



PERMANENT MISSION OF
INDIA
TO THE UNITED NATIONS OFFICE
GENEVA

STATEMENT BY MR. S.S. AHLUWALIA, MEMBER OF PARLIAMENT
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45TH SESSION OF THE HUMAN RIGHTS COMMISSION.

AGENDA ITEM NO.4 : QUESTION OF THE VIOLATION OF HUMAN
RIGHTS IN THE OCCUPIED ARAB TERRITORIES
INCLUDING PALESTINE.

GENEVA, FEBRUARY 2, 1989.

Mr. Chairman, I would, at the outset like to extend to you and to other members of the bureau the felicitations of my delegation on your well deserved election. We are confident that with your immense experience and knowledge in the field of human rights, the deliberations of the Commission will be very ably guided. My delegation would like to assure you of our sincere and unstinted cooperation for making the 45th session of the Commission a success. I would also like to briefly express our gratitude to the outgoing Chairman, Ambassador Sene of Senegal for his exemplary tact, skill and wisdom which he displayed while presiding over the Commission during the previous year.

Mr. Chairman, the question of Palestine has been on the agenda of the United Nations since 1947. The Commission on human rights itself has been discussing every year since 1968 this item on "violations of human rights in the occupied Arab territories, including Palestine". During this period, despite the increasing support of the world community for the recognition of the inalienable rights of self-determination of the people of Palestine, they have continued to remain subjected to progressively higher levels of human rights violations.

I would like the Commission to take note of the fact that there has been a dramatic deterioration of the human rights situation in the occupied territories since the beginning of the uprising of the Palestinian population against the occupation - an uprising which has come to be called the "intifida". The accumulated frustrations suffered by the civilian population of the occupied

territories as a result of the persistent policy of annexation and colonisation pursued by the Government of Israel in the occupied territories, and the humiliation and suffering brought about by that policy were bound to provoke a reaction on the part of the oppressed civilians. Mr. Chairman, the struggle of the Palestinian people for their inalienable right to self-determination has been one of the epic sagas of our times. For the good part of the century, and against innumerable odds, the Palestinians have fought for their independence and freedom. We in India have always considered their struggle to be part of the international historical fight against colonial rule and foreign domination. Our late Prime Minister Mrs. Indira Gandhi had summed up India's support for the Palestinian struggle in the following words:

"Our sympathy for the Palestinian Arabs has been a part of independent India's foreign policy from its very inception. Even in the thirties when we ourselves were struggling for freedom, Mahatma Gandhi and Jawaharlal Nehru spoke out against the injustice to which Arabs, and Palestinians, in particular, were subjected. Thus our support for the Palestinian cause has been time-tested and consistent."

Regarding the struggle of the Palestinians, she had said:

"The plight of Palestinians has been one of the tragedies of history. Few people have been more systematically oppressed and humiliated in their own land. I hope - indeed I am sure - this will change soon and that achievement will be the key to harmony in West Asia."

The Palestinian struggle remains an unfinished one but there is no sign of any diminishing commitment to it. The intifida has resoundingly demonstrated that 20 years of occupation have not broken the spirit of nationalism of the Palestinian people.

Mr. Chairman, under the provisions of the Fourth Geneva Convention of 1949 related to the protection of civilian persons in time of war and The Hague Convention of 1907, Israel is an occupying power. There can be no doubt that occupation itself constitutes a grave violation of the human rights of the civilian population of the occupied territories. The Fourth Geneva Convention stipulates that military occupation is to be considered as a temporary, de-facto situation giving no right whatsoever to the occupying power over the territorial integrity of the occupied territories. In flagrant violation of its international commitments, the Government of Israel continues its policy as though the occupied territories constitute a part of the State of Israel. All other specific violations flow from this essential factor: the illegation annexation of part of the occupied territories including Jerusalem; imposition of Israeli laws, jurisdiction and administration on the Syrian Golan Heights; the establishment of new settlements and expansion of existing ones; eviction, expulsion, displacement and forced transfer of indigenous Arab inhabitants and denial of their rights to return; confiscation and expropriation of Arab property; destruction of Arab dwellings; physical displacement of historical sites, desecration of religious

places; ill treatment and torture of detainees; use of collective punishment; mass arrests and administrative detentions; interference with religious freedom and the freedom of movement; illegal exploitation of the natural wealth and resources of the occupied territories; closure of educational institutions, etc. Indeed the list of human rights violations by Israel in the occupied territories is an unending one.

Mr. Chairman, I would like to draw the attention of the Commission to an important fact to which some delegations have referred during the earlier stages of this debate, namely that Israel is attempting to alter the geographical and physical character and the ethnic and demographic composition of the occupied territories and to change their institutional structure and legal status in order to stamp out the identity of the remaining inhabitants of the area. By depriving them of the means of development, Israel is trying to destroy the very basis of the physical existence of these people.

The latest report of the Special Committee to investigate Israeli practices affecting the human rights of the population of the occupied territories gives a very grim picture of the reality prevailing in these territories. The report presents documentation of a whole range of human rights violations and catalogues the specific instances of atrocities heaped upon the unfortunate inhabitants in the occupied lands. The report says, and I quote : "The overall picture drawn from the information available to the Special Committee reflects a new phase in the evolution of the situation in the occupied territories, characterised by a level of violence

and repression never reached before in the course of the 21 years of occupation." (end of quotation). It becomes clear from the report that the terror and brutality displayed by the Israeli authorities are part of a conscious and deliberate plan. The report also vividly portrays how the entire Palestinian population has suffered as a result of the implementation by the Israeli authorities of the policy of "force, power and blows".

A just and durable solution of the Middle East problem cannot be found without Israel's total and unconditional withdrawal from all Palestinian and Arab territories occupied by it since 1967, including Jerusalem and without the exercise of the inalienable rights of the Palestinian people including the right to return, self-determination without external interference, the right to national independence and sovereignty and the right to establish an independent Palestinian State in their homeland, Palestine.

Many important developments relating to Palestine have taken place since the Commission met last year at its 44th session. On November 15, at the end of its historic session in Algiers, the Palestinian National Council declared the independence of the State of Palestine. This declaration stated that the State of Palestine was committed to "the purposes and principles of the United Nations, to the Universal Declaration of Human Rights and to the policies and principles of nonalignment". Many countries including India immediately accorded recognition to the State of Palestine.

Mr. Chairman, another important development which took place, and to which several earlier speakers have referred was when the 43rd session of the United Nations General Assembly met here in Geneva itself to discuss the important agenda item relating to the question of Palestine. In his address on December 13, 1988 to the Session, Chairman Arafat made a statement which we regard as an immeasurable contribution towards the achievement of a just, lasting and comprehensive peace in the Middle East. He called upon the leaders of Israel to come and join him in forging peace. India has commended the framework of the Palestinian peace initiative and hoped that this initiative will evoke a simultaneous and constructive response from Israel. Regrettably, there has not yet been any encouraging response from the Israeli Government. On the contrary, flagrant violations of human rights by Israel in the territories occupied by it continue unabated. I wish to stress that the responsibility of the international community is more manifest than ever before and that urgent measures must be taken in order to prevent a further deterioration of the situation and ensure an effective protection of the basic rights of the civilians in the occupied territories. Such protection can only be ensured in the long run through the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict. The crux of the issue is that the Palestinians must have a state of their own in their own homeland. Without self-determination for the Palestinians, there can be no peace in the area.

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A number of delegations in this debate have emphasised that human rights and peace are interlinked. The position of the Government of India on this issue has been clear and unequivocal. Prime Minister Rajiv Gandhi said, and I quote: "The struggle of the brave Palestinian people for their legitimate rights has entered a new and critical phase. Their accumulated anger can no longer be contained. Not all the brutality and violence unleashed by Israel can crush the Palestinian intifida.

There can be no peace without justice. The illegal occupation of Arab territories must be vacated. The Palestinians have an inalienable right to self-determination. They have a right to their homeland. These rights must be recognised.

India's support for the Palestinian cause is as unstinted, as it has been consistent. We believe that the most viable framework for a just, durable and comprehensive peace settlement is a United Nations sponsored international conference with the participation

of all parties concerned, including the PLO, the sole and legitimate representative of the Palestinian people." (end of quotation).

The people of the occupied territories who have for two generations shown persistent courage and determination expect from the Commission a decision which reaffirms their right to establish an independent sovereign State. They expect us to denounce the illegal Israeli practices of settling its nationals in the occupied Arab territories including Palestine. They expect the Commission to further contribute to the efforts to put pressure on Israel and others who support Israel in its actions to move towards a lasting solution. This is the only way in which the human rights of the Palestinian people can be ensured. It is only then that Arab refugees from the occupied territories can return to their homes and the human suffering and the anguish comes to an end.

Through the Commission on Human Rights we should again reaffirm the rights of the people of the occupied territories. The Palestinian people expect the Commission to call upon Israel as the occupying power to put an immediate end to all repressive measures. The Palestinian people have been subjected to the most serious violations of human rights in our times and the tragedy that has befallen them is unparalleled in recent times. They have been denied human dignity and civil rights in their own homeland; those Palestinians who have taken refuge in foreign lands have been hounded and massacred. The world can continue to tolerate such a situation at its own peril.

Moreover the prevailing situation in the occupied Arab territories including Palestine are at complete variance with the established principles of international law and more specifically with the universal declaration of human rights. Through a historic resolution the General Assembly on 15th December 1988 has acknowledged the proclamation of the State of Palestine by the Palestine National Council. But the efforts of the United Nations cannot end here. The United Nations must bring to bear its authority upon the situation. If this does not happen, then the moral foundations of the United Nations and the structure of the Commission itself will be severely impaired.

Mr. Chairman, in conclusion, I would like to state that recent events in the occupied territories have demonstrated clearly that the Palestinian people are more united and determined to continue their struggle even in the face of their unrelenting persecution and suffering. India will continue to extend whole-hearted support to the efforts to activate early peace negotiations for a just and comprehensive settlement within the framework of a UN sponsored international conference.

I thank you, Mr. Chairman.