prudence and wisdom, and your stewardship in leading such a politically motivated Council and meeting. We feel proud to be addressing you on behalf of our peoples, and we recall the friendly, brotherly and comradely relations between our two States.

We would also like to recall the diligence and hard work of your predecessor, the representative of the United States, who tried very hard to get the Council to achieve something positive. Unfortunately, I am sure he did not succeed, but we hope that eventually the representative of the United States will join the other freedom-loving peoples.

(Mr. Terzi, Palestine)

I wish to say something that may seem irrelevant at this stage. The Council had to postpone its meetings for a couple of days because of the 4th of July, Independence Day. I read in the independence document that it was the people here who declared their independence and that they took unilateral action; they did not need anybody to support them when they declared their independence and their own State. The independence of a people results from action taken unilaterally by the people itself.

We wish to thank the Secretary-General, who immediately, on 29 June, issued his expressions of dismay at the expulsion by Israel of eight Palestinians from the occupied Palestinian territory.

We wish through you, Sir, to thank the members of the Council - though one preferred to take a different position, he permitted passage of the resolution - for having reiterated their firm belief that the provisions of an international convention, the Fourth Geneva Convention, should be respected. We trust they will take further steps to ensure that the provisions of the Fourth Geneva Convention are respected, that the Palestinian civilians will return safely and immediately to their homes, and that no more deportations will be undertaken by Israel.

We have to admit here that Israel is the only Member of this Organization whose behaviour, in the occupied Arab territories, subjects it to the provisions of the Fourth Geneva Convention. We thought this was the time to reiterate that at this time the Council has addressed itself to only one violation, as a reminder to Israel, as the occupying Power, that it must scrupulously abide by those provisions.

The PRESIDENT: I thank the representative of Palestine for his kind words addressed to me.

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

The meeting rose at 5.05 p.m.