

November 1980, giving due consideration to the recommendations consistent with the provisions of that resolution;

3. *Calls once more upon* Israel, the occupying Power, to cooperate in the implementation of the present resolution and to remove the hindrances that it has put in the way of establishing the University of Jerusalem "Al-Quds";

4. *Also requests* the Secretary-General to report to the General Assembly at its fiftieth session on the progress made in the implementation of the present resolution.

83rd plenary meeting
9 December 1994

49/36. Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

A

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the principles of international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,³² as well as international standards of human rights, in particular the Universal Declaration of Human Rights³⁷ and the International Covenants on Human Rights,⁴⁰

Recalling its relevant resolutions, including resolution 2443 (XXIII) of 19 December 1968, and relevant resolutions of the Commission on Human Rights,

Recalling also relevant resolutions of the Security Council,

Aware of the uprising (*intifadah*) of the Palestinian people,

Convinced that occupation itself represents a primary violation of human rights,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories⁴¹ and the relevant reports of the Secretary-General,⁴²

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes and its Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization in Washington on 13 September 1993,²² as well as the subsequent implementation agreements, including the Agreement on the Gaza Strip and the Jericho Area signed at Cairo on 4 May 1994,³³

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

2. *Demands* that Israel cooperate with the Special Committee in implementing its mandate;

3. *Deplores* those policies and practices of Israel which violate the human rights of the Palestinian people and other Arabs

of the occupied territories, as reflected in the reports of the Special Committee covering the reporting period;⁴¹

4. *Expresses the hope* that, in the light of the recent positive political developments, those policies and practices will be brought to an end immediately;

5. *Requests* the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. *Also requests* the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory;

7. *Further requests* the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

8. *Requests* the Secretary-General:

(a) To provide all necessary facilities to the Special Committee, including those required for its visits to the occupied territories, so that it may investigate the Israeli policies and practices referred to in the present resolution;

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

(c) To circulate regularly to Member States the periodic reports mentioned in paragraph 6 above;

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

(e) To report to the General Assembly at its fiftieth session on the tasks entrusted to him in the present resolution;

9. *Decides* to include in the provisional agenda of its fiftieth session the item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

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B

The General Assembly,

Recalling its relevant resolutions,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories⁴¹ and the relevant reports of the Secretary-General,⁴²

⁴⁰ Resolution 2200 A (XXI), annex.

⁴¹ A/49/67, A/49/172 and A/49/511.

⁴² A/49/598 to A/49/601.

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

Stressing that Israel, the occupying Power, should comply strictly with its obligations under international law,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁴¹ is applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

2. *Demands* that Israel accept the *de jure* applicability of the Convention in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;

3. *Calls upon* all States parties to the Convention, in accordance with article I common to the four Geneva Conventions,⁴³ to exert all efforts in order to ensure respect for its provisions by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

4. *Requests* the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

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C

The General Assembly,

Recalling its relevant resolutions and the resolutions of the Commission on Human Rights,

Bearing in mind the relevant resolutions of the Security Council, the most recent of which is resolution 904 (1994) of 18 March 1994,

Having considered the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories⁴¹ and the reports of the Secretary-General,⁴²

Aware of the responsibility of the international community to promote human rights and ensure respect for international law,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,⁴² to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967;

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes and its Agreed Minutes, by the Government of the State of Israel and the Palestine Liberation Organization, in Washington on 13 September 1993,²² as well as the subsequent implementation agreements, including the Agreement on the Gaza Strip and the Jericho Area, signed at Cairo on 4 May 1994,³³

Noting the withdrawal of the Israeli army, which took place in the Gaza Strip and the Jericho area in accordance with the agreements reached between the parties, and the initiation of the Palestinian Authority in those areas,

Concerned about the continued violation of the human rights of the Palestinian people by Israel, the occupying Power, especially the use of collective punishment, closure of areas, annexation and establishment of settlements, and the continued actions by it designed to change the legal status, geographical nature and demographic composition of the occupied Palestinian territory,

Concerned in particular about the dangerous situation resulting from actions taken by the illegal, armed Israeli settlers in the occupied territory, as illustrated by the massacre of Palestinian worshippers by an illegal Israeli settler in Al-Khalil on 25 February 1994,

Convinced of the positive impact of a temporary international or foreign presence in the occupied Palestinian territory for the safety and protection of the Palestinian people,

Expressing appreciation to the countries that participated in the Temporary International Presence in Hebron for their positive contribution,

Convinced also of the need for the full implementation of Security Council resolution 904 (1994),

1. *Determines* that all measures and actions taken by Israel, the occupying Power, in the occupied Palestinian territory, including Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and contrary to the relevant resolutions of the Security Council are illegal and have no validity, and demands that Israel desist forthwith from taking any such measures or actions;

2. *Reaffirms in particular* that the Israeli settlements in the occupied Palestinian territory, including Jerusalem, and the other Arab territories occupied by Israel since 1967 are illegal and are an obstacle to a comprehensive settlement;

3. *Notes with satisfaction* the return of a number of deportees to the occupied Palestinian territory and calls upon Israel to facilitate the return of the remainder;

4. *Calls upon* Israel, the occupying Power, to accelerate the release of all remaining Palestinians arbitrarily detained or imprisoned, in line with agreements reached;

5. *Calls* for complete respect by Israel, the occupying Power, of all fundamental freedoms of the Palestinian people, pending the extension of the self-government arrangements to the rest of the West Bank;

6. *Requests* the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

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D

The General Assembly,

Deeply concerned that the Syrian Golan occupied since 1967 has been under continued Israeli military occupation,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also its previous relevant resolutions, the last of which was 48/41 D of 10 December 1993,

Having considered the report of the Secretary-General of 31 October 1994,⁴⁴

⁴¹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973

⁴⁴ A/49/601.

Recalling further its previous relevant resolutions in which, *inter alia*, it called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the Charter of the United Nations,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,³² to the occupied Syrian Golan,

Bearing in mind Security Council resolution 237 (1967) of 14 June 1967,

Welcoming the convening at Madrid of the Peace Conference on the Middle East on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 aimed at the realization of a just, comprehensive and lasting peace, and stressing the need for rapid progress in all bilateral negotiations,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, and in particular Security Council resolution 497 (1981), in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, should rescind forthwith its decisions;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements;

3. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against the population of the occupied Syrian Golan;

5. *Deplores* the violations of the Geneva Convention by Israel;

6. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

7. *Requests* the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution.

83rd plenary meeting
9 December 1994

49/37. Comprehensive review of the whole question of peace-keeping operations in all their aspects

The General Assembly,

Recalling its resolution 2006 (XIX) of 18 February 1965 and all other relevant resolutions,

Recalling in particular its resolutions 48/42 and 48/43 of 10 December 1993,

Welcoming the progress made by the Special Committee on Peace-keeping Operations during its recent sessions,

Convinced that peace-keeping operations constitute a considerable part of the efforts by the United Nations to maintain international peace and security and to enhance the effectiveness of the United Nations in this regard,

Recognizing that the peacemaking activities of the Secretary-General and of organs of the United Nations, which are actions to bring hostile parties to agreement essentially through peaceful means such as those foreseen in Chapter VI of the Charter of the United Nations, constitute an essential function of the United Nations and are among the important means for the prevention, containment and resolution of disputes, the continuance of which is likely to endanger the maintenance of international peace and security,

Taking note of the statements of the President of the Security Council of 3 May⁴⁵ and 4 November 1994,⁴⁶ and, in particular, welcoming the improvements in respect of consultations with troop-contributing countries reported therein,

Bearing in mind that the increase in activities in the field of United Nations peace-keeping requires both increasing and better managed human, financial and material resources for the Organization,

Taking note also of the report of the Secretary-General on the work of the Organization,⁴⁷ having examined the report of the Special Committee on Peace-keeping Operations,⁴⁸ and taking note further of the report of the Secretary-General⁴⁹ and the statement of the President of the Security Council of 27 July 1994⁵⁰ concerning stand-by peace-keeping arrangements,

Noting the various proposals and ideas regarding United Nations peace-keeping put forward during the general debate at its forty-ninth session,

Noting also the existence of humanitarian activities in support of certain United Nations peace-keeping operations and the usefulness of bilateral arrangements between concerned Member States for consultations on providing legal protection to the personnel participating in such activities,

1. *Welcomes* the report of the Special Committee on Peace-keeping Operations;⁴⁸

Definition and implementation of mandates

2. *Emphasizes* that respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters that are essentially within the domestic

⁴⁵ S/PRST/1994/22; see *Official Records of the Security Council, Forty-ninth Year, Resolutions and Decisions of the Security Council 1994*.

⁴⁶ S/PRST/1994/62; see *Official Records of the Security Council, Forty-ninth Year, Resolutions and Decisions of the Security Council 1994*.

⁴⁷ *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 1 (A/49/1)*.

⁴⁸ A/49/136.

⁴⁹ S/1994/777; see *Official Records of the Security Council, Forty-ninth Year, Supplement for April, May and June 1994*.

⁵⁰ S/PRST/1994/36; see *Official Records of the Security Council, Forty-ninth Year, Resolutions and Decisions of the Security Council 1994*.