מדינת ישראל

משרדי הממשלה

פעולות ארגונים בינלאומיים בשטחים האו"מ

נפתח: 1.88

נסגר: 3.88

שם תיק: פעולות ארגונים בינלאומיים בשטחים האו"מ

מזהה פיזי: חצ-9806/12

מזהה פריט: 0005zpb

כתובת: 1-16-2-120-2

תאריך הדפסה 28/11/2017

משרד חוץ

מס. תיק

מס. תיק מקורי 9806/12

מחלקה מנכ"ל

משרד ראש הממשלה

ארכיון המדינה

טופס מראה מקום להוצאת תעודות יחידות*

חטיבה מסי: 130/15

מיכל מסי: 9806 פת

תיק מסי: 12

תאריך התעודה: 6.1.88

שם מחבר התעודה: אמצעי הגנה אזרחית

שם הנמען:

סוג התעודה (סמן √ במקום המתאים):

- ☐ מכתב
- ☐ מברק
- ☒ תזכיר או מיזכר
- ☐ דין וחשבון או זכרון דברים משיחה או דיון
- ☐ פרוטוקול של שיחה, דיון או ישיבה

*הטופס ימולא בשני עותקים. העותק הירוק יוכנס לתיק במקום התעודה שהוצאה; העותק הלבן יצורף לתעודה שהוצאה.

משרד החוץ-מחלקת הקשר

24812 תאר: 30.03.88

** יוצא
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שמור

חוזם:3,24812
אל:נ'/1217,וו'ש/934
מ-:המשרד,תא:300388,זח:1244,דח:ב,סג:שמ
נד:@

שמור/בהול

אל: ניו-יורק, וושינגטון

נ.מ.3162 - 210.02

נאום
ביין - יששכרוף

מועב'ט - שטחים

א. לקראת הדיון הצפוי במועב'ט, ולאור ההנחה שהערבים מתכוונים בעיקר לדיון שישרת תעמולתם (ביקור ועדת הליגה הערבית יציאת מזכיר המדינה לאזורנו, יום האדמה וכו') כדאי שמטרת התבטאותנו תהיה שלא לתרום מצידנו להשגת היעד התעמולתי הערבי.

ב. אנו ממליצים על נאום קצר, אשר יתמקד בגימה של אירוניה בכינוסה החוזר ונשנה של מועב'ט ע'י מדינות ערב בכל פעם שהדבר נראה להן נוח לאינטרס המדיני שלהן. (הפעם כנראה הכוונה לפגוע בהמשך תהליך השלום).

ג. תוכלו להביע תמיהה ופליאה על האלמנטים הבאים:

1. העתוי לכינוס המועצה. יש להצביע על כך שהשגריר הטוניסי כתב לנשיא המועצה כבר ב-15 במרץ על 'המצב המחמיר', אך לא ביקש כינוס המועצה. גם במכתבו מה-25 במרץ לא ביקש כינוסה. האם עלינו להסיק שדווקא בימים אלה, כאשר מסתמנת רגיעה יחסית בהתפרעויות, מבקשות מדינות ערב לתת זריקת עידוד למתפרעים האלימים ע'י חימום האוירה ונאומי הסתה במועב'ט.

מ:3,24812:מגנ
אל:ד'\דנדנ,דנש\ע9
מ-:מאגרת,מא:880308,מנ:4421,מס:ב,מא:מא
ע:6

מאגר\מנהל

אל: ר"ר-"ירק, דנש"ראדת

ב.מ.2816 - 20.012

אינו
ר"ן - "מאגרים

מיוב"מ - מבט"מ

א. מקרים מ"ש, מעבר' בתוב"מ, ומאגר מהנהל מחברי"מ מהבדי"מ בע"מ. בדנ"ל מ"מרכ מנאיבים (ב"מיר ומרכ מל"אם מרב"מ 'ב"מם מבב"ר מת"ים מאיבדי, '"מ מחיבם (בר') בתא' מאמרם מהבמחנה מה"ם מרא מהיב מבא"בדי מבשאם מ"מר מהמאיבים' מרב".

ב. אבר מבר"ב"מ מר ומרם מבר, אמר 'מבמר בר"מם מר א"ירד"מ בב"ירם מהיבר דנשים מר מיוב"מ מ"' מר"ים מרב בבר מבם מחבר מרבם. מהיב מבר ים מא"ירם מת"ר' מרבר. (מבמם בר"מם מבר"ים מבאיב בהאמר מהר"ר מרבים).

ג. מ"בבר מבב"מ מא"מם ובר"מם מר מחיבים"מ מבא"מ:

ד. מהבר' בר"ירם מבאיבם. '"מ מהיב"מ מר בר מחמאר"ר מבר"מ' בהב מבאיבם מבר ב-5ד בבבי מר 'מבבב מבמא"ר', אר מא ב"מש ב"ירם מבאיבם. מם בבבהר מם-5ב בבבי מא ב"מש ב"ירם. אמם מר"ר מהמ"מ מר"ירא ב"מ"מ אבם, בחמר מבמבים ב"מים 'המ"מ בהמב"ר"ים, מבבמים מר"ירם מבב מהם ב"מ"ר מ"ירר מהבבים מר"ים מ"' מ"מים מאר"רם ירמים' מבמם בבמב"מ.

2. החיפזון שבו מתחילה ההתרוצצות במועצה ברגע שהערבים נותנים סימנים שהם מעוניינים בכינוסה. היו בימים האחרונים מאורעות עקובים מדם בחלקים שונים של העולם (להדגיש בעיקר הפצצות פגזים ע"י עיראק) ולא ראינו שארצות ערב נזעקו והזעיקו מועב"ט. (ראה בעניין זה גם המאמר מ'אקונומיסט' מה-12 במרץ שהעברנו לכם).

3. להדגיש בקיצור שישראל אחראית בלעדית על שמירת החוק והסדר בשטחים ותמשיך לעשות כל שביכולתה מבחינת חוקית כדי לשים קץ לאלימות. יש להדגיש שאין המדובר במפגיני - מחאה תמימים אלה בהמון מוסת ואלים שהורג ופוצע (ראו בעניין זה סיכום הנפגיעם הישראלים בשטחים שהוברק לכם ע"י הסברה - מזת"ם).

4. אם הערבים וידידיהם יעלו מחדש טענותיהם על תחולת האמנה הרביעית מוצע שתחזיר עוד פעם על עמדתנו הרשמית שהוברקה לכם בח/15736 מה-25 בינואר, ותדגישו שהארגונים ההומניטריים הפועלים בשטחים ובעיקר הצל'א ממשיכים בפעילותם השוטפת ללא הפרעה. (ראו בעניין זה מברקנו ח/24066 מאתמול בקשר לפעילות הצל'א בזמן סגירת השטחים).

5. בעניין דו"ח המזכ"ל, אם תראו עצמכם מחוייבי המציאות להשיב, ראו ההנחיות שנשלחו אליכם בחוזם המוזכר בסעיף 4 דלעיל.

ד. במגעיכם השוטפים עם האמריקנים בניו-יורק ובוושינגטון מוצע שתדגישו העובדה שעצם כינוס המועצה (שלא לדבר על נסיון להעביר גם החלטה) בודאי לא יסייע לתהליך השלום ולשליחותו הקרובה של מזכיר המדינה. (סעיף זה תואם עם סמנכ"ל מצפ"א).

מנהל ארב"ל 2

א.א.ר

תפ: שהח,רהמ,שהבט,מנכל,ממנכל,ר/מרכז,רם,אמן,ממד,ברנע,ארבל2,
בירן,מצפא,ליאור,מזתים,מתאמשטחים

2. הנ"ל מודיע שהוא מתנגד לפרוצדורה זו. לדעתו שהרב"ם לומד ומבין שאין הכרח. מי לדעתו מחמיר שאין מקרקעין (כולל שדות נטעים) אלא ע"י קנין) וכן הוא שהיה מנהג הגמ'. (ראה דבריו בס' מאמרי אלישיב מס-22 דפוס שמעתין כהו).

3. כולל שדות נטעים ש'שרוש מחמיר בדבריו עד שהיה מחזיק מנהג אחות דשמו'ל כלשון כל שדה'ה מכר'ה ומנה'ה - כל דש'ה לע כולל מנהגי. יש כולל שה' מתיר בפעם' - מנהג הנ'ל אינו בכולל אלא הוא הנהגה פרטית (ראה דבריו בס' ביבלה ניבי'ם ש'שרוש'ם בשמו'ם שהיה כבר ע"י הפרדס - מנה'ם).

4. אם הגרב'ם ר'ל'ר'הם 'נכל מהש מעלה מעלה'ם עד הנולדים הגבלים הרב'ם מלבד שהיו בעד עד עדות ברשו'ם שהיה כבר בכו בס\מ3751 מס-25 ר'ליאר, ולכולם שהיה'ם הנולד'ם הנולד'ם בשמו'ם לבד'ם הכל'ם בשמ'ם בעל'ם בעל'ם הנולד'ם. (ראה בס' ברכת מ\מ6042 מהדורה בשמו'ם בלבד הכל'ם בלבד הנולד'ם).

5. בס' ר'ל' לא'ם הנמ'ב, אם הראי עצבם מהר'ם' הנב'ים בשמ'ם, ראה הנהם'ם מלשמו' אינ'ם בס'ם הנולד הנולד בס' 4 בכל'ב.

6. בעצ'ם הנולד'ם אם הנמ'ל'ם בל ראה'ם בר'ל-'ידע ר'ל'ר'ם מלבד עצם שהיה'ם הנולד הנולד אינ'ם בס'ם הנולד (שכן כולל מלבד עד ס'ל' בשמ'ם בס' הנולד) בלבד בא 'ס'ם בשמ'ם הנולד ישמ'ם הנולד הנולד עד הנולד הנולד'ם. (בס' 3ם הנולד אם הנולד בעל הנולד'ם הנולד'ם).

בלבד הנב'ם 2

ה.ה.ר

cc: שם,רבא,שמעון,מלכי,אבלכי,ר\מרכי,בן,אבי,בנו,בלבד,הנב'ם,
ר'ל,הנבאים,ר'הנר,הנ'ם,בהנשמ'ם

24108 תאריך : 29.03.88 נמען: חוץ-מחלקת הקשר

** נבנס שמור
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**

שרים - אלי
אמן/1.1.88

חרזם:3,24108
אל:המשרד
מ-:גבבה,נר:270,תא:290388,זח:1530,דח:מ,סג:שמ
נד:@

שמור/מידי

מנהל ארבל 1

IPU - הצעת החלטה בנושא השטחים.

1. בדיפ' נוסח הצעת החלטה תוניסאית מתוקנת הכוללת איזכור החלטות IPU , העצרת, מועבט (במיוחד החלטות 605,607,608), זכות הגדרה עצמית ומדינה פלסטינית עצמאית, אשפ' כמייצג בלעדי, הפרת מגילת האום הצהרת זכויות האדם והאמנה ה-4 ובפרק האופרטיבי גינוי הדיכוי בשטחים, שחרור כל העצירים הפלסטינים ומעמד שבויי מלחמה לאסירים הפלסטינים, גינוי לאמצעים הנוקטים ע"י ישראל לרבות בטרור, שיבת הפליטים לבתיהם, גינוי הגרושים, הזמנת מדינות העולם להפסיק כל עזרה המסייעת במהותה להמשך הכיבוש הישראלי ולהפר ז"א, גינוי ועידה בינ"ל בהקדם האפשרי בחסות האום ובהשתתפות כל הצדדים המעורבים, לרבות אשפ', וסעיף חדש (8) המהווה תוספת לגרסה הראשונה שהופצה לדברי אנשי IPU לפני מספר שבועות והאומרת:

8. APPELLE A LA FORMATION D'UN COMITE JURIDIQUE AUX NIVEAUX ARABE ET INTERNATIONAL, EN VUE:

- D'EXAMINER LA SITUATION JURIDIQUE QUI PREVAUT EN TERRITOIRES ARABES ET PALESTINIENS OCCUPES, Y COMPRIS DANS LA VILLE D'AL- QUDS(JERUSALEM).

- D'OEUVRER POUR UNE DECLARATION JURIDIQUE ET POLITIQUE SUR LA CADUCITE ET LA NULLITE DES LOIS D'ETAT D'URGENCE PROMULGUEES, EN 1936 PAR LE GOUVERNEMENT DU MANDAT BRITANIQUE EN PALESTINE AINSI QUE LES AMENDEMENTS APPORTES A CES LOIS, ET SUR LESQUELS S'APPUIE ACTUELLEMENT L'ENNEMI SIONISTE POUR SE PERMETTRE DE BANNIR LES PALESTINIENS, LES ARRETER ADMINISTRATIVEMENT, SANS LES AVOIR INCRIMINES, ET LES ASSIGNER EN RESIDENCE FORCEE LOIN DE LEUR VILLE OU VILLAGE LIEU DE LEUR RESIDENCE.

2. הסעיף הנוסף-אנשי המדינות נשארים צמודים להערכתם הקודמת שרק ארוע בלתי-צפוי יצדיק 'תרגיל' ערבי שלפיו ירשבק מעמד "סעיף-נוסף דחוף" לנושא האמרכזי בדי שיהיה אפשר להקדיש הסעיף הנוסף הרגיל לנושא השטחים. ההכרעה צפויה אינא רק בראשית הועידה.

מילוא==

תפ: שהח,מבכל,ממבכל,ברגע,ארבל1,טייבל,משפט,יורבנבשת,ליאור, מזתים

- D'OBTENIR POUR UNE DECLARATION JURIDIQUE ET POLITIQUE
SUR LA CAPACITE ET LA NULLITE DES LOIS D'ETAT D'URGENCE
PROMULGUEES, EN 1956, PAR LE GOUVERNEMENT DU MANDAT
BRITANNIQUE EN PALESTINE AINSI QUE LES AMENDEMENTS
APPORTES A CES LOIS, ET SUR LESQUELLES S'APPUIE
ACTUELLEMENT L'ENNEMI SIONISTE POUR SE PERMETTRE
DE BANNIR LES PALESTINIENS, LES ARRETER ADMINISTRATIVE
MENT, SANS LES AVOIR INCRIMINES, ET LES ASSIGNER
EN RESIDENCE FORCEE LOIN DE LEUR VILLE OU VILLAGE
ET DE LEUR RESIDENCE.

5. POUR PLUS-VALUE MATERIELLE CONTRE TOUTES TRUCULENTES
SOLTEUR ARE MITTE ZERO-ZERO PETRO 'PRAXI' WITH SOLDIER
FRUIT THAT "SUPP-LIPS TOPS" ZERON MAGNETE ETC
WHEN HOUR TRUTH POWER PLUS MPAXI TERON POWERED.
PHOTON ZERON MEAN FY ENERGY MPLETE.

DETAIL==

AD: BAD\DELT\BDEET\ZTLU\MPIXI\OPTZ\POWD\TTPOCO\TRHTT\
OTHER

משרד החוץ-מחלקת הקשר

15844 תאריך : 18.03.88

** נבנס שמור
**
**
**

חדש:3,15844
אל:המשרד
מ-:רינה,נר:125,תא:180388,זח:1400,דח:מ,סג:שמ
נד:@

שמור/ מיידי

אל:ארבל 1

דע:סמנכ"ל ברנע

מאת:רינה

ורעדה למעמד האשה

א. בהמשך הדיון על סעיף 5 התבטאה עריד שמחה על שריון זכויות, NATIONAL MACHINERG ארגוני נשים, אלימות במשפחה ועל תפקיד בממונה במשרדי הממשלה בנושא הטרדה מינית. כך ציינה ועידת מילנו בה התקבלה הצעת ישראל בקונצנזוס. בעקבות דבריה ניגשו כמה נציגות וברכו על התרומה הענינית לדיון מצד ישראל.

ב. נשים פלסטיניות. לפני הועדה הונחה הצעת החלטה מטעם : אלגיר, בנגלה דש,קובה, מצרים,איראן,פאקיסטן סודן ותוניס. השינויים לעומת הנוסח הראשון שהובורק.

1. הועדה דורשת (REQUESTS) מהמזכ"ל להכין דו"ח מקיף על מצב הנשים הפלסטיניות שיימסר לוועדה למעמד האשה במושבה ה-33. זאת בניגוד לנוסח הראשון הדורש מהוועדה לעקוב אחר ביצוע המלצות ועידת נייروبי.

2. הוועדה דורשת מהמזכ"ל לשלוח בדחיפות משלחת המורכבת מנציגות של שלוש מחברות הוועדה להקור את מצבם של הנשים והילדים הפלסטיניים לאור ההתפתחויות הטרגיות

בשטחים הפלסטינים הכבושים. זאת בניגוד להצעה המקורית שדיברה על משלחת מטעם הרעדה למעמד האשה שתדרוש לעצרת ה-43.

ג.להלן תוצאות שיחותינו עם כמה משלחות החברות ברועדה.

קנדה- מחכה להוראות מהבית.

קוסטה ריקה- קיבלה הוראה להימנע.

יפן- מצפים להוראה מהבית

לסוטו- לא קיבלו הוראה להתנגד.

פילפינים- העלתה במפגש ב-77 הצעה להעביר הנושא לוועדה לזכויות האדם אך נתקלה בהתנגדות.

ארה"ב- מורין דיגן מסרה לעו"ד שמחה ששוקלים ולא פרטה.

רונצואלה- תמנע אלא אם כן תקבל הוראה אחרת.

זאיר- נמובן שלא תצביע בעד ההצעה. תאלץ להמנע בגלל עמדת האמריקאיות.

ד. לא ידוע לנו ברגע על הצעות החלטה בסעיפים אחרים המגבות או מתייחסות לישראל.

אשבל

תפ: שהח,מנכל,ממנכל,ברנע,ארבל1,בירן,מצפא,שפי,אמלט,ליאור, מצרים,נזתים,הדס,אטיה,מאפ,סייבל,משפט,גב'שמחה/ממרהמ

3.1988

ATTN MR YITZHAK SHAMIR
PRIME MINISTER
JERUSALEM ISRAEL

THE ICCP MEETING IN GENEVA ON 21 AND 22 MARCH 1988, STRONGLY CONDEMNS THE IMPOSITION OF UNACCEPTABLE RESTRICTIONS ON THE MOVEMENT OF PALESTINIANS INSIDE THE OCCUPIED TERRITORIES , AS WELL AS ON THEIR RIGHT TO TRAVEL ABROAD. THE ICCP NOTES WITH THE MOST SERIOUS CONCERN THAT MS ZAHIRA KAMAL, AN INVITEE TO ITS MEETING BY THE UNITED NATIONS, WAS PREVENTED FROM ATTENDING BY THE ISRAELI GOVERNMENT. WITHOUT REFERENCE TO SPECIFIC CASES, MANY OF WHICH CLEARLY VIOLATE BASIC HUMAN RIGHTS, THE ICCP DEPLORES, WITH THE DEEPEST CONCERN, THE INHUMAN BEHAVIOUR BEHIND SUCH POLICIES AND CALLS FOR THE IMMEDIATE TERMINATION.

INTERNATIONAL COORDINATING COMMITTEE FOR NGO'S ON THE QUESTION OF PALESTINE (ICCP

CC: MR YITZHAK RABIN
MINISTRY OF DEFENCE JERUSALEM
MR. SHIMON PERES
MINISTRY FOREIGN AFFAIRS JERUSALEM

25223 CHUTS IL
23423Z OIK CH

4313 תאריך : 05.03.88

משרד החוץ-מחלקת הקשר

שמור נכנס **
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שמור/רגיל

חדזם:3,4313
אל:המשרד
מ-:גנבה,נר:63,תא:040388,זת:1400,דת:ר,סג:שמ
נד:@

שמור/רגיל

מנהל אכב

ארנקסד-שטחים. בהמשך לשלי 377 סעיף 3

1. נתקבל מכתב מזכל ארנקסד מה-1.3. דאדזי מתדרה שני תחומי פעילות מטעם המזכירות:

א. מחקר-מדיניות על סחר החרץ של הגדמע והרצועה, לעניין זה מצטרפת תוכנית סנסטיבית של המחקר המרצע "והערותיכו תושרכנה מאוד".

ב. הצעות לשני פרויקטים של סיוע טכני בחלק מתוכנית האם לסיוע בלבלי וחברתי לעם הפלסטיני-
1) זיהוי עיצוב וביצוע של תוכניות השקעה
2) הכנת סטטיסטיקות סחר.
המזכל מתאר מטרת שתי ההצעות ב"חיזוק המוסדות המקומיים והיכולת הטכנית של השטחים".

2. המזכל מציין שהכל מצריך גישה ישירה למידע בשטח ומציע שאנשי המזכירות "UNDERTAKE A MISSION" לישראל ולשטחים במשך שבועיים בחודשים הקרובים. מטרת השליחות-התיעצויות על הפעילויות הנזכרות עם פקידים מתאימים של ממישראל ושל מוסדות רלבנטיים בישראל ובשטחים ואיסוף מידע לצורך המחקר. דאדזי כותב בקשר לכן שהמשלחת המוצעת נחשבת בחלק מתהלין התיעצויות ואימוץ מידע "ENTAILING SIMILAR MISSIONS TO OTHER COUNTRIES DIRECTLY CONCERNED"

DRAFT

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DATE:2/3/82
MT:MEDWRT
T-:ALLEN,DF:25,DM:8020040,TM:0041,TN:F,DK:UN
CT:0

DRAFT/PAPER

DEAR MOE

REQUIRE-WORKED. ENDOF PAPER TTT DRAFT 2

1. UNDER COVER OTHER REQUIRE OF-2.1. THERE THERE
WAS RAPID EVENTS DEAD PATTERNS:

A. ANTI-DEFEATS OF ONE ARMY BY OTHER PARTISANS
THAT TO REGRET FREEDOM DEGREES OF ARMY MEAN
"FOUNDERED PRESIDENT ONCE".

2. BEGIN TWO EMPHASIZE OF DEAD DEAD ONE ONCE
WHO TOPPLE EVERY PRESIDENT TWO REPUBLIC-
1) THREE WEEKS REGRETS OF FREEDOM MEANS
2) RELIGIOUSFOUNDING ONE.
NOTHING THAT BURN WAS RESULTS C"ONCE ARMIES
REPUBLIC FREEDOM DEGREES OF MEANS".

3. NOTHING DEAD WHEN THERE ARMY TWO TOPPLE TOPPLE
POPULATIONS PATTERNS "MOISSIM A SKATRSOKU"
FOUNDS PRESIDENT ARMY WEPUBLIC ENDFUNDS REPUBLIC.
BURN REPUBLIC-PRESIDENTS OF REPUBLICANS PATTERN WE DEATHS
PRESIDENTS OF REPUBLIC THE BROTHER PRESIDENTS FOUNDED
THROUGH DEAD TWO ARMY WEEKS. THERE ARMY ARMY THE
PRESIDENTS REPUBLIC FROM ONCE ARMY REPUBLICANS THEORY
DEAD SMOISSIM RAJIMIS SNIJIATNE"
"TO OTHER COUNTRIES DIRECTLY CONCERNED"

,המזבל סבור שהתיעצרוית ישירות מסוג זה יסייעו לקדם
הבנה הדדית בקשר לנושאים ''המסובכים'' הקשורים לנושא.
בסיפא שואל אם נכונים לקבל המשלחת ואם נוכל להציע
מועד אפשרי.

3. הערה: מאחר ומדובר בהצעת פרויקטים לביצוע בשטחים
ולאור מדיניותנו המוצהרת מציעים שלא לדחות על הסף
את פניית המזבל. בדיפ'- המכתב ותוכנית הפעולה.
לא נגיב עד שנקבל הנחייתכם.

מילוא=

תפ: מנכל,מינרבי,משב,אבב,בלכליתא',ברנע,ארבל1,הדס,ליאור,
מזתים

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18180 **משרד החוץ-מחלקת הקשר** תאריך : 01.03.88

נכנס ** שמור

[illegible]

חוזם:2,18180
אל:המשרד
מ-:גנבה,נר:377,תא:290288,זח:1800,דח:ר,סג:שמ
נד:פ

שמור/רגיל

מנהלי אכב, משב

שתפ' עם ארנקטד. שלי 305 שלנו 317.

1. בשיחה עם זמיט-קרטיאר העליתי שוב נכונותנו לשפ'
עם ארנקטד בהרחבירת הסיוע שלהם באפריקה ובמתפתחות
בכלל. הזכרתי שהבענו נכונותינו הטובות כלפי המדינות
הנזקקות עוד לפני יותר משנה ומאז דממה. ראש הלישכה
מצדו חזר והסביר שארנקטד פועל עפ"י פניה של מדינה
המבקשת סיוע טכני או של UNDP
כשזה רואה בארנקטד האמצעי המתאים להגשת הסיוע.
בכל מקרה, הצעת סיוע טכני מצד מדינה כלשהי שאינה
מלווה במימון מתאים בדכ' אינה אקטואלית לארנקטד.
טענתי שהצעתנו עולה בקנה אחד עם החלטות עצרת ארנקטד
ומועצותיו לפעול למען סיוע-טכני וניתוב המשאבים
האנושיים במתפתחות ועב' ראוי היה שארנקטד יטול יוזמה
ולפחות יפיץ הצעתנו בקרב מדינות נזקקות. בנקודה
זו התחמק מלהגיב.

2. ציינתי ההסכם שחתמנו לאחרונה עם UNDP .
גילה ענין ולבקשתו אעביר אליו עותק לכשאקבלו בדיפ'.
סכם מצדו שאחרי שיעיינו בהסכם יוכל למסור לי הערותיהם
ואם יש בו כדי לקדם אפשרויות שתפ'. אמרתי שאם הדבר
יראה להם, נוכל לנהל גם אתם מומ' על הסכם דומה.

3. שטחים- לקראת סוף השיחה מסר לי שארנקטד יפנה
אלינו בימים הקרובים בכתב בבקשה לקבל מידע על התנאים
הכלכליים ואפשרות בקור משלחת. הגבתי במקום שעמדתנו

משרד החוץ-מחלקת הקשר

נגד קבלת משלחת בעינה.

מילוא==

תפ: מנכל,מינדבי,משב,אכב,כלכליתא',ברנע,ארבל1,הדס,ליאור,
מזתים

15348 תאריך : בשבוע-מחוץ-מחלקת הקשר

בלמס ירבא

שלחו - אנס

שמן / 1/2/1

מרזם:2,15348
אל:
ביירס/425,ברזילה/228,בוגוטה/165,ניקוסיה/153,מכסיקו/232,
טרגר/72,קרקס/289,לימה/212,מנילה/153,בריסל/234,סנטרזה/113,
פריס/556,בון/292,לונדון/329,רומא/302,טוקיו/348,אוסלו/153,
ליסבון/179,מזריד/200,רוש/641
מ-:המשרד,תא:250283,זת:1834,זת:ר,סג:בל
נד:8

בלמ"ס/רגיל

נ.מ.2106 - 217.06

הרעדה לזכויות האדם.
לתרזם 7630.

א)ב-22 בתקבלה במר מידי שנה החלטה נרחבת שכותרתה
SITUATION IN OCCUPIED PALESTINE והכוללת:

התייחסות במבוא לסיום הכיתוך לישראל ע' 'מדיניות
מסריימנת', לפשעי 'ג'נוסייד' ו'חיסול פיזי' של
הפלסטינים, מעצרים, עינויים גירושים וכו'.

התייחסות בחלק האופרטיבי לזכות השיבה, ההתקוממות
בשטחים ב- RESISTANCE לגיטימית וקריאה לועידה בינ"ל
בשתוף אש"ף במעמד שווה.

ב)מצרים נרשמה לרשימת שושביני ההחלטה.

ג)ההחלטה כולה נתקבלה בהצבעה: 30 בעד, 4 נגד (רפ"ג,
נורבגיה, בריטניה, ארה"ב) 8 במנעים (בלגיה,
קרטה-ריקה, צרפת, אירלנד, איטליה, יפאן, פורטוגל,
ספרד).

ד)בהצבעה נפרדת על סעיף המבוא המתייחס לג'נדסיד הצביעו:
23 בעד, 11 נגד (ארגנטינה, בלגיה, צרפת, רפ'ג, אירלנד,
איטליה, נורבגיה, פורטוגל, ספרד, בריטניה, ארה'ב) 8
נמנעו (ברזיל, קולומביה, קוסטה-ריקה, יפאן, מכסיקו,
פרו, טוגו, וונצואלה).

ארב'ל 2

תפ: ברנע,ארב2,שפי,אמלט,ליאור,מזתים,הדס,מאס,אסיה,איירא,
איירב,בירן,מצמא

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8890 תאריך : בשרד.חחוץ-מחלקת הקשר

בלמס ירצא

שיאיר-אוים
שמן 1241

מרדם:2,8890
אל:ביירס/241,ברדילה/131,בוגרטה/101,ביקרסיה/95,מכסיקו/129,
טרגר/44,קרקס/152,לימה/122,מנילה/91,בריסל/141,סנתרדה/67,
פריס/329,בון/169,לונדון/191,רומא/185,טוקיו/207,אוסלו/94,
ליסבון/102,מדריד/121,רוש/385
מ-:המשרד,תא:170288,דת:2025,דת:ר,סג:בל
נד:ש

בלמס/רגיל.

נ.מ.1785 - 217.06

הצבעות בועדה לזכויות אדם. בהמשך לשלנו ת/7630 מה-16/2.

להלן תיקוניים שחלו בהצבעה לעומת ההצבעה בשנה שעברה:

א. L.2(A) שכחים:

א) על הצעת ההחלטה כולה: בשנה שעברה הצביעו 28 בעד, 8 נגד, ו- 6 נמנעו. פורטוגל ונפרד לא היו חברות אשתקד. מקסיקו נמנעה אשתקד והצביעה בעד השנה.

ב) L.2 (B), סעיף 1 - לא חל שינוי.

ג) L.2 (B), סעיף 4: אשתקד הצביעו 29 בעד, 8 התנגדו, 5 נמנעו.

ד) L.2(B) כולה: אשתקד הצביעו 29 בעד, 1 (ארה"ב) נגד, 12 נמנעו.

ב. L.3 רמה הגולן:

א) סעיף אחרון במבוא: אשתקד הצביעו 21 בעד, 14 נגד ו-7 נמנעו. אשתקד קוסטה-ריקה הצביעה נגד אך נמנעה השנה.

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ב) סעיף אופרטיבי 5: אשתקד הצביעו 18 בעד, 17 נגד, 6 נמנעו. אשתקד נמנעו גם הפיליפינים והצביעו בעד השנה.

ג) L.3 כולו: אשתקד הצביעו 28 בעד, 1 (ארה"ב) נגד ו-13 נמנעו. ונצואלה נמנעה אשתקד והצביעה בעד השנה.

ארבל 2.

תפ: אמלט/מזתים/מאפ/אסיה/ברנע/ארבל2/אירא/אירב/מצפא

4049 **משרד החוץ-מחלקת הקשר** תאריך : 03.02.88

שמרד נבנס **
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שאתם אלים
שמר/ד"ר

הדזם:2,4049
אל:המשרד
מ-:גבבה,נר:152,תא:110283,דה:1800,דה:מ,סג:שמ
נד:ם

שמרר/מידי

אל:ארבל 2

שתי הצעות ההחלטה הרגשו,אחת בנושא השטחים ראחת בנושא הגולן. שתיהן ארוכות מאוד, וקיצוניות.

1. ההחלטה על השטחים מתייחסת בין היתר, להרעבת המחנות שבירת זרועות ילדים וצעירים, הפרה המונה של אמנת גנבה,גרימת הפלות לנשים עיי מכות, פתיחת אש, עינויים,חטיפת ילדים והעברתם לקומות בלתי-ידועים במו בדהיישה רבית סגר חונלה באל-בירה. ההצעה גם מתיחסת לנושאים יותר שגרתיים: סיפוח ירושלים, התנחלויות ,התקפות נגד אל-אקצה תוך מטרה להשמידה,גירושים, מעצרים המוניים,ערוש קולקטיבי,מעצר מינהלי,עינויים ארכיולוגיה דיכוי אוניברסיטאות ובתי סגר,ניצול משאבים ומים והדחת ראשי העיר. בחלק השני ההצעה מתייחסת ליישומה של אמנת גנבה,ודרשה מעמד שבויי מלחמה לעצורים פלשתינאים. מגנה אי-כיבוד סעיף 49, ודרשת שפ' עם הצלא.

2. הצעת ההחלטה על הגולן היא יותר שגרתית, אינה מפרטת מעשה זרועה דומה , ומתייחסת ליישום חוק ישראלי על הגולן,על סיפוח , ענין תעודות זהות וכו'.

3. מצרים היא בין השושביגים של ההצעה על השטחים,אך לא על הגולן.

ולדנ==

הע: שהה,מנכל,ממנכל,ברנע,ארבל2,ליאור,נזהים,מתאמשטחים,סייבל, משנט,ליאור,מצרים

משרד החוץ-מחלקת הקשר

תאריך : 09.02.88

שמור נבנס **
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טלמיר - אלם

חדש:2,1323 שלח/121.1
אל:המשרד
מ-:גבבה,נר:106,תא:080288,זח:1830,דח:מ,סג:שמ
נד:8

שמור/מידי

אל:ארבל 2

ורעדה לזכויות אדם.

א. הדיון של טעימים 4 ו-9-4 ביחד הסתיים ביום ששי והדיון על טעיף 9 בלבד התחיל, והמשיך היום. ביום ששי אחהצ' נאמר נציגי תימן הדמוקרטית ונציגי ה-NGO'S הבאים: WORLD CONFEDERATION OF LABOUR, תנועת נוער וסטודנטים למען האדם (איסמוב), האיגוד הפרלמנטרי לשפ' אירו-ערבי, איגוד עורכי-דין ערביים אמנסטי (שהתבטא בצורה חריפה מאד), ליגת נשים בינלאומית למען שלום וחפש, איגוד משפטנים ערביים ארגון לסולידריות העם האפרו-אסיאני. בהם הדיון היו"ר מן סיכם בנאום ארוך בו התבטא למהות העניין ומתח ביקורת על ישראל, וגם הציע שיש לנסח הצעת החלטה שתזכה לתמיכת כל החברים. התערבות זו מטעם היור לא מצאה חן בעיני המערביים , או חלק מהם, כי הם רואים בכך תקדים מסוכן לשנים הבאות, לאור דוקא באשר לנושא ישראל-ערב. לא התבטאו במרמבי נגד הצהרת היו"ר, אך ביום שני, בקבוצת WEOG הוחלט להטיל על סגן היור האיטלקי להעלות הנושא עם סג (כך נמסר לי ע"י מקור שביקשני לא להניץ עובדה זו), לאחר שסן דיבר העיראקי ביקש שדבריו ייכללו ב-RECORD . לא ברור אם זה ייעשה או לא, אך מעניין ש-PRESS RELEASE של יום ששי אחהצ' טרם הופץ, בניגוד לפרקטיקה המקובלת. נכנסתי בעצמי לחדר ומצאתי שם מונח PRESS RELEASE שבר נאמר של סן אינו מוניע-אך ה-RELEASE הזה, באמור, לא הופץ לקהל. ייתכן ועובדה זו משקפת וריבוח אם להבלילו או לאלגראה בהחלט לטעון שחרג מסמכויותיו כיו"ר)

ב. בירום ששי אחהצ' גם התחיל הדיון על סעיף 9 בלבד שבו נאמר רבג (אשר כלל סעיף אחד,ביקורתי אך מתון על המצב בשטחים והקונגרס המוסלמי העולמי. בירום שני גם נאמר בריהמ', בנגלדש, אלגיריה, יפן,גרמז, אפגניסטן ,ניקרגואה,פורטוגל,וויטנאם, קמבוצ'יה, תאילנד, טנזניה, סוריה, סין והמועצה לבמיביה. ארהב בנאומה סקרה את המקומות בעולם בהם אין מימוש הזכות להגדרה עצמית וכללה המשפטים הבאים:

WE SEE THE AUTHORITIES IN ONE EASTERN EUROPEAN COUNTRY JUST LAST WEEK USING FORCED DEPORTATIONS OF PEACEFUL PROTESTORS. THE SEBUERITY COUNCIL LAST MONTH CRITICISED THE DEPORTATIONS OF FAR FEWER PEOPLE WHEN THEY COOURRED ELSEWHERE IN THE WORLD

הנאומים על ס' 9 בדרך כלל בלור התיחסות קצרה לבעית השטחים, אך במסגרת יותר רחבה וללא הדגש. יפן בנאומה היתה ביקורתית (יוזכר שבנושא 4 ו-4,9 לא התבטאה).

ג. ממשיכים לשמוש תגובות טובות על הנאום הישראלי. בהזדמנות זו אציין שהשגריר תרם הרבה לניסוחו, שהיה מאמץ משותף.

ד. עפ"י מרשל בריגר, כבר הוצע בארגן בלתי פורמלי הצעת החלטה חריפה הכוללת התיחסות ל-GENOCIDE הבטיח למסור לי עותק מחר (כמה מהערבים דיברו על GENOCIDE בנאומים שלהם).

ה. יוזכר בקוריוז שהלובי בנאומו, בין יתר ההאשמות נגדנו טען שעיבינו חמור למדות.

ולדב

א.ד

תפ: שהח,מנכל,ממנכל,ברנע,ארבל2,ליאור,מזתים,מתאמשטחים

** בבנס שמרר
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**
**

שתיה - אלי
שמן 1214"

חודם:2,5007
אל:המשרד
מ-:גנבה,נר:83,תא:050288,זת:1400,דח:מ,סג:ש
נד:0

שמרר/מידי

אל:ארבל 2

ורעדה לזכויות אדם

1. היום (5) נאם וולדרס מטעם ארהב. נאומו היה מתון עם נימה של ביקורת. להלן הנקודות העיקריות:

א. חשוב להמנע מהתבטאויות חריפות, עמ' שלא יילהזין את האש".

ב. הכיבוש הוא תוצאה של אי-יכולת ישראל ושכנותיה להגיע להסכמה.

ג. ארהב רגישה לתיסכול הפלשטינאים, ואבלה על מות 40 פלשטינאים שנספו בזמן האחרון.

ד. לישראל צרכים בטחוניים לגיטימיים, ואחריות לשמור סדר. לא יכול להיות הסדר מדיני ללא סדר אזרחי.

ה. יחד עם זאת, יש להמעיט בשימוש בכח, מתנגדת לשימוש בDEADLY FORCE בנסיבות מסויימות ומתנגדת גם לINDISCRIMINATE BEATINGS
רואה בגירושים הפרה של אמנת גנבה. יש לראות ביקורת זו במסגרת ידידות ארהב לישראל.

ו. יחד עם זאת יש לזכור שישראלים היו במצבים קשים ומסכני חיים בשטחים.

1. יש לחפש מתרגן פוליטי, ולהמנע מאלימות במלים.

2. יתר הנואמים עד כה היו קפריסין, יוגוסלביה, ארגנטינה ניקרגואה, פיליפינים, גמביה, עיראק, רואנדה, בילורוסיה בולגריה, אוקראינה, קובה מרעצתאזניה, ערמן, צכוסלובקיה תימן, ואיראן. אחד מחברי משלחת איראן ביקש העתק נאום ישראל, שמסרתי לו. אחר כך הנציג נאם בהתקפה קשה תוך ציון מניית צעירים לאיסלם.

3. נציג ארהב (דניס גודמנ) אמר שהנציגים מתקשים להסכים על נוסח הצעת החלטה בגלל ריב בין מתונים וקיצונים. גם התיחס לאוירה הרגועה של הדיון, ומתקשה להסביר הדבר שהוא נגד כל הציפיות.

ולדנ==

תפ: שהח, מנכל, ממנכל, ברנע, ארבל2, בירן, מצפא, ר/מרכז, ממד, ליאור, מדתים, מתאמשטחים

משרד החוץ-מחלקת הקשר

תאריך: 02.02.88

שמור

יוצא **
**
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חוזם:2,1493
אל:גנבה/29
מ-:המשרד,תא:020288,זח:1610,דח:ר,סג:ש
נד:@

רגיל/שמור

י.א 217.06/1413

אל יאב

נתונים דמוגרפיים לועדה לזכויות אדם. שלך 9.

עצתנו היא שלא חוזר לא להשתמש בנתונים הדמוגרפיים לצורך דיוני הועדה לזכויות האדם. לכל היותר, ניתן להשתמש במספרים יחסיים ולצורך זה טובים נתוני 1986 שבידיך.

מנהל ארב'ל 2-מנהל מזת"ים

א.ד

תפ: ברנע,ארבל2,ליאור,מזתים,מתאמשטחים

תאריך: 03.88

שמור

יוצא

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שלחו - אלה

שמור

מרזם: 1/15736
אל: ביו/979/ורש/774
מ-: המשרד/תא: 250188/זת: 1706/דת: ב/סג: ש
נד: ©

שמור/בהול

אל: ניו-יורק, וושינגטון.

מרעב"ט - דו"ח המזכ"ל על השטחים.

א) המנכ"ל קיים היום (25 ינואר) דיון בין-אגפי על דו"ח המזכ"ל לקראת הדיון הצפוי במרעב"ט. ההנחיות שסוכמו ע"י המנכ"ל ישמשו לכם בסיס להתבטאות במרעב"ט (אם יהיה דיון) ו/או לשיחות עם נציגים.

ב) להלן העקרונות המנחים שסוכמו בדיון:

1. ישראל (וארה"ב) הביעו כבר בעבר התנגדותן לועידה הבינלאומית במתכונת החלטת העצרת (38/58/C והלאה).

2. התנגדות ישראל לועידה בינ"ל עפ"י ההחלטות הנ"ל, איננה סותרת מדיניות ישראל לנהל מו"מ ישיר עם שכנותיה במסגרת בינלאומית המוסכמת על הצדדים למו"מ. אי לכן ישראל תקדם בברכה נסיונות המזכ"ל לקדם
AN EFFECTIVE NEGOTIATING PROCESS

ולהתיר את המבוי הסתום הנוכחי (סעיף 55 של הדו"ח). ישראל רואה באיגרת שורנדזה למזכ"ל נסיון לעורר מחדש את רעיון 'הועדה המכינה' שהועלה בהחלטות העצרת ושנדחה בארבן עקבי ע"י ישראל וארה"ב.

3. יש לדחות בתוקף ממצאים ומסקנות בדו"ח המבוססים על טענות שרוא שהושמעו ע"י בני שיחו הערבים של גולדינג, תוך הבעת צער על כך שהמזכ"ל אמנם מודה בקיומן של

3. שתירות המביר בקושי לבדוק אמיתות הטענות (סעיף 49) אך בכל זאת ברור להסתמך על טענות בלתי בדוקות באלו להסקת מסקנות והצעת הצעות. דוגמה טובה לכך קיימת בסעיף 27 של הדו"ח ו- 3 ההמלצות הכלולות בו. יש להדגיש שצה"ל (מפקדת פצ"ר) מנהל מערכת הדרכה נרחבת לצורך הפצת הוראות המשפט ההומניטרי הבינ"ל, והטענות על הפרעות בביכול לפיכוי פצועים וחולים ולהכנסת מזון ותרופות הן מופרכות מן היסוד.

4. בקשר לדברי המדב"ל והמלצותיו על תחולת (APPLICABILITY) האמנה הרביעית יש לחזור בתוקף על כך שאמצעי העניישה הנקטים בידינו אינם עומדים בסתירה להוראות האמנה עפ"י פירושן המשפטי המקובל עלינו ודבר זה גם אושר בפסקי דין רבים של בג"צ. יש לצטט מחדש עמדתנו הרשמית כלפי יישום האמנה כפי שנרשמה בהודעתנו לצל"א והמובאת מחדש להלן:

'ISRAEL MAINTAINS THAT IN VIEW OF THE SUI GENERIS STATUS OF JUDEA, SAMARIA AND THE GAZA DISTRICT, THE DE JURE APPLICABILITY OF THE FOURTH GENEVA CONVENTION TO THESE AREAS IS DOUBTFUL. ISRAEL PREFERS TO LEAVE ASIDE THE LEGAL QUESTION OF THE STATUS OF THESE AREAS AND HAS DECIDED, SINCE 1967, TO ACT DE FACTO IN ACCORDANCE WITH THE HUMANITARIAN PROVISIONS OF THAT CONVENTION'.

5. יש לנו עניין מיוחד להבליט אותן קביעות, המלצות ומסקנות 'חיוביות' שבדו"ח המדב"ל ושמהן אנו יכולים להפיק תועלת מדינית והסברתית:

5.1) הכרת המדב"ל באחריות הבלעדית של ישראל על שמירת החוק והסדר בשטחים.

5.2) קביעתו של המדב"ל המשתמעת מהנ"ל, שאין טעם ותכלית בנסיון להציב חילות או משקיפים בלשהם מטעם האו"ם.

5.3) ההערכה שהמדב"ל מביע לש"ב שאנו מושיטים לרעד הבינלאומי של צל"א(ICRC) לצורך מילוי משימותיו ההומניטריות.

5.4) קריאת המדב"ל להגברת הסיוע הבינ"ל באמצעות UNDP לביתות השטחים ושיפור איכות החיים של התושבים והעבותנו

6. ליתר פירוט תוכלו להעזר גם בהודעה " מכי חוגים

"מדיניים" שהוברקה אליכם בנפרד.

7. לוושינגטון- (בתאום עם שמנכ"ל צפ"א):

א. בשיחותיכם עם האמריקנים בוודאי תרצו להדגיש את בחישתם של הסובייטים במים עבורים וכסיונם החוזר להשתלב בתהליך המדיני בדלת האחורית הן ע"י הפעלת מועב"ט (מכתב שוורנדזה) וקריאותיהם להצבת משקיפי או"ם (אשר נדחו הפעם ע"י המזכ"ל עצמו).

ב. לא ברור לנו עדיין באיזו דרך תטפל מועב"ט בדו"ח המזכ"ל. אולם מאחר ומרביבים מסוימים של בדו"ח, כפי שמפורט לעיל, אינם מקובלים עלינו - אנו מצפים מהאמריקאים שיעמדו על כך שלא תתקבל במועב"ט כל החלטה מחייבת בנושא לפתרון הסכסוך שלא בהסכמת הצדדים.

ראש אגף אר"ל

מב/מס

תפ: שתח/רהמ/שהבט/מנכל/ממנכל/סמנכל/ממד/רם/אמן/מצפא/אר"ל2/ מדתים/משפט

32

דחיפות: בהול	מחלקת הקשר ניו-יורק	דף: 1
סווג בטחוני: בלמס	טופס מברק	מתוך: 17
תז"ח: שבו 22	**בהול**	אל: המשרד
נר: 00469 וש - 103		דע: וושינגטון - השגריר, הציר
		מאת: נאו"ם

שמרים אלים
שמן 1.2.88

אל: מנהל ארבל 2
מאת: ישסכרוף

דו"ח המזכ"ל

אישי

רצ"ב דו"ח המזכ"ל שהופץ הבוקר.
הערות בנפרד.

נאו"ם

שלח, רחל שהבטיח בנפרד) נקל גלגל בינינו אחל ל
ליאור בעניים ר/מחבר בחרב ואדיב רק אמן (בנפרד)
בחומר שטחים (בנפרד) סיבה בשפט
אמיתי בעת חסברה בינינו
בין בצבו

תאריך: 22.1.88	שם השולח: ב/מנהל ציוטרין ג. ישסכרוף	אישור:

UNITED NATIONS

S

Security Council

103/00469 2/17

Distr.
GENERAL

S/19443
21 January 1988

ORIGINAL: ENGLISH

REPORT SUBMITTED TO THE SECURITY COUNCIL BY THE SECRETARY-GENERAL IN ACCORDANCE WITH RESOLUTION 605 (1987)

INTRODUCTION

1. On 22 December 1987 the Security Council adopted resolution 605 (1987), which reads as follows:

"The Security Council,

Having considered the letter dated 11 December 1987 from the Permanent Representative of Democratic Yemen to the United Nations, in his capacity as Chairman of the Arab Group for the month of December, 1/

Bearing in mind the inalienable rights of all peoples recognized by the Charter of the United Nations and proclaimed by the Universal Declaration of Human Rights, 2/

Recalling its relevant resolutions on the situation in the Palestinian and other Arab territories, occupied by Israel since 1967, including Jerusalem, and including its resolutions 446 (1979), 465 (1980), 497 (1981) and 592 (1986),

Recalling also the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 3/

Gravely concerned and alarmed by the deteriorating situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

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1/ S/19333.

2/ General Assembly resolution 217 A (III).

3/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

1031 00403 2/17

Taking into account the need to consider measures for the impartial protection of the Palestinian civilian population under Israeli occupation,

Considering that the current policies and practices of Israel, the occupying Power, in the occupied territories are bound to have grave consequences for the endeavours to achieve comprehensive, just and lasting peace in the Middle East,

1. Strongly deplores those policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied territories, and in particular the opening of fire by the Israeli army, resulting in the killing and wounding of defenceless Palestinian civilians;

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

3. Calls once again upon Israel, the occupying Power, to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to desist forthwith from its policies and practices that are in violation of the provisions of the Convention;

4. Calls furthermore for the exercise of maximum restraint to contribute towards the establishment of peace;

5. Stresses the urgent need to reach a just, durable and peaceful settlement of the Arab-Israeli conflict;

6. Requests the Secretary-General to examine the present situation in the occupied territories by all means available to him, and to submit a report no later than 20 January 1988 containing his recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation;

7. Decides to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review."

Resolutions 607 (1988) and 608 (1988), relating to Israel's deportation of Palestinian civilians from the occupied territories, were adopted on 5 and 14 January 1988 respectively. The present report is submitted in accordance with paragraph 6 of resolution 605 (1987).

2. In order to obtain information needed for the preparation of this report, I instructed Mr. Marrack Goulding, Under-Secretary-General for Special Political Affairs, to visit Israel and the occupied Palestinian territories. The purpose of this visit, which took place from 8 to 17 January 1988, was twofold: to examine on the spot the situation in the occupied territories and to explore ways and means I

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could consider recommending to the Security Council to ensure the safety and protection of the Palestinian population of the territories.

3. Mr. Goulding had meetings with Mr. Shimon Peres, Foreign Minister of Israel, and with Mr. Yitzhak Rabin, Defence Minister, who was accompanied by Mr. Shmuel Goren, Coordinator of Government Operations in the territories, on 11 and 12 January, respectively. Further meetings took place with Mr. Peres on 14 January (in connection with Israel's deportation of Palestinian civilians the previous day) and with Mr. Goren on 17 January.

4. The Israeli Ministers stated that, as had been made clear in the Security Council, they rejected resolution 605 (1987) because the Security Council had no role to play in the security of the occupied territories, for which Israel was exclusively responsible. As was well known, Israel did not accept the applicability of the Fourth Geneva Convention in the territories. They had agreed to meet Mr. Goulding as a representative of the Secretary-General whom they regularly received and not in connection with the report requested from the Secretary-General in resolution 605 (1987). They said that Mr. Goulding was fr[illegible] to travel where he wished, except in areas which were under curfew or had been declared to be closed military areas, and to speak with whom he wished. It was, however, recommended that the Gaza Strip and the West Bank, and especially the refugee camps, be avoided and that contacts with Palestinians take place in Jerusalem.

5. As regards the situation in the occupied territories, the Israeli Ministers agreed that it was a serious one. The Israel Defence Forces (IDF) had been surprised by the extent of the disturbances. As a largely conscript army, trained to defend Israel against external attack, IDF lacked expertise in riot control. The Government of Israel regretted the civilian casualties that had occurred and was taking steps to minimize such casualties in the future. But the present disorder in the refugee camps could not be tolerated and firm measures would, if necessary, be taken to suppress it. A political solution had to be found to the underlying problem and Israel remained committed to the search for a negotiated settlement. But, meanwhile, law and order had to be restored.

6. As the safety and protection of the residents of the refugee camps was a [illegible]ar priority, I had of course instructed Mr. Goulding to visit some of the camps. In the event this proved difficult. Throughout the visit almost all the camps in the Gaza Strip were under curfew or had been declared to be closed military areas; the same was true of many of the camps on the West Bank.

7. On 12 January Mr. Goulding, who was accompanied by the Acting Director of Operations in Gaza of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), was denied access by IDF to Jabalia and Beach Camps in the Gaza Strip, on the grounds that the camps were a closed military area and under curfew, respectively. They themselves decided not to pursue a visit to a third camp, Maghazi, when they judged that there was a risk that their visit would lead to a confrontation between IDF, who were deployed in some strength at the camp entrance, and an excited and angry crowd just inside. The following day a successful two-hour visit was made to Rafah camp, also in the Gaza Strip, where

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Mr. Goulding and his party were welcomed by several hundred of the camp residents. The latter, however, felt provoked when an IDF patrol, including an armoured vehicle, approached the health centre where the visiting party was holding its meetings and a brief clash ensued, involving stone-throwing by young residents of the camp and the firing of tear gas and rubber bullets by IDF. Fortunately, there were no casualties. Further visits were paid, in the company of officials of the UNRWA West Bank operations, to Dheisheh Camp, near Bethlehem, and Balata Camp at Nablus, on 14 and 16 January 1988 respectively. The visit to Dheisheh was entirely peaceful and the visitors were able to talk to many of the refugees and tour the camp. The visit to Balata, however, had to be cut short after one hour when an IDF patrol, apparently involved in a separate incident, fired rubber bullets at the crowd accompanying the visitors, who at that point were touring the camp.

8. During these visits to refugee camps and in many meetings with groups and individuals elsewhere in the occupied territories, Mr. Goulding and his colleagues were able to discuss the situation in the territories with about 200 Palestinian men and women, of all ages and from all walks of life, ranging from intellectuals and elected mayors to the most deprived residents of the camps. All rejected the Israeli occupation of the West Bank and the Gaza Strip and insisted that the Palestinian problem was not a problem of refugees but a political problem requiring a political solution. Priority, they said, had to be given to the negotiation of such a settlement and measures to alleviate the suffering of the civilian population should not be allowed to become a substitute for an urgent solution of the underlying political problem. All complained bitterly about Israeli practices in the occupied territories, especially the behaviour of the security forces, and about the Israeli settlements and the obstruction of Palestinian economic development. It was argued that these practices had to be made known to a world which, after 20 years, seemed to have forgotten the occupied territories. There was also much criticism of the failure of the States Members of the United Nations to secure implementation of the dozens of resolutions adopted by the Security Council and the General Assembly, both on the situation in the territories and on the wider political issue of a just and lasting settlement.

9. Section I of the present report contains a brief examination of the situation in the occupied Palestinian territories. Section II discusses possible ways and means of ensuring the safety and protection of the civilian population. Section III contains some concluding remarks.

I. THE SITUATION IN THE OCCUPIED PALESTINIAN TERRITORIES

10. Resolution 605 (1987) was adopted on 22 December 1987, following two weeks of disturbances in the West Bank, including East Jerusalem, and the Gaza Strip during which 18 Palestinians were killed and scores were injured by the Israeli security forces, who themselves suffered injuries from stones and petrol bombs. Since the resolution was adopted, the disturbances have continued and the Palestinian casualties have more than doubled, with further injuries on the Israeli side also.

11. In view of the widespread coverage that these events have received in the international press, it is not necessary to recapitulate in the present report all

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that has occurred during the past six weeks. It is apparent, however, that measures taken by the Israeli security forces to restore law and order in the occupied territories have not as yet succeeded. The atmosphere in the territories, and especially in the refugee camps, is marked by tension and unrest; commercial strikes are observed in almost all the towns, and most educational institutions remain shut. More than 2,000 Palestinians - many of them under the age of 16 and some as young as 11 or 12 - have been detained since mid-December, and others have been placed under house or town arrest. Precise figures have not been published but it appears that several hundred of those detained have since been released. Four Palestinians were deported to Lebanon on 13 January, and five others have received deportation orders which are at present under appeal. Those most acutely affected by the disturbances have been the residents of the refugee camps, particularly those in the Gaza Strip, where normal life has been totally disrupted by curfews and the closing-off of the camps to non-residents, including relief workers.

12. Both Israelis and Palestinians told Mr. Goulding and his colleagues that these disturbances were not an isolated phenomenon. Although it had earlier been stated in Israel that they were orchestrated from the outset by the Palestine Liberation Organization (PLO) and/or fundamentalist Islamic groups, Israeli Ministers said that they had come to the conclusion that they originated as a spontaneous outburst of protest. That this was the case was certainly the impression gained from the conversations which Mr. Goulding and his colleagues had with Palestinian inhabitants of the occupied territories. The disturbances were a reaction, supported by Palestinians of all age groups and all walks of life, to 20 years of occupation and to the lack of hope that it could be brought to an early end.

13. Without exception, the Palestinians consulted said that they rejected the Israeli occupation and complained bitterly about the practices of the Israeli security forces (which term includes IDF, the Border Police, the civilian police and the General Security Services (GSS), also known as Shin Beth). It was said that, in addition to harsh methods of riot control, random and capricious violence against individuals was normal (e.g. the beating of young bystanders who happened to be present at the scene of a stone-throwing incident or the beating, in front of his pupils, of a school teacher who refused to suspend his class to remove obstacles placed by others in the road outside). Equally common was the complaint (which was also made against officials of the Israeli Civilian Administration in the territories) that Palestinians were treated with a contempt and arrogance that seemed to be deliberately intended to humiliate them and undermine their dignity as human beings. Complaints were also made, especially in the Gaza Strip, about the inhumane manner in which curfews were enforced, e.g. the prevention of UNRWA ambulances from entering camps to collect civilians wounded in earlier disturbances. Another set of complaints related to allegations of routine violence in detention centres, as well as to the whole system of administrative detention. It was said that the purpose of interrogation was normally to extract a confession, for use in subsequent proceedings in the military courts, and that heavy physical and psychological pressure was used for this purpose by GSS, which used techniques (e.g. hooding) that left no permanent physical disfigurement.

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14. In the time available, it was not possible to follow up any individual complaint in detail. But the persistence of these complaints and their ready corroboration by foreign observers (including the media) and by Palestinian professional people (some of whom said that they had themselves suffered at the hands of the security forces) give grounds for serious concern.

15. Other subjects of complaint were:

(a) The lack of outlets for political activity (there have been no elections since the municipal elections of 1976) and the tendency of the authorities to classify any expression of nationalist sentiment as "terrorist" activity, with consequent intervention of the security forces;

(b) The taking of land in the occupied territories, especially for Israeli settlements, and the privileged access that these settlements are given to water supplies;

(c) Deportations and other violations of the rights of the individual, including the blocking of family reunions;

(d) Interruption of education through the closing of schools and universities and, especially, the denial of laissez-passers for an adequate period to Palestinian students pursuing higher education in other countries;

(e) Shortcomings in the judicial system, especially the complexity of a system in which the legislation in force comes from such varied sources as the British Mandate, Egyptian and Jordanian laws and military orders (often not published) issued by Israel since 1967, the obstacles placed in the way of the defence, usually on security grounds, and the lack of a fair hearing for Palestinians in the higher Israeli courts;

(f) Heavy taxation, many of the proceeds of which benefit Israel and are not spent in the occupied territories (the budget for which is not published);

(g) Economic discrimination against the territories, with the purpose of hindering their agricultural and industrial development and keeping them as a captive market and source of cheap labour for Israel.

16. As in the case of the security forces' behaviour, many examples of the above practices were cited, not only by Palestinians but also by foreign observers. They have also been described in the publications of such research institutions as The West Bank Data Base Project and Al-Haq: Law in the Service of Man.

17. At the four meetings held with Israeli Ministers and officials, the latter rejected the complaints mentioned above, describing almost all of them as politically motivated exaggerations or distortions. They said that there had been great improvements in the economic and social situation in the territories since 1967 especially as regards consumption and social services. They drew a favourable comparison between Israel's record and that of Egypt and Jordan in the 1948-1967 period. They agreed that more needed to be done to enhance the economic and social

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conditions of the civilian population but said that Israel had been disappointed by the paucity of the international community's response to its invitation to provide funds for the development of the territories.

18. In a conversation on 17 January, Mr. Goren said that the security forces had very strict orders against mistreatment of the civilian population; there were isolated cases in which these orders were not properly observed but such cases were severely dealt with by the Israeli authorities themselves. Mr. Goren offered to investigate any individual case that was brought to his attention. He also offered to take up any specific case of alleged obstruction of UNRWA activities by the security forces, though the latter had orders to co-ordinate on a regular basis with UNRWA over access for food and medical supplies to camps under curfew. On the economic questions, Mr. Goren said that Israel in fact spent more in the territories than it received in tax revenue and that health and education services there were better than the Palestinians would admit. Israel wanted foreign countries to contribute to the territories' development and would give them a free hand, subject only to security requirements and observance of Israeli procedures.

19. There is thus a conflict of evidence. In almost every case, one side's version of events is at variance with the other's. This illustrates the difficulty of conducting a rigorous examination of the situation in the occupied territories. For reasons it has expressed in the past, Israel has been reluctant to co-operate with bodies previously set up by the United Nations to investigate its practices in the occupied territories, including the commission established by Security Council resolution 446 (1979), and has consistently rejected their findings. But the evidence available from published sources and from conversations with Israelis, Palestinians and foreign observers confirms that the international community's concern about the situation in the occupied territories is fully justified.

II. WAYS AND MEANS FOR ENSURING THE SAFETY AND PROTECTION OF THE PALESTINIAN CIVILIANS UNDER ISRAELI OCCUPATION

A. Need for a political settlement

20. Before exploring the ways and means that the Security Council might wish to consider for ensuring the safety and protection of the Palestinian civilians, one point of fundamental importance must be underlined. It is certainly necessary that more should be done to ensure the safety and protection of the civilian population. But such measures can only be palliatives. They cannot cure the underlying problem, which is the continuing occupation by Israel of the territories captured in the 1967 war. It was repeatedly emphasized by all shades of Palestinian opinion that there was no way in which the Israeli occupation could be made acceptable to the Palestinian people of the occupied territories. Equally, members of the Israeli Government stressed the need for a political solution. I strongly share that view. In the long run, the only certain way of ensuring the safety and protection of the Palestinian people in the occupied territories, and of the people of Israel, is the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict acceptable to all concerned. An urgent effort is required by the international community, led by the Security Council, to

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promote an effective negotiating process and to help create the conditions necessary for it to succeed.

B. Fourth Geneva Convention

21. A second point to be stressed at this stage is that the Fourth Geneva Convention, whose applicability to the occupied territories has repeatedly been reaffirmed by the Security Council, lays down the civilian population's entitlement to safety and protection. This is clearly stated in the first paragraph of article 27, which reads:

> "Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity."

The responsibility of the occupying Power is underlined in article 29, which reads:

> "The Party to the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred".

22. Israeli violations of provisions of the Fourth Geneva Convention have, since 1970, been frequently alluded to in the annual reports of the International Committee of the Red Cross (ICRC), which is the guardian of the Geneva Conventions of 1949 (see, for instance the ICRC annual report for 1986). They have also been the subject of numerous resolutions of the Security Council, e.g. 452 (1979), 465 (1980), 468 (1980), 469 (1980), 471 (1980), 476 (1980) and 478 (1980). Examples, together with the articles of the Fourth Geneva Convention which they offend, are as follows:

(a) Attempts to alter the status of Jerusalem (article 47);

(b) The establishment of Israeli settlements in the occupied territories (article 49, para. 6);

(c) Deportations of Palestinian civilians from the occupied territories (article 49, para. 1);

(d) Collective punishments, e.g. curfews applied to whole districts (article 33);

(e) Destruction of houses (article 53).

There is also evidence that, in dealing with demonstrations and other disturbances, IDF has used disproportionate force, leading to fatal casualties, which could be avoided if less harsh measures were employed. As noted in paragraph 14 above, there are grounds for serious concern about whether the practices of the Israeli security forces are always consistent with article 32 of the Convention.

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23. Israel has consistently taken the position that it does not accept formally the de jure applicability of the Fourth Geneva Convention but that it has decided since 1967 to act in de facto accordance with "the humanitarian provisions" of that Convention. Israel justifies this position by the argument that the Convention applies only where the Power ousted from the territory in question was a legitimate sovereign and that neither Jordan nor Egypt was the sovereign power, in the West Bank and the Gaza Strip respectively, during the years preceding the 1967 war (see, for instance, the Permanent Representative of Israel's statement in the Security Council on 16 December 1987 - S/PV.2774, p. 74). Israel also sometimes justifies individual violations of the Fourth Convention (e.g. deportations) by reference to legislation that was in force in what are now the occupied territories during the British Mandate and/or the period of Egyptian/Jordanian control, from 1948 to 1967.

24. The Israeli position is not accepted by ICRC, nor has it been endorsed by the other High Contracting Parties to the Fourth Geneva Convention. Under that Convention, each Contracting State undertakes a series of unilateral engagements vis-à-vis itself and at the same time vis-à-vis the others, of legal obligations to protect those civilians who are found in occupied territories following the outbreak of hostilities. This is why article 1 states that "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances" (emphasis added). The phrase "in all circumstances" is intended to include declared or undeclared war, recognized or unrecognized state of war, partial or total occupation with or without armed resistance, or even under certain circumstances when the opponent is not a contracting party (see article 2).

25. The Convention becomes automatically applicable upon the outbreak of hostilities and its application in territories occupied by the belligerents is not subject to the requirement that the ousted Power is the legitimate sovereign of the territories lost. Humanitarian considerations are the fundamental basis of the Geneva Conventions and it is for this reason that even in the case of armed conflict not of an international character (e.g. civil war) the Contracting States are legally bound under the Convention to apply, as a minimum, certain provisions of a humanitarian character.

26. Several Security Council and General Assembly resolutions (including resolution 242 (1967)) have declared the inadmissibility of the acquisition of territory by war and insisted on Israel's withdrawal from territories occupied since the 1967 war. The Security Council and the General Assembly have consistently maintained since 1967 that the territories that came under Israeli control during the 1967 war are "occupied territories" within the meaning of the Fourth Geneva Convention. Both the Security Council and the General Assembly have also stated in numerous resolutions that the Fourth Geneva Convention applies to these occupied territories. Accordingly, even though Israel does not accept the de jure applicability of the Fourth Geneva Convention, the opinio juris of the world community is that it must be applied.

27. The most effective way, pending a political settlement, of ensuring the safety and protection of the civilian population of the occupied territories would thus be for Israel to apply in full the provisions of the Fourth Geneva Convention. To

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this end, I recommend that the Security Council should consider making a solemn appeal to all the High Contracting Parties to the Fourth Geneva Convention that have diplomatic relations with Israel, drawing their attention to their obligation under article 1 of the Convention to "... ensure respect for the present Convention in all circumstances" and urging them to use all the means at their disposal to persuade the Government of Israel to change its position as regards the applicability of the Convention. Meanwhile, Israel could introduce the following measures which are urgently needed:

(a) The dissemination of, and training of IDF personnel in, the rules of international humanitarian law (which is an obligation under the Convention);

(b) Orders to IDF to assist, in all circumstances, the rapid evacuation to medical care of persons wounded in disturbances, and to ensure that the efficient functioning of hospitals and their staff is not interrupted by military activities;

(c) Orders to IDF not to obstruct the delivery of essential food and medical supplies to the civilian population.

C. Different types of "protection"

28. While continuing to insist that responsibility for protection of the civilian population of the occupied territories rests with the occupying Power, the Security Council may wish to consider what other ways and means might be available to the international community, without prejudice to that fundamental principle, in order to help ensure the civilian population's protection. Before addressing that question, it may be appropriate to analyse the different concepts that can be meant by "protection". They seem to be four:

(a) "Protection" can mean physical protection, i.e. the provision of armed forces to deter, and if necessary fight, any threats to the safety of the protected persons;

(b) "Protection" can mean legal protection, i.e. intervention with the security and judicial authorities, as well as the political instances, of the occupying Power, by an outside agency, in order to ensure just treatment of an individual or group of individuals;

(c) "Protection" can also take a less well-defined form, called in this report "general assistance", in which an outside agency intervenes with the authorities of the occupying Power to help individuals or groups of individuals to resist violations of their rights (e.g. land confiscations) and to cope with the day-to-day difficulties of life under occupation, such as security restrictions, curfews, harassment, bureaucratic difficulties and so on;

(d) Finally, there is the somewhat intangible "protection" afforded by outside agencies, including especially the international media, whose mere presence and readiness to publish what they observe may have a beneficial effect for all concerned; in this report this type of protection is called "protection by publicity".

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D. Ways and means available to the international community to help ensure the civilian population's protection

29. As regards physical protection, several of the Palestinians consulted by Mr. Goulding, especially in the refugee camps, asked that United Nations forces should be deployed in the occupied territories, either to protect the inhabitants against the Israeli security forces or to replace the latter completely in the populated areas. The latter possibility was mentioned in the Security Council's debate preceding the adoption of resolution 605 (1987). I have given careful thought to both possibilities but they seem to present very real difficulties at this time.

30. First, the Fourth Geneva Convention gives the occupying Power the right to

> "subject the population of the occupied territory to provisions which are essential to enable the occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them" (article 64, para. 2).

This in effect makes the occupying Power responsible for the maintenance of law and order. It is also, as discussed above, responsible for protecting the civilian population. The introduction of other forces into the occupied territories to provide physical protection would thus detract from the occupying Power's responsibilities under the Fourth Geneva Convention.

31. Secondly, it is a principle of United Nations peace-keeping operations that they require the prior consent of the parties to the conflict concerned. The introduction of United Nations forces into the occupied territories (unless the Security Council had decided to take enforcement action under Chapter VII of the Charter of the United Nations) would thus require the consent of the Government of Israel. That Government has, however, stated that it will not agree to any involvement of United Nations military personnel in the security of the occupied territories.

32. Unless there is a change in Israel's position, the deployment of United Nations forces in the territories is thus not practicable at present. This idea should not, however, be lost sight of. Israel has in the past accepted international forces in other contexts of the Arab-Israeli conflict and these have played a valuable role in the implementation of interim or permanent agreements. Such forces could again be a valuable ingredient in the implementation of a negotiated settlement of the conflict or in transitional arrangements that might be agreed upon for the occupied territories.

33. Reference has also been made to the possible deployment of United Nations military observers in the occupied territories. They would not however be able to provide physical protection and their possible role is therefore discussed in paragraph 42 below.

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34. A measure of legal protection is nevertheless provided to the population of the occupied territories by ICRC. As is clear from its annual reports, ICRC enjoys co-operation from the occupying Power in its efforts to protect detained persons but the Israeli authorities usually disallow interventions by ICRC with regard to measures for the maintenance of law and order and aspects of the administration of the occupied territories which violate the provisions of the Fourth Geneva Convention.

35. ICRC is to be commended for its activities in the occupied territories and the High Contracting Parties to the Fourth Geneva Convention may wish to include in the diplomatic initiative put forward in paragraph 27 above an expression of appreciation for the co-operation extended to ICRC by Israel and of hope that this will be maintained and enlarged.

36. The Security Council may also wish to urge Member States to respond generously if ICRC should appeal for funds to finance the extra activities it is undertaking in the occupied territories in response to the recent very large increase in the number of detained persons.

37. I come now to the type of protection described as general assistance in paragraph 28 above. Various agencies are already active in this field. As far as the registered refugees are concerned, UNRWA has the leading role and provides a wide variety of assistance and protection (in addition, of course, to its main function of providing education, health and relief services); in the Gaza Strip, in particular, it provides indispensable support to the refugees in their day-to-day efforts to cope with living under occupation. ICRC also assists, especially with the families of detainees; many voluntary agencies, Palestinian and international, also play a part. It was nevertheless argued by many of the Palestinians and foreign relief workers who were consulted that the international community should do more.

38. In the case of the registered refugees, who number 818,983, or about 55 per cent of the Palestinian population of the occupied territories, UNRWA is clearly best placed to provide additional general assistance. UNRWA has been established on the ground for nearly 40 years; it knows well the refugees' problems; it is accepted by the Israeli authorities on the basis of an agreement signed in 1967; and it is trusted by the refugees. However, the number of UNRWA international staff in the field has declined over the years. Before the recent disturbances began, there were only 9 international staff in the West Bank (373,586 refugees and 19 camps) and only 6 in the Gaza Strip (445,397 refugees and 8 camps). In paying tribute to the invaluable service that UNRWA Palestinian staff have been rendering to the refugees in very difficult circumstances, I believe that international staff can at present play an especially valuable role. It is usually easier for them to gain access to Israeli authorities in emergency situations; and their mere presence at points of confrontation has a significant impact on how the civilian population (including UNRWA Palestinian staff) is treated by the security forces and helps it psychologically by making it feel less exposed.

39. I have therefore asked the Commissioner-General of UNRWA to examine the addition to UNRWA establishment in the occupied territories of extra international

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staff, within UNRWA existing administrative structures, to improve the general assistance provided to the refugee population. It would be for the Commissioner-General to decide the number and location of these additional international staff, in the light of the perceived need and the resources available. I would also urge Member States to respond generously to the appeal the Commissioner-General would have to make for funds to finance these additional staff.

40. It is also essential that Israel should honour UNRWA privileges and immunities in full, especially the right of its personnel to freedom of movement in all circumstances and the inviolability of its premises and installations, and to provide access at all times to responsible officials of the occupying administration. Mr. Goulding and his colleagues were witnesses of painful situations in the Gaza Strip where the curfews imposed by IDF had made it impossible, or at best difficult and dangerous, for UNRWA to evacuate the wounded and sick to hospital or to deliver food to the camps.

41. In making these observations relating to UNRWA, I am conscious of the need not to neglect those Palestinians in the occupied territories who are not registered refugees (about one third of the Palestinian population in Gaza and two thirds in the West Bank). Their economic and social circumstances are in general superior to those of the refugees, especially the camp residents, but they face the same political frustrations as the latter, are equally vulnerable to the security authorities and also suffer from the economic and administrative aspects of the occupation. They benefit from the activities of ICRC (which makes no distinction between refugees and non-refugees) and various voluntary agencies, but are normally excluded from UNRWA mandate. It seems desirable in present circumstances that, as on certain occasions in the past, the Commissioner-General should be permitted to provide humanitarian assistance as far as practicable, on an emergency basis and as a temporary measure, to non-refugees who are in serious need of assistance because of the recent disturbances.

42. Reference has been made in paragraph 33 above to the possible deployment of United Nations military observers. Some of the Palestinians consulted favoured this measure as a way of monitoring (and hopefully restraining) the activities of the Israeli security forces and of providing general assistance to the civilian population. It is true that such observers could provide expert information on military matters (though they would need at least some co-operation from the occupying Power for this purpose). But in other respects, especially their short tours of duty and lack of familiarity with the territories, they are not well placed to provide general assistance of an essentially civilian character. In any case, Israel, whose consent would be necessary, has so far expressed firm opposition to any such proposal.

43. As regards <u>protection by publicity</u>, great emphasis was laid by Palestinians on the need to publicize the situation in the occupied territories. It was argued that more publicity should be given and that this would have a beneficial influence both on Israel's practices in the territories and on her readiness to negotiate a political settlement. Recent developments in the territories have in fact been fully reported by the Israeli and international media and it is of great importance that the latter should continue to have unhindered access to events.

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44. Some of the Palestinians consulted suggested that the Secretary-General might appoint a kind of United Nations ombudsman to reside in the occupied territories. Such an appointment could be a valuable step if Israel was ready to co-operate fully with the official concerned and use his or her good offices in handling the many problems to which the occupation gives rise. This idea is in the same category as other possibilities, such as United Nations trusteeship or a United Nations interim administration, which could be of potential value in the future. But the practicability of all these ideas depends on the full consent and co-operation of Israel.

E. Economic and social conditions of the population of the occupied territories

45. Although it is strictly outside the "safety and protection" referred to in paragraph 6 of resolution 605 (1987), I should like to take the opportunity of this report to make two observations relating to the economic and social conditions in which the population of the occupied territories lives.

46. The first relates to the refugee camps. The recent disturbances have attracted world attention to the squalid living conditions in many of the camps, especially in the Gaza Strip, resulting from the lack of such basic amenities as paved roads, sewage, water, lighting and housing of a minimum standard. The Commissioner-General of UNRWA has also referred in his last report 1/ to the urgent need to rehabilitate many UNRWA installations, such as schools, health centres and food distribution centres.

47. In the past, the refugees have sometimes expressed reservations about measures to improve the infrastructure of the camps, for fear that these would make the camps more permanent and thus conflict with their insistence on a political settlement in accordance with United Nations resolutions. This matter was therefore discussed with most of the Palestinians consulted. Their reaction was that they would welcome steps to improve conditions in the camps provided that:

(a) It was made absolutely clear that this was a temporary measure, pending a comprehensive political settlement, and not a substitute for such a settlement;

(b) That the work was done by UNRWA.

48. In these circumstances, I have asked the Commissioner-General of UNRWA to prepare urgently proposals for improving the infrastructure of the camps, and to seek the necessary funds. I would again urge Member States to respond generously to such a request.

49. My second observation relates to the wider economic situation in the occupied territories. Reference has been made in paragraph 15 above to the conviction of the Palestinian population that Israeli policy is deliberately to obstruct the economic development of the territories. Many examples were given to corroborate this assertion. Israeli Ministers and officials, however, insisted that it was unfounded and that Israel welcomed foreign assistance for the development of the

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territories provided only that each project complied with Israel's security requirements, which were overriding, and with Israeli procedures. Many of the Palestinians consulted expressed the hope that a concerted international effort could be undertaken to revive the territories' economy, perhaps initially through an expansion of the existing programme of the United Nations Development Programme (UNDP) in the territories. I have asked the Administrator of UNDP to study this possibility.

III. CONCLUDING REMARKS

50. The Israeli authorities have stated on numerous occasions in recent weeks that security in the occupied territories remains their exclusive responsibility. The Security Council, for its part, has repeatedly reaffirmed the applicability to the occupied territories of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. While that Convention makes the occupying Power responsible for maintaining law and order, its raison d'être is the safety and protection of the civilian population, for which the occupying Power is no less responsible.

51. My principal recommendation in this area is that the international community should make a concerted effort to persuade Israel to accept the de jure applicability of the Fourth Geneva Convention to the occupied territories and to correct its practices in order to comply fully with that Convention. This report also makes recommendations and describes certain steps which I am taking, within existing arrangements, to improve the safety and protection accorded to the population of the territories by the international community.

52. It cannot be emphasized too strongly, however, that such measures to enhance the safety and protection of the Palestinian people of the territories, urgently required though they are, will neither remove the causes of the tragic events which prompted Security Council resolution 605 (1987) nor bring peace to the region. The unrest of the past six weeks has been an expression of the despair and hopelessness felt by the population of the occupied territories, more than half of whom have known nothing but an occupation that denies what they consider to be their legitimate rights. The result is a tragedy for both sides. Nothing illustrates this more clearly than the daily sight of young unarmed Palestinians in confrontation with Israeli soldiers of their own age.

53. The underlying problem can only be resolved through a political settlement which responds both to the refusal of the Palestinian population of the territories to accept a future under Israeli occupation and to Israel's determination to ensure its security and the well-being of its people. I continue to believe that this should be achieved through a comprehensive, just and lasting settlement based on Security Council resolutions 242 (1967) and 338 (1973) and taking fully into account the legitimate rights of the Palestinian people, including self-determination. Such a settlement should be negotiated by means of an international conference under United Nations auspices, with the participation of all the parties concerned. The history of the Arab-Israeli conflict, from 1948 onwards, has repeatedly shown that there are many ways in which the United Nations

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can contribute impartially both to the negotiation of agreements and to their implementation. Allusion has been made in this report to the possible use of United Nations forces or other interim arrangements as progress is made towards a comprehensive settlement.

54. The negotiation of a settlement will, of course, be exceptionally difficult, for it will require all concerned to move from positions to which they are at present very strongly attached. I am conscious of the great complexity of the choices which confront them and I should like to take this opportunity to appeal to them to exercise restraint and to bring about that change of attitudes which will be necessary if a settlement is to be negotiated. Each side must put aside the often justified resentment it feels at past wrongs and understand better the legitimate interests and legitimate grievances of the other. Such understanding is not assisted by invective and abuse nor by sheltering behind the illusion that the other side does not exist. Equally, I appeal to the international community to help, both by reducing the virulence of debates on the Arab-Israel conflict and by consciously acting in a manner which promotes mutual understanding.

55. As stated earlier in this report, I believe that an urgent effort is required by the international community, led by the Security Council, to promote an effective negotiating process. This is what the Charter requires and it is the fundamental recommendation in this report. I remain personally committed to the search for a settlement and will contribute in any way that I can to that objective. In the coming weeks I intend to explore actively with the parties and with the members of the Council, especially its permanent members, how the present impasse in the peace process can be unblocked. After the recent dramatic demonstration of the dangers and suffering inherent in the status quo, I hope that all concerned will join in an effort to reinvigorate the search for a comprehensive, just and lasting settlement. This alone will secure the interests of both the Israeli and the Palestinian peoples and enable them to live in peace with each other.

Notes

1/ Official Records of the General Assembly, Forty-second Session, Supplement No. 13 (A/42/13).

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Security Council

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21 January 1988

ORIGINAL: ENGLISH

REPORT SUBMITTED TO THE SECURITY COUNCIL BY THE SECRETARY-GENERAL IN ACCORDANCE WITH RESOLUTION 605 (1987)

INTRODUCTION

1. On 22 December 1987 the Security Council adopted resolution 605 (1987), which reads as follows:

"The Security Council,

Having considered the letter dated 11 December 1987 from the Permanent Representative of Democratic Yemen to the United Nations, in his capacity as Chairman of the Arab Group for the month of December, 1/

Bearing in mind the inalienable rights of all peoples recognized by the Charter of the United Nations and proclaimed by the Universal Declaration of Human Rights, 2/

Recalling its relevant resolutions on the situation in the Palestinian and other Arab territories, occupied by Israel since 1967, including Jerusalem, and including its resolutions 446 (1979), 465 (1980), 497 (1981) and 592 (1986),

Recalling also the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 3/

Gravely concerned and alarmed by the deteriorating situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

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1/ S/19333.

2/ General Assembly resolution 217 A (III).

3/ United Nations, Treaty Series, vol. 75, No. 973, p. 287.

Taking into account the need to consider measures for the impartial protection of the Palestinian civilian population under Israeli occupation,

Considering that the current policies and practices of Israel, the occupying Power, in the occupied territories are bound to have grave consequences for the endeavours to achieve comprehensive, just and lasting peace in the Middle East,

1. Strongly deplores those policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied territories, and in particular the opening of fire by the Israeli army, resulting in the killing and wounding of defenceless Palestinian civilians;

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

3. Calls once again upon Israel, the occupying Power, to abide immediately and scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to desist forthwith from its policies and practices that are in violation of the provisions of the Convention;

4. Calls furthermore for the exercise of maximum restraint to contribute towards the establishment of peace;

5. Stresses the urgent need to reach a just, durable and peaceful settlement of the Arab-Israeli conflict;

6. Requests the Secretary-General to examine the present situation in the occupied territories by all means available to him, and to submit a report no later than 20 January 1988 containing his recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation;

7. Decides to keep the situation in the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, under review."

Resolutions 607 (1988) and 608 (1988), relating to Israel's deportation of Palestinian civilians from the occupied territories, were adopted on 5 and 14 January 1988 respectively. The present report is submitted in accordance with paragraph 6 of resolution 605 (1987).

2. In order to obtain information needed for the preparation of this report, I instructed Mr. Marrack Goulding, Under-Secretary-General for Special Political Affairs, to visit Israel and the occupied Palestinian territories. The purpose of this visit, which took place from 8 to 17 January 1988, was twofold: to examine on the spot the situation in the occupied territories and to explore ways and means I

could consider recommending to the Security Council to ensure the safety and protection of the Palestinian population of the territories.

3. Mr. Goulding had meetings with Mr. Shimon Peres, Foreign Minister of Israel, and with Mr. Yitzhak Rabin, Defence Minister, who was accompanied by Mr. Shmuel Goren, Coordinator of Government Operations in the territories, on 11 and 12 January, respectively. Further meetings took place with Mr. Peres on 14 January (in connection with Israel's deportation of Palestinian civilians the previous day) and with Mr. Goren on 17 January.

4. The Israeli Ministers stated that, as had been made clear in the Security Council, they rejected resolution 605 (1987) because the Security Council had no role to play in the security of the occupied territories, for which Israel was exclusively responsible. As was well known, Israel did not accept the applicability of the Fourth Geneva Convention in the territories. They had agreed to meet Mr. Goulding as a representative of the Secretary-General whom they regularly received and not in connection with the report requested from the Secretary-General in resolution 605 (1987). They said that Mr. Goulding was free to travel where he wished, except in areas which were under curfew or had been declared to be closed military areas, and to speak with whom he wished. It was, however, recommended that the Gaza Strip and the West Bank, and especially the refugee camps, be avoided and that contacts with Palestinians take place in Jerusalem.

5. As regards the situation in the occupied territories, the Israeli Ministers agreed that it was a serious one. The Israel Defence Forces (IDF) had been surprised by the extent of the disturbances. As a largely conscript army, trained to defend Israel against external attack, IDF lacked expertise in riot control. The Government of Israel regretted the civilian casualties that had occurred and was taking steps to minimize such casualties in the future. But the present disorder in the refugee camps could not be tolerated and firm measures would, if necessary, be taken to suppress it. A political solution had to be found to the underlying problem and Israel remained committed to the search for a negotiated settlement. But, meanwhile, law and order had to be restored.

6. As the safety and protection of the residents of the refugee camps was a clear priority, I had of course instructed Mr. Goulding to visit some of the camps. In the event this proved difficult. Throughout the visit almost all the camps in the Gaza Strip were under curfew or had been declared to be closed military areas; the same was true of many of the camps on the West Bank.

7. On 12 January Mr. Goulding, who was accompanied by the Acting Director of Operations in Gaza of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), was denied access by IDF to Jabalia and Beach Camps in the Gaza Strip, on the grounds that the camps were a closed military area and under curfew, respectively. They themselves decided not to pursue a visit to a third camp, Maghazi, when they judged that there was a risk that their visit would lead to a confrontation between IDF, who were deployed in some strength at the camp entrance, and an excited and angry crowd just inside. The following day a successful two-hour visit was made to Rafah camp, also in the Gaza Strip, where

Mr. Goulding and his party were welcomed by several hundred of the camp residents. The latter, however, felt provoked when an IDF patrol, including an armoured vehicle, approached the health centre where the visiting party was holding its meetings and a brief clash ensued, involving stone-throwing by young residents of the camp and the firing of tear gas and rubber bullets by IDF. Fortunately, there were no casualties. Further visits were paid, in the company of officials of the UNRWA West Bank operations, to Dheisheh Camp, near Bethlehem, and Balata Camp at Nablus, on 14 and 16 January 1988 respectively. The visit to Dheisheh was entirely peaceful and the visitors were able to talk to many of the refugees and tour the camp. The visit to Balata, however, had to be cut short after one hour when an IDF patrol, apparently involved in a separate incident, fired rubber bullets at the crowd accompanying the visitors, who at that point were touring the camp.

8. During these visits to refugee camps and in many meetings with groups and individuals elsewhere in the occupied territories, Mr. Goulding and his colleagues were able to discuss the situation in the territories with about 200 Palestinian men and women, of all ages and from all walks of life, ranging from intellectuals and elected mayors to the most deprived residents of the camps. All rejected the Israeli occupation of the West Bank and the Gaza Strip and insisted that the Palestinian problem was not a problem of refugees but a political problem requiring a political solution. Priority, they said, had to be given to the negotiation of such a settlement and measures to alleviate the suffering of the civilian population should not be allowed to become a substitute for an urgent solution of the underlying political problem. All complained bitterly about Israeli practices in the occupied territories, especially the behaviour of the security forces, and about the Israeli settlements and the obstruction of Palestinian economic development. It was argued that these practices had to be made known to a world which, after 20 years, seemed to have forgotten the occupied territories. There was also much criticism of the failure of the States Members of the United Nations to secure implementation of the dozens of resolutions adopted by the Security Council and the General Assembly, both on the situation in the territories and on the wider political issue of a just and lasting settlement.

9. Section I of the present report contains a brief examination of the situation in the occupied Palestinian territories. Section II discusses possible ways and means of ensuring the safety and protection of the civilian population. Section III contains some concluding remarks.

I. THE SITUATION IN THE OCCUPIED PALESTINIAN TERRITORIES

10. Resolution 605 (1987) was adopted on 22 December 1987, following two weeks of disturbances in the West Bank, including East Jerusalem, and the Gaza Strip during which 18 Palestinians were killed and scores were injured by the Israeli security forces, who themselves suffered injuries from stones and petrol bombs. Since the resolution was adopted, the disturbances have continued and the Palestinian casualties have more than doubled, with further injuries on the Israeli side also.

11. In view of the widespread coverage that these events have received in the international press, it is not necessary to recapitulate in the present report all

that has occurred during the past six weeks. It is apparent, however, that measures taken by the Israeli security forces to restore law and order in the occupied territories have not as yet succeeded. The atmosphere in the territories, and especially in the refugee camps, is marked by tension and unrest; commercial strikes are observed in almost all the towns, and most educational institutions remain shut. More than 2,000 Palestinians - many of them under the age of 16 and some as young as 11 or 12 - have been detained since mid-December, and others have been placed under house or town arrest. Precise figures have not been published but it appears that several hundred of those detained have since been released. Four Palestinians were deported to Lebanon on 13 January, and five others have received deportation orders which are at present under appeal. Those most acutely affected by the disturbances have been the residents of the refugee camps, particularly those in the Gaza Strip, where normal life has been totally disrupted by curfews and the closing-off of the camps to non-residents, including relief workers.

12. Both Israelis and Palestinians told Mr. Goulding and his colleagues that these disturbances were not an isolated phenomenon. Although it had earlier been stated in Israel that they were orchestrated from the outset by the Palestine Liberation Organization (PLO) and/or fundamentalist Islamic groups, Israeli Ministers said that they had come to the conclusion that they criginated as a spontaneous outburst of protest. That this was the case was certainly the impression gained from the conversations which Mr. Goulding and his colleagues had with Palestinian inhabitants of the occupied territories. The disturbances were a reaction, supported by Palestinians of all age groups and all walks of life, to 20 years of occupation and to the lack of hope that it could be brought to an early end.

13. Without exception, the Palestinians consulted said that they rejected the Israeli occupation and complained bitterly about the practices of the Israeli security forces (which term includes IDF, the Border Police, the civilian police and the General Security Services (GSS), also known as Shin Beth). It was said that, in addition to harsh methods of riot control, random and capricious violence against individuals was normal (e.g. the beating of young bystanders who happened to be present at the scene of a stone-throwing incident or the beating, in front of his pupils, of a school teacher who refused to suspend his class to remove obstacles placed by others in the road outside). Equally common was the complaint (which was also made against officials of the Israeli Civilian Administration in the territories) that Palestinians were treated with a contempt and arrogance that seemed to be deliberately intended to humiliate them and undermine their dignity as human beings. Complaints were also made, especially in the Gaza Strip, about the inhumane manner in which curfews were enforced, e.g. the prevention of UNRWA ambulances from entering camps to collect civilians wounded in earlier disturbances. Another set of complaints related to allegations of routine violence in detention centres, as well as to the whole system of administrative detention. It was said that the purpose of interrogation was normally to extract a confession, for use in subsequent proceedings in the military courts, and that heavy physical and psychological pressure was used for this purpose by GSS, which used techniques (e.g. hooding) that left no permanent physical disfigurement.

14. In the time available, it was not possible to follow up any individual complaint in detail. But the persistence of these complaints and their ready corroboration by foreign observers (including the media) and by Palestinian professional people (some of whom said that they had themselves suffered at the hands of the security forces) give grounds for serious concern.

15. Other subjects of complaint were:

(a) The lack of outlets for political activity (there have been no elections since the municipal elections of 1976) and the tendency of the authorities to classify any expression of nationalist sentiment as "terrorist" activity, with consequent intervention of the security forces;

(b) The taking of land in the occupied territories, especially for Israeli settlements, and the privileged access that these settlements are given to water supplies;

(c) Deportations and other violations of the rights of the individual, including the blocking of family reunions;

(d) Interruption of education through the closing of schools and universities and, especially, the denial of laissez-passers for an adequate period to Palestinian students pursuing higher education in other countries;

(e) Shortcomings in the judicial system, especially the complexity of a system in which the legislation in force comes from such varied sources as the British Mandate, Egyptian and Jordanian laws and military orders (often not published) issued by Israel since 1967, the obstacles placed in the way of the defence, usually on security grounds, and the lack of a fair hearing for Palestinians in the higher Israeli courts;

(f) Heavy taxation, many of the proceeds of which benefit Israel and are not spent in the occupied territories (the budget for which is not published);

(g) Economic discrimination against the territories, with the purpose of hindering their agricultural and industrial development and keeping them as a captive market and source of cheap labour for Israel.

16. As in the case of the security forces' behaviour, many examples of the above practices were cited, not only by Palestinians but also by foreign observers. They have also been described in the publications of such research institutions as The West Bank Data Base Project and Al-Haq: Law in the Service of Man.

17. At the four meetings held with Israeli Ministers and officials, the latter rejected the complaints mentioned above, describing almost all of them as politically motivated exaggerations or distortions. They said that there had been great improvements in the economic and social situation in the territories since 1967 especially as regards consumption and social services. They drew a favourable comparison between Israel's record and that of Egypt and Jordan in the 1948-1967 period. They agreed that more needed to be done to enhance the economic and social

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conditions of the civilian population but said that Israel had been disappointed by the paucity of the international community's response to its invitation to provide funds for the development of the territories.

18. In a conversation on 17 January, Mr. Goren said that the security forces had very strict orders against mistreatment of the civilian population; there were isolated cases in which these orders were not properly observed but such cases were severely dealt with by the Israeli authorities themselves. Mr. Goren offered to investigate any individual case that was brought to his attention. He also offered to take up any specific case of alleged obstruction of UNRWA activities by the security forces, though the latter had orders to co-ordinate on a regular basis with UNRWA over access for food and medical supplies to camps under curfew. On the economic questions, Mr. Goren said that Israel in fact spent more in the territories than it received in tax revenue and that health and education services there were better than the Palestinians would admit. Israel wanted foreign countries to contribute to the territories' development and would give them a free hand, subject only to security requirements and observance of Israeli procedures.

19. There is thus a conflict of evidence. In almost every case, one side's version of events is at variance with the other's. This illustrates the difficulty of conducting a rigorous examination of the situation in the occupied territories. For reasons it has expressed in the past, Israel has been reluctant to co-operate with bodies previously set up by the United Nations to investigate its practices in the occupied territories, including the commission established by Security Council resolution 446 (1979), and has consistently rejected their findings. But the evidence available from published sources and from conversations with Israelis, Palestinians and foreign observers confirms that the international community's concern about the situation in the occupied territories is fully justified.

II. WAYS AND MEANS FOR ENSURING THE SAFETY AND PROTECTION OF THE PALESTINIAN CIVILIANS UNDER ISRAELI OCCUPATION

A. Need for a political settlement

20. Before exploring the ways and means that the Security Council might wish to consider for ensuring the safety and protection of the Palestinian civilians, one point of fundamental importance must be underlined. It is certainly necessary that more should be done to ensure the safety and protection of the civilian population. But such measures can only be palliatives. They cannot cure the underlying problem, which is the continuing occupation by Israel of the territories captured in the 1967 war. It was repeatedly emphasized by all shades of Palestinian opinion that there was no way in which the Israeli occupation could be made acceptable to the Palestinian people of the occupied territories. Equally, members of the Israeli Government stressed the need for a political solution. I strongly share that view. In the long run, the only certain way of ensuring the safety and protection of the Palestinian people in the occupied territories, and of the people of Israel, is the negotiation of a comprehensive, just and lasting settlement of the Arab-Israeli conflict acceptable to all concerned. An urgent effort is required by the international community, led by the Security Council, to

promote an effective negotiating process and to help create the conditions necessary for it to succeed.

B. Fourth Geneva Convention

21. A second point to be stressed at this stage is that the Fourth Geneva Convention, whose applicability to the occupied territories has repeatedly been reaffirmed by the Security Council, lays down the civilian population's entitlement to safety and protection. This is clearly stated in the first paragraph of article 27, which reads:

> "Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity."

The responsibility of the occupying Power is underlined in article 29, which reads:

> "The Party to the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred".

22. Israeli violations of provisions of the Fourth Geneva Convention have, since 1970, been frequently alluded to in the annual reports of the International Committee of the Red Cross (ICRC), which is the guardian of the Geneva Conventions of 1949 (see, for instance the ICRC annual report for 1986). They have also been the subject of numerous resolutions of the Security Council, e.g. 452 (1979), 465 (1980), 468 (1980), 469 (1980), 471 (1980), 476 (1980) and 478 (1980). Examples, together with the articles of the Fourth Geneva Convention which they offend, are as follows:

(a) Attempts to alter the status of Jerusalem (article 47);

(b) The establishment of Israeli settlements in the occupied territories (article 49, para. 6);

(c) Deportations of Palestinian civilians from the occupied territories (article 49, para. 1);

(d) Collective punishments, e.g. curfews applied to whole districts (article 33);

(e) Destruction of houses (article 53).

There is also evidence that, in dealing with demonstrations and other disturbances, IDF has used disproportionate force, leading to fatal casualties, which could be avoided if less harsh measures were employed. As noted in paragraph 14 above, there are grounds for serious concern about whether the practices of the Israeli security forces are always consistent with article 32 of the Convention.

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23. Israel has consistently taken the position that it does not accept formally the de jure applicability of the Fourth Geneva Convention but that it has decided since 1967 to act in de facto accordance with "the humanitarian provisions" of that Convention. Israel justifies this position by the argument that the Convention applies only where the Power ousted from the territory in question was a legitimate sovereign and that neither Jordan nor Egypt was the sovereign power, in the West Bank and the Gaza Strip respectively, during the years preceding the 1967 war (see, for instance, the Permanent Representative of Israel's statement in the Security Council on 16 December 1987 - S/PV.2774, p. 74). Israel also sometimes justifies individual violations of the Fourth Convention (e.g. deportations) by reference to legislation that was in force in what are now the occupied territories during the British Mandate and/or the period of Egyptian/Jordanian control, from 1948 to 1967.

24. The Israeli position is not accepted by ICRC, nor has it been endorsed by the other High Contracting Parties to the Fourth Geneva Convention. Under that Convention, each Contracting State undertakes a series of unilateral engagements, vis-à-vis itself and at the same time vis-à-vis the others, of legal obligations to protect those civilians who are found in occupied territories following the outbreak of hostilities. This is why article 1 states that "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances" (emphasis added). The phrase "in all circumstances" is intended to include declared or undeclared war, recognized or unrecognized state of war, partial or total occupation with or without armed resistance, or even under certain circumstances when the opponent is not a contracting party (see article 2).

25. The Convention becomes automatically applicable upon the outbreak of hostilities and its application in territories occupied by the belligerents is not subject to the requirement that the ousted Power is the legitimate sovereign of the territories lost. Humanitarian considerations are the fundamental basis of the Geneva Conventions and it is for this reason that even in the case of armed conflict not of an international character (e.g. civil war) the Contracting States are legally bound under the Convention to apply, as a minimum, certain provisions of a humanitarian character.

26. Several Security Council and General Assembly resolutions (including resolution 242 (1967)) have declared the inadmissibility of the acquisition of territory by war and insisted on Israel's withdrawal from territories occupied since the 1967 war. The Security Council and the General Assembly have consistently maintained since 1967 that the territories that came under Israeli control during the 1967 war are "occupied territories" within the meaning of the Fourth Geneva Convention. Both the Security Council and the General Assembly have also stated in numerous resolutions that the Fourth Geneva Convention applies to these occupied territories. Accordingly, even though Israel does not accept the de jure applicability of the Fourth Geneva Convention, the opinio juris of the world community is that it must be applied.

27. The most effective way, pending a political settlement, of ensuring the safety and protection of the civilian population of the occupied territories would thus be for Israel to apply in full the provisions of the Fourth Geneva Convention. To

this end, I recommend that the Security Council should consider making a solemn appeal to all the High Contracting Parties to the Fourth Geneva Convention that have diplomatic relations with Israel, drawing their attention to their obligation under article 1 of the Convention to "... ensure respect for the present Convention in all circumstances" and urging them to use all the means at their disposal to persuade the Government of Israel to change its position as regards the applicability of the Convention. Meanwhile, Israel could introduce the following measures which are urgently needed:

(a) The dissemination of, and training of IDF personnel in, the rules of international humanitarian law (which is an obligation under the Convention);

(b) Orders to IDF to assist, in all circumstances, the rapid evacuation to medical care of persons wounded in disturbances, and to ensure that the efficient functioning of hospitals and their staff is not interrupted by military activities;

(c) Orders to IDF not to obstruct the delivery of essential food and medical supplies to the civilian population.

C. Different types of "protection"

28. While continuing to insist that responsibility for protection of the civilian population of the occupied territories rests with the occupying Power, the Security Council may wish to consider what other ways and means might be available to the international community, without prejudice to that fundamental principle, in order to help ensure the civilian population's protection. Before addressing that question, it may be appropriate to analyse the different concepts that can be meant by "protection". They seem to be four:

(a) "Protection" can mean physical protection, i.e. the provision of armed forces to deter, and if necessary fight, any threats to the safety of the protected persons;

(b) "Protection" can mean legal protection, i.e. intervention with the security and judicial authorities, as well as the political instances, of the occupying Power, by an outside agency, in order to ensure just treatment of an individual or group of individuals;

(c) "Protection" can also take a less well-defined form, called in this report "general assistance", in which an outside agency intervenes with the authorities of the occupying Power to help individuals or groups of individuals to resist violations of their rights (e.g. land confiscations) and to cope with the day-to-day difficulties of life under occupation, such as security restrictions, curfews, harassment, bureaucratic difficulties and so on;

(d) Finally, there is the somewhat intangible "protection" afforded by outside agencies, including especially the international media, whose mere presence and readiness to publish what they observe may have a beneficial effect for all concerned; in this report this type of protection is called "protection by publicity".

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D. Ways and means available to the international community to help ensure the civilian population's protection

29. As regards physical protection, several of the Palestinians consulted by Mr. Goulding, especially in the refugee camps, asked that United Nations forces should be deployed in the occupied territories, either to protect the inhabitants against the Israeli security forces or to replace the latter completely in the populated areas. The latter possibility was mentioned in the Security Council's debate preceding the adoption of resolution 605 (1987). I have given careful thought to both possibilities but they seem to present very real difficulties at this time.

30. First, the Fourth Geneva Convention gives the occupying Power the right to

> "subject the population of the occupied territory to provisions which are essential to enable the occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them" (article 64, para. 2).

This in effect makes the occupying Power responsible for the maintenance of law and order. It is also, as discussed above, responsible for protecting the civilian population. The introduction of other forces into the occupied territories to provide physical protection would thus detract from the occupying Power's responsibilities under the Fourth Geneva Convention.

31. Secondly, it is a principle of United Nations peace-keeping operations that they require the prior consent of the parties to the conflict concerned. The introduction of United Nations forces into the occupied territories (unless the Security Council had decided to take enforcement action under Chapter VII of the Charter of the United Nations) would thus require the consent of the Government of Israel. That Government has, however, stated that it will not agree to any involvement of United Nations military personnel in the security of the occupied territories.

32. Unless there is a change in Israel's position, the deployment of United Nations forces in the territories is thus not practicable at present. This idea should not, however, be lost sight of. Israel has in the past accepted international forces in other contexts of the Arab-Israeli conflict and these have played a valuable role in the implementation of interim or permanent agreements. Such forces could again be a valuable ingredient in the implementation of a negotiated settlement of the conflict or in transitional arrangements that might be agreed upon for the occupied territories.

33. Reference has also been made to the possible deployment of United Nations military observers in the occupied territories. They would not however be able to provide physical protection and their possible role is therefore discussed in paragraph 42 below.

34. A measure of legal protection is nevertheless provided to the population of the occupied territories by ICRC. As is clear from its annual reports, ICRC enjoys co-operation from the occupying Power in its efforts to protect detained persons but the Israeli authorities usually disallow interventions by ICRC with regard to measures for the maintenance of law and order and aspects of the administration of the occupied territories which violate the provisions of the Fourth Geneva Convention.

35. ICRC is to be commended for its activities in the occupied territories and the High Contracting Parties to the Fourth Geneva Convention may wish to include in the diplomatic initiative put forward in paragraph 27 above an expression of appreciation for the co-operation extended to ICRC by Israel and of hope that this will be maintained and enlarged.

36. The Security Council may also wish to urge Member States to respond generously if ICRC should appeal for funds to finance the extra activities it is undertaking in the occupied territories in response to the recent very large increase in the number of detained persons.

37. I come now to the type of protection described as general assistance in paragraph 28 above. Various agencies are already active in this field. As far as the registered refugees are concerned, UNRWA has the leading role and provides a wide variety of assistance and protection (in addition, of course, to its main function of providing education, health and relief services); in the Gaza Strip, in particular, it provides indispensable support to the refugees in their day-to-day efforts to cope with living under occupation. ICRC also assists, especially with the families of detainees; many voluntary agencies, Palestinian and international, also play a part. It was nevertheless argued by many of the Palestinians and foreign relief workers who were consulted that the international community should do more.

38. In the case of the registered refugees, who number 818,983, or about 55 per cent of the Palestinian population of the occupied territories, UNRWA is clearly best placed to provide additional general assistance. UNRWA has been established on the ground for nearly 40 years; it knows well the refugees' problems; it is accepted by the Israeli authorities on the basis of an agreement signed in 1967; and it is trusted by the refugees. However, the number of UNRWA international staff in the field has declined over the years. Before the recent disturbances began, there were only 9 international staff in the West Bank (373,586 refugees and 19 camps) and only 6 in the Gaza Strip (445,397 refugees and 8 camps). In paying tribute to the invaluable service that UNRWA Palestinian staff have been rendering to the refugees in very difficult circumstances, I believe that international staff can at present play an especially valuable role. It is usually easier for them to gain access to Israeli authorities in emergency situations; and their mere presence at points of confrontation has a significant impact on how the civilian population (including UNRWA Palestinian staff) is treated by the security forces and helps it psychologically by making it feel less exposed.

39. I have therefore asked the Commissioner-General of UNRWA to examine the addition to UNRWA establishment in the occupied territories of extra international

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staff, within UNRWA existing administrative structures, to improve the general assistance provided to the refugee population. It would be for the Commissioner-General to decide the number and location of these additional international staff, in the light of the perceived need and the resources available. I would also urge Member States to respond generously to the appeal the Commissioner-General would have to make for funds to finance these additional staff.

40. It is also essential that Israel should honour UNRWA privileges and immunities in full, especially the right of its personnel to freedom of movement in all circumstances and the inviolability of its premises and installations, and to provide access at all times to responsible officials of the occupying administration. Mr. Goulding and his colleagues were witnesses of painful situations in the Gaza Strip where the curfews imposed by IDF had made it impossible, or at best difficult and dangerous, for UNRWA to evacuate the wounded and sick to hospital or to deliver food to the camps.

41. In making these observations relating to UNRWA, I am conscious of the need not to neglect those Palestinians in the occupied territories who are not registered refugees (about one third of the Palestinian population in Gaza and two thirds in the West Bank). Their economic and social circumstances are in general superior to those of the refugees, especially the camp residents, but they face the same political frustrations as the latter, are equally vulnerable to the security authorities and also suffer from the economic and administrative aspects of the occupation. They benefit from the activities of ICRC (which makes no distinction between refugees and non-refugees) and various voluntary agencies, but are normally excluded from UNRWA mandate. It seems desirable in present circumstances that, as on certain occasions in the past, the Commissioner-General should be permitted to provide humanitarian assistance as far as practicable, on an emergency basis and as a temporary measure, to non-refugees who are in serious need of assistance because of the recent disturbances.

42. Reference has been made in paragraph 33 above to the possible deployment of United Nations military observers. Some of the Palestinians consulted favoured this measure as a way of monitoring (and hopefully restraining) the activities of the Israeli security forces and of providing general assistance to the civilian population. It is true that such observers could provide expert information on military matters (though they would need at least some co-operation from the occupying Power for this purpose). But in other respects, especially their short tours of duty and lack of familiarity with the territories, they are not well placed to provide general assistance of an essentially civilian character. In any case, Israel, whose consent would be necessary, has so far expressed firm opposition to any such proposal.

43. As regards protection by publicity, great emphasis was laid by Palestinians on the need to publicize the situation in the occupied territories. It was argued that more publicity should be given and that this would have a beneficial influence both on Israel's practices in the territories and on her readiness to negotiate a political settlement. Recent developments in the territories have in fact been fully reported by the Israeli and international media and it is of great importance that the latter should continue to have unhindered access to events.

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44. Some of the Palestinians consulted suggested that the Secretary-General might appoint a kind of United Nations ombudsman to reside in the occupied territories. Such an appointment could be a valuable step if Israel was ready to co-operate fully with the official concerned and use his or her good offices in handling the many problems to which the occupation gives rise. This idea is in the same category as other possibilities, such as United Nations trusteeship or a United Nations interim administration, which could be of potential value in the future. But the practicability of all these ideas depends on the full consent and co-operation of Israel.

E. Economic and social conditions of the population of the occupied territories

45. Although it is strictly outside the "safety and protection" referred to in paragraph 6 of resolution 605 (1987), I should like to take the opportunity of this report to make two observations relating to the economic and social conditions in which the population of the occupied territories lives.

46. The first relates to the refugee camps. The recent disturbances have attracted world attention to the squalid living conditions in many of the camps, especially in the Gaza Strip, resulting from the lack of such basic amenities as paved roads, sewage, water, lighting and housing of a minimum standard. The Commissioner-General of UNRWA has also referred in his last report 1/ to the urgent need to rehabilitate many UNRWA installations, such as schools, health centres and food distribution centres.

47. In the past, the refugees have sometimes expressed reservations about measures to improve the infrastructure of the camps, for fear that these would make the camps more permanent and thus conflict with their insistence on a political settlement in accordance with United Nations resolutions. This matter was therefore discussed with most of the Palestinians consulted. Their reaction was that they would welcome steps to improve conditions in the camps provided that:

(a) It was made absolutely clear that this was a temporary measure, pending a comprehensive political settlement, and not a substitute for such a settlement;

(b) That the work was done by UNRWA.

48. In these circumstances, I have asked the Commissioner-General of UNRWA to prepare urgently proposals for improving the infrastructure of the camps, and to seek the necessary funds. I would again urge Member States to respond generously to such a request.

49. My second observation relates to the wider economic situation in the occupied territories. Reference has been made in paragraph 15 above to the conviction of the Palestinian population that Israeli policy is deliberately to obstruct the economic development of the territories. Many examples were given to corroborate this assertion. Israeli Ministers and officials, however, insisted that it was unfounded and that Israel welcomed foreign assistance for the development of the

territories provided only that each project complied with Israel's security requirements, which were overriding, and with Israeli procedures. Many of the Palestinians consulted expressed the hope that a concerted international effort could be undertaken to revive the territories' economy, perhaps initially through an expansion of the existing programme of the United Nations Development Programme (UNDP) in the territories. I have asked the Administrator of UNDP to study this possibility.

III. CONCLUDING REMARKS

50. The Israeli authorities have stated on numerous occasions in recent weeks that security in the occupied territories remains their exclusive responsibility. The Security Council, for its part, has repeatedly reaffirmed the applicability to the occupied territories of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. While that Convention makes the occupying Power responsible for maintaining law and order, its raison d'être is the safety and protection of the civilian population, for which the occupying Power is no less responsible.

51. My principal recommendation in this area is that the international community should make a concerted effort to persuade Israel to accept the de jure applicability of the Fourth Geneva Convention to the occupied territories and to correct its practices in order to comply fully with that Convention. This report also makes recommendations and describes certain steps which I am taking, within existing arrangements, to improve the safety and protection accorded to the population of the territories by the international community.

52. It cannot be emphasized too strongly, however, that such measures to enhance the safety and protection of the Palestinian people of the territories, urgently required though they are, will neither remove the causes of the tragic events which prompted Security Council resolution 605 (1987) nor bring peace to the region. The unrest of the past six weeks has been an expression of the despair and hopelessness felt by the population of the occupied territories, more than half of whom have known nothing but an occupation that denies what they consider to be their legitimate rights. The result is a tragedy for both sides. Nothing illustrates this more clearly than the daily sight of young unarmed Palestinians in confrontation with Israeli soldiers of their own age.

53. The underlying problem can only be resolved through a political settlement which responds both to the refusal of the Palestinian population of the territories to accept a future under Israeli occupation and to Israel's determination to ensure its security and the well-being of its people. I continue to believe that this should be achieved through a comprehensive, just and lasting settlement based on Security Council resolutions 242 (1967) and 338 (1973) and taking fully into account the legitimate rights of the Palestinian people, including self-determination. Such a settlement should be negotiated by means of an international conference under United Nations auspices, with the participation of all the parties concerned. The history of the Arab-Israeli conflict, from 1948 onwards, has repeatedly shown that there are many ways in which the United Nations

can contribute impartially both to the negotiation of agreements and to their implementation. Allusion has been made in this report to the possible use of United Nations forces or other interim arrangements as progress is made towards a comprehensive settlement.

54. The negotiation of a settlement will, of course, be exceptionally difficult, for it will require all concerned to move from positions to which they are at present very strongly attached. I am conscious of the great complexity of the choices which confront them and I should like to take this opportunity to appeal to them to exercise restraint and to bring about that change of attitudes which will be necessary if a settlement is to be negotiated. Each side must put aside the often justified resentment it feels at past wrongs and understand better the legitimate interests and legitimate grievances of the other. Such understanding is not assisted by invective and abuse nor by sheltering behind the illusion that the other side does not exist. Equally, I appeal to the international community to help, both by reducing the virulence of debates on the Arab-Israel conflict and by consciously acting in a manner which promotes mutual understanding.

55. As stated earlier in this report, I believe that an urgent effort is required by the international community, led by the Security Council, to promote an effective negotiating process. This is what the Charter requires and it is the fundamental recommendation in this report. I remain personally committed to the search for a settlement and will contribute in any way that I can to that objective. In the coming weeks I intend to explore actively with the parties and with the members of the Council, especially its permanent members, how the present impasse in the peace process can be unblocked. After the recent dramatic demonstration of the dangers and suffering inherent in the status quo, I hope that all concerned will join in an effort to reinvigorate the search for a comprehensive, just and lasting settlement. This alone will secure the interests of both the Israeli and the Palestinian peoples and enable them to live in peace with each other.

Notes

1/ Official Records of the General Assembly, Forty-second Session, Supplement No. 13 (A/42/13).

16

דחיפות:	**מחלקת הקשר ניו-יורק**	דף:
סווג בטחוני: שמור	**טופס מברק**	מתוך:
תז"ו: 191030		אל: המשרד
גר: 00362		דע:
		מאת: נאו"ם, ניו-יורק

אל: מנהל ארב"ל 2.
מאת: מ. יופה.

<u>גולדינג.</u>

נתקלנו בגולדינג (18/1) ליד מועבי"ט. אמר שעליו להגיש תדו"ח לכל המאוחר עד יום שישי 22/1. תוסיף שאין בדעתו להמליץ על שיגור כוחות או משקיפי או"ם "ושלצערו בנושא זה יש בישראל דיס-אינפורמציה".

נאו"ם

מ. יופה

תאריך: 19.1.88 שם השולח: מ. יופה אישור:

11608

משרד החוץ-מחלקת הקשר

תארין :

יוצא **
שמור
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שאיפר אלה
שמן 1/2/1

חרזם:1,11608
אל:ני/742,ורש/567
מ-:המשרד,תא:190188,זח:1627,דח:מ,סב:ש
נד:ם

שמור/מיידי

אל:ניו-יורק, וושינגטון.

נ.מ.1040 - 210.02

ביין.

דע : מתני.

ביקור גולדינג ודו"ח המזכ"ל למרעב"ט.

1) גולדינג סיים ביקורו אתמול בבוקר. קיבלתם בנפרד הדיווח על שיחתו עם מתאם הפעולות בשטחים. להלן מסמר הערות הקשורות לביקור ולדו"ח הצפוי ממנו:

א. במהלך הביקור חרג גולדינג במעט מכל אשר אמר בעת שהודיע על החלטת המזכ"ל לשגרו (שלן 900 מה- 31 בדצמבר). ניכר היה שהוא עושה זאת בהדרגה ובכל שראה שישראל אינה מטילה הגבלות על מהלך הביקור, נגישותיו והתבטאויותיו. בסדר של דבר הוא הרבה לסייר בשטחים, לראות ולשוחח עם תושביהם, להתראיין בתקשורת ואף הארין שהותו כאן מעבר לכל שהיה סביר ונחוץ לצורך מילוי שליחותו.

ב. לגבי הדו"ח שיצא מתחת לידיו ידי המזכ"ל: אם ניקח בחשבון כוונתה התחילית של החלטת מרעב"ט 605, את נטיות לבו של גולדינג, המצב שמצא בשטח והדברים ששמע מבני שיחו הערבים ואנשי מסוים (בעיקר בעזה), הרי שיש להניח שהדו"ח שיוגש למרעב"ט יהיה שלילי בעיקרו.

ג.לאור הנחה זו בעיתונו היא ביצד 'להוציא מעד מתוק'. יתכן שנוכל אמנם להפיק תועלת אם הדו"ח יכלול האלמנטים הבאים:

1.1) אישור מחדש של עמדת המזכ"ל שהובעה כאן ע"י גולדינג שישראל אחראית לפי המשפט הבינ"ל באופן בלעדי לשמירת הסדר והבטחון בשטחים.

1.2) העדר המלצה מצד המזכ"ל על הצבת משקיפי או"ם (או כוח חרום אחר) ,מתוך הכרת המזכ"ל שהדבר 'נאיבי ובלתי אפשרי' בפי שביטא זאת גולדינג בשיחותיו עם שה"ח ושהב"ט. המלצה של המזכ"ל להציב משקיפים כאלה תהיה בסתירה גמורה לדעתו המתוארת בסעיף 1.1 דלעיל.

1.3) קריאה מטעם המזכ"ל לסידור בינ"ל לשם מיתוח ושיפור איכות החיים בשטחים, כולל התגובה התרבותית שהובעה באזני גולדינג ע"י בני שיחו הישראליים.

2) בודאי תעקבו במיטב יכולתכם ותדווחו.

מנהל אר"ל 2

רי

תפ: שהח,רהמ,מנכל,ממנכל,שהבט,ליאור,מזתים,ברנע,אר"ל2,סייבל, משפט,בירן,מצנא,בהנא,אירא,איר"ב/מרכז,ממד,מתאמשטחים

** ירצא שמור
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משרד - אלוף
1241

חודם:1,8469
אל:נכי/541,ורש/403,לונדון/254
מ-:המשרד,תא:140188,זח:1455,דח:ב,סג:ש
נד:0

שמור/בהול להדעיק

ורשינגטון - בהול להדעיק
ניו-יורק - בהול להדעיק
לונדון - מיידי

מתכי/ ורש
דע:נאו"ט, לונדון

ארר/210.02/877

מרעב"ט - גירושים

שלך 266 (56 לנ"י).

א.מרעב"ט תתכנס שוב הבוקר (לפי שעונכם) לישיבה בלתי פורמלית על לבנון ועל הגירושים. ההנחה היא שבהמשך הדיון הישיבה תהפוך לפורמלית (על הגירושים).על כן החליט היו"ר הבריטי למרות התנגדות ארה"ב ועל סמך משאל שערך בין החברות.

ב.הבלמ"זים החלו בהמצת נוסח הצעת החלטה על הגירושים. להלן סעיפיה האופרטיביים:

1.DEMANDS THAT ISRAEL RESCIND THE ORDER TO DEPORT PALASTINIAN CIVILIANS FROM THE OCCUPIED ARAB TERRITORIES.

2.ENSURE THE SAFE RETURN OF THE DEPORTED PALESTINIANS TO THE OCCUPIED ARAB TERRITORIES.

3.REQUESTS THAT ISRAEL REFRAIN FORTHWITH FROM DEPORTING ANY PALESTINIAN CIVILANS FROM THE OCCUPIED ARAB TERRIRORIES.

4.REQUSTS THE SECRETARY GENERAL REPORT TO THE COUNCIL ON ANY DEVELOPMENT IN THIS MATTER.

הנ"ל נמסר לנו טלפונית מנאו"ם,ותובל לקבל הבהרות נוספות על אי בהירויות בנוסח,ישירות מהם.

ד.ידועה לנו עמדתה של ארה"ב בנושא הגירושים ויתכנו חילוקי דעות בין ידידים בענין זה. אולם אנו מביטים על הנושא כולו מזווית ראיה לטווח הארוך יותר.

יעד משותף לארה"ב ולישראל הוא להביא לידי רגיעה בשטחים ולהתחיל בתהליך מדיני מהר ככל האפשר. בתהליך זה מקום מרכזי לארה"ב. שורה של החלטות רצופות ערינות לישראל במועבי"ט רק מקשות ומסבכות תחילת תהליך מדיני,ואף מקשות על הרגעת המצב בשטחים. מכאן האינטרס שצריך להיות משותף לארה"ב וישראל והוא מניעת החלטות נוספות במועב"ט.

ה.לאור המגעים שקיימו נאו"ם אמש ואחרי דיון שקיימנו כאן, נבקשן לפנות למחמ"ד בדרג מתאים,ולשוחח אתם ברוח האמור לעיל ובהסתמך על שיחת השגריר-שולץ,כדי לבקשם לקראת הדיון הבוקר, כי ימשיכו בהתנגדותם לקיום פורמלי וקבלת החלטה וילחצו למען קבלת הודעה נשיאותית ללא דיון.

ברכע-בירן

אש

תפ: שהת,רהמ,שהבט,מנכל,ממנכל,ר/מרכז,רם,אמן,ממד,בירן,מצפא, ברכע,ארבל2,ליאור,מזתים,סייבל,משפט,אירא,אירב,מתאמשטחים

8658 **משרד החוץ-מחלקת הקשר** תאריך : 01.88

שמור ** דחוף **
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שלום - עולם

שמור 121.1

מספר:8658/1
אל:רוש/412/בי/558
מ-:המשרד/תא:140188/זח:1743/דח:ב/סג:ש
נד:ם

שמור/בהול

אל : רוש', ניו-יורק-נאו'ם

גירושים

למברק נאו'ם 69
אור/210.02/889

ברדאי שמתם לב שארה'ב נמנעה על החלטות 468 ו-469 בענין גירוש ראשי הערים במאי 1980, ותמכה בהחלטת 484 מדצמבר 1980 באותו נושא.

ר' אגף ארבל

תפ: שהח/מנכל/ממנכל/בירן/מצפא/ברנע/ארבל1/ארבל2/ליאור/מזתים/
ר/מרכז/ממד

8456 **משרד החוץ-מחלקת הקשר** תאריך : 01.88

יוצא **
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שמור

שאלה - אלה

שמור 1241

חרזם:8456,1
אל:ורש/401,בי/540,בטהרן/216,מנמת/146
מ-:המשרד,תא:140188,זח:1502,דח:ב,סג:ש
נד:0

שמור/בהול לבוקר

נ.מ.885 - 210.02

נאום

דע: שגרירות ורש, לשכת שהב"ט, מתאם הפעולות בשטחים

מרעב"ט - גירושים.

א) קנוטסרן הודיעני הבוקר שגולדינג, שעמד לעזוב היום, נתבקש ע"י המזכ"ל לבקש פגישה דחופה עם שה"ח בנושא הגירושים. שה"ח הסכים לקבלו ל-10 דקות הבוקר. לגולדינג התלוותה הגב' בוטנהיים,מצדנו השתתפו המזכ"ל,נוביק והח"מ

ב) גולדינג מסר שנתבקש ע"י המזכ"ל להביא לידיעת השר, אישית ובדחיפות, הבעת צערו העמוק על שמתישראל ביצעה אתמול את גירושם של הארבעה. המזכ"ל ומרעב"ט בדעה שהאמנה הרביעית חלה על השטחים והגירושים מנוגדים להוראות האמנה. מעבר לויכוח המשפטי בנושא זה, המזכ"ל מבקש לציין שרוב מדינות ערב רואות בגירושים התגרות והדבר מזיק ומפריע להמשך תהליך השלום.

ג) סיים מסר המזכ"ל בהבעת התקווה שישראל תימנע מגירושים נוספים.

ד) שה"ח השיב ששמע המסר וימסור על כך לעמיתיו. הדגיש שאין לו כוונה להתערב בנושא כל זמן שגירושם של האחרים נמצא בערבאות והתהליך המשפטי נמשך. הביע פליאתו על כך

שארבעת המגורשים ויתרו על זכותם לפנות לבג'צ (גולדינג אמר ששמע שעשו זאת כי התיאשו מבתי המשפט הישראליים).

ה) השר ציין שהעולם למד 'לרחוץ ידיו' באמצעות גינויי ישראל, אולם תהליך השלום והדרך למו"מ סבוכה מאד והמכשולים הקיימים מכל הצדדים קשים ביותר. אי לכך לא צריך לראות הגירושים כגורם בעל חשיבות מיוחדת. שבח רצונו הטוב של המזכ"ל ומאמציו לקידום תהליך השלום.

ו) גולדינג מסר שהחליט להשאר פה בסוף השבוע וינצל הזמן לכתיבת הדו"ח. בניגוד לנוהגו בימים האחרונים, 'נידב' הפעם הצהרה לעיתונאים שהמתינו לו בדבר מטרת פגישתו הנוסמת עם שה"ח.

מנהל ארב'ל 2

י.ל

תפ: שהח,רהמ,מנכ"ל,ממנכ"ל,בירן,מצפא,ברנע,ארבל2,ליאור,מזתים, ס"ייבל,משפט,ר/מרכז,ממד,רם,אמן

7900 משרד החוץ-מחלקת הקשר תאריך : 01.88

יוצא ** שמור

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טלמ"ר - אלה

חדזם:1,7900
אל:נוי/511,ורש/379,בטחון/193,מבמת/128
מ-:המשרד,תא:130188,זח:1859,דח:מ,סג:ש
נד:@

שמור/מיידי

נ.מ.850 - 210.02

אל: ניו-יורק, וושינגטון, משהב"ט.

נאו"ם. דע: שגרירות, לשכת שהב"ט, מתאם הפעולות בשטחים/ משהב"ט.

ביקור גולדינג.

א. שיחת גולדינג עם שהב"ט התקיימה ב-12 ינואר אתה"צ בת"א. בחלוף אליו קנרטסון ובוטנהיים, בכחר מצדנו סגן הרמטכ"ל ראש אמ"ן, מתאם הפעולות בשטחים ועוד קצינים בכירים,והח"מ.

ב. שר הבטחון פתח בהבהירו לגולדינג שהשיחה מתנהלת שלא על בסיס החלטת מועב"ט, שהיא בלתי רלוונטית בעינינו. הסכים לקבל גולדינג כמו בכל אחד מביקוריו הקודמים בדי לדון עמו בהיבטים בטחוניים שבתחום טיפולו של מזכ"ל האו"ם, כמו יוניפיל ובפעולתם של ארגוני או"ם כמו ס.ס.ר.ת הפועלים בשטחים.

ג. השר סקר בארוכה גולדינג המצב השורר בשטחים בעקבות ההתפרעויות בשבועות האחרונים. תאר פעולות צה"ל להשכנת סדר ובטחון בהתאם לאחריותו הבלעדית וסקר פעולות העונשין הננקטות על ידינו. הדגיש שהמדובר בסכסוך פוליטי שיש לפתרו ע"י מו"מ פוליטי, אך ציין נחישותנו להחזיר המצב לשקט ששרר לפני תחילת המהומות ולא לאפשר לאלימות להכתיב צעדינו.

ד. שהב"ט התעכב על המצב במחנות הפליטים הממשיכים להוות בעיקר בעזה, המוקדים העיקריים של אי שקט ומהומות. התרעם על ארצות ערב שאיפשרו המשך קיומה של בעית הפליטים ולא פתרה כפי שפתרנו אנו בעית הפליטים היהודים מארצות ערב. המצב הנואש של הפליטים הוא שדחפם למעשים אלימים ובעזה יש התחלה של עימות בין הפליטים לבין התושבים המקוריים החוששים מנסיונות הפליטים לתקוף אותם ולגרום נזק להם ולרכושם.

ה. שהב"ט הסביר שצה"ל לא אומן לפעולות של שמירת הסדר ומצד שני אין אנו מסוגלים לפזר הפגנות באותה אלימות תוקפנית כפי שנהגו לדוגמה המצרים ברפיח לפני מספר ימים. פרט ארבע קטגוריות של תגובה עפ"י פקודות הקבע בצה"ל:

1. פתיחה באש במקרה של התקפה ישירה בנשק חם או קר על חיילי צה"ל.

2. במקרה של התקפה ע"י המון אלים המשתמש באבנים ונשק קר אחר והרסם עורק תחבורה ראשי - פתיחה באש רק אחרי שכל האמצעים האחרים-(גז מדמיע,כדורי גומי ,ירות באויר כו') אינם מועילים וקיימת סכנה לחיי חיילים ואזרחים הנקלעים שם.

3. הצורך לחלץ יחידה קטנה המוקפת ע"י המון אלים בין הבתים או בתוך סימטה צרה. אנו מנסים להמנע בכל מחיר מכניסה למצבים כאלה.

4. במקרים של זריקות אבנים - מנסים עד המקסימום שלא לפתוח באש ועושים זאת רק אם נשקפת סכנת חיים לחיילים שנקלעו למקום.

ו. גולדינג הסביר הסיבות והשיקולים של המזכ"ל לשיגורו. חזר והדגיש כמו בשיחתו עם שה"ח שהמזכ"ל אינו מטיל ספק באחריותה הבלעדית של ישראל לשמירת החוק והסדר בשטחים ואינו מעלה על הדעת אפשרות של הצבת כוח בינ"ל כי יודע שרעיון כזה נאיבי ובלתי-אפשרי.

ז. גולדינג שבא לפגישה אחרי ביקור ושיחות בעזה העלה גם הנקודות הבאות:

1. ביקש לקבל הסבר של עמדתנו בלפי האמנה הרביעית והאבחנה המשפטית שאנחנו עושים בין דתית ה-

APPLICABILITY שלה על השטחים לבין החלטנו ליישם פרגמטית את סעיפיה ההומניטריים. שהב"ט הביע צער על שלא ידע על שאלה זו מראש כי היה מבקש מיועצו המשפטי להיות נוכח בדי להשיב.

2. ביצד במשכת עבודת השב"כ אחרי ששיטותיו נפסלו ע"י ועדת לנדוי. שהב"ט ציין שהממשלה החליטה לאמץ כל המלצות דו"ח לנדוי והן מיושמות במלואן.

3. העלה הרעיון (ששמע כנראה מאנשי ס.ס.ו"ת בעזה) שהמזב"ל יקציב יותר כספים לס.ס.ו"ת, בדי שזו תוכל להרחיב פעילותה גם לפליטים שמוצאים עצמם " בצרות עם הממשל" (כלומר פעילות ההודרת לתחום פעולתו ההומניטרית של הצל"א). לדעת גולדינג הצל"א אינו מצליח להעניק הגנה מספקת לאנשים אלה. הוסבר לו שלס.ס.ו"ת מנדט מסויים שהיא ממלאת תוך שיתוף פעולה מלא מצד המינהל האזרחי. נציב ס.ס.ו"ת ביקר כאן בחודש שעבר ולא העלה הצעות מסוג זה. מצד שני הצל"א מנהל פעילות נרחבת ונהנה מתופש תנועה ופעולה מלאים שהעניקו לו.

ח. גולדינג העלה השאלה מה תהיה עמדת ישראל בלפי פעילות בינ"ל לפיתוח בלבלי למען פליטי עזה. בשהשיב שהב"ט שישראל תקדם בברכה כל יזמה קונסטרוקטיבית בנושא ואף ניסתה ללא הצלחה לעורר מדינות ערבות לפעילות בזו, גולדינג חזר על שורה של טענות על הפרעות ומכשולים ישראליים בפני הזרמת כספים וידע לפיתוח. בין התלונות - בלימת יוזמות לפיתוח תעשייתי, מכשולים לזרימת הון, מניעת יצוא ישיר של הדרים ועוד. שהב"ט ומתאם הפעולות בשטחים סקרו מכלול פעולותיהו אנו ונסיונותיהו למשוך גורמים בינ"ל לפעילות של פיתוח. הזכירו פעולת UNDP הנעשית בהסכמתנו ונסיעתו הקרובה של המתאם לניו-יורק לצורך עידוד פעילות נוספת. נראה היה שגולדינג תודרן בגוזמאות רבות על "הפרעות ישראליות" בביכול והוא נראה כמי שמטיל ספק בכל ההסברים שקיבל. שמע בסיפוק הבטחת שהב"ט שישראל לא תכשיל קריאה של המזב"ל לפעולה בינ"ל למען פיתוח בלבלי בעזה (רביו"ש) שהשיקול היחידי שלנו יהיה בטחוני בלבד.

ט. בשיחה קצרה שקדמה לשיחה עם שר הבטחון העלה גולדינג שאלת פיתוח עזה עם מתאם הפעולות. גם בשיחה זו נראה גולדינג כמי שמתקשה להאמין לעובדות וההסברים ששמע.

משרד החוץ-מחלקת הקשר

ר. בתום השיחה מיהר גולדינג לטלפן לדובר האו"ם בניו-יורק.
העיתונות המשיכה לעקוב בהמרניה אחר תגובותיו.

מנהל ארב"ל 2

ע.ל.י

תפ: שהח,רהמ,שהבט,מנכל,ממנכל,סמנכל,ממד,רס,אמן,מצפא,ארבל2,
מדתים,משבט

משרד החוץ-מחלקת הקשר

7501 תאריך: 13.01.88

נכנס ** שמור
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שמור/מידי - אלם

חוזם:1,7501
אל:המשרד
מ-:גנבה,נר:95,תא:130188,זח:1030,דח:מ,סג:ש
נד:@

שמור/מידי

אל:יועצת ארבל

דע: ראש אכא, זך/תפש, זינגר/פצר

צלא-ביקור אמיגה

לשלך 45 מה-4.12.86

מכתבי מה-3.12 ולשלי מ-2 ו-3 דצמבר

הודיעני טלפונית שמבקש לקיים ביקורו המתוכנן בשבוע הבא. מתכוון להגיע ב-19 ולשהות שבוע. חזר והביע תקווה שיוכל לפגוש גם שרי החוץ והבטחון כפי שבקש בדצמבר ומקווה שאוכל לאשר לו זאת בימים הקרובים.
העיר שיוכל להאריך שהותו לפי הצורך.
נציגו בארץ פועל במקביל. אגב, בדעת אמיגה לבקר גם במשרד הצלא בעזה.

מילוא==

תפ: שהח,רהמ,מנכל,ממנכל,שהבט,ברנע,ארבל2,סייבל,משפט,ליאור,
מזתים,ר/מרכז,ממד

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4808 **משרד החוץ-מחלקת הקשר** תאריך 01.88

שמור יוצא **
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שאלות - אלה
שלח 21.1 ס

מזהה:1,4808
אל:בי/298
מ-:המשרד,תא:080188,דח:1701,דח:מ,סג:ש
נד:@

שמור/מיידי

אל: ניו-יורק

נ.מ.733 - 206.02

ביין.

ביקור גולדינג.

א) ב'הארץ' מהבוקר, ידיעה של שלמה שמיר האומרת בין השאר כלהלן: " דובר האו"ם מסר אמש כי תת-המזכ"ל מרק גולדינג יגיע הימים לישראל, כדי לדווח למזכ"ל על הצעדים הנחוצים להגנת הארכלוסיה האזרחית בשטחים. לפי החלטת מועצת הבטחון מלפני שבועיים, חייב המזכ"ל להגיש דו"ח על צעדים אלה למועצה עד ל- 21 בינואר". עד כאן.

ב) אם הדברים אמנם נאמרו ע"י דובר האו"ם וביזמתו (שלא בתשובה לשאלה), הרי שהדבר מהווה הפרה של הבטחת גולדינג כאשר שוחח אתן ב- 31 דצמבר (שלן 900, סעיף 3 - ו').

ג) נבקשן לבדוק אם נאמרו הדברים וכיצד אם יתברר לן שיש אמנם הפרת ההבטחה, נבקשן להביע מורת רוחנו מכן.

מנהל ארב"ל 2

יל.ח

תפ: שהח,דהמ,שהבט,מנכל,ממנכל,ר/מרכז,רם,אמן,ממד,בירך,מצפא,
ברנע,ארבל1,ארבל2,סייבל,משפט,ליאור,מדתים,מתאמשטחים,בהנא

משרד החוץ-מחלקת הקשר

4268 תאריך: 08.01.88

נכנס בלמס

מעתה - אלמ

שמת "12.1

חוזם:1,4268
אל:המשרד
מ-:אוטבה,נר:19,תא:070188,זח:1600,דח:ב,סג:ב
נד:מ

בלמס/בהול לבוקר

האירועים בשטחים - החלטת מועבים.

התקשר ס/מנהל מז'ת ומסר הנוסח שהכינו לדובר משרד החוץ באם ישאל על הארועים בשטחים והחלטת מועבי'ט.

1. CANADA FULLYSUPPORTS UN SECURITY COUNCIL RESOLUTION 607 CALLING ON ISRAEL TO REFRAIN FROM DEPORTATING ANY PALESTINIAN CIVILIANS FROM THE OCCUPIED TERRITORIES AND WELCOMES THE UNANIMOUS VOTE FOR THE RESOLUTION IN THE COUNCIL.

2. CANADIAN POLICY HAS CONSISTENTLY MAINTAINED THAT ARTICLE 49 OF THE FOURTH GENEVA CONVENTION, PROHIBITING INDIVIDUAL OR MASS FORCEABLE TRANSFERS REGARDLESS OF THEIR MOTIVE, APPLIES TO THE OCCUPIED TERRITORIES.

3. GIVEN THE PRESENT GRAVE CIRCOMSTANCES IT IS PARTICULA RLY IMPORTANT THAT THERE BE A DETERMINED EFFORT TO BREAK THE CYCLE OF TENSION AND VIOLENCE. RECONSIDER ATION BY ISRAELI AUTHORITIES OF INVISAGED DEPORTATIONS WOULD BE A POSITIVE STEP IN THIS DIRECTION.

גדעון מאיר==

תפ: שהח,רהמ,מנכל,ממנכל,שהבט,בירן,מצפא,ליאור,מזת'ים,
מתאמשטחים,ברנע,ארבל2,בהוא,אביטל,משת,הסברה,ר/מרכז,ממד

5.1.88

20

דחיפות: בהול	מחלקת הקשר ניו-יורק	דף: 1
סווג בטחוני: סודי	טופס מברק	מתוך: 2
תז"ח 052205	בהול	אל: שאמיר-אלם
נר: 00064		דע: המשרד
		מאת: השגריר נאו"ם

אל : שה"ח.
דע : י. ברנע-סמנכ"ל ארב"ל. מנהל ארב"ל 2.
מאת : השגריר נאו"ם.

ביקור גולדינג מועבי"ט.
היום בעקבות החלטות 605, 607.

1. החלטת מועבי"ט 605 יש בה ראשית תהליך חדש - התערבות מועבי"ט בענינים פנימיים שהם בתחום אחריותה הבלעדית של ישראל. החלטה 605 מתערבת בנושאים בטחוניים, ואילו החלטה 607 מתערבת בנושאים שהם לא רק בטחוניים אלא גם משפטיים(צוי גירוש, ועדת ערר, בית"ד העליון).

2. אש"פ והקבוצה הערבית הנצלים את העובדה שארה"ב חולקת עלינו ומצליחים להעביר החלטות ללא התנגדות אמריקאית בנושאים אלה. צפוי שיעשו זאת שוב עם ביצוע הגירושים ושוב עם הגשת דו"ח המזכ"ל בסביבות ה - 20 בינואר.

3. ביקור גולדינג הוא חלק אינטגרלי של ראשית תהליך זה. לפי כל הסימנים הופתעת מזכירות האו"ם כולה, החל מגולדינג עצמו, שהסכמנו לקבלו, וביחוד בדרג מיניסטריאלי. ברור לכל שמדובר בחקדים מצידנו. בעבר תחיד סרבנו לקבל שליחים בנושאים לא מקובלים, מה גם שברור שגולדינג אינו בא בענייני יוניפי"ל וכד' אלא בתוקף היותו שליח מיוחד במסגרת החלטת מועבי"ט לה התנגדנו. כמו כן, הסעיף על שליחת השליח הוסר ע"י מועבי"ט עצמה, ואיש לא היה מתפלא אילו סרבנו לקבלו.

4. חשוב שישראל תפגין כלפי האו"ם וכלפי האמריקאים שיש קו אדום שמעבר לו לא ניתן לאו"ם להתערב - ונפסיק לשתף פעולה עימו.

שהה רהב שהכה גנב גלגנם בינם ארבלב בין גלפו סייבל
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תאריך: בתאום טלחיים	שם השולח: ליאור לבתים	אישור:
1	1	1

דחיפות:	**מחלקת הקשר ניו-יורק**	דף: 2
סווג בטחוני:	**טופס מברק**	מתוך: 2
תז"ח: 05220		אל:
בר: 0[illegible]64		דע:
		מאת:

ביקורגולדינג אחרי החלטת מועבי"ט חיום עלול להתפרש כמתן לגיטימציה
להתליך השלילי המתמשך. לאור המצב שנוצר אני חוזר על המלצתי לשקול
שוב את עמדתנו בנושא הביקור הצפוי.

ב. נתניהו

אישור: [signature]

שם השולח: בנימין נתניהו

תאריך: 5.1.88 ~~1.5.88~~

משרד החוץ-מחלקת הקשר

תאריך : 01.01.88

שמור

דחוף **
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שלדיר - אלב
"121/1 /1988

מ:1/210
אל:כי/14
מ-:המשרד/תא:010188/זח:1418/דח:ב/סג:ש
נד:ש

שמור/בהול טפל

אל:נאר'ם

ביין.

שלך 900

ביקור גולדינג

אדר/210.02/550

א.משרד נא לגולדינג כי שר החוץ מוכן לשוחח איתו ולהסביר לו סיבות ההנגדותכו להחלטת מרעבי'ט. הפגישה נקבעה ליום ב 11 דנא ב-1700.

ב.ביחס לשאר הפגישות נודיעך בנפרד.

ארבל

אש.י

תפ: שהם/רהה/שהבט/מנכל/ממככל/ר/מרכז/רם/אמן/ברגע/ארבל1/ ארבל2/ליאור/מזתים/סייבל/משפט/בהנא/מתאשטחים