

Middle East - Israeli Settlements

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~~CONFIDENTIAL~~

October 26, 1977

TO: PRESIDENT CARTER
FROM: HAMILTON JORDAN *HJ*
RE: UN RESOLUTION ON ILLEGAL SETTLEMENTS

I have studied the history of UN resolutions on this subject and have tried to reconcile our intention to vote in favor of this resolution with the realities of getting to Geneva. Several thoughts on this:

1. Our position on illegal settlements is well known.

While this is the rationale for our having to support this resolution, it can also be the reason that we choose to abstain. We made strong public statements in protest of the Israeli settlements policy at the

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E.O. 12100, Sec. 3.4
PER 10/19/92 NSC HK RE MR-NLC-92-8
BY *[Signature]* NARS, DATE 11/2/93

time they occurred. They responded partially and modified their policy in a way that was less disruptive to the prospects for getting to Geneva. An alternative which should be considered is to abstain from this formal vote, pointing out at the same time that our public position on this matter is well known and that this resolution is disruptive to the peace process which is being pursued by the United States and the countries of the Middle East.

2. It does not make a lot of sense to me for our country to participate in the introduction of a new variable at this critical stage of the negotiations. New legalisms, UN resolutions and other technicalities will have very little positive effects and potentially disastrous negative effects.

3. The recent history of our efforts is that the Israelis have been forthcoming (endorsement of the working paper) and the Arabs have been more difficult.

Unless there is some "quid pro quo" with the Arabs generally or Egypt specifically, I do not understand why we would want to restate something that is insured to be interpreted in Israel as an insult and a lack of appreciation for the concessions that Dayan and Begin have made. Because my strong hunch is that when the Arabs come back to us with their reactions to the working paper, we are going to have to go back to the Israelis. It would be unfortunate if we used up what remaining goodwill exists over a UN resolution that simply restates a position that is well known to all parties. And while we might view it as simply a restatement of our policies, the Israelis harbor a strong resentment of the United Nations as an institution. A UN resolution on settlements identifies our foreign policy on the Mideast with the United Nations which is an emotional and unattractive thing to the Israelis.

4. The main argument I have heard for our supporting this resolution is that the Egyptians have put a lot of time into developing and promoting it. Given the recent cooperation of the Israelis and the general re-

luctance of the Arabs to accept our working paper, I would not think it was strategically wise to side with the Arabs against the Israelis. When we sign statements and cooperate with other countries, it would seem that we would extract tangible commitments from them in exchange. For example, we helped to bring the Soviets back into Geneva and the Mideast through the joint statement. However, from all that I hear out of the NSC and the State Department, they have yet to help us with the Syrians or the PLO. In fact, I understand there is some evidence that they continue to play a disruptive role in the Mideast. If we vote against Israel in the UN on this matter, we should certainly gain something for it from the Arabs; and in doing so we should accept the risk that we are making it more difficult for Israel to make additional changes or modifications when we go back to them on procedural questions on Geneva.

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5. Our vote against Israel in the UN could precipitate a political confrontation in the Congress that could be unfavorable to the Administration and also divert attention and resources from the energy bill.

As you know, our 86-8 favorable-unfavorable ratings from last March in the Jewish community have fallen to 17-73 in October. I am no longer concerned with the support of American Jews - that is lost until we show some tangible results from our peace efforts. I continue to be concerned that our efforts at peace in the Middle East will be undermined by a Congressional resolution or letter. This vote on the upcoming UN resolution could be the catalyst for such an effort. I believe that the hardliners are looking for just such an excuse. If it comes, we will have to fight it. You will have to spend time talking to the Congress and leaders of the Jewish community and it could have a negative impact on our energy bill.

For all these reasons, I would recommend that you, Cy and Zbig carefully weigh our vote on this UN resolution.

~~CONFIDENTIAL~~

TO: PRESIDENT CARTER
FROM: HAMILTON JORDAN
RE: UN RESOLUTION ON ILLEGAL SETTLEMENTS

After learning of your tentative decision to vote in favor of the UN resolution on the illegal Israeli settlements, I talked with Zbig, the Vice-President and Cy Vance to learn more about the history of this subject as well as the timing of the vote and the language of the resolution.

First of all, no one seems to know now when that vote will occur. Consequently, it is difficult for us to inform or involve congress.....

Secondly, I hope that our vote cast against Israel is not just a gratuitous.....it seems to me that we have reached a very critical time in the negotiations the Israelis have agreed to our working paper....our vote against Israel could precipitate.. it seems that we could simply abstain and point to our well known public position that opposes the Israeli settlements

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E.O. 12356, Sec. 3.4

PER 10/1/92 KSC/H/RE MD-NIC-92-8
BY NARS, DATE 11/2/93

PERSONAL AND ~~CONFIDENTIAL~~

TO: PRESIDENT CARTER
FROM: HAMILTON JORDAN
RE: POTENTIAL UN RESOLUTION ON ILLEGAL SETTLEMENTS

After learning of your tentative decision to support the UN resolution which condemns the Israeli actions on illegal settlements, I talked with Zbig, the Vice-President and Cy to learn more about the history of this subject as well as the timing of the vote and the language of the resolution.

Not trying to second guess your decision, I feel a need to point out to you several observations I ha

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PER 10/12/92 NSC H/RE MR-NLC-92-8
BY [Signature] NARS, DATE 1/12/93

the opposition in the americana jewish community is
 extreme... nothing good is going to change that until
 we get to geneva and have some ~~results~~ results tangible
 proof of the prospects for peace....

our vote against israel could give the ajc the issue
 it needs to begin a letter writing campaign in the congress.
 it comes at a time when the congress is preoccupied with
 energy and could divert political attention and support
 away from our energy bill....

possibly our support for this resumption will mean
 something specific with the arabs....however, we issued
 a joint us-soviet statement and i am not sure what we
 gained by that....we have been publicly criticized in
 this country for reintroduction of the soviet into
 the middle east and my sources in the nsc and state department
 say that ~~the soviet~~ there is evidence that the
 soviets continue to play a disruptive role with the
 syrians and the plo.

PERSONAL AND ~~CONFIDENTIAL~~

TO: PRESIDENT CARTER
FROM: HAMILTON JORDAN
RE: UN RESOLUTION ON ILLEGAL SETTLEMENTS

Several thoughts for you on the UN resolution on illegal settlements:

1. The introduction of a new subject for debate within our own country as well as between the United States and Israel at this point seems unwise and counterproductive.

You know better than anyone the tenuous nature of the agreements that exist between the parties for the convening of Geneva. Our vote on this subject against Israel could

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E.O. 12356, Sec. 3.4
PER 10/6/92 NSC HR RE MR 116-9248
BY Genf NARS, DATE 1/12/93

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precipitate a political crisis in this country with the Congress. More importantly, it could make it increasingly difficult for the Israelis to make additional concessions on other matters if they stand condemned by a UN resolution which was passed with the support of the United States. My point here is that the timing on this matter could not be worse, and to the extent this resolution is passed with our support, it could be at the expense of Geneva. Possibly we are already too far down the road, but I wondered if we could not attempt to delay this vote for the time being. Our public position on this subject is well known to the Arabs and the Israelis.

2. My own reading of the mood of the Jewish community and Congress would lead me to conclude that a UN vote against Israel would result in a serious effort in the Congress to pass a resolution or circulate a letter condemning US policy. This could not come at a worse time as the Congress is preoccupied with the energy bill.

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December 1971, 2965 (XXVII) of 13 December 1972, 3091 (XXVIII) of 7 December 1973, 3239 (XXIX) of 29 November 1974 and 3457 (XXX) of 10 December 1975,

Having examined the report of the Special Committee on Peace-keeping Operations¹² and the report submitted to the Special Committee by its Working Group,¹³

Conscious that there is urgent need for an early agreement on guidelines that would govern United Nations peace-keeping operations and strengthen the capability of the United Nations to respond to future peace-keeping needs in an effective manner,

Noting that limited progress has been made towards the completion of agreed guidelines for conducting peace-keeping operations in conformity with the Charter of the United Nations,

Considering that a demonstration of political will and greater conciliation remain necessary for an early completion of such agreed guidelines,

1. Takes note of the report of the Special Committee on Peace-keeping Operations;

2. Requests the Special Committee and its Working Group to renew efforts and to intensify negotiations for an early completion of agreed guidelines for peace-keeping operations, in conformity with the Charter of the United Nations, before the thirty-second session of the General Assembly;

3. Urges members of the Special Committee and its Working Group, including the permanent members of the Security Council represented therein, to demonstrate political will and a spirit of conciliation during the negotiations to be held in 1977;

4. Requests the Special Committee to give further attention to the consideration of specific questions related to the practical implementation of peace-keeping operations;

5. Requests the Special Committee to report to the General Assembly at its thirty-second session.

100th plenary meeting
15 December 1976

31/106. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories

US voted "No" on A

The General Assembly,

Guided by the principles of the Charter of the United Nations, in particular the principles of sovereignty and territorial integrity,

Bearing in mind the rules of international law concerning occupation, in particular the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁴

1. Strongly deplores the measures taken by Israel in the Arab territories occupied since 1967 that alter their demographic composition or geographical nature, and particularly the establishment of settlements;

¹² Ibid., agenda item 54, document A/31/337.

¹³ Ibid., annex.

¹⁴ United Nations, *Treaty Series*, vol. 75, No. 973, p. 287.

2. Declares that such measures have no legal validity and cannot prejudice the outcome of the search for the establishment of peace, and considers that such measures constitute an obstacle to the achievement of a just and lasting peace in the area;

3. Declares further that all legislative and administrative measures taken by Israel, including the expropriation of land and properties thereon and the transfer of populations, which purport to change the legal status of Jerusalem are invalid and cannot change that status;

4. Urgently calls once more upon Israel to rescind all those measures and to desist forthwith from taking any further measures which tend to change the demographic composition, geographical nature or status of the occupied Arab territories or any part thereof, including Jerusalem.

101st plenary meeting
16 December 1976

US voted "yes" on B

The General Assembly,

Recalling its resolutions 3092 A (XXVIII) of 7 December 1973, 3240 B (XXIX) of 29 November 1974 and 3525 B (XXX) of 15 December 1975,

Considering that the promotion of respect for the obligations arising from the Charter of the United Nations and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁵

Noting that Israel and those Arab States whose territories have been occupied by Israel since June 1967 are parties to that Convention,

Taking into account that States parties to that Convention undertake, in accordance with article 1 thereof, not only to respect but also to ensure respect for the Convention in all circumstances,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem;

2. Deplores the failure of Israel to acknowledge the applicability of that Convention to the territories it has occupied since 1967;

3. Calls again upon Israel to acknowledge and to comply with the provisions of that Convention in all the Arab territories it has occupied since 1967, including Jerusalem;

4. Urges once more all States parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all the Arab territories occupied by Israel since 1967, including Jerusalem.

101st plenary meeting
16 December 1976

US voted "No" on C

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations as well as the principles and provisions of the Universal Declaration of Human Rights,

¹⁵ Ibid.

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁶ as well as of other relevant conventions and regulations,

Recalling its resolutions on the subject, as well as those adopted by the Security Council, the Commission on Human Rights and other United Nations bodies concerned and by specialized agencies,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,¹⁷ which contains, *inter alia*, public statements made by leaders of the Government of Israel,

1. *Commends* the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly;

2. *Deplores* the continued refusal by Israel to allow the Special Committee access to the occupied territories;

3. *Calls again upon* Israel to allow the Special Committee access to the occupied territories;

4. *Deplores* the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments;

5. *Condemns*, in particular, the following Israeli policies and practices:

(a) The annexation of parts of the occupied territories;

(b) The establishment of Israeli settlements therein and the transfer of an alien population thereto;

(c) The evacuation, deportation, expulsion, displacement and transfer of Arab inhabitants of the occupied territories, and the denial of their right to return;

(d) The confiscation and expropriation of Arab property in the occupied territories and all other transactions for the acquisition of land involving the Israeli authorities, institutions or nationals on the one hand, and the inhabitants or institutions of the occupied territories on the other;

(e) The destruction and demolition of Arab houses;

(f) Mass arrests, administrative detention and ill-treatment of the Arab population;

(g) The ill-treatment of persons under detention;

(h) The pillaging of archaeological and cultural property;

(i) The interference with religious freedoms and practices, particularly as manifested most recently in Al-Khalil, as well as family rights and customs;

(j) The illegal exploitation of the natural wealth, resources and population of the occupied territories;

6. *Reaffirms* that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the occupied territories, or any part thereof, including Jerusalem, are null and void, and that Israel's policy of settling parts of its population and new immigrants in the occupied territories constitutes a flagrant violation of the

Geneva Convention relative to the Protection of Civilian Persons in Time of War and of the relevant United Nations resolutions;

7. *Demands* that Israel desist forthwith from the policies and practices referred to in paragraphs 5 and 6 above;

8. *Reiterates* its call upon all States, international organizations and specialized agencies not to recognize any changes carried out by Israel in the occupied territories and to avoid actions, including those in the field of aid, which might be used by Israel in its pursuit of the policies of annexation and colonization or any of the other policies and practices referred to in the present resolution;

9. *Requests* the Special Committee, pending the early termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories, and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

10. *Requests* the Secretary-General:

(a) To render all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, with a view to investigating the Israeli policies and practices referred to in the present resolution;

(b) To continue to make available additional staff as may be necessary to assist the Special Committee in the performance of its tasks;

(c) To ensure the widest circulation of the reports of the Special Committee, and of information regarding its activities and findings, by all means available through the Office of Public Information of the Secretariat and, where necessary, to reprint those reports of the Special Committee which are no longer available;

(d) To report to the General Assembly at its thirty-second session on the tasks entrusted to him in the present paragraph;

11. *Decides* to include in the provisional agenda of its thirty-second session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories".

101st plenary meeting
16 December 1976

US abstained on D

The General Assembly,

Recalling its resolutions 3240 C (XXIX) of 29 November 1974 and 3525 C (XXX) of 15 December 1975,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,¹⁸ in particular section V thereof, entitled "Quneitra", and annex III thereto, a report entitled "Quneitra: report on nature, extent and value of damage", submitted by a Swiss expert engaged by the Special Committee,

¹⁶ *Ibid.*

¹⁷ A/31/218.

¹⁸ *Ibid.*

1. *Expresses its appreciation* of the thoroughness and impartiality with which the expert engaged by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories discharged the tasks entrusted to him;

2. *Condemns* the massive, deliberate destruction of Quneitra perpetrated during the Israeli occupation and prior to the withdrawal of Israeli forces from that city in 1974;

3. *Recognizes* that the Syrian Arab Republic is entitled to full and adequate compensation, under international law and in equity, for the massive damage and deliberate destruction perpetrated in Quneitra while it was under Israeli occupation, and to all other legal remedies in accordance with applicable international law and practice;

4. *Takes note* of the statements made by the representative of the Syrian Arab Republic before the

Special Political Committee, to the effect that his Government reserves all rights to full compensation in regard to all damages resulting from Israel's deliberate destruction of Quneitra, including those not covered by the expert's above-mentioned report or not falling within the scope of his assignment;

5. *Requests* the Special Committee to complete its survey on all the aspects referred to in paragraph 4 above and to report thereon to the General Assembly at its thirty-second session;

6. *Requests* the Secretary-General to provide the Special Committee with all the facilities required for the completion of the tasks referred to in the previous paragraphs.

*101st plenary meeting
16 December 1976*

Washington

UNITED STATES DELEGATION
TO THE GENERAL ASSEMBLY

FOR IMMEDIATE RELEASE

Press Release USUN-178(75)
December 5, 1975

Statement by Ambassador Albert W. Sherer, Jr., United States
Representative in the Special Political Committee, on the report
of the Special Committee to Investigate Israeli Practices Affecting
the Human Rights of the Population of the Occupied Territories,
December 5, 1975. - - - - -

The United States has voted against Resolution A/SPC/L.340 *31/106 A*
because we consider that the serious allegations made in it have
not been sufficiently verified and because the resolution constitutes
an unbalanced treatment of a complex and many-sided situation. How-
ever, on the single question of the Fourth Geneva Convention, the
United States has long held that it applies to the occupied terri-
tories, and we have accordingly voted for the Resolution L.341. *31/106 B*

The United States regards the destruction of civilian cities
in war time as an extremely serious matter and believes that an
alleged instance of such an action is clearly a matter worthy of
investigation. However, we were constrained to abstain on Resolu-
tion 3240 C last year because we objected to certain of its terms
of reference for the investigation of the destruction of Qenitra.
Since Resolution L.342 this year would carry forward this investiga-
tion under the same terms of reference, we have abstained on this
resolution also. *31/106 D*

Finally, Mr. Chairman, we believe that Resolution L.343 again
presents the difficulties of an approach from a single perspective
to a complex human problem. In this case, the human problem is to
reconcile the needs of the followers of two faiths to worship in
their own ways at a site equally revered by both. Any solution to
such an issue must equally respect the deep feelings held on all
sides. Resolution L.343 not only fails to do this, but also pre-
judges the question in its preambular language, and accordingly, we
have had to vote against it. *31/106 DC*

Decisions

At its 1916th meeting, on 4 May 1976, the Council decided to invite the representatives of Egypt, Israel, Jordan and the Syrian Arab Republic to participate, without vote, in the discussion of the item entitled "The situation in the occupied Arab territories: letter dated 3 May 1976 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/12066)".¹²

At the same meeting, the Council also decided, by a vote, that an invitation should be accorded to the representative of the Palestine Liberation Organization to participate in the debate and that that invitation would confer upon it the same rights of participation as those conferred on a Member State when it was invited to participate under rule 37 of the provisional rules of procedure.

Adopted by 11 votes to 1 (United States of America), with 3 abstentions (France, Italy, United Kingdom of Great Britain and Northern Ireland).

At its 1917th meeting, on 5 May 1976, the Council decided to invite the representative of Saudi Arabia to participate, without vote, in the discussion of the question.

At its 1918th meeting, on 10 May 1976, the Council decided to invite the representatives of Kuwait, Somalia, the Sudan and Yemen to participate, without vote, in the discussion of the question.

At its 1920th meeting, on ~~10 May 1976~~, the Council decided to invite the representative of Qatar to participate, without vote, in the discussion of the question.

MAJORITY STATEMENT

At the 1922nd meeting, on 26 May 1976, the President made the following statement:

"Following the request submitted by Egypt on 3 May 1976,¹³ the Security Council held seven meetings between 4 and 26 May to consider the situation in the occupied Arab territories. After consulting all the members, the President of the Council concludes that the majority of the members agreed on the following.

"Grave anxiety was expressed over the present situation in the occupied Arab territories; concern was also expressed about the well-being of the population of those territories.

"The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,¹⁴ is applicable to the Arab territories occupied by Israel since 1967. The occupying Power was therefore called upon to comply strictly with the provisions of that Convention and to refrain from and rescind any measure which would violate them. In this regard, the measures taken by Israel in the occupied Arab territories which alter their demographic composition or geographical character, and in particular the establishment of settlements were deplored. Such measures, which cannot prejudice the outcome of the efforts to achieve peace, constitute an obstacle to peace.

"The Security Council should continue to follow the situation closely."

At its 1966th meeting, on 1 November 1976, the Council decided to invite the representatives of Egypt, Israel, Jordan and the Syrian Arab Republic to participate, without vote, in the discussion of the item entitled "The situation in the occupied Arab territories: letter dated 20 October 1976 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/12218)".¹⁵

At the same meeting, the Council also decided, by a vote, that an invitation should be accorded to the representative of the Palestine Liberation Organization to participate in the debate and that that invitation would confer upon it the same rights of participation as those conferred on a Member State when it was invited to participate under rule 37 of the provisional rules of procedure.

Adopted by 11 votes to 1 (United States of America), with 3 abstentions (France, Italy, United Kingdom of Great Britain and Northern Ireland).

At its 1967th meeting, on 4 November 1976, the Council decided to invite the representatives of Bangladesh, Mauritania and Saudi Arabia to participate, without vote, in the discussion of the question.

At its 1968th meeting, on 9 November 1976, the Council decided to invite the representatives of Indonesia, Morocco and Nigeria to participate, without vote, in the discussion of the question.

¹⁴ United Nations, *Treaty Series*, vol. 75, p. 287.

¹⁵ See *Official Records of the Security Council, Thirty-first Year, Supplement for October, November and December 1976*.

¹² *Ibid.*, Supplement for April, May and June 1976.

¹³ *Ibid.*, document S/12066.

UNITED STATES MISSION
TO THE UNITED NATIONS

FOR IMMEDIATE RELEASE

Press Release USUN-59(76)
May 26, 1976

Statement by Ambassador William W. Scranton, United States
Representative to the United Nations, in the Security Council,
on the situation in the occupied Arab territories, May 26, 1976.

Mr. President, first may I say that the statement which I am about to make clearly indicates I believe that the United States of America is not unrelentingly supporting "Zionist aggression," nor is it taking its position because of internal matters within the United States, but rather because it believes thoroughly that in any matter that comes before this Council it is important that we have a balanced answer, particularly as this Council is instructed through the Charter of our great organization first and foremost to be thinking of peace.

Mr. President, my delegation has dissociated itself from the statement you have read out which represents the view of the majority of the Council's members. As you know from views that my Government has expressed on past occasions in this chamber and elsewhere, there is much in the statement of the majority view with which we could agree.

We agree, for example, that the Fourth Geneva Convention relative to the protection of civilian persons in time of war is applicable to the territories occupied by Israel since 1967. We believe in the importance of following its prescriptions. In fact we made our position on this question clear during the March deliberations in this Council. From the unanimous agreement, therefore, of this Council that the Fourth Geneva Convention applies to the occupied territories, it follows that all of its provisions apply. We also agree that Israel should scrupulously comply with all the provisions of that Convention. Our position about the Israeli settlements in the occupied territories is similarly well known.

We are concerned, however, that the statement of the majority view lacks balance, and it is the element of balance which should be the hallmark of the deliberations of a body charged, as this one is, with maintaining the peace. While the summary statement does contain references to certain provisions of the Fourth Geneva Convention describing the obligations of an occupying power, there is no corresponding reference in the statement to those provisions of the Convention which explicitly recognize that the occupying power has the duty to maintain law and order and the right to protect its forces. We object, furthermore, to the fact that the statement is unrelieved by any recognition of the many areas in which Israeli administration of the occupied territories has been responsible and just, as in its administration of the Holy Places in Jerusalem and in its substantial efforts to permit the population to choose their own elected representatives to local government.

In particular, we believe the statement's sweeping injunction to Israel to rescind measures is out of place in this context and at this time.

Having said this, however, and having disassociated ourselves from the view of the majority, we would be remiss if we did not call the attention of the Government of Israel to the fact that there are aspects of its policies in the occupied territories, in particular that involving the establishment of settlements, that are increasingly a matter of concern and distress to its friends throughout the world and are not helpful to the process of peace. Israel has ample reason, with the experience of recent years, to feel that this Council too seldom approaches the Middle East problem with objectivity. It would be mistaken, however, to dismiss as products of blind partisanship all the points contained in the statement read out in this chamber today.

* * * * *

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/12022
24 March 1976

ORIGINAL: ENGLISH

Benin, Guyana, Pakistan, Panama and United
Republic of Tanzania: draft resolution

The Security Council,

Having considered recent developments in the occupied Arab territories,

Deeply concerned at the serious situation which has arisen in these territories as a result of continued Israeli occupation,

Deeply concerned further at the measures taken by the Israeli authorities leading to the present grave situation, including measures aimed at changing the physical, cultural, demographic and religious character of the occupied territories and, in particular, the City of Jerusalem, the establishment of Israeli settlements in the occupied territories and other violations of the human rights of the inhabitants of those territories,

Emphasizing the inadmissibility of the acquisition of territory by war,

Recalling and reaffirming the resolutions of the General Assembly and the Security Council calling upon Israel to rescind all measures already taken and to desist from taking any further action which would alter the status of the City of Jerusalem and the character of the occupied Arab territories,

Noting that, notwithstanding the aforementioned resolutions, Israel persists in its policy aiming at changing the physical, cultural, demographic and religious character of the City of Jerusalem in particular,

Reaffirming the urgent need for establishing a just and lasting peace in the Middle East,

1. Deplores Israel's failure to put a stop to actions and policies tending to change the status of the City of Jerusalem and to rescind measures already taken to that effect;

2. Calls on Israel, pending the speedy termination of its occupation, to refrain from all measures against the Arab inhabitants of the occupied territories

3. Calls on Israel to respect and uphold the inviolability of the Holy Places which are under its occupation and to desist from the expropriation of

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encroachment upon Arab lands and property or the establishment of Israeli settlements thereon in the occupied Arab territories and to desist from all other actions and policies designed to change the legal status of the City of Jerusalem and to rescind measures already taken to that effect;

4. Decides to keep the situation under constant attention with a view to meeting again should circumstances so require.



UNITED STATES MISSION TO THE UNITED NATIONS

PRESS RELEASE

799 UNITED NATIONS PLAZA
NEW YORK, N. Y. 10017

FOR IMMEDIATE RELEASE

Press Release USUN-37 (76)
March 23, 1976

Statement by Ambassador William W. Scranton, United States Representative to the United Nations, in the Security Council, on the request by the Libyan Arab Republic and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories, March 23, 1976.

Mr. President, first of all may I say to you that I am very grateful personally for your kind comments at the opening of this hearing and likewise for your extraordinary calm and measured leadership in this, which of all things that face us, is among the most passionate.

Likewise, I am equally grateful to all of you individually who have given me the kind of welcome which is very warming to the heart and I hope that I can live up to some of the very kind comments that were made.

Purposely and personally I have come and been here as each and every one of you have spoken and I plan to be here if I possibly can for all the other speakers on this very difficult problem, with one exception, to whom I have already apologized and would like to do so publicly. Yesterday in the middle of the distinguished representative from Egypt's comments, I had to leave because I was scheduled to be at a small luncheon

for the Ambassador from Japan, whom we are very sorry to have leave our Council. But I did read what the Egyptian Representative said and I was here for his reply this morning.

Now I, too, would like to indulge for just a few minutes in some personal comments from notes, very well aware that this is impossible for a "barbarian" in contrast to the distinguished gentleman from Saudi Arabia with his inimitable wit and remarkable eloquence, but most important of all and truly and seriously, his very extraordinary knowledge of history, but nevertheless I shall try because I wish to make them meaningful and personal, just a few comments about what has happened here so far in these deliberations.

First of all, I still am quite concerned and openly say so about the decision that was made concerning procedure. Not -- and I want this thoroughly understood -- not because the United States Government or, as far as I know, any other government here did not want the Palestine Liberation Organization to be heard. Quite the contrary, we did, and we welcome the hearing.

But I am concerned personally because I think unless a major international body of deliberation abides by written rules, in the future we will regret it; and I can see on the horizon a number of forthcoming instances when, forgetting rules and simply doing what the majority wants, whatever the majority may be, can haunt that majority at some future time. I think it is very important for us to have rules of procedure and to abide by them.

Secondly, with regard to this event which has purported to have initiated the recent difficulties in the West Bank and in Jerusalem, there were many references made by other speakers to media reports, some of them based on hearsay, what other persons had said. This is natural and understandable. But such references lead us away from facts, very important in any kind of deliberation but particularly in a deliberation which has to do with such a very emotional part of the world, more emotional, I suspect, than anywhere in the world based on its long and enduring varied cultures, the remarkable differences and yet extraordinary religions and the other emotions that abide there in such depth.

Events have taken place over the last several years which have deeply hurt us all -- terrorist raids and equally senseless retaliations and reprisals. These and other events have meant human killing, a good deal of it, and last but by no means least, very intense and widespread human suffering.

It seems to me that it is our responsibility in this international body not to add fuel to those fires as they individually or collectively arise but to do everything we can to lessen tensions, to deal with facts, and to help in every way possible to bring peace there and everywhere else in the world. As several of you have said, and said correctly in my judgment, the big issue here is not each of these events to which I have referred, as deplorable as they may be; the big question is the

occupied territory and the people who are there vis-a-vis Israel's right to be and to be secure, to which we Americans are strongly and deeply dedicated.

Yesterday, as I took leave of this body, I went to a small luncheon and sat next to a very lovely woman and we were discussing this major issue. And she said to me, rather yearningly, "Can it ever be resolved?" That is clearly the major question here and the one to which we should be devoting all our efforts. My answer to her was quite simple to say but very difficult to do, "For the world it must be."

And one last personal comment: I really would greatly appreciate it if over the next few weeks and months any one of you and preferably all of you would be kind enough to talk with me in the corridors or at the social functions or wherever, so that I can obtain as deep and penetrating an understanding of what each of you and your governments are thinking and feeling about this, certainly one of the most critical problems that beset this world.

And now for some written comments.

At the outset, it is especially noteworthy, I think, that Israel has joined in our deliberations. My Government warmly welcomes Israel's decision to do so.

For the events that have brought us together today are a corollary and a consequence of the tragic dispute that has occupied this Council with such regularity over the years. As such, they raise two categories of issues that we must have in mind if we are to deal with them constructively.

First is the question of bringing to an early end the situation that gives rise to these disturbances and to other forms of violence in the Middle East. So long as the situation persists we can expect continuing tension and occasional violence, however we might, and we must regret it. It is not necessary for me to belabor this point. Surely it is evident to all of us.

The occupation of territories in the 1967 war has always been seen by the world community to be an abnormal state of affairs that would be brought to an end as part of a peace settlement. Resolution 242, adopted by this Council shortly after the end of the 1967 war that led to the occupation, established the basic bargain that would constitute a settlement. This bargain was withdrawal of Israeli forces in return for termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

My Government has committed itself to do all it can to bring about this settlement and, in the words of Resolution 338, to implement Council Resolution 242 in all of its parts and to further negotiations between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East, which is what we are here for. We are engaged at this moment in an effort to regain momentum, as all of you know, in the negotiating process that has brought some unusual progress and it must bring more.

The second focus of our consideration must be the conduct of the occupation itself. In asking for this meeting, the letter of complaint circulated by the Permanent Representatives of the Libyan Arab Republic and of Pakistan identifies three issues:

- The administration of the Holy Sites,
- The situation in Jerusalem,
- Israeli actions in regard to the civilian population of the occupied territories, and the Israeli settlements in the occupied territories.

The position of the United States on these issues is clear and of long standing. I propose to review the U.S. position today once more to point out that there are proper principles and there are procedures under international law and practice which, when applied and maintained, will contribute to civil order and will, over the longer run, facilitate a just and a lasting peace.

First, there is the matter of the Holy Sites and practice of religion in the occupied areas. The deep religious attachment of Muslims and Jews and Christians to the Holy Places of Jerusalem has added a uniquely volatile element to the tensions that inhere in an occupation situation. The area known to Muslims as the Haram as Sharif and to Jews as the Temple Mount is of particular sensitivity. Israel's punctilious administration of the Holy Places in Jerusalem has, in our judgement, greatly minimized the tensions. To my Government, the standard to be followed in administering the Holy Sites is contained in Article 27 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. All parties to the Arab-Israel conflict are signatories of the Convention. Article 27 of the Convention prescribes, inter alia that "Protected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs." With regard to the immediate problem before us -- a ruling by a lower Israeli court which would have the effect of altering the status of the Haram -- it is our view that Israel's responsibilities under Article 27 to preserve religious practices as they were at the time of occupation began cannot be changed by the ruling of an Israeli court. We are gratified, deeply gratified, that the

Supreme Court of Israel has upheld the Israeli Government's position.

The status of the Holy Places is, of course, only one facet, however important, very important, of the problem of the status of Jerusalem itself. The United States position on the status of Jerusalem has been stated here on numerous occasions since the Arab portion of that city was occupied by Israel in 1967. Ambassador Yost said in 1969 "that the part of Jerusalem that came under the control of Israel in the June war, like other areas occupied by Israel, is occupied territory and hence subject to the provisions of international law governing the rights and obligations of an occupying power." Ambassador Goldberg said in 1968, to this Council, that "the United States does not accept or recognize unilateral actions by any states in the area as altering the status of Jerusalem." I emphasize, as did Ambassador Goldberg, that as far as the United States is concerned such unilateral measures, including expropriation of land or other administrative action taken by the Government of Israel, cannot be considered other than interim and provisional and cannot affect the present international status, nor prejudice the final and permanent status of Jerusalem. The United States position could not be clearer. Since 1967 we have restated here, in other fora, and to the Government of Israel that the future of Jerusalem will be determined only through the instruments and processes of negotiation, agreement and accommodation. Unilateral attempts to predetermine that future have no standing.

Next I turn to the question of Israeli settlements in the occupied territories. Again, my Government believes that international law sets the appropriate standards. An occupier must maintain the occupied areas as in tact and unaltered as possible, without interfering with the customary life of the area, and any changes must be necessitated by the immediate needs of the occupation and be consistent with international law. The Fourth Geneva Convention speaks directly to the issue of population transfer in Article 49: "The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies." Clearly, then substantial resettlement of the Israeli civilian population in occupied territories, including in East Jerusalem, is illegal under the Convention and cannot be considered to have prejudged the outcome of future negotiations between the parties on the location of the borders of states of the Middle East. Indeed, the presence of these settlements is seen by my Government as an obstacle to the success of the negotiations for a just and final peace between Israel and its neighbors. The real issues of peace and stability in the Middle East are very difficult indeed. And unilateral acts, such as civilian population transfers, have been taken which serve to inflame emotions on both sides.

Mr. President, I welcome the opportunity -- indeed I do -- this meeting of the Council has provided to review the issues involved in the administration of the Holy Sites, the status of Jerusalem, and in addition the question of Israeli settlements

in the occupied territories. Now as to prospective action by this Council, my Government will apply three tests:

- First, do the facts and judgement on which the resolution is based correspond to the actual situation?
Facts.
- Second, will the Council's action in practice advance the proper administration of the areas involved?
- and most important of all, will the Council's action help or hinder the peaceful settlement process, the framework for which was established by Security Council Resolutions 242 and 338?

UNITED NATIONS MISSION
TO THE UNITED NATIONS

FOR IMMEDIATE RELEASE

Press Release USUN-38 (76)
March 25, 1976

Statement by Ambassador William W. Scranton, United States
Representative to the United Nations, in the Security Council, in
explanation of vote before the vote on the resolution concerning the
situation in the occupied territories, March 25, 1976.

Mr. President, I want once more to recognize and appreciate the comments that three or four of the representatives made this morning in giving me a warm welcome to this Council and I am indeed grateful for their very kind comments. It reminds me, incidentally, that it is in some contrast to the welcome that I had outside this Council today. I dare say that I have now written a new record in representatives' records to this Council that I don't think anybody else can match by having a demonstration requesting my ouster hardly before I have sat down.

Secondly, I would like to say to the distinguished representative from Pakistan how much I appreciate the comments that he has made to me, in a very quiet and deliberate way, a few moments ago addressed to me and quoting some of the comments that I made on behalf of my government on Tuesday. And, sir, I shall try to respond and explain our vote in the same quiet and deliberate way, briefly.

The distinguished representative from Pakistan has quoted to you the three tests that I laid out in that intervention on Tuesday. I shall not repeat them. But they are the tests that have been carefully measured by my Government and when I say carefully I mean just that word. We have carefully measured the draft resolution that is now before all of you against these criteria and concluded that it fails to meet the criteria, especially because it reflects or implies judgments which on balance do not correspond to the actual situation in the area. Parts of the resolution, for example, are based on the judgment that Israel is persisting in a policy aimed at changing the religious character of the City of Jerusalem. We believe, my Government and I, that this conclusion is incorrect. Quite to the contrary we think Israel's administration of the holy places in Jerusalem has literally and actively minimized tensions.

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Secondly, and I think this is extremely important, you will remember that one of the tests was whether the Council's action would help or hinder the peaceful settlement process. On Tuesday I said to you that my Government has committed itself to do all it can to bring about a settlement. We take a back seat to no nation in this regard. We are engaged, as I said then, at this moment in an effort to regain momentum in the negotiating process that has brought some unusual progress. And I think it is fair to say that there has been more progress in this effort than anything else that has been undertaken since the 1967 war, although we are as aware as everyone else that there must be more. It is our belief and our strong feeling that this draft resolution would not help in that peaceful settlement process. And because the draft failed in our judgment to meet the tests that we brought to you, and which I brought to the attention of you on Tuesday, in the vote that is forthcoming the United States will vote no.

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Policy remains unchanged

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מועב"ס.

הישיבה שנועדה ליום ששי אחה"צ נתקבה להתייעצויות ולבסוף נדחתה לשבת כ-12 בגלל

בעיה שנתעוררה בעמות ארה"ב. פרטים נוספים בנפרד.

לקראת הישיבה הופצה הצעת ההחלטה הבאה מספר : S/13827

The Security Council,

Taking note of the reports of the Commission of the Security Council established under resolution 446 (1979) to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, contained in documents S/13450 and Corr.1 and S/13679,

Taking note also of letters from the Permanent Representative of Jordan (S/13801) and the Permanent Representative of Morocco, Chairman of the Islamic Group (S/13802),

Strongly deploring the refusal by Israel to co-operate with the Commission and regretting its formal rejection of resolutions 446 (1979) and 452 (1979),

Affirming once more that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem,

Deploing the decision of the Government of Israel to officially support Israeli settlement in the Palestinian and other Arab territories occupied since 1967,

Deeply concerned over the practices of the Israeli authorities in implementing that settlement policy in the occupied Arab territories, including Jerusalem, and its consequences for the local Arab and Palestinian population,

Taking into account the need to consider measures for the impartial protection of private and public land and property, and water resources,

Bearing in mind the specific status of Jerusalem and, in particular, the need for protection and preservation of the unique spiritual and religious dimension of the Holy Places in the city,

Drawing attention to the grave consequences which the settlement policy is bound to have on any attempt to reach a comprehensive, just and lasting peace in the Middle East,

Recalling pertinent Security Council resolutions, specifically resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968, 267 (1969) of 3 July 1969,

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271 (1969) of 15 September 1969 and 298 (1971) of 25 September 1971, as well as the consensus statement made by the President of the Security Council on 11 November 1976,

Having invited Mr. Fahd Qawasmeh, Mayor of Al-Khalil (Hebron), in the occupied territory, to supply it with information pursuant to rule 39 of the provisional rules of procedure,

1. Commends the work done by the Commission in preparing the report contained in document S/13679;
2. Accepts the conclusions and recommendations contained in the above-mentioned report of the Commission;
3. Calls upon all parties, particularly the Government of Israel, to co-operate with the Commission;
4. Strongly deplores the decision of Israel to prohibit the free travel of Mayor Fahd Qawasmeh in order to appear before the Security Council, and requests Israel to permit his free travel to the United Nations Headquarters for that purpose;
5. Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East;
6. Strongly deplores the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;
7. Calls upon all States not to provide Israel with any assistance to be used specifically in connexion with settlements in the occupied territories;
8. Requests the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution;
9. Requests the Commission to report to the Security Council before 1 September 1980, and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

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DEPARTMENT OF STATE
ACTION MEMORANDUM

S/S

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October 20, 1977

TO : The Secretary
THROUGH: P - Mr. Habib
FROM : IO - Charles William Maynes *CM*

Egyptian Resolution Condemning Israeli Settlements

Issue for Decision

Whether to vote for the draft Egyptian resolution on settlements if Egypt will agree to some minor changes, or whether to decline to negotiate improvements in the text and either abstain or vote against.

Essential Factors

The Egyptians have formally circulated a draft resolution which will be considered by the General Assembly in plenary session early next week. An analysis of the resolution is at Tab 2. They have already lined up over fifty co-sponsors, and are assured of overwhelming support, probably including the Europeans. They have established a considerable political stake in our support, will be offended if we do not vote for the resolution, and may offer to negotiate minor changes in order to bring us on board.

Analysis

The Egyptian draft stays very close to formulations which the United States has supported in the past, specifically the Security Council consensus

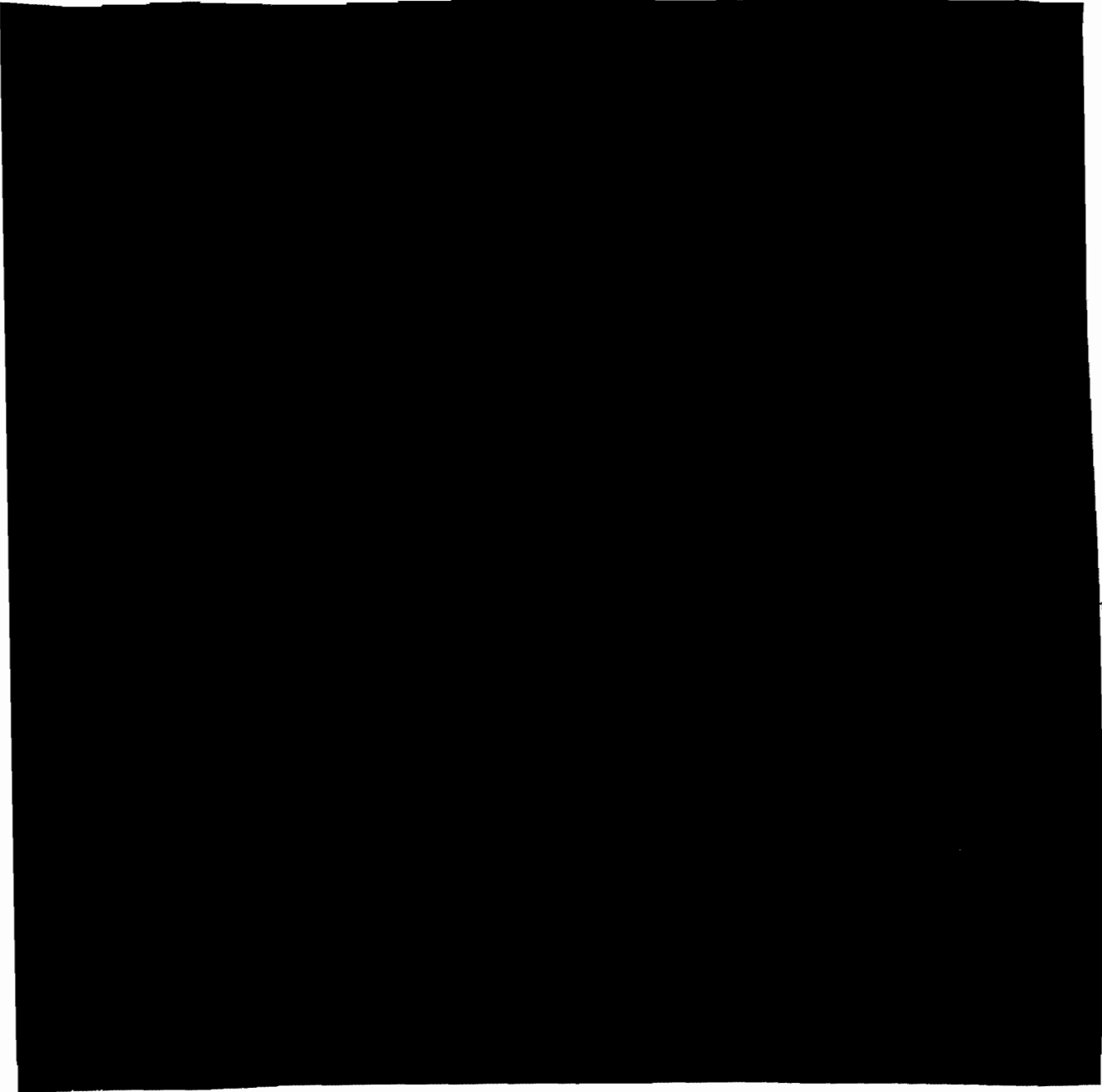
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BY *Jay* NARS DATE 11/12/93

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statement of November 11, 1976 and a standard General Assembly resolution affirming the applicability of the Fourth Geneva Convention to the occupied territories. However, we have identified three specific problems in the text:



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PAGES 3 and 4

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Attachments:

1. Cable instruction to USUN.
2. Analysis of Draft Resolution.

Drafted by: IO/UNP:RAPeck/cbq
10/21/77: x205]2
Concurrence: NEA:ALAtherton
L/NEA:DSmall

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Middle East-Israeli Settlements

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E.O. 120651 1/4
TAGS: PORC, UNAC, YB, JO, XF
SUBJECT: TEXT OF SECURITY COUNCIL RESOLUTION ON ISRAELI
- SETTLEMENTS
FOLLOWING IS THE UN RESOLUTION ON ISRAELI SETTLEMENTS
(S/13827) THAT WAS UNANIMOUSLY ADOPTED BY THE
SECURITY COUNCIL ON MARCH 1.
BEGIN TEXT:
THE SECURITY COUNCIL,

***** WPSR COMMENT *****

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*****U N C L A S S I F I E D*****S COPY

TAKING NOTE OF THE REPORTS OF THE COMMISSION OF THE SECURITY COUNCIL ESTABLISHED BY RESOLUTION 448 (1979) TO EXAMINE THE SITUATION RELATING TO SETTLEMENTS IN THE ARAB TERRITORIES OCCUPIED SINCE 1967, INCLUDING JERUSALEM, CONTAINED IN DOCUMENTS S/13450 AND CORR.1 AND S/13679, TAKING NOTE ALSO OF LETTERS FROM THE PERMANENT REPRESENTATIVE OF JORDAN (S/13801) AND THE PERMANENT REPRESENTATIVE OF MOROCCO, CHAIRMAN OF THE ISLAMIC GROUP (S/13802), STRONGLY DEPLORING THE REFUSAL BY ISRAEL TO COOPERATE WITH THE COMMISSION AND REGRETTING ITS FORMAL REJECTION OF RESOLUTIONS 448 (1979) AND 452 (1979), AFFIRMING ONCE MORE THAT THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949 IS APPLICABLE TO THE ARAB TERRITORIES OCCUPIED BY ISRAEL SINCE 1967, INCLUDING JERUSALEM, DEPLORING THE DECISION OF THE GOVERNMENT OF ISRAEL TO OFFICIALLY SUPPORT ISRAELI SETTLEMENT IN THE PALESTINIAN AND OTHER ARAB TERRITORIES OCCUPIED SINCE 1967, DEEPLY CONCERNED OVER THE PRACTICES OF THE ISRAELI AUTHORITIES IN IMPLEMENTING THIS SETTLEMENT POLICY IN THE OCCUPIED TERRITORIES, INCLUDING JERUSALEM, AND ITS CONSEQUENCES ON THE LOCAL ARAB AND PALESTINIAN POPULATION, TAKING INTO ACCOUNT THE NEED TO CONSIDER MEASURES FOR THE IMPARTIAL PROTECTION OF PRIVATE AND PUBLIC LAND AND PROPERTY, AND WATER RESOURCES, BEARING IN MIND THE SPECIFIC STATUS OF JERUSALEM AND, IN PARTICULAR, THE NEED FOR PROTECTION AND PRESERVATION OF THE UNIQUE SPIRITUAL AND RELIGIOUS DIMENSION OF THE HOLY PLACES IN THE CITY, DRAWING ATTENTION TO THE GRAVE CONSEQUENCES WHICH THE SETTLEMENT POLICY IS BOUND TO HAVE ON ANY ATTEMPT TO REACH A COMPREHENSIVE, JUST AND LASTING PEACE IN THE MIDDLE EAST, RECALLING PERTINENT SECURITY COUNCIL RESOLUTIONS, SPECIFICALLY RESOLUTIONS 237 (1967) OF 14 JUNE 1967, 252 (1968) OF 21 MAY 1968, 267 (1969) OF 3 JULY 1969, AND 271 (1969) OF 18 SEPTEMBER 1969 AND 298 (1971) OF 25 SEPTEMBER 1971, AS WELL AS THE CONSENSUS STATEMENT MADE BY THE PRESIDENT OF THE SECURITY COUNCIL ON 11 NOVEMBER 1976, HAVING INVITED MR. FANO QAWASMEH, MAYOR OF AL-KHALIL (HEBRON), IN THE OCCUPIED TERRITORY, TO SUPPLY IT WITH INFORMATION PURSUANT TO RULE 39 OF THE PROVISIONAL PROCEDURE,

1. COMMENDS THE WORK DONE BY THE COMMISSION IN PREPARING THE REPORT CONTAINED IN DOCUMENT S/13679;
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2. ACCEPTS THE CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THE ABOVE-MENTIONED REPORT OF THE COMMISSION;
3. CALLS UPON ALL PARTIES, PARTICULARLY THE GOVERNMENT OF ISRAEL, TO COOPERATE WITH THE COMMISSION;
4. STRONGLY DEPLORES THE DECISION OF ISRAEL TO PROHIBIT THE FREE TRAVEL OF MAYOR FAHD QAWASMEH IN ORDER TO APPEAR BEFORE THE SECURITY COUNCIL, AND REQUESTS ISRAEL TO PER-

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MIT HIS FREE TRAVEL TO THE UNITED NATIONS HEADQUARTERS FOR THAT PURPOSE;

5. DETERMINES THAT ALL MEASURES TAKEN BY ISRAEL TO CHANGE THE PHYSICAL CHARACTER, DEMOGRAPHIC COMPOSITION, INSTITUTIONAL STRUCTURE OR STATUS OF THE PALESTINIAN AND OTHER ARAB TERRITORIES OCCUPIED SINCE 1967, INCLUDING JERUSALEM, OR ANY PART THEREOF, HAVE NO LEGAL VALIDITY AND THAT ISRAEL'S POLICY AND PRACTICES OF SETTLING PARTS OF ITS POPULATION AND NEW IMMIGRANTS IN THOSE TERRITORIES CONSTITUTES A FLAGRANT VIOLATION OF THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR AND ALSO CONSTITUTES A SERIOUS OBSTRUCTION TO ACHIEVING A COMPREHENSIVE, JUST AND LASTING PEACE IN THE MIDDLE EAST;

6. STRONGLY DEPLORES THE CONTINUATION AND PERSISTENCE OF ISRAEL IN PURSUING THOSE POLICIES AND PRACTICES AND CALLS UPON THE GOVERNMENT AND PEOPLE OF ISRAEL TO RESCIND THOSE MEASURES, TO DISMANTLE THE EXISTING SETTLEMENTS AND IN PARTICULAR TO CEASE, ON AN URGENT BASIS, THE ESTABLISHMENT, CONSTRUCTION AND PLANNING OF SETTLEMENTS IN THE ARAB TERRITORIES OCCUPIED SINCE 1967, INCLUDING JERUSALEM;

7. CALLS UPON ALL STATES NOT TO PROVIDE ISRAEL WITH ANY ASSISTANCE TO BE USED SPECIFICALLY IN CONNECTION WITH SETTLEMENTS IN THE OCCUPIED TERRITORIES;

8. REQUESTS THE COMMISSION TO CONTINUE TO EXAMINE THE SITUATION RELATING TO SETTLEMENTS IN THE ARAB TERRITORIES OCCUPIED SINCE 1967, INCLUDING JERUSALEM, TO INVESTIGATE THE REPORTED SERIOUS DEPLETION OF NATURAL RESOURCES, WITH A VIEW TO ENSURING THE PROTECTION OF THOSE IMPORTANT NATURAL RESOURCES OF THE TERRITORIES UNDER OCCUPATION, AND TO KEEP UNDER CLOSE SCRUTINY THE IMPLEMENTATION OF THE PRESENT RESOLUTION;

9. REQUESTS THE COMMISSION TO REPORT TO THE SECURITY COUNCIL BEFORE 1 SEPTEMBER 1988, AND DECIDES TO CONVENE AT THE EARLIEST POSSIBLE DATE THEREAFTER IN ORDER TO CONSIDER THE REPORT AND THE FULL IMPLEMENTATION OF THE PRESENT RESOLUTION. END TEXT

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MESSAGE NO. 1713 CLASSIFICATION EYES ONLY No. Pages 5
FROM HAMILTON JORDON (Name) (Extension) (Room number)

MESSAGE DESCRIPTION

TO(Agency)	DELIVER TO:	Extension	Room No.
<u>STATE</u>	<u>SECRETARY VANKR</u>		

REMARKS DELIVER URGENTLY

time they occurred. They responded partially and modified their policy in a way that was less disruptive to the prospects for getting to Geneva. An alternative which should be considered is to abstain from this formal vote, pointing out at the same time that our public position on this matter is well known and that this resolution is disruptive to the peace process which is being pursued by the United States and the countries of the Middle East.

2. It does not make a lot of sense to me for our country to participate in the introduction of a new variable at this critical stage of the negotiations. New legalisms, UN resolutions and other technicalities will have very little positive effects and potentially disastrous negative effects.

3. The recent history of our efforts is that the Israelis have been forthcoming (endorsement of the working paper) and the Arabs have been more difficult.

Unless there is some "quid pro quo" with the Arabs generally or Egypt specifically, I do not understand why we would want to restate something that is insured to be interpreted in Israel as an insult and a lack of appreciation for the concessions that Dayan and Begin have made. Because my strong hunch is that when the Arabs come back to us with their reactions to the working paper, we are going to have to go back to the Israelis. It would be unfortunate if we used up what remaining goodwill exists over a UN resolution that simply restates a position that is well known to all parties. And while we might view it as simply a restatement of our policies, the Israelis harbor a strong resentment of the United Nations as an institution. A UN resolution on settlements identifies our foreign policy on the Mideast with the United Nations which is an emotional and unattractive thing to the Israelis.

4. The main argument I have heard for our supporting this resolution is that the Egyptians have put a lot of time into developing and promoting it. Given the recent cooperation of the Israelis and the general re-

luctance of the Arabs to accept our working paper, I would not think it was strategically wise to side with the Arabs against the Israelis. When we sign statements and cooperate with other countries, it would seem that we would extract tangible commitments from them in exchange. For example, we helped to bring the Soviets back into Geneva and the Mideast through the joint statement. However, from all that I hear out of the NSC and the State Department, they have yet to help us with the Syrians or the PLO. In fact, I understand there is some evidence that they continue to play a disruptive role in the Mideast. If we vote against Israel in the UN on this matter, we should certainly gain something for it from the Arabs; and in doing so we should accept the risk that we are making it more difficult for Israel to make additional changes or modifications when we go back to them on procedural questions on Geneva.

5. Our vote against Israel in the UN could precipitate a political confrontation in the Congress that could be unfavorable to the Administration and also divert attention and resources from the energy bill.

As you know, our 86-8 favorable-unfavorable ratings from last March in the Jewish community have fallen to 17-73 in October. I am no longer concerned with the support of American Jews - that is lost until we show some tangible results from our peace efforts. I continue to be concerned that our efforts at peace in the Middle East will be undermined by a Congressional resolution or letter. This vote on the upcoming UN resolution could be the catalyst for such an effort. I believe that the hardliners are looking for just such an excuse. If it comes, we will have to fight it. You will have to spend time talking to the Congress and leaders of the Jewish community and it could have a negative impact on our energy bill.

For all these reasons, I would recommend that you, Cy and Zbig carefully weigh our vote on this UN resolution.

~~CONFIDENTIAL~~

October 26, 1977

TO: PRESIDENT CARTER
FROM: HAMILTON JORDAN *HJ*
RE: UN RESOLUTION ON ILLEGAL SETTLEMENTS

I have studied the history of UN resolutions on this subject and have tried to reconcile our intention to vote in favor of this resolution with the realities of getting to Geneva. Several thoughts on this:

1. Our position on illegal settlements is well known.

While this is the rationale for our having to support this resolution, it can also be the reason that we choose to abstain. We made strong public statements in protest of the Israeli settlements policy at the

DECLASSIFIED
E.O. 12356, Sec. 3.4
PER *10/12/92 NLS H* RE *MR NLC-92-8*
BY *JW* NARS, DATE *1/12/93*

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2. It does not make a lot of sense to me for our country to participate in the introduction of a new variable at this critical stage of the negotiations. New legalisms, UN resolutions and other technicalities will have very little positive effects and potentially disastrous negative effects.

3. The recent history of our efforts is that the Israelis have been forthcoming (endorsement of the working paper) and the Arabs have been more difficult.

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luctance of the Arabs to accept our working paper, I would not think it was strategically wise to side with the Arabs against the Israelis. When we sign statements and cooperate with other countries, it would seem that we would extract tangible commitments from them in exchange. For example, we helped to bring the Soviets back into Geneva and the Mideast through the joint statement. However, from all that I hear out of the NSC and the State Department, they have yet to help us with the Syrians or the PLO. In fact, I understand there is some evidence that they continue to play a disruptive role in the Mideast. If we vote against Israel in the UN on this matter, we should certainly gain something for it from the Arabs; and in doing so we should accept the risk that we are making it more difficult for Israel to make additional changes or modifications when we go back to them on procedural questions on Geneva.

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For all these reasons, I would recommend that you, Cy and Zbig carefully weigh our vote on this UN resolution.

1

Mr. President:

If you get a question on how we will vote on the UN resolution on illegal settlements, I believe that there is a way for you to handle that question without revealing how Andy will vote (as I don't think we have agreement yet on precise language) that will put our action in the best possible light.

You might say,

I understand that the resolution that is being proposed describes the recent Israeli actions on settlements as being an "obstacle to peace". As you know, that has been the public position of the United States for a long time. Our country took a position in November ^{in the U.N.} of 1976⁰ opposing the settlements policy of Israel based on international law. This position was restated during my own Administration on several occasions. I cannot comment now as to how Ambassador Young will vote as we do not know what the exact language of the resolution will be. Our position that the Israeli settlements policy is illegal and does constitute an obstacle to peace continues to be the feeling of the United States government. But, this is only one of the many obstacles to peace in the Middle East.

DECLASSIFIED

E.O. 12356, Sec. 3.4

PER 10/6/92 NG H/RE MR-116-92-8
BY Jay NARS. DATE 1/12/93

1

Acts of terrorism against innocent men, women and children are obstacles to peace. The refusal of some of the countries and groups in the Middle East to recognize the right of Israel to exist as a sovereign state is an obstacle to peace. So, there are many obstacles to peace. The recent policies and actions of the Israeli government on settlements constitute an obstacle which our government has objected to in previous Administrations and in my own Administration.

H.J.

~~CONFIDENTIAL~~
Department of State

INCOMING
TELEGRAM

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ACTION 10-15

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USUN N 00755 03 OF 05 280534Z

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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 7866
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AMEMBASSY BEIJING
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USMISSION GENEVA
AMCONSUL JERUSALEM PRIORITY
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AMEMBASSY TEL AVIV PRIORITY
AMEMBASSY TUNIS PRIORITY

CONFIDENTIAL SECTION 03 OF 05 USUN NEW YORK 00755

WE
NOW CONSIDER IT LIKELY THAT A FINAL TEXT WILL
EMERGE THAT WILL BE SUPPORTED BY AT LEAST 14 MEMBERS OF
THE COUNCIL.

11. FOLLOWING IS TEXT OF DRAFT RESOLUTION AS PROVIDED
BY ESSAAFI PRIOR TO THE LATE AFTERNOON DISCUSSION WITH
THE WESTERN FIVE:

BEGIN TEXT.

- THE SECURITY COUNCIL,
- TAKING NOTE OF THE REPORTS OF THE COMMISSION OF THE
SECURITY COUNCIL ESTABLISHED BY RESOLUTION 446 (1979) TO
EXAMINE THE SITUATION RELATING TO SETTLEMENTS IN THE ARAB
TERRITORIES OCCUPIED SINCE 1967, INCLUDING JERUSALEM, CON-
TAINED IN DOCS S/13450 AND S/13450/COR.1 AND S/13679,
- TAKING NOTE ALSO OF LETTERS FROM THE PERMANENT REPRE-
SENTATIVES OF JORDAN (S/13801) AND THE PERMANENT REPRESEN-
TATIVE OF THE KINGDOM OF MOROCCO, CHAIRMAN OF THE ISLAMIC
GROUP (S/13802),
- STRONGLY DEPLORING THE REFUSAL BY ISRAEL TO COOPERATE
WITH THE COMMISSION AND ITS FORMAL REJECTION OF RES. 446
(1979) AND 452 (1979),
- AFFIRMING ONCE MORE THAT THE FOURTH GENEVA CONVENTION
RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF
WAR OF 12 AUG 1949 IS APPLICABLE TO THE ARAB TERRITORIES
OCCUPIED BY ISRAEL SINCE 1967, INCLUDING JERUSALEM,
- DEPLORING THE DECISION OF THE GOVERNMENT OF ISRAEL TO
FORMALLY SUPPORT SETTLEMENT OF JEWS IN THE OCCUPIED PALES-
TINIAN AND OTHER ARAB TERRITORIES,

SANITIZED

E.O. 12356, Sec. 3.4
PER 7/7/92 SEC 1.4 RE MP-NLC-92-7
BY gag NARS. DATE 1/12/93

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
Department of State

INCOMING
TELEGRAM

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ACTION 10-15

INFO OCT-01 ADS-01 AF-10 ARA-11 EA-10 EUR-12 NEA-06
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 7067
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USMISSION GENEVA
AMCONSUL JERUSALEM PRIORITY
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AMEMBASSY TEL AVIV PRIORITY
AMEMBASSY TUNIS PRIORITY

CONFIDENTIAL SECTION 04 OF 05 USUN NEW YORK 00755

- DEEPLY CONCERNED OVER THE PRACTICES OF THE ISRAELI AUTHORITIES IN IMPLEMENTING THIS SETTLEMENTS POLICY IN THE OCCUPIED ARAB TERRITORIES INCLUDING JERUSALEM, AND ITS CONSEQUENCES ON THE LOCAL ARAB AND PALESTINIAN POPULATION,
 - TAKING INTO ACCOUNT THE NEED TO CONSIDER MEASURES TO SAFEGUARD THE IMPARTIAL PROTECTION OF PRIVATE AND PUBLIC LAND AND PROPERTY, AND WATER RESOURCES ARBITRARILY SEIZED,
 - BEARING IN MIND THE SPECIFIC STATUS OF JERUSALEM AND IN PARTICULAR THE NEED FOR PROTECTION AND PRESERVING THE UNIQUE SPIRITUAL AND RELIGIOUS DIMENSION OF THE HOLY PLACES IN THE CITY,
 - DRAWING ATTENTION TO THE GRAVE CONSEQUENCES WHICH THE SETTLEMENT POLICY IS BOUND TO HAVE ON ANY ATTEMPT TO REACH A COMPREHENSIVE, JUST AND LASTING PEACE IN THE MIDDLE-EAST,
 - RECALLING SECURITY COUNCIL RESOLUTIONS, SPECIFICALLY RESOLUTIONS 237 (1967) OF 14 JUNE 1967, AND 252 (1968) OF 21 MAY 1968, AND 267 (1969) OF 3 JULY 1969, AND 271 (1969) OF 15 SEPT 1969, AND 298 (1971) OF 25 SEPT. 1971, AS WELL AS THE CONSENSUS STATEMENT MADE BY THE PRESIDENT OF THE SECURITY COUNCIL ON 11 NOV 1976,
 - HAVING INVITED MR. FAHD QAWASHMEN, MAYOR OF AL KHALIL, HEBRON, IN THE OCCUPIED PALESTINIAN TERRITORY, TO SUPPLY IT WITH INFORMATION PURSUANT TO RULE 39 OF THE PROVISIONAL RULES OF PROCEDURE.
1. COMMENDS THE WORK DONE BY THE COMMISSION IN PREPARING THE REPORT CONTAINED IN DOC S/13679;

2. ~~ENDORSES~~ THE RECOMMENDATIONS CONTAINED IN THE ABOVE MENTIONED REPORT OF THE COMMISSION;

3. CALLS UPON ALL PARTIES, PARTICULARLY THE GOVERNMENT OF ISRAEL, TO COOPERATE WITH THE COMMISSION;

4. STRONGLY DEPLORES THE DECISION OF ISRAEL TO PROHIBIT THE FREE TRAVEL OF MAYOR FAHD QAWASHMEN IN ORDER TO APPEAR BEFORE THE SECURITY COUNCIL, AND REQUESTS ISRAEL TO PERMIT HIS FREE TRAVEL TO THE UNITED NATIONS HEADQUARTERS FOR THAT MATTER;

5. DETERMINES THAT ALL MEASURES TAKEN BY ISRAEL TO CHANGE THE PHYSICAL CHARACTER, DEMOGRAPHIC COMPOSITION, INSTITUTIONAL STRUCTURE OR STATUS OF THE OCCUPIED PALESTINIAN AND OTHER ARAB TERRITORIES, INCLUDING JERUSALEM, OR ANY PART THEREOF, HAVE NO LEGAL VALIDITY AND THAT ISRAEL'S POLICY AND PRACTICES OF SETTLING PARTS OF ITS POPULATION AND NEW IMMIGRANTS IN THOSE TERRITORIES CONSTITUTES A FLAGRANT VIOLATION OF THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR AND ALSO CONSTITUTES A SERIOUS OBSTRUCTION TO ACHIEVING A COMPREHENSIVE, JUST AND LASTING PEACE IN THE MIDDLE EAST;

6. STRONGLY DEPLORES THE CONTINUATION AND PERSISTENCE OF ISRAEL TO PURSUE THESE POLICIES AND PRACTICES AND CALLS UPON THE GOVERNMENT AND PEOPLE OF ISRAEL TO RESCIND THESE MEASURES, AND IN PARTICULAR TO CEASE, ON AN URGENT BASIS, THE ESTABLISHMENT, CONSTRUCTION AND PLANNING OF SETTLEMENTS IN THE ARAB TERRITORIES OCCUPIED SINCE 1967, INCLUDING JERUSALEM;

7. CALLS UPON ISRAEL TO ABIDE BY THE PERTINENT SECURITY COUNCIL RESOLUTIONS CONCERNING JERUSALEM, IN PARTICULAR RESOLUTION 252 (1968) AND TO REFRAIN FROM INTERFERENCE WITH

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Department of State

TELEGRAM

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ACTION 10-15

USUN N 00755 05 OF 05 280527Z

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INFO OCT-01 ADS-00 AF-10 ARA-11 EA-10 EUR-12 NEA-06
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AMEMBASSY TUNIS PRIORITY

~~CONFIDENTIAL~~ SECTION 05 OF 05 USUN NEW YORK 00755

RELIGIOUS FREEDOMS AND PRACTICES IN JERUSALEM AND OTHER HOLY PLACES IN THE OCCUPIED ARAB TERRITORIES

8. CALLS UPON ALL STATES NOT TO PROVIDE ISRAEL WITH ANY KIND OF FINANCIAL OR OTHER AID THAT WOULD CONTRIBUTE TO THE ESTABLISHMENT OF SETTLEMENTS IN THE OCCUPIED TERRITORIES:

9. REQUESTS THE COMMISSION TO CONTINUE TO EXAMINE THE SITUATION RELATING TO SETTLEMENTS IN THE ARAB TERRITORIES OCCUPIED SINCE 1967, INCLUDING JERUSALEM, TO INVESTIGATE THE REPORTED SERIOUS DEPLETION OF NATURAL RESOURCES, PARTICULARLY THE WATER RESOURCES, WITH A VIEW TO ENSURING THE PROTECTION OF THOSE IMPORTANT NATURAL RESOURCES OF THE TERRITORIES UNDER OCCUPATION; AND TO KEEP UNDER CLOSE SCRUTINY THE IMPLEMENTATION OF THE PRESENT RESOLUTION;

10. REQUESTS THE COMMISSION TO REPORT BACK TO THE SECURITY COUNCIL BEFORE 15 SEPT 1980;

11. DECIDES TO CONVENE NO LATER THAN 30 SEPT 1980 IN ORDER TO CONSIDER THE APPLICATION OF THE PROVISIONS OF THE CHARTER.
END TEXT. MCHENRY

~~CONFIDENTIAL~~

Ham J

CONFIDENTIAL

October 26, 1977

TO: PRESIDENT CARTER
FROM: HAMILTON JORDAN *HJ*
RE: UN RESOLUTION ON ILLEGAL SETTLEMENTS

I have studied the history of UN resolutions on this subject and have tried to reconcile our intention to vote in favor of this resolution with the realities of getting to Geneva. Several thoughts on this:

1. Our position on illegal settlements is well known. While this is the rationale for our having to support this resolution, it can also be the reason that we choose to abstain. We made strong public statements in protest of the Israeli settlements policy at the

*True - &
hard to
abandon*

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DECLASSIFIED
E.O. 12356, Sec. 3.4
PER *10/1/92 NSC 14* RE *MR-ALC-92-8*
BY *jay* NARS, DATE *11/2/93*

Unless there is some "quid pro quo" with the Arabs generally or Egypt specifically, I do not understand why we would want to restate something that is insured to be interpreted in Israel as an insult and a lack of appreciation for the concessions that Dayan and Begin have made. Because my strong hunch is that when the Arabs come back to us with their reactions to the working paper, we are going to have to go back to the Israelis. It would be unfortunate if we used up what remaining goodwill exists over a UN resolution that simply restates a position that is well known to all parties. And while we might view it as simply a re-statement of our policies, the Israelis harbor a strong resentment of the United Nations as an institution. A UN resolution on settlements identifies our foreign policy on the Mideast with the United Nations which is an emotional and unattractive thing to the Israelis.

*I hope
not*

4. The main argument I have heard for our supporting this resolution is that the Egyptians have put a lot of time into developing and promoting it. Given the recent cooperation of the Israelis and the general re-

luctance of the Arabs to accept our working paper, I would not think it was strategically wise to side with the Arabs against the Israelis. When we sign statements and cooperate with other countries, it would seem that we would extract tangible commitments from them in exchange. For example, we helped to bring the Soviets back into Geneva and the Mideast through the joint statement. However, from all that I hear out of the NSC and the State Department, they have yet to help us with the Syrians or the PLO. In fact, I understand there is some evidence that they continue to play a disruptive role in the Mideast. If we vote against Israel in the UN on this matter, we should certainly gain something for it from the Arabs; and in doing so we should accept the risk that we are making it more difficult for Israel to make additional changes or modifications when we go back to them on procedural questions on Geneva.

*I haven't
heard this
before*

*. We want the
1973 procedures.*

time they occurred. They responded partially and modified their policy in a way that was less disruptive to the prospects for getting to Geneva. An alternative which should be considered is to abstain from this formal vote, pointing out at the same time that our public position on this matter is well known and that this resolution is disruptive to the peace process which is being pursued by the United States and the countries of the Middle East.

*It will
be unanimous*

2. It does not make a lot of sense to me for our country to participate in the introduction of a new variable at this critical stage of the negotiations. New legalisms, UN resolutions and other technicalities will have very little positive effects and potentially disastrous negative effects.

*not a
new
variable*

3. The recent history of our efforts is that the Israelis have been forthcoming (endorsement of the working paper) and the Arabs have been more difficult.

*Last 2
weeks
only*

No vote "against
Israel" - The
Settlements are
illegal

5. Our vote against Israel in the UN could precipitate a political confrontation in the Congress that could be unfavorable to the Administration and also divert attention and resources from the energy bill.

As you know, our 86-8 favorable-unfavorable ratings from last March in the Jewish community have fallen to 17-73 in October. I am no longer concerned with the support of American Jews - that is lost until we show some tangible results from our peace efforts. I continue to be concerned that our efforts at peace in the Middle East will be undermined by a Congressional resolution or letter. This vote on the upcoming UN resolution could be the catalyst for such an effort. I believe that the hardliners are looking for just such an excuse. If it comes, we will have to fight it. You will have to spend time talking to the Congress and leaders of the Jewish community and it could have a negative impact on our energy bill.

For all these reasons, I would recommend that you, Cy and Zbig carefully weigh our vote on this UN resolution.

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We will do
SO - Thanks for
presenting both sides
in this option
paper -



DEPARTMENT OF STATE
BRIEFING MEMORANDUM

S/S

CONFIDENTIAL

TO : The Secretary
THROUGH: P - Mr. Habib
FROM : IO - Charles William Maynes
NEA - Alfred L. Atherton, Jr.
H - Douglas J. Bennet, Jr.

Consultations with Congress on Israeli
Settlements Resolution in the General Assembly

In an earlier memorandum to you we recommended that we vote in favor of the Egyptian resolution if Egypt will modify three passages in the text. We understand you are inclined to accept this recommendation, but that you would like first to consult with Congress. Doug Bennet will be touching base with key Congressmen today and tomorrow using the attached talking points and will report back to you. The consultations should be completed by Wednesday evening so that we can then discuss textual changes with the Egyptians. The resolution could come to a vote as early as Friday, though we will try to get it put off until next week.

You or Phil Habib may wish to call Dinitz to inform him of our thinking on this matter.

Attachment:

Talking Points

Drafted by: IO/UNP:RAReck/cbq
10/25/77: K20512

DECLASSIFIED
E.O. 12356, Sec. 3.4
PER 7/12/93 SLH/RE MR-NLC-92-7
BY Jay NARS, DATE 1/12/93

CONFIDENTIAL
GDS



DEPARTMENT OF STATE
ACTION MEMORANDUM

S/S

~~CONFIDENTIAL~~

October 18, 1977

TO : The Secretary
THROUGH: P - Mr. Habib
FROM : IO - Charles William Maynes *CM*

Egyptian Resolution Condemning Israeli Settlements

Issue for Decision

Whether to vote for the draft Egyptian resolution on settlements if Egypt will agree to some minor changes, or whether to decline to negotiate improvements in the text and either abstain or vote against.

Essential Factors

The Egyptians have formally circulated a draft resolution which will be considered by the General Assembly in plenary session early next week. An analysis of the resolution is at Tab 2. They have already lined up over fifty co-sponsors, and are assured of overwhelming support, probably including the Europeans. They have established a considerable political stake in our support, will be offended if we do not vote for the resolution, and may offer to negotiate minor changes in order to bring us on board.

Analysis

The Egyptian draft stays very close to formulations which the United States has supported in the past, specifically the Security Council consensus

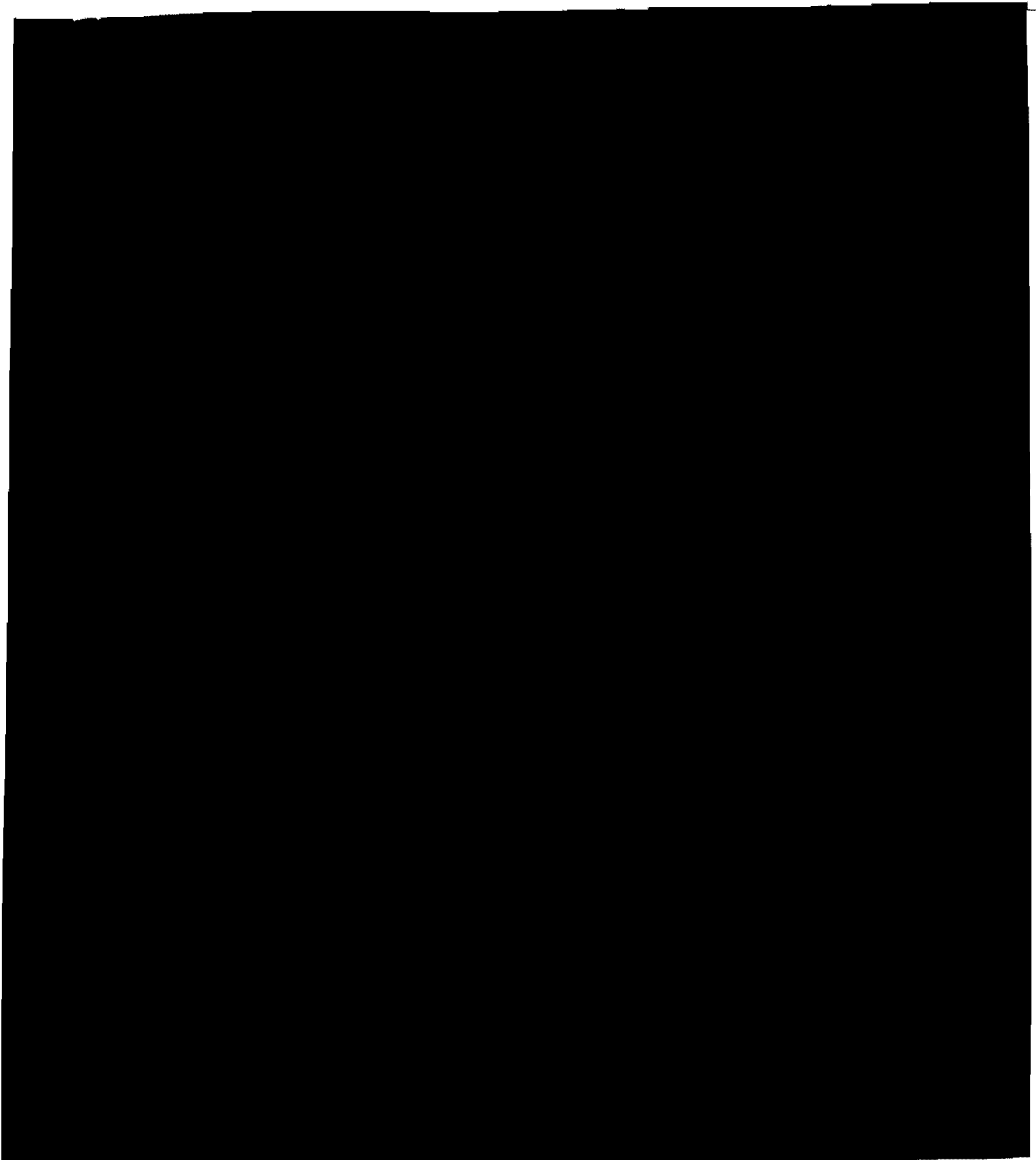
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E.O. 12356, Sec. 3.4
PER *1/2/82* *SLR* *MB-NLE-92-7*
BY *SLR* NARS. DATE *1/2/82*

~~CONFIDENTIAL~~

- 2 -

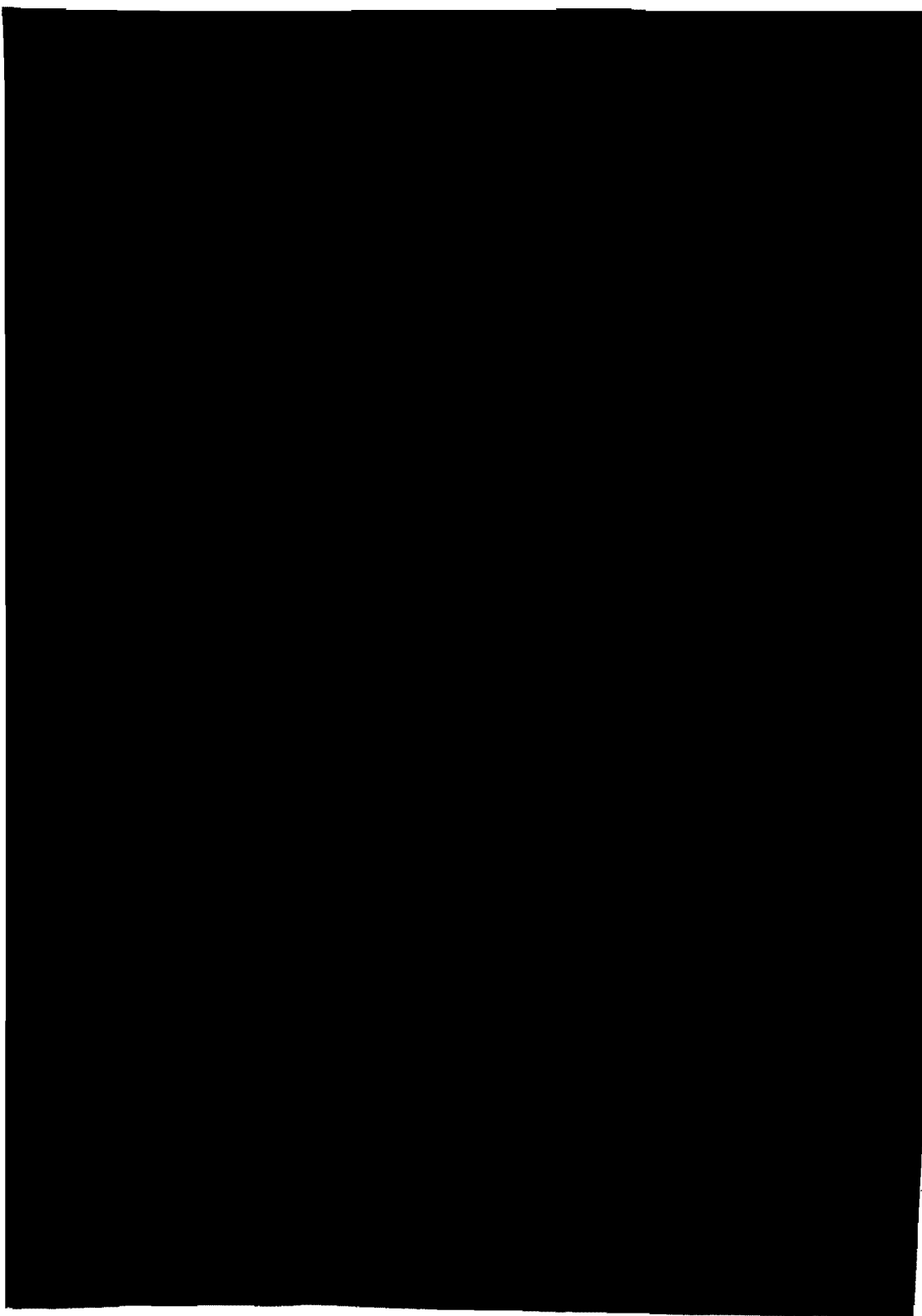
statement of November 11, 1976 and a standard General Assembly resolution affirming the applicability of the Fourth Geneva Convention to the occupied territories. However, we have identified three specific problems in the text:



~~CONFIDENTIAL~~

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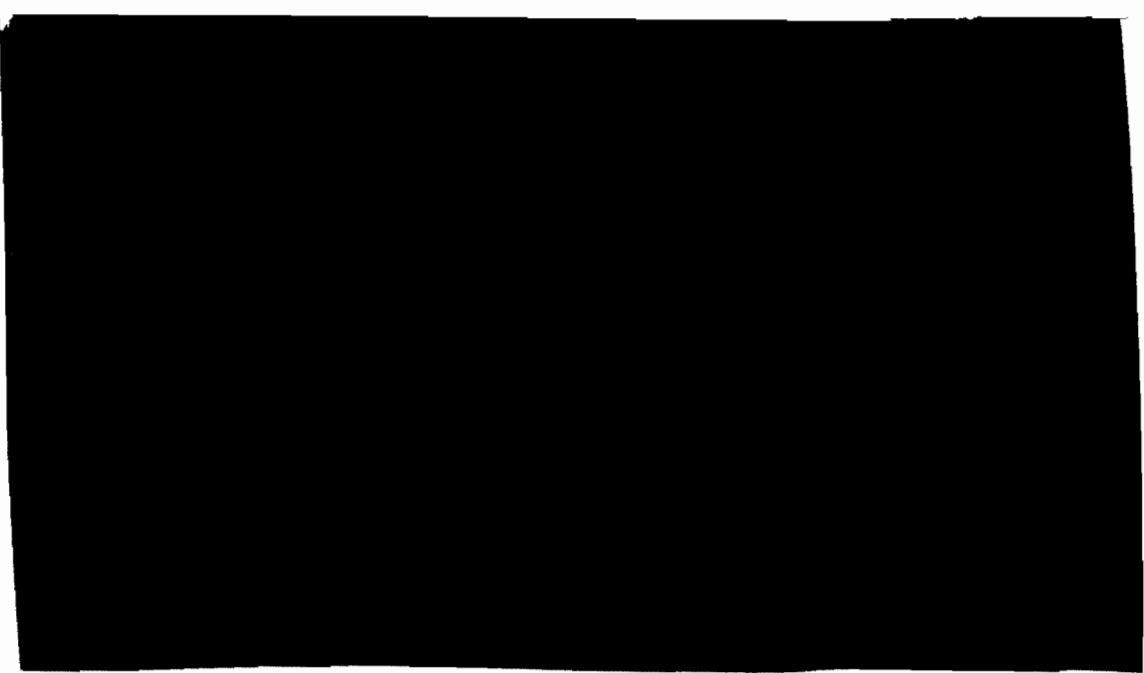
- 3 -



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~~CONFIDENTIAL~~

- 4 -



Attachments:

1. Cable instruction to USUN.
2. Analysis of Draft Resolution.

Drafted by: IO/UNP:RAPack/cbq
10/18/77: x20512
Concurrence: NEA:ALAtherton

~~CONFIDENTIAL~~

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Middle East-Israeli Settlements

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E.O. 12356, Sec. 3.4
PER 7/2/92 5:16 PM RE 112-112-92-7
BY [signature] NARS DATE 11/2/93

Analysis of Draft Resolution on Israeli Settlements

Egyptian Draft Resolution

Source

Comments

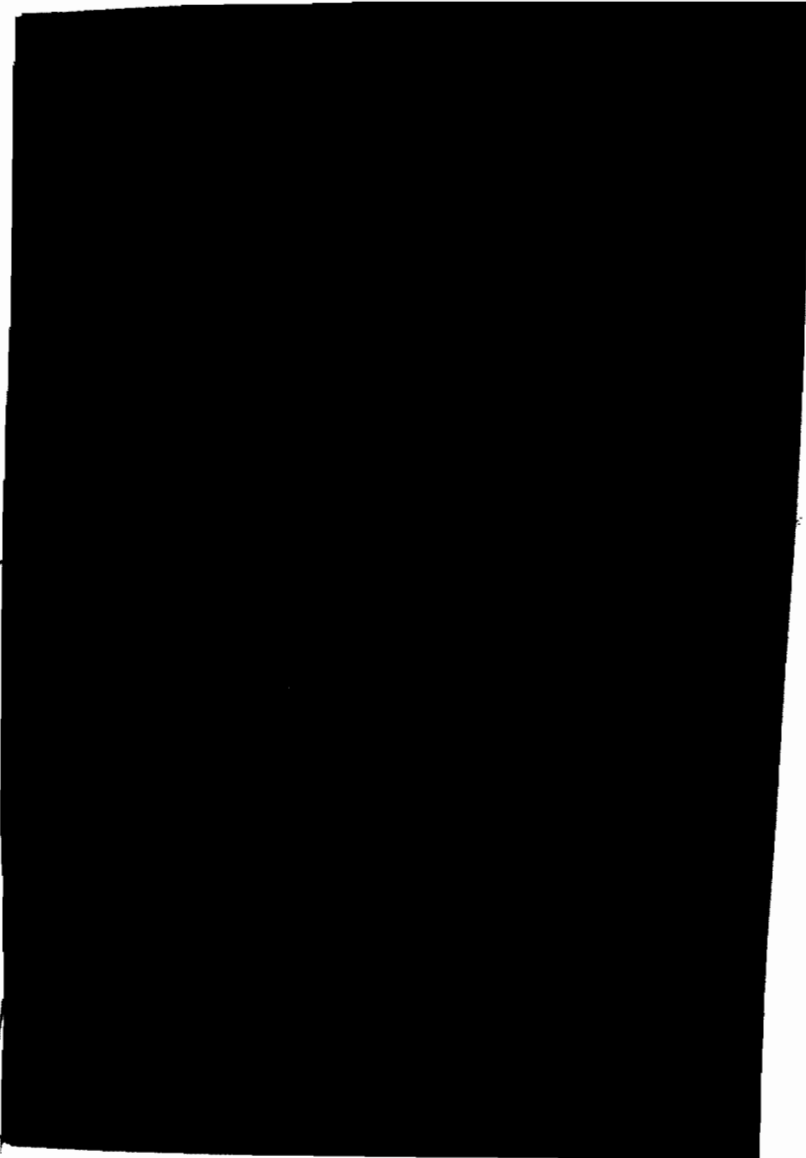
Title: Item 126. Recent illegal Israeli measures in the occupied Arab territories designed to change the legal status, geographical nature and demographic composition of those territories in contravention of the principles of the Charter of the United Nations and of Israel's international obligations under the Fourth Geneva Convention of 1949 and of United Nations resolutions, and obstruction of efforts aimed at achieving a just and lasting peace in the Middle East.

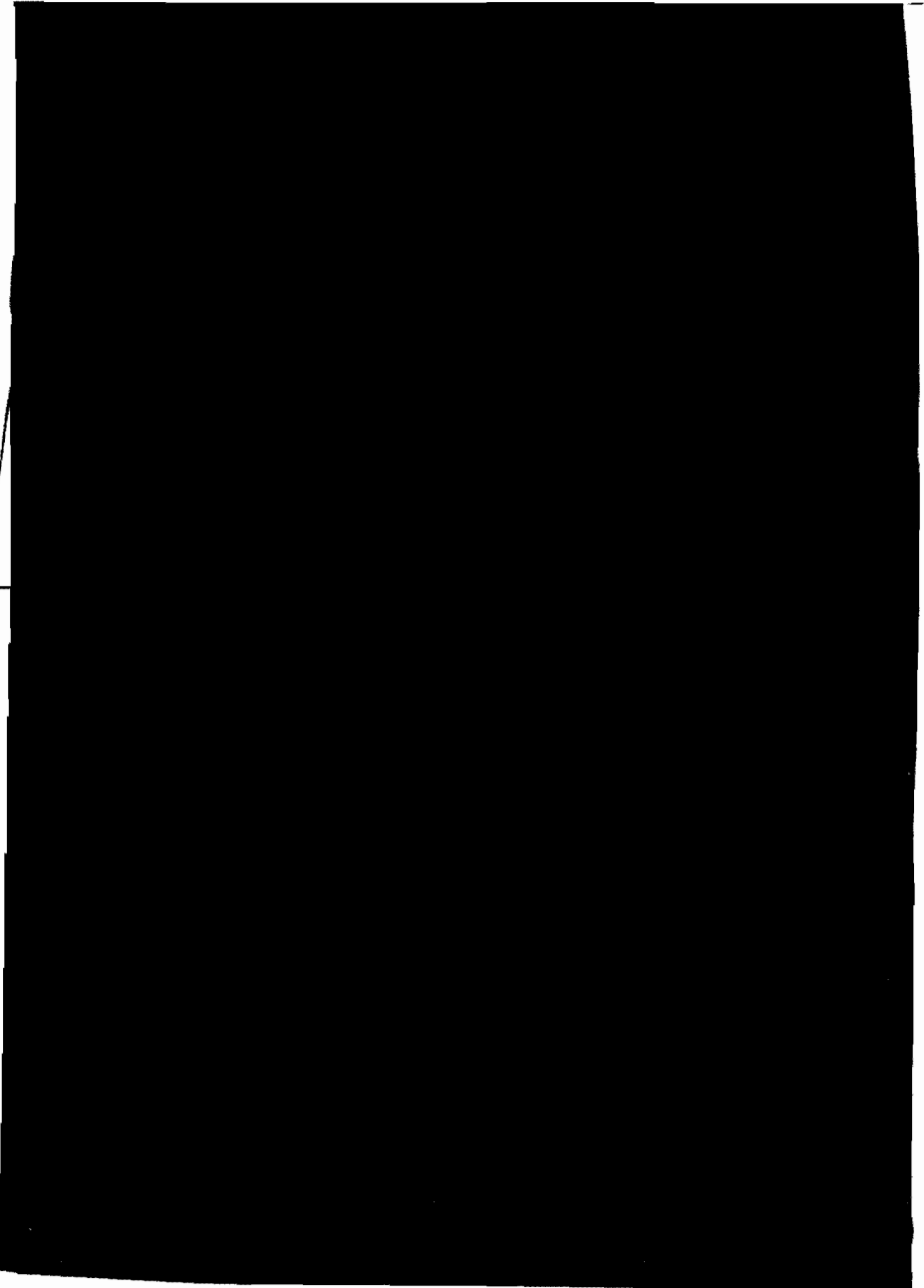
Preamb #1: "Stressing the urgent need to achieve just and lasting peace in the Middle East."

Preamb #2: "Expressing grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of the continued Israeli occupation and the measures and actions taken by the Gov't of Israel as the occupying power and designed to change the legal status, geographical nature and demographic composition of those territories."

SC Res. 242: "The need to work for a just and lasting peace in which every State in the area can live in security."

SC Consensus (11/76): "To express the grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of continued Israeli occupation." . . . "the measures taken by Israel in the occupied Arab territories that alter their demographic composition or geographical nature and particularly the establishment of settlements are accordingly strongly deplored. Such measures which have no legal validity . . ."



Egyptian Draft Resolution	Source	Comments
Preamb #3: "Considering that the Fourth Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949 is applicable to all the Arab territories occupied since 5 June 1967.	GA res 31/106(B): "Reaffirms that the Geneva Convention relative to the Protection of Civilian persons in time of war of 12 August 1949 is applicable to all the Arab territories occupied by Israel since 1967, including Jerusalem."	
Oper. #1: "Determines that all such measures and actions taken by Israel in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East."	SC Consensus: "Such measures which have no legal validity and cannot prejudice the outcome of the search for the establishment of peace constitute an obstacle to peace."	
Oper. #2: "Strongly deplores the persistence of Israel in carrying out such measures, in particular the establishment of settlements in the occupied Arab territories."	SC Consensus: "the measures taken by Israel in the occupied Arab territories that alter their demographic composition or geographical nature and particularly the establishment of settlements are accordingly strongly deplored."	
Oper. #3: "Calls upon Israel to comply strictly with its international obligations in accordance with the principles of international law and the provisions of the Fourth Geneva Convention of 1949."	GA res 31/106(B): "Calls again upon Israel to acknowledge and to comply with the provisions of that Convention in all the Arab territories it has occupied since 1967, including Jerusalem."	

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Oper. #4: Calls once more upon the Government of Israel as the occupying power to desist forthwith from taking any action which results in changing the legal status, geographical nature or demographic composition of the Arab territories occupied since 1967, including Jerusalem."

SC Consensus: "It considers once more that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon and the transfer of populations which tend to change the legal status of Jerusalem are invalid and cannot change that status, and urgently calls upon Israel once more to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem."

Oper. #5: "Urges all states parties to the Fourth Geneva Convention of 1949 to ensure respect for and compliance with its provisions in all the Arab territories occupied by Israel since 1967, including Jerusalem."

GA Res 31/106(B): "Urges once more all states parties to that Convention to exert all efforts in order to ensure respect for and compliance with the provisions thereof in all Arab territories occupied by Israel since 1967, including Jerusalem."

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Oper. #6: "Requests the SYG to: (a) undertake urgent contacts with the Government of Israel to ensure the prompt implementation of this resolution; (b) submit a report to the GA and the SC not later than 15 November 1977 on the results of his contacts."

Oper. #7: Requests the Security Council to review the situation in light of this resolution and the report of the Secretary General."

Attachments: 1. SC res. 242
2. SC Consensus statement
3. GA res 31/106 (B)

Talking Points for Egyptian Resolution
Condemning Israeli Settlements

-- The General Assembly is presently considering a draft resolution put forward by Egypt condemning Israeli settlements in the occupied territories.

-- The Egyptians have taken a generally moderate approach by using language which the United States and other Westerners have been associated with in the past.

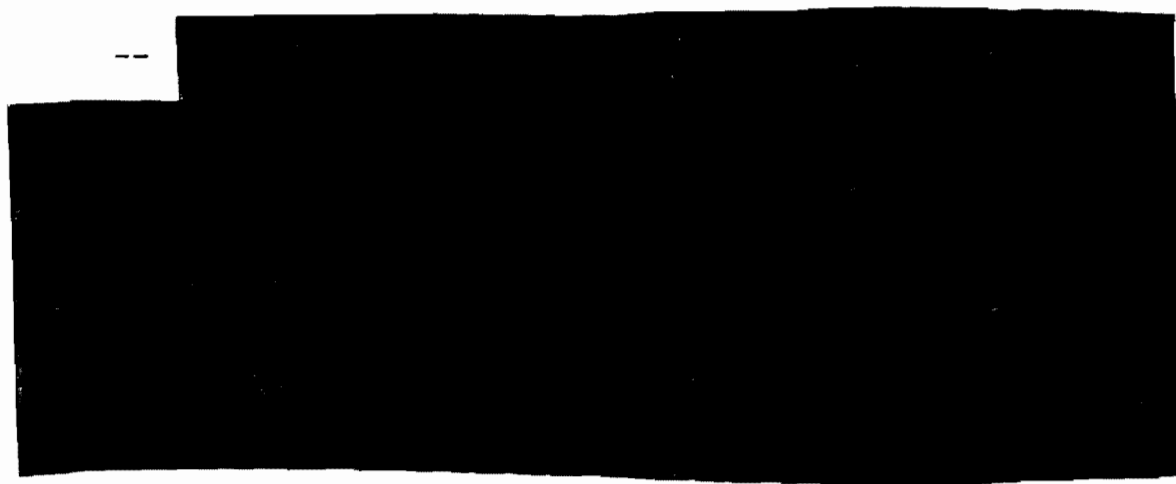
-- Nonetheless, the resolution "strongly deplores" Israeli settlements and calls them "illegal" and an "obstruction" to peace [REDACTED]

-- In weighing whether the United States should vote in favor of this resolution, our primary consideration is the possible effect on our ability to continue working with both sides in the negotiating process.

-- [REDACTED]

-- [REDACTED]

SANITIZED
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UNITED NATIONS
SECURITY
COUNCIL



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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

At its 1969th meeting, held on 11 November 1976, the Security Council continued its consideration of the situation in the occupied Arab territories, discussion of which had been requested by the Permanent Representative of Egypt to the United Nations in a letter dated 20 October 1976 (S/12218). At that meeting, the President of the Security Council read the following statement, on which the members of the Council had agreed:

"As a result of consultations over which I presided with all members of the Council, I am authorized as President to make the following statement on behalf of the Council.

'Following the request submitted by Egypt on 20 October 1976, the Security Council held four meetings between 1 November and 11 November 1976 to consider the situation in the occupied Arab territories, with the participation of the representative of the Palestine Liberation Organization. After consulting all the members, the President of the Council states that the Council has agreed on the following:

'(1) To express its grave anxiety and concern over the present serious situation in the occupied Arab territories as a result of continued Israeli occupation;

'(2) Reaffirmation of its call upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the territories and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;

'(3) Its reaffirmation that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War is applicable to the Arab territories occupied by Israel since 1967. Therefore, the occupying Power is called upon once again to comply strictly with the provisions of that Convention and to refrain from any measure that violates them. In this regard the measures taken by Israel in the occupied Arab territories that alter their demographic composition or geographical nature and particularly the establishment of settlements are accordingly strongly deplored. Such measures which have no legal validity and cannot prejudice the outcome of the search for the establishment of peace constitute an obstacle to peace;

'(4) It considers once more that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon and the transfer of populations which tend to change the legal status of Jerusalem, are invalid and cannot change that status, and urgently calls upon Israel once more to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem. In this connexion the Council deplores the failure of Israel to show any regard for Security Council resolutions 237 (1967) of 14 June 1967, 252 (1968) of 21 May 1968 and 298 (1971) of 25 September 1971 and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967;

'(5) Its recognition that any act of profanation of the Holy Places, religious buildings and sites or any encouragement of, or connivance at, any such act may seriously endanger international peace and security.

'The Council decides to keep the situation under constant attention with a view to meeting again should circumstances require.'"

Statement of Ambassador Albert W. Sherer, Jr.,
Delivered at the Conclusion of the Security
Council Debate on the Occupied Territories
November 11, 1976

Mr. President, the United States has joined the other members of the Security Council in the consensus statement which you have read because we believe this statement affirms several important principles in regard to the occupied territories. First is the principle that the Fourth Geneva Convention applies to the present situation in the occupied territories. Under this convention and under international law the occupying power has rights as well as responsibilities. Secondly, we have supported and continue to support the principle that persons displaced in the 1967 war should be permitted to return to their places of habitation at the time of that war. Finally, we welcome the concern in this statement for the sanctity of the holy places which we consider to be a particularly sensitive and important matter.

While my government has associated itself with the results of this debate, I must in candor observe that the criticism of Israel which dominated these proceedings has been largely one-sided and excessive. This was particularly true as regards the question of access to the holy sites, specifically the burial site of the Patriarch Abraham.

We agree with the other members of the Security Council that the Fourth Geneva Convention, specifically Article 27, provides the standard for measuring Israeli conduct in this matter. We are fully aware that in recent weeks there have occurred deplorable acts of desecration and violence in and around this site which is holy to Muslims, Jews and Christians alike. However, it is only fair and proper to point out that the Israeli government has condemned and opposed these activities and has, most recently, brought charges in a military court against a rather prominent Israeli citizen for his role in them. The question of access to and worship within this site is a particularly complex and difficult matter, but we believe that the occupying authorities have acted in good faith to protect and preserve the religious rights set forth in the Fourth Geneva Convention. The Council's statement of consensus speaks of the danger to peace of any act of profanation of the holy places. This we take to mean any act by the population, the local authorities or the occupying power.

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In closing, I would like to observe that in this debate we have been dealing with the symptoms of the problem rather than with the problem itself. The conditions we have been discussing will be satisfactorily resolved only in the context of the negotiation of a just and lasting peace in accordance with Security Council resolutions 242 and 338 with respect to which we stand by all of our previous positions.

There is good reason to hope that conditions in the Middle East have improved to the point that renewed efforts toward such a settlement will be possible. The recent meeting of Arab leaders in Riyadh and Cairo promise to contribute to an end to the fighting in Lebanon and to the preservation of its independence, territorial integrity and national unity, to which we attach the highest importance. More broadly, the statesmanship displayed by the governments principally involved promises to establish the constructive atmosphere and the conditions necessary if there is to be progress toward resolving the problems which continue to beset the Middle East.