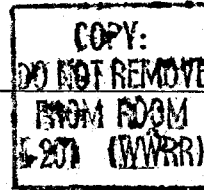




Security Council



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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
EIGHT HUNDRED AND EIGHTY-THIRD MEETING

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SEP 1 1989

Held at Headquarters, New York,
on Wednesday, 30 August 1989, at 4.30 p.m.

UN/SA COLLECTION

President: Mr. DJOUDI

(Algeria)

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

Mr. ALENCAR
Mr. TETU
Mr. YU Mengjia
Mr. GRILLO
Mr. GEBREMEDHIN
Ms. RASI
Mr. BLANC
Mr. HASMY
Mr. JOSSE
Mr. BA
Mr. LOZINSKY

Sir Crispin TICKELL
Mr. PICKERING
Mr. KOTEVSKI

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The meeting was called to order at 4.40 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

LETTER DATED 29 AUGUST 1989 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF QATAR TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/20817)

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The PRESIDENT: I should like to inform the 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 accordance 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 Council that I have received a letter dated 30 August 1989 from the Deputy Permanent Observer of Palestine to the United Nations, which will be issued as document S/20823 and which reads as follows:

"I have the honour to request that, in accordance with its previous practice, the Security Council invite the Deputy Permanent Observer of Palestine to the United Nations to participate in the consideration of the item entitled 'The situation in the occupied Arab 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 is approved the Council will invite the Deputy Permanent Observer of Palestine to participate, not under rule 37 or rule 39, but with the same rights of participation as those conferred by rule 37.

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

Mr. PICKERING (United States of America): The United States will request a vote on the proposal before the Security Council, and the United States will vote against it, 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 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 this Council's ability to play such a role.

(Mr. Pickering, United States)

As all members of the Council are aware, it is a long-established practice that Observers do not have the right to speak in the Security Council at 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 this practice.

It is clear that 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 practices". (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 it would not have objected 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 the proceedings of the Security Council as if that organization represented a Member State of the United Nations.

(Mr. Pickering, United States)

We believe in listening to all points of view, but not in a manner 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 all of these 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: 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, 1 against and 3 abstentions. The request has been approved.

At the invitation of the President, Mr. Mansour (Palestine) 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 in response to the request contained in a letter dated 29 August 1989 from the Charge d'affaires ad interim of the Permanent Mission of Qatar to the United Nations addressed to the President of the Security Council, document S/20817.

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/20820.

I should like to draw the attention of members of the Council to document S/20816, which contains the text of a letter dated 28 August 1989 from the Chargé d'affaires ad interim of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General.

Members of the Council have also received photocopies of a letter dated 29 August 1989 from the Chargé d'affaires ad interim of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General, which will be published as a document of the Security Council under the symbol S/20822 at 0600 hours tomorrow.

The representative of Israel has 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 congratulate you on your assumption of the presidency of the Security Council for the month of August. I also congratulate the Permanent Representative of Yugoslavia on the way in which he conducted the affairs of the Security Council last month.

(Mr. Bein, Israel)

I have just returned from a brief stay in Israel. My observations there reaffirmed my conviction that a better future for our region is indeed possible. I saw a people yearning for peace, a people whose long-standing aspiration for coexistence and tolerance is evident in every conversation.

While stubborn hope prevails, it is being tested severely by the daily violence with which our country is confronted. I saw a society anguished by escalating violence, marked by daily kidnappings, assaults and murders of Jews and Arabs alike.

(Mr. Bein, Israel)

Just last week we were all riveted by the rapid unfolding of the kidnapping episode of an Israeli jeweller who was later found alive at the bottom of a twenty-foot well. That same day, a civilian bus, dodging Arab stone throwers, veered into the opposite lane and collided head on with a private car, killing a mother and her three children.

The cumulative effect of the violence finds expression in Israel's newspapers, where severe disillusionment is being voiced as to the prospects of peace, particularly as the results of the Fifth Fatah Congress became known. No Israeli could remain unperturbed by such resolutions as the call for "continuing to intensify and escalate armed action and all forms of struggle to liquidate the Israeli-Zionist occupation of our occupied Palestinian land". The consensus, even in liberal circles, held that Fatah had, I would say, "brought a caduc to the caduc". Yet, our hope prevails.

Indicative of this hope is our adamant determination to pursue the dialogue with local Palestinian leaders, a dialogue which, despite the best efforts of the PLO, continues unabated. Thus, Israel's Prime Minister Yitzhak Shamir, Minister for Foreign Affairs Moshe Arens and Defence Minister Yitzhak Rabin, among others, continue to hold extensive talks with leaders from all elements of Palestinian society. The purpose of these meetings is to reach an agreement as to the modalities and process of holding free and democratic elections in the territories as a stepping-stone to a comprehensive peace.

Those countries that repeatedly convene the Security Council in order to condemn Israel only pretend to do so in order to protect the Palestinians, for if they really did care they would add their voices in support of the peace process instead of fruitlessly convening the Council on a monthly basis. Yet, theirs is not the lot of the victim; those who really suffer from this hypocritical game are my people, and the Palestinians.

(Mr. Bein, Israel)

Brutal acts of violence have been escalating rapidly in recent months, with over half of all terrorist assaults aimed at the local Palestinian population. In fact, many more Palestinians have been the casualties of PLO violence than Israelis. Over 100 Palestinians in the territories have been murdered by various PLO groups since the beginning of 1988. Following the promulgation of Israel's peace initiative in April 1989, the rate of PLO-directed attacks against Palestinians began to increase sharply. Close to 50 were slain in the last two months alone.

As should be obvious, this drastic increase in violence is the PLO's direct response to the challenge posed by Israel's April 1989 peace initiative. The violence is intended to intimidate the local population and ensure absolute PLO domination. The means used in this campaign have been unusually brutal. The victim is usually kidnapped, interrogated, tortured and, finally, executed by being beaten, stabbed or axed to death. Public hangings are also frequent, including the hanging of teachers in school yards, in front of terrified children.

Asked on 22 August 1989 whether the PLO condoned such attacks, Arafat answered by asking the correspondent, "Are you against it?" This was a chilling reminder of the by-now famous warning issued by Arafat on 19 January 1989: "Whoever thinks of stopping the uprising before it achieves its goals, I will give him 10 bullets in the chest." Meanwhile, as the PLO attempts to achieve its goals, people are being killed.

It is on Israel, however, that international law places the responsibility to maintain public order and safety in the administered territories, pending a final negotiated agreement on their status. Public safety is indeed being maintained in the face of flagrant incitement emanating from the Arab world. Yet, we are repeatedly condemned by the Security Council. However, the interesting question is: Why has the widespread violence which has necessitated our measures never been

(Mr. Bein, Israel)

addressed by this body? The context has never been considered nor has an appeal for mutual restraint ever been raised.

As to the substance of the issue, Israel maintains that, in view of the sui generis status of Judea, Samaria and the Gaza District, the de jure applicability of the Fourth Geneva Convention to these areas is doubtful. Yet, Israel prefers to set aside the legal question of the status of these areas, and has decided to act de facto in accordance with the humanitarian provisions of that Convention.

Israel has accordingly acted with utmost restraint within the confines of local and international law. Not only that, but we have determined not to utilize the death penalty expressly contemplated by the Fourth Geneva Convention. Israel has preferred instead to exercise less severe measures derived from the local law applicable in the territories in conformity with the requirements of international law. This law of the land has been in force since the British, and subsequent Jordanian and Egyptian, rule over these territories, and it permits the expulsion of individuals who pose an immediate and grave threat to security and public safety.

Since Israel regards expulsions as its most severe measure, the decision to banish individuals is not taken arbitrarily or lightly. On the contrary, this measure is taken only after the most careful consideration and upon the conclusion that all other means have failed in curbing the violence and preventing grave risks to public safety. It is an exceptional step whose recourse is a means of last resort. Each of the individuals had exhaustive legal remedies available to him. Each of them appealed before Israel's Supreme Court, a lengthy legal proceeding which lasted nearly a year.

As regards the question of international law, Israel's Supreme Court has examined repeatedly the proper interpretation and application of Article 49 of the Fourth Geneva Convention. The Court held that, while mass deportations are prohibited under Article 49, the expulsion of individuals is allowed.

(Mr. Bein, Israel)

Israel is a State dedicated to the rule of law, which is guaranteed by an independent judiciary. Our courts and our judicial system as a whole have established for themselves an undisputed reputation. They certainly can match, and in many cases can better, the courts in most countries.

An unfortunate, but all-too-obvious conclusion, emerges from a comparison of the quick action taken by the Security Council today and the absolute inability of the Council to respond in an effective manner to the indiscriminate slaughter perpetrated by Syria and its proxies in Lebanon.

Only two weeks ago the Secretary-General exerted a major effort to convene the Security Council in order to respond to the massive carnage in Lebanon. His commendable efforts were rebuffed neatly and effectively by a few members of the Council whose ulterior motives evidently superseded the threat to international peace and security.

(Mr. Bein, Israel)

Thus one of the most volatile international crises of our time, involving the occupation of two thirds of Lebanon by 40,000 Syrian troops, the savage bombardment of Beirut, which resulted in hundreds of thousands of refugees and nearly 1,000 deaths, was neglected. The heightened global tensions were disregarded. Instead of conducting a formal debate, the Security Council was made to settle for a diluted presidential statement which was barely allowed to express "great disquiet" over the slaughter. Needless to say, neglected to be mentioned was Syria's direct responsibility for the slaughter.

The conclusion is clear. The agenda of the Security Council is dictated today, as it was two weeks ago, by the ulterior motives of certain members. Primary among them is the obstruction of any genuine prospect for peace between Israel and those nations still formally in a state of war with it.

Yet we do not despair. We invite the nations of the Middle East to support the peace initiative and begin the process which we in Israel yearn for. To promote this, we call on the Security Council to encourage a fundamental breakthrough in the current stalemate and help promote movement towards a peaceful future.'

The PRESIDENT: It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote. There being no objection, it is so decided.

I shall first 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 by the non-aligned members of the Security Council. The draft resolution concerns the action by the Government of Israel on 27 August to deport five Palestinians from the occupied territories.

(Mr. Pickering, United States)

The United States position on this issue is well known. It was reaffirmed by the Department of State spokesman on 28 August: we are opposed in principle to deportations as contrary to the provisions of the Fourth Geneva Convention, provisions which apply to the occupied territories of the West Bank and Gaza. We further believe that deportations are unhelpful because they increase tensions and corrode the atmosphere in the region, making it more difficult for Israelis and Palestinians to engage in constructive dialogue and thereby move the peace process forward. We have repeatedly made these views known to the Government of Israel.

In its resolution 636 (1989), adopted on 6 July, the Security Council expressed its deep regret at continuing deportations and called on Israel to desist from further deportations of Palestinian civilians. Despite this call by the Council, Israel has proceeded less than two months later with the deportation of five additional Palestinians. It is in this context that my Government will not oppose the draft resolution before the Council, but will abstain.

The United States wishes to make clear that we do not believe that repeated resort to the Security Council will help to address the underlying problems of finding peace or facilitate negotiations between the parties. The difficult decisions needed to launch a negotiating process are the responsibility of the parties themselves; others cannot do this for them. The United States is continuing its active efforts to assist the parties in establishing a dialogue that can lead to interim and final status arrangements in the occupied territories and to a comprehensive peace in the region.

For the record I wish to add our oft-stated objection to the phrases appearing in this draft resolution "occupied Palestinian territories" and "Palestinian territories, occupied by Israel since 1967, including Jerusalem, and the other occupied Arab territories". We consider that these phrases describe the territories demographically, are limited to territories occupied in 1967, and do

(Mr. Pickering, United States)

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 641 (1989).

The representative of Palestine wishes to speak. I call upon him.

Mr. MANSOUR (Palestine) (interpretation from Arabic): At the outset I should like to convey to you our great pleasure and pride at seeing you, with your well known diplomatic and political experience, presiding over the deliberations of the Council for this month. The bonds that link our countries, Governments and peoples go beyond our belonging to the same nation, the Arab nation. The struggling people of Palestine, the people under Israeli occupation in the intifadah, continue to draw inspiration from the revolution of the 1.5 million martyrs of Algeria, which gives us reason to continue to struggle until we achieve our objective of returning home, the liberation of our territories, and the establishment of our independent Palestinian State in our occupied Palestinian territories.

(Mr. Mansour, Palestine)

I should like to express our thanks to those States that voted in favour of our participation in this meeting, and on behalf of our Palestinian people and of the Executive Committee of the Palestine Liberation Organization, which has the authority and functions of the provisional Government of the State of Palestine until the Government is formed, I should like to thank all those States that voted for the draft resolution just adopted, resolution 641 (1989).

I should like in particular to thank the non-aligned caucus for sponsoring the draft resolution and for its effort to make our endeavours successful.

To the Security Council in particular and to the United Nations in general, as well as to the Secretary-General, Mr. Javier Perez de Cuellar, we express appreciation and respect. We continue to hope that, under the supervision of the United Nations, we shall all be able to initiate the preparations for the International Peace Conference and its convening in accordance with resolutions of the United Nations, in particular resolution 43/176.

(Mr. Mansour, Palestine)

Our people, the people of the intifadah, and its leadership, the PLO, continue to stretch out their hands to all those who are willing and able to contribute to the process of building peace based on justice.

If, however, this historic opportunity for peace is lost, responsibility will lie with those who continue to push us towards the option of war and destruction, those who torture and maim our people - especially our people under occupation - with those who flout the resolutions of the Security Council and the provisions of the Fourth Geneva Convention of 1949. It is they and their supporters who will be to blame.

Finally, from this Chamber we send to our struggling, steadfast people in the occupied territories, a message of our pride in them, their struggle and their sacrifice: The day of victory is coming; the inevitable end to the nightmare of Israeli occupation is not far off.

The PRESIDENT (interpretation from Arabic): I thank the representative of Palestine for his kind words addressed to me and to my country.

(spoke in English)

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

The meeting rose at 5.10 p.m.