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COMMITTEE PRINT

Peace and Related Issues in the Middle East

REPORT

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
NINETY-FOURTH CONGRESS
SECOND SESSION

Based on a

SPECIAL STUDY MISSION TO THE MIDDLE EAST

November 7–22, 1976

DECEMBER 1976

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Letter of Transmittal

Hon. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

This report is submitted herewith to the Committee on the Judiciary on behalf of the members of a special study mission to Germany, Spain, and the Middle East area in November 1976.

The purpose of the trip was to obtain facts and information which would assist the members in considering legislation within the jurisdiction of the Committee.

Needless to say, the comments and observations contained in this report are those of the members of the study mission and do not reflect the views and opinions of the members of the full Judiciary Committee.

I am hopeful that this report will be of assistance to the members in the exercise of their legislative duties both as Members of the Judiciary Committee and as Members of Congress.

WALTER FLOWERS,
Chairman, Subcommittee on Administrative Law and Governmental Relations.

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I. Introduction

On November 7, 1976, a delegation of Judiciary Committee members departed from Washington, D.C., on a fact-finding mission to the Middle East area.

The bipartisan study mission consisted of the following members of the Judiciary Committee: Walter W. Flowers, James Robert Mann, George E. Danielson, Herman Badillo, William J. Hughes, Edward Hutchinson, Tom Railsback, Charles E. Wiggins, Hamilton Fish, Jr., Carlos J. Moorhead, John M. Ashbrook, and Henry J. Hyde.

The purpose of the trip was to elicit as much information as possible concerning matters within the legislative jurisdiction of the Committee. The areas of legislative concern are as follows: refugees; the consular function of the State Department; resettlement of Soviet Jews; international terrorism; sovereign immunity of foreign states; and claims matters arising out of the activities of our military forces abroad.

Because of the high level of reception accorded to them, the delegation also discussed some subjects which do not fall directly within the jurisdiction of the Committee, such as the peace situation in the Middle East.

In order to investigate these issues, the study mission traveled to Germany (November 7–8); Egypt (November 9–11); Israel (November 12–16); Kenya (November 17–19); Spain (November 20–21); and returned to Washington on November 22.

In each of the countries visited the mission discussed the aforementioned subjects with U.S. officials; foreign officials; and in one instance with a representative of the United Nations.

In discussing the prospects for Middle East peace, the mission had the opportunity of meeting with the Heads of State in Egypt, Israel, and Jordan. More specifically, the delegation met with President Anwar al-Sadat on November 9; with King Hussein on November 13; and with Prime Minister Yitzhak Rabin on November 14.

The members of the study mission wish to express their deep appreciation to these leaders and to their hosts in each of these countries. The delegation is very grateful for the hospitality extended and for the cordial treatment received in all of the countries visited.

In addition, the members wish to acknowledge the invaluable assistance provided by the Department of State escort, the U.S. Air Force, and by the various U.S. Ambassadors and their staffs. Their cooperation contributed substantially to the success of the trip.

II. Background Information

For many years, the United States has made extensive efforts to move the various parties involved in the Arab-Israeli dispute toward a durable settlement of their problems. Following the 1973 war U.S. efforts, in the form of financial assistance and bilateral discussions, were intensified. These U.S. initiatives were extremely helpful in enabling Israel, Egypt, and Syria to conclude three significant interim agreements, commonly referred to as Sinai I and II and Golan I. Since that time there has been little notable progress toward a just and permanent peace in the Middle East.

Most recently, however, several countries have called for an immediate resumption of the Geneva Conference on the Middle East.[1] The primary issue surrounding reconvening of such a Conference is the participation of the Palestine Liberation Organization; or stated differently, whether the Arab countries are willing to participate in accordance with U.N. Security Council Resolutions 242 and 338.[2]

Resolution 242, adopted on November 22, 1967, proposed negotiations for the purpose of establishing a just and durable peace in the Middle East. In particular, it called for: (1) withdrawal of Israeli armed forces from the occupied territories; (2) termination of belligerency; (3) respect for, and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area; and (4) the right of such States to secure and recognized boundaries free from threats or acts of force. Resolution 338, which was adopted on October 22, 1973 and led to the cease fire, called for the immediate implementation of Resolution 242.

Congressional action in the 94th Congress designed to advance the goal of a permanent peace in the Middle East has taken the form of providing economic and military assistance in that area of the world. For example, on October 13, 1975, Public Law 94–110 was signed into law; thereby authorizing the implementation of the early warning system in the Sinai. The 94th Congress also established a far-reaching Security Assistance Program for those countries involved in the Arab-Israeli dispute, estimated by one House Committee to cost approximately $17.5 million over the next five years. In fiscal years 1976 and 1977, funds under this program were allocated as follows:

[In millions of dollars; fiscal years]

Country	1976	1977
Israel	775.0	735
Egypt	795.0	700
Jordan	132.5	70
Syria	95.0	80

[1] For a chronology of public statements made during and subsequent to the delegation's trip by various Middle East leaders see app. B.
[2] For texts of the resolutions see app. A.

It is clear from these laws and the accompanying legislative history that Congressional policy is centered on confirming our government's commitment to the security and survival of Israel and improving U.S.-Arab relations. In the language of one Committee report (H. Rept. 94–1228), these 1977 programs for the Middle East "are designed to further progress toward a durable peace in the area . . . and are focused on addressing critical problems that will have an immediate payoff in terms of creating or improving the atmosphere for stability and economic health in the area".

In addition, Congress has provided substantial funds to facilitate the resettlement of Soviet Jews in Israel and to support the operations and programs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Funds for Soviet Jews have been authorized under the Foreign Assistance Act and under the Migration and Refugee Assistance Act, which was processed by the House Judiciary Committee in 1962. To date over $150 million has been provided by Congress to assist Soviet Jews, and these funds have been expended for: (1) the construction of absorption centers, medical facilities, and permanent housing; (2) care and maintenance; (3) university scholarships and other educational expenses; and (4) language training.

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III. Military Airlift Command Mission in Europe

Frankfurt, Germany

On November 8, the delegation received a briefing at Rhein Main Air Force Base from Brig. Gen. Theodore P. Crichton, Commander, 435th Tactical Airlift Wing (TAW), Military Airlift Command (MAC).

The specific mission of Gen. Crichton's command is to coordinate and control the flow of strategic and tactical airlift and provide aeromedical evacuation services throughout Europe, the Middle East and Africa. In addition, the 435th TAW has the host base responsibility for Rhein Main Air Force Base, which has been the main supply and support base for U.S. Forces in Europe since 1959 and which is now the only MAC base in Europe.

The 435th TAW also has unique responsibilities because Rhein Main serves as the gateway for all U.S. Forces coming into or departing from central Europe, numbering approximately one million annually. To facilitate this movement, the 435th Combat Support Group operates a major hotel, which last year was utilized by over 194,000 people transiting through the Rhein Main passenger terminal.

Another responsibility of the 435th TAW is to administer, control, and supervise the performance of six airlines, which act as MAC contract commercial carriers within Europe.

In addition to the organization at Rhein Main, the Wing has additional support units at various locations throughout Europe. Because of this geographical dispersion, some 5,000 people are required to support the Wing's activities, and there are approximately 4,000 Americans residing in the Rhein Main area.

General Crichton noted that this heavy concentration of American personnel had created serious housing problems and that only 40 percent were able to obtain government housing.

Upon completion of the briefing and in response to questions from the delegation, the following additional problems were discussed: the condition of the buildings and permanent structures at Rhein Main; criminal jurisdiction over civilians and military dependents; and overflight problems with Turkey.

Claims matters were discussed previously with Col. Jack Dixon and Lt. Col. James Z. Howey, U.S. Air Force Europe (USAFE); and Lt. Col. Clifton Blanks, Judge Advocate General, Military Airlift Command. The results of those discussions will be set forth later in a separate section of this report.

IV. Mideast Countries

Egypt

SUMMARY OF ACTIVITIES

On November 9, the delegation received an extensive briefing from U.S. Ambassador Hermann E. Eilts, Jr., which covered a variety of topics including: the U.S. AID program, the Middle East situation, U.S.-Egyptian relations, terrorism, and refugee problems. In the afternoon, they met with President Sadat at his residence at the Barrage. That evening the delegation attended a reception hosted by Ambassador Eilts. Also invited to the reception were various Egyptian Cabinet members, members of the People's Assembly, members of the diplomatic mission, governmental officials, and other prominent persons from the public and private sector.

On November 10, the mission met with the Minister of Interior, El Sayed Fahmy and his staff, followed by a visit to a local prison.

MEETING WITH PRESIDENT SADAT

Following brief introductory remarks by the Chairman of the delegation, Congressman Flowers, President Sadat expressed his appreciation to the U.S. Congress and to the American people for the warm reception accorded to him during his visit to the U.S. He also expressed his hope "for a very constructive era of cooperation between our two countries". His comments then centered on the issues of Arab unity, the Lebanese conflict, the political situation in Egypt; and he concluded with the following statement:

> We have followed your elections in the States, and it was a very hot battle as we have sensed it from afar here, and we are preparing ourselves for the new Administration so that we can get to know each other and work hand in hand like we have worked before.

Subsequent to these initial remarks, President Sadat responded to questions posed by members of the delegation on a multitude of subjects. His views on the major issues discussed are set forth below.

Prospects for peace

President Sadat was cautiously optimistic as to the possibility of a permanent peace in the Middle East and expressly stated that "from the Egyptian side, there are no obstacles to peace . . . I am ready for this peace".

Although there was some discussion concerning an end to the "state of war" or "state of belligerency", President Sadat made it clear that he was interested in achieving a "sound", "just" and "permanent" peace. In fact, in response to a question as to what message the delegation could take to Prime Minister Rabin, President Sadat responded, "tell him . . . in the Arab world we are ready for peace".

In this quest for peace, President Sadat asked the delegation and the Congress to be objective and to view the facts from both an Arab and Israeli perspective "before you make your decision". He also expressed his appreciation to the Congress for their understanding and for the assistance being provided to Egypt.

With particular reference to reconvening the Geneva Conference, President Sadat remarked,

> All I ask is that [Israel] evacuate this land that has been occupied after the 1967 war, and let us sit together in Geneva, every party, Israel and all the Arab parties; and end the state of belligerency for the first time in 28 years, officially and before the world.

He then rejected any possibility of direct bilateral discussions with Israel in advance of a reconvened Geneva Conference, noting that all parties including the Palestinians should participate in such peace talks. He said it was entirely impossible to undertake any bilateral talks with Israel, while they are occupying "my land" and he added "you shouldn't ask me to sit with them beforehand; but I am going to sit with them in Geneva."

Arab unity

As noted above, President Sadat, in his opening remarks, spent considerable time discussing the Lebanese conflict and its impact on the Arab world.

He consistently maintained that the conflict did not disrupt Arab unity, despite what has been "heard in the States, in the newspapers, or [on] television, that the Arabs are shattered among themselves". He cited the 1973 War, the Riyadh agreement and the Arab summit in Cairo as an example of the close cooperation and unity that exists among the Arab countries in achieving our "main targets"; although he conceded that they may differ from time to time on "tactics", "methods" or "approaches". "It is our habit since the start of history, and it will stay until the end of the world . . . this is the tradition in the Arab world", he concluded.

Defensible borders

The Israeli policy of security and survival through "defensible borders" was repudiated by President Sadat. In rejecting Israel's theory of security, he explained that Egypt during the 1973 War had the missile capability of striking "three main cities in Israel" and as a result borders become insignificant. In his words, the Israeli "theory of secure boundaries [is] a pretext for expansion".

He did indicate that Egypt would have no objection to the U.S., in the form of mutual defense pact, or to the U.N. providing Israel with guarantees of security, "but we want the same guarantees". More specifically he noted, "I'm ready for U.N. Forces, or whatever forces agreed upon, to be stationed on the frontiers between Egypt and Israel and in Sharm el-Sheikh to guarantee free shipping in the Aqaba Gulf."

President Sadat requested the delegation to communicate these views on U.S. and international guarantees directly to President-elect Carter.

Terrorism

President Sadat stated that all governments, with the exception of Libya and South Yemen, had earlier agreed to condemn acts of terrorism. Following the Arab summit in Cairo, South Yemen reversed its position and agreed not to open its airports to any hijacked plane; "so it is now concentrated in Libya . . . and we shall convince him (Al-Qaddafi) also", said Sadat.

In reiterating his position on the subject, President Sadat stated, "I condemn every terrorist act against anyone in the world" and he referred to the current incarceration in Egypt of the alleged assassins of the U.S. diplomat in Khartoum—despite substantial pressure from the Palestinians and all the other Arab elements to release them.

Recalling the recent aircraft hijacking in Egypt, the delegation inquired into the problem of airport security, and President Sadat insisted that in the event a hijacked plane does land at Cario, that plane "will never leave the airport again, and the hijackers will never leave the territory of Egypt."

Arab boycott

President Sadat minimized the significance of the Arab boycott issue and indicated that it was "a small dimension" of the total Middle East problem.

He expressed his belief that the U.S. Congress over-reacted to the economic boycott and that this issue should not be addressed "before solving the big issue, and that is peace, permanent peace". In short, he asked the United States to "drop this small issue", which has put Egypt in "a very tight position".

Palestinian problem

In response to a question concerning the Palestinian image in the Western World, President Sadat expounded on the overall Palestinian question. He discussed the humanitarian problems confronting the Palestinian refugees, and the need for creation of a separate Palestinian state.

The Palestinians have been "denied human rights" for 28 years and they "have no land", Sadat said, while asking the delegation to put themselves in the "shoes of the Palestinians".

He indicated that he had discussed this problem extensively with President Ford and was most anxious to discuss it also with President-elect Carter "when we discuss [all] dimensions of the problem".

President Sadat also stated that creation of a separate Palestinian state, consisting of the West Bank and the Gaza Strip would place responsibilities in the Palestinians "before the whole world" and would be a significant factor in establishing a permanent peace.

United States-Egyptian relations

President Sadat's repeated references to President-elect Carter during the one hour meeting were a clear indication that Egypt had followed closely Mr. Carter's public statements on the Middle East situation and that the Arab world desired the new Administration to give early consideration to this problem.

For example, as an aside in discussing the Arab boycott, President Sadat mentioned "it will never harm anyone if [the boycott] stays

another six months, and then President Carter is ready for us to sit together and go to Geneva and discuss the permanent peace". [Italics supplied.]

Furthermore, President Sadat referred on several different occasions to Mr. Carter's *Time* interview in which he said he would make the U.S. a world leader not by power, or economic pressure, but by convincing the whole world that the American people are right and decent. President Sadat wholeheartedly endorsed the Carter statement and agreed with his observation on the character of the American people. In doing so, Sadat cautioned against holding "the big stick against the small nations", and he asked the U.S. not to threaten or exert pressure on the smaller countries, because it "will raise inferiority complexes in them, and it will cause trouble for all of us."

MEETING WITH INTERIOR MINISTER EL SAYED FAHMY

In their one hour meeting with Minister Fahmy and his senior staff officials, the delegation discussed a variety of subjects within his jurisdiction which related directly to legislation within the jurisdiction of the House Judiciary Committee.

In Minister Fahmy's opening remarks he described the organizational structure of his Ministry and summarized his areas of responsibility. They included: crime control, internal security, narcotics enforcement, refugees and terrorism.

With regard to the crime problem in Egypt, discussions centered on the following issues: capital punishment, gun control, recidivism and correctional programs and facilities. In addition, the criminal justice system in Egypt was discussed in detail including problem areas, such as court backlogs, appointment of lawyers in indigent cases, parole, and the relationship between the judiciary and the Interior Ministry.

Also mentioned was the close cooperation between the United States Government and the Egyptian Government in the areas of narcotics enforcement and terrorism. To assist Egypt in combating the international problem of narcotics, the U.S. Government provides training to Egyptian drug enforcement agents at the FBI Academy, and DEA agents are detailed when necessary to Egypt to provide advice and technical assistance. It was evident that a close cooperative relationship exists between DEA and the AntiNarcotics Administration (A.N.A.) of the Ministry of Interior. United States assistance has also been provided to enable Egypt to better respond to the problem of terrorism and one example was a recent study by the U.S. Government's Federal Aviation Administration of the security problems at the Cairo airport.

Another subject that was considered during the meeting was U.S. citizens incarcerated in Egypt. The delegation was advised that no Americans were presently incarcerated although some had been recently released from prison following a conviction for the attempted smuggling of antiquities out of Egypt.

INSPECTION TOUR OF BARRAGES PRISON

In the course of the discussion with General El Sayed Fahmy, an invitation was extended for the members to inspect some of the prison

facilities in the Cairo area. A visit was made to the Barrages Prison for Men with a short stop at the prison for women. The party was guided by Brigadier General Wagdy Hafez, who was the Director of Public Relations at the Interior Ministry. Accompanying the delegation led by Congressman George Danielson was General Hassan Abu Basha, Deputy Minister for State Security Investigations. General Muhammad Sathallah Salama, Deputy Director of the same agency and General Iliwah Zahir, the third ranking officer in the same agency.

The prison houses approximately 700 prisoners. The party inspected the cell block building and the medical facilities of the prison where they talked briefly with medical and dental personnel. The party visited the recreational building utilized for stage presentations and the prison industry conducted at the prison. This consists of cloth manufacture and clothing fabrication principally for prison use. In a brief visit to the women's facility, the members were shown the needlework done by women prisoners and they observed a number of the inmates who were engaged in that work. In the prison, the group was shown the processes of thread preparation, weaving and cutting and sewing of the fabric into uniforms. It was indicated that in a separate location, raw material, principally cotton and wool, was fabricated into thread and yarn which was ultimately used in the facilities inspected.

The prisoners observed were engaged primarily in manufacturing activities and the delegation was advised that only a portion of the prisoners at the prison could not be utilized in this process at a given time. The prison also had some athletic facilities, notably a soccer field. The Members were informed that the prison personnel did include chaplains or religious leaders for both Moslem and Christian prisoners.

Israel

SUMMARY OF ACTIVITIES

The study mission spent three full days in Israel. During this time, they met with Prime Minister Yitzhak Rabin, Foreign Minister Yigal Allon and Defense Minister Shimon Peres. They also had a lengthy meeting with Zerah Warhaftig, Chairman, and several other members of the Knesset Committee on Constitution, Law, and Justice. In addition, the mission had extensive discussions with Haim Cohen, Chief Justice, and other Justices of the Supreme Court of Israel.

On Sunday, November 14, the mission conducted an inspection tour of the Golan Heights and were provided informative briefings by General Avraham Orly, Military-Civilian Coordinator of the Occupied Areas and Lt. Col. Akiva Dan, Military Governor of the Golan. This was followed by a brief visit to the Gonen kibbutz, which was located in a valley near the Lebanese border.

The members of the delegation also had several informal meetings with U.S. Ambassador, Malcolm Toon, in order to acquaint themselves with the political, economic and social conditions in Israel and to discuss the Middle East situation in general, and U.S.-Israeli relations in particular.

In order to review the issue of the resettlement of Soviet Jews in Israel, a party led by Congressman Fish, ranking minority member

of the Immigration Subcommittee, traveled to Ben Gurion airport to observe the processing of Soviet Jews arriving from Vienna. Mr. Fish had the opportunity to speak with several of the 130 arriving Soviet Jews. On November 15, Mr. Fish visited the Edward and Mabel Byer absorption center outside of Jerusalem accompanied by officials of the United Israel Appeal (UIA). Mr. Fish had extensive discussions with absorption center officials as well as with Soviet Jews housed at the center.

MEETINGS WITH ISRAELI OFFICIALS

On the night of November 14, following the tour of the Golan Heights and the kibbutz visit, the study mission met for two hours in Jerusalem with Prime Minister Rabin. Earlier on November 12, they met in Tel Aviv with Ministers Allon and Peres. The views which were expressed by these officials on specific issues are set forth below.

Prospects for peace

Prime Minister Rabin, after describing in detail the hardships and sufferings experienced over the past 28 years, noted that "no people are more ready for peace than the people of Israel". He added that his government had left no "possibility for peace" unexplored, but that in doing so Israel has made substantial concessions over the years in exchange for mere "pieces of paper".

As a result, Mr. Rabin suggested that future peace negotiations should be based upon a policy of "tangibles for tangibles". In other words, it was his view that future territorial concessions by Israel must be accompanied by Arab commitments in terms of open borders, trade, tourism, and cultural relations. Mr. Rabin explained that past negotiations have resulted in Israel's surrendering of significant tangibles for only a "slight, small hope that we would advance the cause of peace". Mr. Rabin further supported a gradualistic approach with regard to the exchange of tangibles and expressed a desire for a time schedule noting that "we cannot do it all at once".

Concerning resumption of the Geneva Conference on the Middle East, Mr. Rabin said that Israel would impose no preconditions and that "we are ready to go based on initial letters of invitation" and with the original participants, namely the United States, Israel, Egypt, Jordan, and the U.S.S.R. (Syria was invited but was not a participant). Furthermore, Mr. Rabin questioned whether President Sadat was ready to negotiate a permanent peace since in the past "Sadat has only talked about ending the state of war". Mr. Rabin observed that "if Sadat wants peace, he will find a willingness on the part of Israel, but we want real peace."

There was some optimism on the part of all three Israel officials that Egypt's economic problems will force that country to devote increasing resources to economic and social development; and it is evident that a peaceful Middle East climate would enable Egypt to concentrate on its internal, economic difficulties.

Israel's position on the resumption of the Geneva Conference was reiterated by each of the Israeli leaders. They consistently indicated Israel's willingness to negotiate at Geneva based on the original letters of invitation, with the original participants and within the framework

of U.N. Security Council Resolutions 242 and 338. These resolutions, among other things, recognize the right of Israel to exist as an independent, Jewish state.

In fact, Mr. Allon explained that in September 1976 Israel offered to participate in a reconvened Geneva Conference in accordance with this position, but "we got negative replies" from the Soviet Union, Syria, and Egypt. Mr. Allon emphasized that Israel would "welcome negotiations" and added that "his job is to search for any ray of hope for peace". He also warned that President Sadat's earlier remarks to the delegation were for "public relations" purposes and that we should not be overly impressed with "lofty, public statements". He stated that "peace can be achieved only by negotiations and without prior conditions". He also accused President Sadat of slowing down the "momentum for peace" in the last year, and he expressed the hope that Sadat would "prepare the ground for revival" of that momentum.

When asked by the delegation how they and the Congress could be of assistance, Mr. Allon responded, "by calling on the parties honestly to negotiate with each other according to resolutions 242 and 338 at the Geneva Conference". On the other hand, Mr. Allon cautioned that "under no circumstances will we accept an imposed solution". He noted some previous differences of opinion between Israel and the U.S. and stated that "because one is strong and big and the other one is small and not that strong, it doesn't mean that always might is right".

Mr. Allon concluded by expressing his hope to meet with the new Administration in Washington "once they are ready to begin to talk to us".

Mr. Peres described the prospects for peace in the following manner:

> We do believe that we stand a fair chance gradually to come to peace with our Arab neighbors. That would be, in brief, the greatest possible way to restore our country.

The Defense Minister added that President Sadat's comments to the delegation were "not backed up by his actions" and that the Israeli people want true peace, not only a peace agreement. He also opined that the prospects were "good" for a total peace agreement for several reasons: (1) the high cost of arms; (2) the potential for destruction, even using conventional warfare; and (3) urbanization in the Arab countries which is causing an increasing emphasis on social and economic development.

More specifically, Mr. Peres stated that Israel, unlike Egypt, was ready for a third agreement in the Sinai because Egypt had been under severe pressure from the other Arab countries for negotiating Sinai I and II.

Mr. Peres proceeded to present two options for peace in the Middle East, one the "Lebanese option", the other, the "Israeli option". He noted that the "Lebanese option", which was based on "leniency", "mutual trust", "compromise" and "tolerance" was responsible for the current problems in that country. This option was contrasted with the "Israeli option", which in Mr. Peres' view "was never accepted fully by world public opinion". In his words, the Israeli option was necessary:

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So we shall be able to hand over to future generations a land of peace, with defensible borders, with a responsible government, with a clear destiny. Maybe the Lebanese generations for the last 40 years avoided the price, but they handed over a terrible heritage to their children. Maybe our generation paid a very heavy price, but, by God, I believe we hand over a good chance for peace and security.

Participation of PLO in peace talks

It was clear from discussion in Egypt, Israel, and Jordan that the primary obstacle to a reconvening of the Geneva Conference is the issue of PLO participation.

As noted above, the Israelis would welcome resumption of the Conference as originally constituted, which would in effect exclude PLO participation. On the other hand, both President Sadat and King Hussein indicated that PLO participation in a reconvened Geneva Conference was essential.

The Israeli officials distinguished the PLO from the Palestinian community as a whole and between the procedural and substantive issues surrounding resumption of the Geneva Conference.

Mr. Rabin stated, "we will not negotiate with the PLO since their policy is to destroy us . . . and their policy and philosophy is contradictory to the existence of Israel". Mr. Rabin added his preference for King Hussein as a "partner in the negotiation of the Palestinian question", because in his view the solution to this problem must be "linked with Jordan". In this regard, there were discussions with both Messrs. Rabin and Allon concerning the participation on the Palestinian people in the Geneva Conference as a part of the Jordanian delegation. Neither excluded that possibility. In discussing Arab pressures for the creation of a separate Palestinian State, Mr. Rabin noted that no such attempt was made between the years 1948 and 1967; nor was such an attempt made at the time the PLO was created in 1964.

Mr. Allon described the PLO as a roof organization of various splinter groups of terrorists which "has consistently denied the right of Israel to exist" and whose primary aim is "to eliminate my country and my people". He further maintained that the Palestinian question should be resolved by Israel and Jordan, with some form of participation by the other Arab countries. In this regard Mr. Allon added that an agreement on this issue should include representatives from the Palestinian community. In Mr. Allon's words, "Palestinians yes; PLO no". In support of this position, Mr. Allon explained that U.N. Resolutions 242 and 338 which were carefully negotiated instruments failed to include any references to the PLO or to the Palestinian people.

Mr. Peres described the PLO as a group of "divided and militant extremists" who advocated the "liquidation of Israel". He also reiterated the comments of Mr. Rabin that no effort had been made by Jordan between 1948 and 1967 to establish a separate Palestinian state on the West Bank and that the Palestinian people should "not put their destiny in the hands" of the PLO.

Defensible borders

While the Israeli officials indicated that their country was prepared to make territorial concessions, they stressed that Israel must have defensible borders or boundaries. Prime Minister Rabin specifically noted that Israel must have the capability of defending "itself by itself", and he expressed the hope that the issue of "defensible borders" is one that would be addressed in concrete terms by all parties.

Defense Minister Peres elaborated on the military problems associated with a return to the 1967 borders. In particular, he stated that such a concession would prevent Israel from properly defending its airport and borders and that we can give our children peace as our heritage only "by maintaining defensible borders."

Foreign Minister Allon also discussed this issue in some detail and indicated that a compromise could be reached involving major territorial concessions by Israel as long as strategic belts were maintained for the purpose of providing defensible borders. He explained that he would not envision annexation of the Arab populations in these strategic areas nor UN troops stationed there, since he did not believe there was any "reliable international mechanism that can guarantee the security of a country". Noting that Israel is the "only major nation on Earth that cannot afford a military defeat", Mr. Allon posed the question: "Why should our survival depend on the good will of others?" Mr. Allon then presented a detailed, historical justification for maintaining defensible borders. In fact he cited events which occurred during World War II and the Indochina conflict to support his theory that "countries have been conquered only by the occupation of [opposing] ground forces"; thus making geography and terrain "more important" now than during World War II.

Occupied territories

There were extensive discussions in Israel concerning the future of the occupied areas, with particular emphasis on the West Bank settlements and the problems attendant to territorial concessions in the Sinai and on the Golan Heights.

With regard to the Sinai, Mr. Peres stated that Israel is prepared to give back most of the territory, as long as Israel is provided a "land gauarantee against a sea blockade", consisting of a strip of land parallel to the Tiran Straight. Mr. Peres also indicated Israel's willingness to make some concessions on the Golan Heights.

Concerning the West Bank, Mr. Peres noted that there are "two minds in our country" concerning this area. One proposed solution is geographic, the other is political. While the former entails giving "most of the West Bank to Jordan", the latter involves a "political federation", or "conferedration" creating some form of joint economic and military control over the West Bank. In discussing these two proposals, Mr. Peres was careful to point out that he did not know "which opinion will enjoy the majority of our people or the agreement of the Jordanian Government".

Concerning the West Bank situation, Mr. Allon advised the delegation that he was "very much disturbed" by the U.S. statement of support November 11 joining the U.N.S.C. consensus statement which

criticized Israeli policies in the occupied Arab territories.[3] In his judgment, this action by the UN would "encouage the extremists" and could adversely affect the prospects for peace in the Middle East.

Although not described in detail during his meeting with the delegation, Mr. Allon's position on the West Bank was set forth in the September issue of *Foreign Affairs*. His proposal included: (1) Israeli evacuation of most of the West Bank and its demilitarization, except for Israeli control of strategic zones along the Jordan river; (2) use of the Gaza strip, demilitarized, as a port for the West Bank, with access along a prescribed route; (3) continued Israeli strategic control of the Golan Heights and of the desert zones between Southern Gaza and Al Arish; (4) substantial Israeli withdrawal from the Sinai except for Sharm el-Sheikh; and (5) continued Israeli control of Jerusalem.

Arab unity

The issue of Arab Unity was discussed with the Israeli officials and the mission was particularly interested in obtaining their views as to the impact of the Lebanese conflict on this question.

Mr. Rabin stated that there was no such thing as Arab unity "for constructive purposes". As examples, he cited the absence of common development projects in the Arab world as well as the failure of Saudi Arabia to provide adequate financial assistance to Egypt to enable that country to cope with its "real problems".

Mr. Allon, in his meeting with the delegation, noted that the Arab countries were divided on Sinai II and that President Sadat was "bitterly criticized by Syria, Iraq, Libya, and Algeria" for signing this agreement. He added that, "even Jordan kept quiet, and they are not bad neighbors . . . the only two Arab governments which did explicitly support Egypt's policy were Saudi Arabia and the Sudan".

In referring to the "great tragedy which took place in Lebanon", Mr. Allon expressed his hope that the resolution of that conflict by the Arab governments may open up "new opportunities" for peace in the Middle East.

Furthermore, Mr. Allon did not exclude the possibility of "new ideas" or of an Arab consensus concerning the "complicated problem" of the Palestinians, but he had previously warned that "there will be no solution without recognizing Israel . . . without giving us defensible borders".

U.S. assistance to Arab countries

The delegation inquired of the Israeli leaders as to their perceptions of what has been termed the U.S. policy of "evenhandedness" in the Middle East.

Mr. Rabin responded that he understood that "U.S. interests in the Middle East go beyond Israel" and he interposed no objections to U.S. economic aid to Egypt. He did feel, however, that the other Arab countries should be providing such assistance to Egypt, since they can "afford it better" than the U.S. Mr. Rabin did object to U.S. military assistance to the Arab countries noting that the U.S. has

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[3] At its 1969th meeting on November 11, 1976, the U.N. Security Council President made a statement on behalf of the Security Council concerning the situation in the occupied Arab territories. (See app. A for the text of the U.N. Security Council Consensus State S/11935.)

supplied arms to Israel in order to establish and maintain a balance of power in the Middle East and that U.S. arms sales to the Arabs would disrupt that balance.

Mr. Allon was sharply critical of a U.S. approach based on "even-handedness" terming it a "negative policy". He stressed that the U.S. should confine itself to "economic, not military development".

Mr. Peres indicated that the Arab countries are increasingly turning to the West for armaments, because they are better and more reliable than those produced by the Soviet Union. In addition, Mr. Peres carefully distinguished between U.S. arms sales to the Arab countries and such sales to Iran.

Soviet Jews

In addition to observing the deplaning and processing of Soviet Jews arriving in Israel and interviewing various Soviet Jews at an absorption center, the delegation had the opportunity of discussing at length the problem of Soviet Jewry with Foreign Minister Allon.

Mr. Allon referred to it "as the greatest Jewish problem . . . since the holocaust", but he added that he was not drawing any comparisons between the two situations.

After emphasizing that we can't "afford losing another important Jewish tribe" and describing the family separation that has occurred, Mr. Allon concluded:

> I consider this, as an Israel leader, the gravest problem, graver than the problem of peace in the Middle East; and I see no greater achievement in my lifetime than peace with our neighbors. It's a great human problem, very great.

Responding to a question concerning the effect of U.S. pressure on the Soviets, Mr. Allon said, "in the short term it may encourage the Russians to overreact negatively; in the long run this is the only hope to get them out".

Mr. Allon also criticized the failure of the Soviets to adhere to the Helsinki Agreement, which in his words was now "a dead document, another successful Soviet trick".

The delegation also discussed with Mr. Allon the various issues relating to those Soviet Jews with exit visas for Israel who "drop out" in Vienna and decide to relocate in countries other than Israel.

Regarding this situation, Mr. Allon stated, "as much as I would like to see them here more than any other place in the world, I would like first to see them out of Russia. As long as they are out of Russia, at least they are safe."

KNESSET COMMITTEE ON CONSTITUTIONAL LAW AND JUSTICE

The members of the Constitutional Law and Justice Committee of the Israeli Knesset are all lawyers as are the members of the House Committee on the Judiciary. They come from a variety of backgrounds and most of their legal training was obtained in law schools located throughout Europe and the United States. The committee is an important one because almost all legislation introduced in the Knesset is referred to it.

The members of the two committees discussed matters of common interest in view of the close parallels in the work of the Committee on the Judiciary and the Knesset Constitutional Law and Justice Committee.

There presently is no written Israeli constitution in contrast to that of the United States, however, it was stated that Israel is working toward a written constitution. Some members of the Knesset favor a written constitution similar to that of the United States while those supportive of the British system questioned this approach. In working toward a written constitution, the Knesset has endeavored to incorporate experience and procedure in laws which are described as basic laws which will ultimately provide the basis for a written constitution. On the basis of the statements made in the course of the discussions, it is clear that some members strongly favor the written constitution approach, including an express bill of rights such as that contained in our Constitution.

The subjects discussed by the Members included the Israeli approach to the death penalty which, as a practical matter, does not exist in Israel although such a penalty was previously applied to war crimes offenses. The Members also discussed the problem of international terrorism in light of the Judiciary Committee's recent consideration of legislation to implement the "Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance" and the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents" (P.L. 94–467). Other subjects discussed by the Members included the United States equal opportunity laws; gun control legislation; the non-jury procedure followed in Israeli courts; and the rights of privacy as regards computerized information and related governmental responsibilities.

The meeting with the Committee concluded with a visit to the Chamber of the Parliament and an explanation of Knesset procedures.

RESETTLEMENT OF SOVIET JEWS

Under the authority of the Migration and Refugee Assistance Act of 1962 and various State Department Authorization Acts, the U.S. Government has provided over $150 million to assist the resettlement of Soviet Jews in Israel and in other countries. The vast majority of these funds have been expended to aid the approximately 120,000 Soviet Jews who have resettled in Israel, the remainder being spent for the 23,000 who have resettled in other countries, primarily the United States.

In order to review the resettlement process, particularly the U.S. funded aspects of the program, Congressman Fish visited an absorption center; observed the deplaning and processing of Soviet Jews arriving at Ben Gurion airport; interviewed various Soviet Jews at the airport and the absorption center; and had extensive discussions with United Israel Appeal (UIA) officials. In an earlier visit to Israel to investigate this subject the staff of the Subcommittee on Immigration, Citizenship, and International Law visited the Rehovot Absorption Center and a mobile home park outside of Tel Aviv. The staff also

met with UIA officials as well as with officials of the Foreign Ministry and the Ministry of Absorption.

U.S. funds are provided, under a grant-contract arrangement between the Department of State and the UIA, for the purpose of care and maintenance of the refugees; training; construction of absorption centers; educational and medical services; and permanent housing.

Responsibility for the resettlement program in Israel is divided between the Jewish Agency for Israel and the Ministry of Absorption.

As can be expected, these two agencies have experienced a variety of problems in responding to the needs and concerns of over 100,000 Soviet emigrants. According to one official of the Ministry of Absorption, the most serious problems are: housing, employment, population dispersion, social integration, and language difficulties. Substantial sums of money have been expended over the years by the Jewish Agency to meet these problems since such mass immigration is essential to the "security and viability" of Israel. In the words of Zeleg Chinnitz, Director General, UIA "immigration is not just another program, it is the lifeblood of Israel".

It was evident in discussions with Israeli officials that the absorption of Soviet and other immigrants is one of the "greatest challenges facing that country today".

With regard to the dispersion problems, the Israeli government has created a variety of incentives (i.e., loans, tax exemptions, low cost housing) to better distribute the immigrant population.

The primary problem concerning employment is the absorption of the large number of highly-skilled and professionals into Israel's economy. As a result, every effort is being made by the Government and the Jewish Agency to alter the economic structure in order to accommodate this tremendous influx of "brain power". Directly related are the problems of language differences and qualifying to practice one's profession in Israel. Because of these difficulties, the academics-professionals are sent to an absorption center for intensive language training for a period of 5–6 months. During this time, extensive efforts are made to locate permanent housing and employment commensurate with the immigrant's training and experience. Statistics have demonstrated that approximately 75 percent of the immigrants do locate similar or related employment within 3 years and the percentage is further increased with the passage of time. Nevertheless, the remaining 25 percent are viewed as a serious problem and continuing efforts are being made to address this issue. The absorption centers also enable the immigrant to participate in a variety of religious, social, and recreational activities which facilitate the process of social integration and minimize the "culture shock" experience by the newly-arrived immigrant.

Other categories of immigrants, on the other hand, through the process of "direct absorption" are usually able to obtain employment and permanent housing within a few weeks of their arrival in Israel. According to one official, 50 percent are channeled through "direct absorption", 33 percent (namely the academics) through the absorption center and the remainder go directly to family and relatives in Israel. In this regard, dispersion is a particular problem for academics, since most job opportunities for this group are located in the major Israeli cities, such as Tel Aviv.

Jordan

SUMMARY OF ACTIVITIES

On November 13, the delegation departed from Ben Gurion Airport on a day trip to Amman, Jordan, in order to meet with King Hussein. Upon landing, the group was met by the Jordanian Minister of Information and Culture and, after a brief tour of the Citadel, proceeded immediately to the Royal Palace. While awaiting King Hussein's arrival, they received a thorough and informative briefing from U.S. Ambassador Thomas R. Pickering.

Following a one hour meeting with King Hussein, the delegation attended a luncheon hosted by Ambassador Pickering. Before returning to Israel in the afternoon, Messrs. Flowers and Fish participated in a brief press conference at the Amman airport.

MEETING WITH KING HUSSEIN

The major issues discussed during the delegation's meeting with King Hussein were: the West Bank problem; Palestinian refugees in Jordan and on the West Bank; the role of the PLO in peace negotiations; and Jordan's economy. Also discussed in detail were the respective roles of the U.S. and Jordan in the Middle East peace process. The views expressed by King Hussein on these subjects follow:

Prospects for peace

King Hussein stressed the necessity for resuming the momentum for peace in the Middle East and he reaffirmed the importance of "our good friends in the U.S.", in achieving a "just and durable peace". He warned that if there is no progress toward peace, there could be increased turbulence in that area of the world. A return to the approach of "step by step" diplomacy was impossible, according to Hussein, who suggested that "we must have positive and clear statements of intent by all parties" in order to develop the broad outlines for a comprehensive peace settlement.

He then referred to President Sadat's remarks to the delegation as "positive and courageous" and he called on Israel to match Sadat's "courage" by acting in "a positive manner." Such actions, he maintained, encourage moderation and hope among the Palestinian people. In this regard, he charged that Israel was responsible for several "lost opportunities" for peace, because of previous failures to act in a "positive" fashion.

Concerning a timetable for new U.S. initiatives, King Hussein stated, "we realize our U.S. friends need a little time", due to the recent Presidential election, "but we all need to move forward soon."

For his part, King Hussein assured the delegation that he will try to see that the Arab world "presents a coordinated, coherent, and comprehensive" approach to the Middle East problem.

The Palestinian problem

King Hussein emphasized the need for the direct involvement of the Palestinian people in the peace process and stated that it "would be a disaster" for Jordan to negotiate a compromise on the territorial questions without Palestinian participation.

In response to an inquiry from Congressman Flowers as to Jordan's position on the West Bank and Jerusalem, King Hussein repeated his familiar question: "Is it to be territory or peace?" He described his earlier efforts to negotiate a West Bank disengagement agreement with Israel following the 1973 war and he blamed Israel for "missing" this opportunity.

King Hussein presented Jordan's position which insists on a return to the 1967 borders. Although calling for a full Israeli withdrawal from the occupied territory, King Hussein did acknowledge the possibility of minor territorial adjustments or exceptions.

When questioned as to whether Israeli withdrawal was a precondition to reconvening the Geneva Conference, King Hussein responded, "we need the basic idea that this is where the process will end" but the actual timetable or the final result can be worked out during the negotiations.

Concerning the territorial issue, King Hussein commented that a final settlement required not only a West Bank linked to Gaza, but also "return of East Jerusalem to Arab Sovereignty." Under this plan, Jerusalem would become a "city of peace for all times to come". He added that this does not mean that Jerusalem would once again become "a divided city"; instead it would be a "meeting place" for all.

When questioned regarding representations of, and participation by, the Palestinians in peace negotiations, King Hussein emphasized that they must be involved directly in any lasting solution and the question of representation is an issue which must be resolved by the Palestinian people themselves. He noted, however, that the 1974 Rabat Conference made the PLO the sole representative of the Palestinians and gave that organization the exclusive responsibility for negotiating Palestinian rights and territories. He then repeated his assertion that the "Palestinian people must be given the right to self determination, without pressures from any side" and that a solution "must not be imposed by Jordan."

Discussion then ensued as to whether the PLO could participate in Geneva as a part of the Jordanian delegation. He indicated that Jordan alone could not agree to such an arrangement, but that it is a subject which is "open for discussion within the Arab world." It was evident from King Hussein's remarks that Jordan would not be a negotiating partner on the West Bank issue unless; (1) asked to do so by the Arab world; and (2) the Palestinian people are represented in some form, since in his word, they "must be partners in any solution."

With regard to the international image of the PLO, King Hussein said the world should not equate the actions of a few extremists with the rest of the Palestinians who are "responsible, coherent representatives." It was clear that there is a concern of leadership in the Palestinian community as a result of the Lebanese conflict and King Hussein remarked that the Palestinians cannot afford to let the poor leadership of a few reflect badly on their just cause. He added that "it may not be long" before they obtain an effective, responsive, and representative leadership, but that this is a responsibility which lies with the "Palestinian people themselves."

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Economic conditions

The meeting concluded with a brief discussion of the economic situation in Jordan. King Hussein was optimistic concerning future economic development and he noted that efforts were being made to reduce military expenditures in order to increase public services throughout Jordan. He also expressed his hope that the natural resources of Jordan, which include phosphates, natural gas, magnesium, and copper could be developed more fully. King Hussein also said that Jordan was becoming more attractive to foreign business and it was apparent that the Jordanians are anxious for Amman to become a major commercial center in the Middle East.

Consequently, for Jordan there are obvious economic, as well as political benefits, that would flow from a Middle East peace. In fact, King Hussein referred to the substantial, domestic, political problems created by the West Bank issue, which caused Jordan to postpone its parliamentary elections earlier this year.

In short, Jordan's interest in economic development, and the economic advantages that would result from a normalization of relations, or a unification of the East and West Banks have created strong incentives for peace in that country.

V. Refugee and Consular Matters

During the trip the delegation discussed with State Department officials and foreign governmental officials the problem of refugees and with consular officers their various statutory and nonstatutory functions. In particular, the following duties performed by consular officers were reviewed:

1. The issuance of immigrant and nonimmigrant visas under the Immigration and Nationality Act.
2. The provision of welfare and protection services for United States citizens, including: assisting Americans involved in serious accidents or emergencies; visiting Americans detained in jail; locating lost relatives; and distributing Treasury checks and performing investigative and other services on behalf of the Social Security Administration.

In addition, the activities and programs of the United Nations High Commissioner for Refugees in Egypt and Kenya were considered. The results of the briefings and discussions in each of the countries visited are set forth below:

Egypt

The refugee population in Egypt has been rather constant and numbered approximately 4,000 at the beginning of this year. This group includes: Ethiopian and Somali refugees, stateless Armenians and some European refugees. The UNHCR expended $366,000 in 1975 and $448,000 in 1976 in order to provide medical care, educational services, housing and rent subsidies and other forms of relief assistance to the aforementioned refugees and to needy refugee students from Southern Africa.

Many of the refugees in Egypt who had previously been locally integrated on a self-supporting basis are no longer able to support themselves. This has been compounded by advancing age, the increased cost of living, scarcity of employment opportunities and the need for more frequent medical care.

In order to respond to these problems, the UNHCR has provided increased annuities and old age homes in behalf of, primarily, the European and Armenian refugees and has financed monthly allowances, rent subsidies, housing, establishment grants, medical care, relief and scholarships. Projects for the local settlement of refugees and for the resettlement of those who can be moved abroad are also pursued. African students of various origins are granted educational and medical assistance, including language and vocational training, rehabilitation courses and assistance in meeting hospitalization costs. These activities are primarily in support of local integration projects. Supplementary aid is provided for particularly needy persons, including a number of newly arriving refugees who are destitute and in need of considerable medical care.

There are also some 150 refugee students from Southern Africa who, due to poor health and substandard living conditions, are in need of continuing assistance. The Government of Eygpt has provided scholarships and other forms of educational assistance in order to alleviate the numerous hardships confronting this class of refugees.

In discussions with Ambassador Eilts three additional categories of refugees were described. The first group includes refugees from the Suez Canal who resettled in Cairo at the time of the 1967 war. A large number have been or will be returned to the Suez Canal area; while an estimated 7,000 to 8,000 will likely remain in the Cairo area. The second group are the Palestinian refugees, who do not reside in the various refugee camps which have been established. Most of the 20,000–25,000 such refugees are from the Gaza Strip which was under Egyptian administration until the 1967 war. This group has experienced some difficulties in assimilating and, as a result, frictions have developed between these refugees and the local inhabitants. The last category of refugees are those Lebanese who fled from that country prior to or during the recent conflict. Approximately 30,000 to 40,000 of these refugees have been settled in the Alexandria and Cairo area.

In fact, one U.S. consular officer indicated that a large number of Lebanese refugees had been applying for and receiving B–2 visas in order to visit the United States. It was indicated that procedures for the issuance of these visitors' visas had been recently tightened up due to several mala fide applications. Nevertheless, one consular officer stated that one-half of her nonimmigrant visa (NIV) case load on any particular day may involve applications submitted by Lebanese natives.

In another discussion with Interior Minister Fahmy, it was indicated that Palestinians are not considered refugees in Egypt. Those who do qualify as refugees generally possess the same rights as Egyptian citizens, but they are limited with regard to participation in the Egyptian political system.

Palestinian Refugees

The problem of Palestinian refugees was also discussed with U.S. and foreign officials in Egypt, Israel, and Jordan. The primary responsibility for assisting these refugees rests with United Nations Relief and Works Agencies and Palestine Refugees in the Near East (UNRWA).

The original mandate for UNRWA is found in General Assembly Resolution 302 (IV) of December 8, 1949 which establishes that agency as a successor to the United Nations Relief for Palestine Refugees Organization, to provide humanitarian services to the Palestine Arab refugees displaced by the hostilities of 1948. Subsequently, this mandate was expanded through General Assembly Resolution 2202 of July 4, 1967 and additional annual resolutions to embrace more recent dislocations of population in the area. Instrumental in the formation of UNRWA, the United States has maintained a strong interest in the organization owing to its political significance as well as its humanitarian value.

That Agency has concentrated its attention on qualified, registered refugees whether residing in camps or outside of established refugee

centers. The refugees benefiting from the services of UNRWA does not include all Arab refugees, nor all Palestinian Arabs. UNRWA concentrates the bulk of its resources upon educational activities and vocational training; secondarily upon the dispensing of foodstuffs such as flour, rice, sugar and cooking oil; and finally upon basic health services.

It has been estimated that there are about 3 million Palestinian refugees approximately one-half of whom are officially registered with UNRWA. The registered refugee population is distributed throughout the Middle East as follows:

West Bank	296,268
East Jordan	644,669
Gaza	339,824
Lebanon	198,637
Syria	188,447
Total	1,667,845

As of June 1976, there were 463,316 officially registered refugees in UNRWA camps, with a total camp population of 651,736. At that time there were 62 regular UNRWA camps, and 10 additional camps had been established to handle emergent refugee situations.

The United States Government has continued to maintain a strong interest in UNRWA's operations and on several occasions has urged other countries to increase the amount of their contributions.

In conversations with Ambassador Pickering, it was indicated that UNRWA's activities are very important to Jordanian stability and the overall Middle East peace process, especially in view of the large numbers of Palestinian refugees and displaced persons (Jordanian citizens who formerly lived on the West Bank) who now reside in Jordan.

The hostilities in Lebanon have disrupted UNRWA activities not only in that country but throughout the Middle East because of the location of UNRWA's headquarters in Beirut and the interruption of supplies normally transiting Beirut. The scope of the conflict within the Lebanese capital eventually forced UNRWA to relocate its headquarters. The sections directly concerned with field operations were moved to Amman, Jordan, while the other parts of the headquarters operations were temporarily located in Vienna with the expectation that they would be reunited in Amman by the end of 1976 or soon thereafter.

Even were there no warfare in Lebanon, UNRWA would have an increasingly serious problem reconciling its obligations with its income. The statistics below present a graphic picture of this problem.

[In millions]

	Expenditures	Income
1973	$62.5	$58.6
1974	88.1	89.2
1975	111.8	113.6
1976	125.0	[1] 113.8

[1] Estimate.

For 1975, contributions by governments, UN agencies and nongovernmental sources plus miscellaneous income amounted to $113,578,000 while expenditures totaled $111,809,000. This small excess of income over expenditures for 1975 had to be applied to advance for January 1976. Only the payment of some arrearages as well as early transmission of some 1976 contributions prevented insolvency.

The U.S. contribution to UNRWA were $29.4 million for 1974 and $42 million for 1975, and a total of $38,700,000 was pledged for 1976. Over the past decade the United States contribution to UNRWA has averaged $23 million per year which constituted over 50 percent of the total amount contributed by all governments.

Other major contributions in 1976 (those giving $1 million or more in cash and/or commodities) are as follows:

Canada	$3, 597, 245
Denmark	1, 547, 882
EEC	15, 233, 483
France	1, 306, 324
FRG	3, 301, 339
Israel	1, 092, 383
Netherlands	1, 815, 838
Norway	1, 980, 170
Saudi Arabia	11, 200, 000
Spain	1, 000, 000
Sweden	6, 069, 445
Switzerland	6, 725, 171

UNRWA will begin the new year with serious financial problems, but with its administrative structure and refugees services essentially intact. Should order be restored in Lebanon, UNRWA will be in good shape to resume operation there and to begin to restore facilities destroyed in the fighting.

Kenya

The refugee problems in Kenya are similar to those confronting several other African nations as the result of hostilities, revolutions and political turmoil on that continent.

At the end of last year the refugee population in Kenya was estimated by the UNHCR to be approximately 2,500, including refugees from: Mozambique, South Africa, Nambia, Southern Rhodesia, Uganda and Ethiopia. In fact, most of the increase in refugee numbers for 1975 was due to the large number of urban refugees from Ethiopia and this movement has continued during 1976.

The delegation had the opportunity of discussing the refugee problem in Kenya with Usunah Kadry who is the chief of the UNHCR branch office in Kenya.

Mr. Kadry explained that the UNHCR is not an operational agency, but instead finances projects which are administered by various church agencies in Kenya. UNHCR funds have been used to support a variety of refugee services in Kenya, including: resettlement support, counseling services, educational services, medical services and vocational and language training.

It was indicated that Kenya is a signatory to the UN Protocol on the Status of Refugees which obliges a country to prevent the return of a refugee if it is determined that such refugee would be subject to political persecution in his home country based on "race, religion,

nationality, membership of a particular social group, or political opinion."

Mr. Kadry described in detail the nature of the traditional UNHCR mandate and the capacity of the UNHCR to use his "good offices" to provide assistance for displaced persons rather than refugees who have fled their native country.

It was indicated that the primary function of the UNHCR is to enable the refugees to "become self-sufficient" and the Kenyan Government has also provided various forms of humanitarian assistance in order to advance this objective.

Mr. Kadry then described in detail UNHCR efforts to "de-politicize" the refugee issue and recounted the various difficulties his office has experienced in accomplishing this goal. In this regard, he noted that the Constitution of the Organization of African Unity (OAU) specifically states that the acceptance of refugees is "not an unfriendly act" toward another nation.

Mr. Kadry explained further that each refugee case is examined individually on its own merits without regard to outside pressures and that in all cases the applicant for asylum or assistance is given the benefit of the doubt.

The UNHCR allocations for refugees in Kenya for 1975 was approximately $356,000 and for 1976 approximately $200,000 to $300,000.

Spain

The delegation was surprised to learn in Madrid that a large number of Cuban refugees are still being admitted into the United States under the Attorney General's parole power set forth in section 212 (d)(5) of the Immigration and Nationality Act. It had been the Judiciary Committee's impression that this program had been terminated, and it is recommended that these refugees be processed in the future under the regular provisions of the Immigration and Nationality Act. This action should be taken, particularly in light of the recent enactment of P.L. 94–571 which authorized conditional entry (refugee) numbers for Western Hemisphere refugees.

Lebanon

It was judged that a current assessment of the Lebanese situation was essential to complete a Middle East survey. Hon. Hamilton Fish travelled to Geneva, Switzerland, on November 22/23, 1976, where he met with Roger Gallopin, President of the Executive Board of the International Committee of the Red Cross (ICRC) and several of his senior operational officials, as well as Jay H. Long, Senior Officer of the United Nations Office of the Under-Secretary-General for Political and General Assembly Affairs. The United Nations Coordinator of International Relief for Lebanon is responsible to this office for its operations.

On February 26, 1976, the United Nations Secretary General, at the request of the Government of Lebanon, addressed an appeal to the international community to respond to the urgent humanitarian needs created by the tragic conflict in that country. Shortly after that appeal the calm that prevailed was broken and heavy fighting resumed, severely curtailing the level of relief activities. Recent developments,

however, appear to make it possible for the resumption of larger scale relief efforts.

An ICRC survey places the population in need at 1,364,000 of which 764,000 are described as in total need (displaced persons, including families whose homes have been destroyed and those whose "breadwinner" has been killed or disabled) and of which 600,000 have a head of family without work due to the conflict. The Lebanese government estimates there may be an additional 336,000 chronic poor and needy in areas not surveyed.

It was pointed out that all types of assistance were required immediately, with the greatest needs being: food, medicine, shelter and clothing.

Existing resources to respond to the problem included an allocation of all funds available in the Secretary-General's Trust Fund for Assistance to Lebanon for medicine, blankets, clothing and shelter materials. With respect to the Trust Fund, the sole contribution actually received at the time was the $1,000,000 provided by the United States Government which was immediately allocated to respond to these needs.

Local distribution of relief supplies was made possible through the remarkable efforts of the International Committee of the Red Cross which coordinated maximum utilization of supplies totalling $14.3 million from all donors.[4]

The need for a comprehensive survey however exists since there remains a serious lack of detailed information regarding the total population affected, their location and specific needs. It is anticipated that this survey will be undertaken by the inter-agency cooperation of UNHCR, UNICEF, WHO, FAO, ICRC in cooperation with the Lebanese government, and major donors.

It is foreseen that the Coordinator of Humanitarian Affairs of the Department of State will follow closely all developments relating to this relief effort.

While in Geneva, Congressman Fish availed himself of the opportunity to attend the 40th Council Session of the Intergovernmental Committee for European Migration on the occasion of its 25th anniversary. In addressing the international delegations to the Council, Congressman Fish emphasized the significant role played by the U.S. Congress in organizing the Brussels conference which led to the founding of the Committee and reiterated the support of the United States Government for ICEM's activities in facilitating the movement and resettlement of refugees.

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[4] For more detailed information concerning ICRC and U.N. efforts in Lebanon see appendix D.

VI. Claims

International Agreements Claims and Claims Settled Under the Claims Provisions of Title 10, United States Code

In the course of the visit to Germany and Spain, the Members received information relating to claims arising out of the activities of United States military and naval forces. In the 94th Congress the committee considered and reported the bill H.R. 7896 amending provisions of title 10, United States Code, so as to fully implement international claims agreements entered into by the United States. The bill passed both Houses of Congress and was enacted as Public Law 94–390. The agreements to which this legislation relates are typified by those entered into with foreign countries in connection with Status of Forces Agreements such as those with NATO countries and also the recently concluded bi-lateral agreement with Spain.[1]

The claims statutes with which claims offices of United States Armed Forces deal in the majority of claims against the United States processed in Europe are:

(1) Military Personnel and Civilian Employees' Claims Act, 31 USC 240–243.
(2) Military Claims Act, 10 USC 2733.
(3) Foreign Claims Act, 10 USC 2734.
(4) International Agreement Claims Act, 10 USC 2734a.
(5) Emergency Payments Act, 10 USC 2736.

To a lesser extent, the Armed Services in Europe receive and process claims against nonappropriated funds, which are considered Government instrumentalities and even occasional claims under the Federal Tort Claims Act for incidents occurring within the United States or international waters. Other statutes less commonly used include the use of Government Property Claims Act, 10 USC 2737, Meritorious Claims Act, 31 USC 236, Admiralty Claims Settlement Act, 10 USC 9801, 9802, 9806 and Article 139 of the Uniform Code of Military Justice, 10 USC 939.

For claims in favor of the United States, the Federal Claims Collection Act, 31 USC 951–953 and Federal Medical Care Recovery Act, 42 USC 2651–2653 provide significant statutory authority for effecting collection in behalf of the Government.

The principal information concerning military claims was supplied to the Members by the Air Force. However, the information concerning that Service typifies the procedures of the other Services and demonstrates the cooperation between the Services in claims processing and settlement. Under the decentralized Air Force claims program,

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[1] The administration of claims matters under the treaty are provided for in section II of the implementing agreement relating to that treaty. The text of this agreement, "Agreement in Implementation of the Treaty of Friendship and Cooperation Between Spain and the United States of America of January 24, 1976," was requested and supplied to the Members and is set out as app. C at p. 48.

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authority has been delegated to various United States Air Force Europe (USAFE) organizations for payment of claims, as follows:

Statute	Base	FCC	HQ USAFE
Military Personnel Claims Act	$2,500	NA	$10,000
Military Claims Act	2,500	NA	5,000
Foreign Claims Act	NA	$2,500	25,000
		[1] 25,000	
Fed Med Care Rec Act	5,000	NA	15,000
Advance emergency payments	1,000	1,000	1,000

[1] $7,500 to $25,000 with USAFE approval.

The amount delegated to field organizations has been steadily increased for many years, the most recent increase becoming effective on July 1, 1975. The authority of each Foreign Claims Commission (FCC) established under the provisions of 10 USC § 2734, is dependent upon whether it is a one man ($2,500) or three man ($25,000) commission. No increase was necessary for approval of claims under the International Agreement Claims Act as the authority of USAFE is unlimited in the amount of this type claim. Available Air Force funds are not, of course, since specific amounts are appropriated annually for payments under our treaty obligations for such claims. It should be emphasized that delegated approval authority for payment of claims under the various claims statutes depends upon the amount justified by the facts of the claim and not on the amount which is claimed. However, if a claim is to be totally or substantially disapproved, the amount which is claimed determines jurisdiction for final rejection of the claim.

In USAFE claims are investigated and processed at the twenty-nine Air Force bases which have judge advocate legal offices as well as through Military Advisory and Assistance Groups (MAAGS) or Defense Attache Offices (DAO). Hessisch-Oldendorf, which opened this past spring in northern Germany near Hanover, accounts for the addition of one base to those processing claims. Every investigation is conducted by or under the supervision of a claims officer who, at each USAFE judge advocate office must be a lawyer. At the Military Assistance (MAAG) and Defense Attache Officer (DAO) offices the claims officer may not be a lawyer but he often has legal training. After investigation by MAAG or DAO, claims must be forwarded to the nearest Staff Judge Advocate for approval. General supervision over the widespread claims operation extending throughout Europe, Africa and the Middle East is exercised at Headquarters U.S. Air Forces Europe at Ramstein, Germany (USAFE), both through the Directorate of Claims and the Staff Judge Advocate. Training and education through information, claims letters, phone calls, audits, conferences and staff assistance visits are the most important aspects of Armed Forces claims responsibility. Close and frequent contact with claims offices in the field are stressed as the best way to stimulate and sustain interest in efficient claims administration and reduce the losses resulting from error or ignorance.

The Air Force does not investigate all Service claims arising in Europe. The Department of Defense has assigned responsibility in different countries to each one of the US military services for the

investigation of claims generated by any of the Services. The assignment was made in consideration of the amount of the claims producing activities and manpower of the chosen Service in the particular country. This is called assignment of "single service" claims responsibility. The Air Force has responsibility in the United Kingdom, Luxembourg, Denmark, Norway, Saudi Arabia, Greece, Libya, Spain, Turkey and the Netherlands for settlement of claims generated by the activities of any of the US military services except those arising under the Military Personnel and Civilian Employees' Claims Act and the Admiralty Claims Act. The Army and Navy likewise have single service responsibilities. Thus, the Army responsibility includes Germany, France and Belgium, and the Navy has Portugal, Italy and Ethiopia. Single service assignment to one service does not mean the other Services have no claims responsibilities in the assigned country. For example, the Air Force processes claims by Air Force military and civilian personnel wherever located, and investigative assistance is provided by the nearest Air Force claims office to the scene of an accident or incident involving an Air Force activity. In Germany, where the Army has single service obligations, the Air Force conducts extensive investigations into causation and damage in aircraft crashes, automobile accidents or other incidents involving Air Force personnel. While the Air Force spends no claims money in these countries and opens no claims in its computer system in such cases, it nevertheless does a great deal of legal work and fact gathering in the investigation and reporting of the incident and in the process endeavors to promote and maintain good public relations. The Members were advised that notable success has been achieved in the single service processing of claims in Europe, and there has been close cooperation between the Services in claims matters.

AIR FORCE CLAIMS SETTLEMENT

Where the Air Force has single service responsibility and in those countries where single service responsibility is not assgned to any service, it uses foreign claims commissions to discharge its responsibilities under the Foreign Claims Act [2] and sending state claims officers to perform claims settlement duties under the International Agreements Act.[3] There are three man commissions in Mildenhall, England; Athens, Greece; Torrejon, Spain; Ankara, Turkey; and Ramstein, Germany with one man commissions in Holland and Oslo, Norway. The commission in Oslo also covers foreign claims matters in Denmark. The Ramstein Foreign Claims Commission is unique since it is the only one of these with geographical jurisdiction outside of the country in which it is physically located. The provisions of section 2734 of title 10 give statutory authority to the Services to settle claims of foreign nationals based upon damages or injuries caused by U.S. military personnel, both on and off duty. However, in NATO countries and other countries with Status of Forces Agreements governing settlement of claims arising from on duty acts of military personnel, those agreements govern settlement rather than section 2734. Accord-

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[2] 10 U.S.C. 2734.
[3] 10 U.S.C. 2734a.

ingly, the statutory authority of foreign claims commissions in section 2734 is utilized in those countries to pay claims caused by U.S. servicemen when the service member was not acting within the scope of his duties. However, the Ramstein commission occasionally considers "scope" claims arising elsewhere. One of these recently involved payment for damage caused by an Air Force officer involved in an automobile accident in Russia while on duty at the American Embassy.

SETTLEMENT OF CLAIMS UNDER STATUS OF FORCES AGREEMENTS

International Agreement or "NATO" claims are processed by Air Force Sending State Claims Offices which are located at Air Force legal offices in England, Turkey, Greece, Netherlands, Norway and Spain with two in Germany. One of the Sending State Offices in Germany is responsible for the NATO country of Luxembourg and the other, located at Headquarters USAFE, services Denmark. United States Air Forces Europe Sending State Office utilizes a Naval officer asssigned to the Office of the Defense Attache in the American Embassy in Copenhagen as a point of contact for liaison and claims investigations, since there is no Air Force installation in that NATO country.

The procedure for handling NATO claims and those covered by similar agreements is provided in the terms of the treaties. Briefly, the claim is investigated by the receiving state, or host country where another NATO force or member thereof is present. A typical example would be where an Army vehicle driven by a member from a US NATO unit stationed in Germany is on maneuvers in Denmark and the driver negligently causes damage to a Dane. Denmark is the host or receiving state and, because the Air Force has single service claims responsibility for Denmark, the Sending State Office is Headquarters USAFE at Ramstein. Danish Government officials would investigate and process the claim according to the treaty in the same manner as it would a claim for damage caused by Danish Armed Forces. A more limited U.S. claims investigation would be made by the designated Naval Officer at Copenhagen under the supervision of Headquarters USAFE. Upon completion of its investigation, if the Denmark Receiving State Claims Office believes the claim should be paid, it will propose payment to the U.S. Sending State Claims Office, which has 60 days in which to object. If there are no objections, the claim is paid by the Danish office responsible in local currency and the claim is included in a semi-annual NATO bill to USAFE. Such a bill will be for 75 percent of the amount paid in such claims, 25 percent being paid by Denmark, the receiving state.

The Members were advised of funding difficulties in fiscal year 1974. In that year, nearly $100,000 payment of NATO bills was deferred by USAFE at the direction of Headquarters USAFE due to a claims fund shortage. Instead, priority was given to payment of personnel claims by U.S. personnel. The bills were paid soon after the beginning of Fiscal Year 75 without objection from the four countries concerned. In each case the US Sending State officials made certain that their receiving state counterparts would not actually raise objec-

tion to the delay in payment which in some cases was as much as six months. In Fiscal Year 1975 there was again embarrassment at having to delay payment of NATO bills. It proved awkward to tell Ministers of Finance of some of our NATO Allies that we couldn't pay our bills on time. This year (Fiscal Year 76) no problems arose with regard to timely payment of NATO bills. (While claims monies were not in constant supply, the timing of bill submissions by the treaty countries did not confront the Air Force with the necessity to defer.)

In general, few serious problems have arisen recently in the NATO claims area. Since receiving states claims offices handle claims through the same officials, laws and procedures which are used in claims by their own Armed Forces and pay twenty-five percent of any award, there are adequate safeguards concerning claims payments. As an additional safeguard, the U.S. investigation insures that the facts behind the claim are correct and that causation and legal liability has been established. Although the U.S. is not authorized to pay the overhead or administrative expenses of the host state as part of the semi-annual bill, the bills properly include amounts for property appraisals, medical reports and damage surveys as part of a claim.

A significant problem previously involved a deficiency in the International Agreement Claims Statute, Section 2734a of title 10, concerning the full implementation of United States treaty obligations as to U.S. responsibility for claims settlement in the implementing statute. In the 94th Congress, this was corrected by the enactment of H.R. 7896 into law. This bill was originally considered by the Committee on the Judiciary and was approved on August 19, 1976, as Public Law 94–390. The international agreements referred to in the statute provide that the receiving state shall investigate, settle, adjudicate and make final awards direct to claimants when the claim arises out of the acts or omissions of members of a force or a civilian component of the pending state done in the performance of official duty or when the claim arises out of other acts, omissions, or occurrences for which a force or civilian component is legally responsible under local law. Under the original statute, only damages arising out of "acts or omissions" of civilian employees or U.S. servicemen could be reimbursed. The amendment added by Public Law 94–390 to this claims statute allows payment for damage or injury when the U.S. is legally responsible. The statute now fully implements the treaty obligations and has broadened the basis of payment to include owner's liability and other similar liability. The provisions of SOFA or other treaty provisions impose legal liability under local law where that law provides liability in addition to liability imposed upon the United States due to acts of its authorized agents and Armed Forces members. Thus, a NATO host government may legally pay such owner liability claims and bill the U.S. for its pro-rata share. The new law will permit U.S. payment for claims paid on this additional ground of local responsibility. The Members were advised that the new law will streamline international claims processing especially in Turkey where Turkish military members often drive U.S. vehicles.

The Foreign Claims Act is an important remedy in USAFE claims processing. Air Force claims personnel urged that the commission method of settlement be modernized. Foreign claims commissions in

the Air Force process claims only under the Foreign Claims Act. It was pointed out that the duties of the members could be handled as easily by either a Base Staff Judge Advocate or by Headquarters USAFE depending upon the amount to be approved. The commission settlement system was used in World War I and was designed for use by non-lawyer commissioned officers.[4] The Air Force uses only Judge Advocate commissioned officers as members of these commissions to settle claims (all Judge Advocates must be lawyers). The committee was advised that such a procedure is cumbersome and could be expensive especially if a commission member is located at some distance from the other members. Since one member normally does all the work on the claim, he must discuss it with the other members by telephone or personal meeting, resulting in a possible delay in signing the final opinion.

Expenditures for Claims Settlement Under NATO-SOFA and the Foreign Claims Act Provisions of Section 2734 of Title 10

NATO and Foreign Claims expenditures by USAFE for Fiscal Year 1974, 1975, 1976 and 1976T are as follows:

Fiscal year	NATO claims	Foreign claims
1974:		
Amount	$47,865.18	$61,882.90
Number of claims	264	137
1975:		
Amounts	[1] $185,225.96	$121,534.66
Number of claims	469	110
1976:		
Amounts	$98,399.32	$89,769.31
Number of claims	437	161
1976T:		
Amounts	$13,861.41	$68,631.91
Number of claims	40	51

[1] The comparatively high payments for fiscal year 1975 for NATO claims results, of course, from the deferment of payments of these bills in fiscal year 1974 as previously stated in this report as a result of shortages of claims funds.

Claims expenditures generally for fiscal years '74, '75, '76 and '76T are as follows:

	Fiscal year—			
			As of Sept. 28	
	1974	1975	1976	1976T
Personnel claims	6,843	7,260	7,676	2,113
Expended	$1,546,447.45	$1,789,145.37	$2,035,230.38	$554,400.72
Foreign claims	137	110	161	51
Expended	$61,882.90	$121,534.66	$89,769.31	$68,631.91
Military Claims Act	262	208	164	47
Expended	$14,210.99	$11,227.04	$11,728.43	$4,228.66
International agreement claims	264	469	437	40
Expended	$47,865.18	$185,225.96	$98,399.32	$32,861.41
Total expended	$1,670,406.52	$2,107,133.03	$2,235,127.44	$641,122.70

The greatest sums paid in USAFE involve claims brought by military personnel and civilian employees. By contrast, claims payments

[4] See the discussion on the history of the International Claims Act provisions of Section 2734a in House Report No. 94–543, 94th Cong., 1st Sess., which is the report of the House Committee on the Judiciary which accompanied H.R. 7896.

under the Military Claims Act are low in that command. The USAFE approval authority for this type claim until February 1975 was limited to $2,500. It has now been increased to $5,000 for Hq USAFE. The bases may pay up to $2,500. The approval authority for settlement of this type claim in Europe is still low while many claims in this category are in large amounts for negligent bodily injury or death and would be settled under the Federal Tort Claims Act (FTCA) if the incident occurred in the United States. The committee was advised that the delegated authority of a major command such as USAFE under the Federal Tort Claims Act is $15,000. It would appear that similar authority under the Military Claims Act could be handled responsibly and efficiently by major commands like USAFE. This would achieve the desirable result of prompt disposition of claims satisfactorily at the lowest possible level.

MILITARY PERSONNEL AND CIVILIAN EMPLOYEES CLAIMS ACT

The Members were interested in matters relating to claims settlements in Europe under the Military Personnel and Civilian Employees Claims Act. This law originated as a bill before the committee and was amended in the 93rd Congress by legislation processed by the committee. Under an amendment which was effective in October 1974, the maximum authority for approval of claims for losses or damage of personal property by military and civilian personnel incident to their jobs was raised by Congress from $10,000 to $15,000. These "incident to service" type claims are processed in accordance with standard rules and limitations which include depreciation schedules and tables of maximum allowances. As to the Air Force, these are prescribed by Chapter 6, AFM 112–1. This means that there are limitations on the amount and type of property losses for which the Government will pay. Therefore, the Government does not act as an insurer in a complete sense. Most claims under this statute arise out of transportation losses under permanent change of station orders. The following table shows the numbers of claims and amounts of settlements in the years 1974–1976.

NUMBERS OF CLAIMS PROCESSED AND THE AMOUNT EXPENDED BY USAFE

Fiscal year	Ordinary personnel claims (damage and loss suffered incident to service but not involving moves)	Personnel transportation claims (damage and loss suffered in connection with moves)
1974:		
Number of claims	1,204	5,639
Amounts	$169,827.16	$1,375,856.44
1975:		
Number of claims	1,410	5,850
Amounts	$224,484.57	$1,564,660.80
1976:		
Number of claims	1,542	6,134
Amounts	$327,193.77	$1,708,036.61
1976T:		
Number of claims	376	1,737
Amounts	$82,250.49	$472,150.23

While most personnel claims arise out of transportation losses, a substantial number arise as a result of thefts, fires and natural catastrophes. The rapid processing of all claims is attempted to maintain the morale of personnel and to promote harmonious public relations. Prompt and equitable payment of personnel claims is a positive step in alleviating significant individual hardships and for military personnel, failure to make such payments is an irritant that could impair individual effectiveness and result in a diminished desire for a military career.

To expedite the processing of claims, the Claims Office of Headquarters, USAFE requires a detailed explanation whenever longer than 30 days to process and pay any claim processed under the Military Personnel and Civilian Employees Claims Act within the Command. In fiscal year 1974 the average processing time throughout the Command for personnel transportation damage claims was reduced to 21 days. In fiscal year 1975 the average processing time was reduced to 13 days for claims of this type with only 9 days required for such claims involving damages to privately owned vehicles. In fiscal year 1976 the processing times were reduced even further to 10 days and 6 days, respectively. The speedy processing of claims is to be accomplished without any deterioration in the quality and thoroughness of claims.

The Air Force stated that its purpose is to achieve this through better methods and increased knowledge so that settlements are made in a manner which is not inconsistent with quality claims work. As in all claims settlements the goal is to act in a manner which is fair to the Government as well as to claimants.

The Air Force claims personnel in Germany stated that they were pleased to see the increase in approval authority under the Military Personnel and Civilian Employee Claims Act from $10,000 to $15,000. It was further indicated that while exact statistics were not available indicating the number of claims approved in the past by USAF in excess of $10,000 under the statute but not paid due to the previous limit, it was and continues to be substantial. These claims can arise when a member's household goods are destroyed through warehouse fire, ship sinkings and similar accidents. Even under the limitations imposed by the regulations, because of inflation, the amount of damage will often exeed the $15,000 amount now fixed in the amended law. It was suggested that the committee give consideration to allowing payment of the amount fixed under the regulations for verified losses be permitted in future legislation in the same manner as is provided in other claims statutes.

The Air Force reported that its carrier recovery program has been and continues to be emphasized. Under the carrier recovery program, the Air Force, and the other services in their areas of responsibility collect monies due the United States from the Household goods carriers who caused damage or loss to servicemen's property. This program has visible and tangible results. To promote the program, based on the ratio of claims dollars paid out to those recovered from carriers, a percentage is computed and each Air Force base is ranked against the other. This has fostered a spirit of competition which the committee Members concluded is healthy to the program. It provides an incentive to claims personnel and the monies so recovered are used

to pay USAFE claims rather than go back to the general treasury. While European recovery rates will always be lower than those of CONUS commands as the bill of lading (GBL) liability is one half of that in the CONUS. The Air Force reported that collections continue to improve steadily. In the figures set forth in the table below, the Air Force collection rate in Europe for fiscal year 1976T was over 20 percent. This is to be compared to the Air Force goal for overseas commands of 15 percent.

COLLECTIONS AND RATE OF COLLECTION

	Number claims	Amount recovered	CR rate (percent)
Fiscal year:			
1974	2,439	$188,635.67	16.0
1975	2,649	251,751.21	18.0
1976	3,420	274,723.18	18.0
1976(T)	378	58,649.95	20.1

A large number of claims were based upon personal property losses suffered in a June 1973 collision between the merchant ship *Seawitch* and another vessel in New York Harbor. Similarly in October of 1973, a fire occurred in Boardman's Warehouse in Ipswich, Suffolk, England. This caused a heavy load of work for Air Force claims personnel in succeeding years. It was reported that all claims arising out of these incidents have been finalized. However, the Air Force is pressing a few remaining recovery claims against Boardman's Warehouse itself.

A problem concerning Greece was brought to the attention of the Members which has continued since 1968. Basically, the Greek Government does not acknowledge that Greek indigenous employees of the United States forces who cause damage while driving U.S. vehicles are to be considered as being in the scope of their duties for claims under the NATO Agreement. The Greek Government asserts that these individuals by Treaty definition are not members of the United States Force, a fact which is not contested by the United States. However, the U.S. position is that these drivers are persons for whose conduct the U.S. is legally responsible under the Treaty and the Greek owner's liability laws. From time to time the problem resurfaces and NATO claims by Greek nationals for injury or damage arising out of such incidents are disapproved by the Greek Receiving State. The Greek Government would then attempt to refer such claims for payment at a rate of 100% under the Foreign Claims Act (10 USC 2734). Efforts to resolve the matter through diplomatic channels and negotiations have provided only occasional and temporary relief. The problem came to a head in the fall of 1973 when a number of indigenous employee drivers petitioned the Athenai Air Base Commander for a guarantee that any damage they might cause while driving would be compensated by the United States. A threatened strike was averted at that time.

At the beginning of November, the problem again became acute and the Air Force attempted to enlist the State Department aid in resolving the problem. It is apparent that sooner or later the problem must be resolved. The Members were advised that no other NATO

signatory country except Greece has excluded claims arising from actions of direct or indirect hire indigenous employees within the scope of their duties from coverage under the legally responsible provisions of Paragraph 5, Article VIII, NATO SOFA. It is the position of the United States that it is responsible under the doctrine of respondent superior as well as by Greek owner's liability laws. It has therefore been concluded that no reason exists for failure to approve such claims. There are presently at least fourteen claims of this type pending which have been disapproved by the Greek Receiving State. The Members were advised that a number of such claims have been approved in the past by the Greek Government when the Greek Receiving State forwarded them for payment without disclosing that the drivers were in fact indigenous employees. This would seem to indicate that the Greek Government does not seriously object to actually paying the claims, but that it is determined to continue to maintain the general principle that they have asserted of non-liability in such cases.

A slightly different situation has existed in Turkey where Turkish soldiers are assigned as drivers of U.S. vehicles in the performance of U.S. duties at JUSMMAT. There is no question as to the legality of payments of claims based upon actions of these soldiers in the performance of their duties since Turkey, like Greece, has an owner's liability law. Previously, a problem developed as a result of the United States implementing statute, Section 2734a of Title 10, known as the International Agreement Claims Act. As has been noted, this section previously provided authority which authorized reimbursement just for damage arising out of the official duty of the United States, but not for foreign armed forces members used as drivers in this manner. As indicated earlier in this report, this has been remedied by the Committee approved amendment to the International Agreement Claims Act which now includes provision for payment of "legally responsible" claims.[5] As has been indicated, USAFE had to take such claims out of the NATO bill presented and submit it to Congress for payment through special legislation. In both Greece and Turkey, the United States is in full accord with the general provisions of the NATO Agreement which allows payment of claims from local nationals by their own government by utilizing local procedures. Both Turkey and in Greece, the amendment to U.S. implementing statute should cure previous problems. The Air Force indicated it will continue working the Greek problem discussed above through discussion and diplomatic channels.

Sections 2651–2657 of Title 42 provides for the recovery of hospital and medical expenses furnished to U.S. personnel where the injuries requiring medical services were caused by negligent third parties. This law also originated as a bill considered by the Committee on the Judiciary. The Members were advised that in Europe the USAFE Hospital Recovery Claims Program has not had the success achieved in the United States. This apparently was due to the fact that legal procedures differ from those followed in tort proceedings in the United States. The Members were advised that in Germany, the Army has convinced the German insurance carriers that the U.S. Hospital Re-

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[5] Public Law 93–390.

covery Statute has extraterritorial effect and are currently settling claims on a reduced basis due to the lower German hospital costs. The Army is, therefore, having some degree of success in Germany.

In countries where the Air Force has single service responsibility, success has been mixed. A reasonable amount of success has been experienced in England with more limited return in Greece and Spain. The Air Force advised the Members that it is working on a reduced rate formula for Spain and hope that hospital recovery will improve in that country.

THE CLAIMS BUDGET OF USAFE

In order to show the figures which indicate claims funds and expenditures for fiscal years '74, '75, '76, '76T and the initial part of fiscal year '77 and summarize this information, the basic information has been set forth in the following table:

USAFE claims funds

Fiscal year 1974:	
Amount allocated	$1,314,000
Amount received from appropriations	1,493,783
Amount received from household goods carriers and Government claims	213,198
Total amount paid on claims	1,670,407
Fiscal year 1975:	
Amount allocated	1,298,182
Amount received from appropriations	1,342,691
Amount received from 1974 appropriations	359,784
Amount received from household goods carriers and Government claims	262,143
Total amount paid on claims	2,107,133
Fiscal year 1976:	
Amount allocated	1,454,399
Amount received from appropriations	2,156,199
Amount received from household goods carriers and Government claims	285,649
Total amount paid on claims	2,235,127
Fiscal year 1976(T):	
Amount received from appropriations	530,000
Amount received from fiscal year 1976T reprogramed claims funds	326,000
Amount received from household goods carriers and Government claims	61,591
Total amount paid on claims	641,122
1st quarter fiscal year 1977:	
Amount allocated	2,130,000
Amount received for first 2 quarters	1,065,000
Amount recovered from household goods carriers and Government claims	7,926
Amount paid on claims through Oct. 30, 1976	148,101

The figures reflected for the first quarter of fiscal year 1975 as received from a 1974 appropriation involve supplemental claims funds obtained by USAFE too late for allocation and distribution in fiscal year 1974. These were received by the Command in fiscal year 1975 and used in payments of claims for damages which had occurred during the preceding fiscal year. It was anticipated that the late fiscal year 1974 allocation together with the fiscal year 1975 allocations and car-

rier recoveries would suffice for the payment of claims received in USAFE in fiscal year 1975. However, as noted below, this proved not to be the case. Additional reprogrammed money received late in fiscal year 1976T was used to pay deferred claims from 1976T and claims in fiscal year 1977 with incident dates in fiscal year 1976 or 1976T. That money has been depleted and the fiscal year 1977 authorization is now being used.

In past years there have often been shortfalls in the claims budget requiring deferment of claims payments for considerable periods of time. As discussed earlier in this report, in fiscal year 1974 some $100,000 in NATO bills had to be deferred into the new fiscal year (as well as other types of claims). In fiscal year 1975 funds ran out some time in February 1975 requiring lengthy delay in claims payment, creating significant hardships to our personnel. Although there was significant improvement in fiscal year 1976 and fiscal year 1976T in the flow of claims funds, nevertheless some delays were encountered. It is our understanding that in an effort to remedy this situation, an open end claims appropriation has been urged but each year has failed of passage in the Congress. In the course of discussing these problems, Air Force personnel suggested that legislation be considered to provide for an open end claims appropriation arrangement. Delayed payment of claims results in hardship on United States personnel and, for claimants outside the Air Force, the delays and misunderstandings can result in bad public relations. The Committee has always taken the position that the ability to promptly pay legitimate claims is essential. The situation outlined by the Air Force indicates that a new approach to claims budgeting is worthy of serious consideration by the Congress.

VII. Appendix

Appendix A

U.N. SECURITY COUNCIL RESOLUTION 242, NOVEMBER 22, 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. Affirms further the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. Requests the Secretary-General to report to the Security Council on the progress of the Special Representative as soon as possible.

UNITED NATIONS SECURITY COUNCIL,
October 21, 1973.
S/RES/338 (1973)

Resolution 338 (1973)

ADOPTED BY THE SECURITY COUNCIL AT ITS 1747TH MEETING,

ON 21–22 OCTOBER 1973

The Security Council

1. Calls upon all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;

2. Calls upon the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;

3. Decides that, immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

UNITED NATIONS SECURITY COUNCIL,
November 17, 1976.

S/11935/Add.45

SUMMARY STATEMENT BY THE SECRETARY-GENERAL ON MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED AND ON THE STAGE REACHED IN THEIR CONSIDERATION

ADDENDUM

Pursuant to rule II of the provisional rules of procedure of the Security Council, the Secretary-General is submitting the following summary statement.

The complete list of items of which the Security Council is seized is contained in document S/11935 of 5 January 1976 and the pertinent addenda. During the week ending 13 November 1976, the Security Council took action on the following items:

The situation in the occupied Arab territories (see S/11935/Add.18, S/11935/Add.19, S/11935/Add.20, S/11935/Add.21 and S/11935/Add.44).

The Security Council continued its consideration of the item at its 1968th and 1969th meetings, held on 9 and 11 November 1976. In addition to the representatives invited previously, the President, with the consent of the Council, invited the representatives of Indonesia, Morocco and Nigeria, at their request, to participate in the discussion without the right to vote.

At the 1969th meeting, the President stated that he had been authorized as President to make a statement on behalf of the Security Council. He then read out the text of that statement as follows:

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

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

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

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

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

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

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

Admission of new Members (See S/7382, S/7564, S/8301, S/8555, S/8815, S/8896, S/9961, S/10121, S/10296, S/10327, S/10351, S/10462, S/10762, S/10770/Add.1, S/10855/Add.25, S/10855/Add.29, S/11185/Add.22, S/11185/Add.23, S/11185/Add.24, S/11185/Add.31 and S/11185/Add.32, S/11593/Add.31, S/11593/Add.32, S/11593/Add.33, S/11593/Add.38, S/11593/Add.39, S/11593/Add.41 and S/11593/Add.48, S/11935/Add.25, S/11935/Add.33 and S/11935/Add.36).

At its 1970th meeting, held on 12 November 1976, the Security Council had before it the report (S/12225) of its Committee on the Admission of New Members concerning the application of the Socialist Republic of Viet Nam for admission to membership in the United Nations.

UNITED STATES INFORMATION SERVICE,
November 14, 1976.

U.S. SUPPORTS CONSENSUS STATEMENT ON OCCUPIED TERRITORIES

UNITED NATIONS.—The United States joined other members of the Security Council Thursday in a consensus statement which expressed grave anxiety and concern over Israeli occupation of Arab territories.

With the adoption of the consensus by the 15-member Council, Ambassador Albert W. Sherer, Jr., Deputy U.S. Representative to the Council, explained why the United States supported the consensus statement.

The Council meeting was called by Egypt to object to Israeli behavior in the territories, particularly recent events in holy places.

The consensus statement called on Israel to guarantee safety of people in the area; deplored establishment of settlements with no legal validity; and deplored the failure of Israel to show respect for past Security Council resolutions (237, 252, 298 and General Assembly resolutions (2253 and 2254) on this subject.

A U.S. source told correspondents November 11 that U.S. compliance with the consensus is no different than action taken by the United States on other resolutions on this subject; that the consensus contains a lot of positions the United States has supported for a long time.

Following is the full Scherer text:

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

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

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

In closing, I would like to observe that in this debate we have been dealing with the symptoms of the problem rather than with the problem itself. The conditions

we have been discussing will be satisfactorily resolved only in the context of the negotiation of a just and lasting peace in accordance with Security Council resolutions 242 and 338 with respect to which we stand by all of our previous positions.

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

Appendix B

CHRONOLOGY OF ACTIONS TAKEN AND STATEMENTS MADE ON THE MIDDLE EAST PROBLEM, WITH EMPHASIS ON THE RECONVENING OF THE GENEVA CONFERENCE (NOVEMBER-DECEMBER 1976) [1]

November 12—The New York Times reported that the United States had joined in the Security Council's statement criticizing Israeli policies in the occupied Arab territories. American officials explained that U.S. support of the statement did not change U.S. policy toward Israel and that it was an effort to support moderate trends among the Arabs in expectation of possible Middle East peace talks in the incoming Administration. In his statement on the Security Council consensus Secretary of State Kissinger said that in order for the United States to continue to play an important role in securing a peaceful settlement in the Middle East the United States must take into account the views of other parties to the peace process as well as the views of Israel.

November 12—According to the New York Times, U.S. Ambassador to Israel Malcolm Toon met with Israeli Foreign Minister Yigal Allon in Tel Aviv. In that meeting Allon expressed Israel's displeasure with U.S. support of the Security Council's consensus statement. Israeli officials felt that the U.S. position discriminated in Egypt's favor at a time when Israelis and others felt that new diplomatic moves toward an overall Middle East peace settlement were in the offing, with the United States playing a leading role.

November 14—According to the New York Times, Israeli Prime Minister Yitzhak Rabin said in Jerusalem that Israel was more than ready for peace talks with Egypt, but not if it meant establishment of a hostile Palestinian state. He said Israel wanted "peace that gives defendable boundaries, a peace that solves the Palestinian issue in a way that will not be a seed that will arouse a lot of trouble and will serve as a time bomb for the future."

November 16—The Christian Science Monitor reported that Israeli officials were skeptical of the recent Egyptian "peace offer," and viewed it as a diplomatic move aimed at influencing the incoming Carter administration and the incoming Congress. Although Sadat's proposal for negotiations set no preconditions, Foreign Minister Fahmy laid down four conditions for peace between Israel and the Arabs: (1) Israeli withdrawal to the lines of 1967; (2) establishment of a Palestinian state in the territories vacated (West Bank and Gaza Strip); (3) ban on nuclear arms in the Middle East; and (4) inspection of nuclear installations.

November 27—The New York Times reported that Israeli Prime Minister Rabin called for a renewed Geneva peace conference for the Middle East modeled on the European security conference at Helsinki in 1975. Rabin said Israel is asking for less than was agreed to at Helsinki, which recognized Europe's postwar border changes without territorial concessions. Alluding to the present areas of control in the Middle East Rabin said, "We do not consider the existing lines as final de facto realities. . . . Unlike the realities of Europe we do not demand their perpetuation in peace." Rabin proposed that, as in the Helsinki agreement: (1) the initiative for negotiation must come from the regional parties to the dispute, with the great powers only offering guarantees later rather than trying to impose a solution; (2) cultural, trade and human cooperation should be added to issues of borders and territory.

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[1] Prepared with the assistance of Brenda Branaman, analyst in Foreign Affairs and National Defense Division, Congressional Research Division Library of Congress.

November 27—The Washington Post reported that the PLO had issued a strongly worded statement which warned the Arab nations against betraying the Palestinian cause by agreeing to a peace settlement with Israel that fails to give them their own state on Palestinian soil. The statement reflected the growing feeling among Palestinians that the Arab powers are more interested in a settlement with Israel and an end to the Middle East conflict than in aiding the Palestinian cause.

December 4—The New York Times reported that Palestinian officials had said that the principle of a West Bank state had been accepted by all major groups in the PLO, including Al Fatah the largest guerrilla faction in the movement; the Marxist Democratic Front for the Liberation of Palestine; and As Saiqa, the pro-Syrian guerrilla group. The only dissenter was PFLP (the Popular Front for the Liberation of Palestine), headed by George Habash. Libya and Iraq, the two countries most strongly opposed to negotiations with Israel have also agreed to the principle of a West Bank state.

December 4—The Egyptian Middle East News Agency reported that PLO leader Arafat had conferred with Yugoslavian President Tito on setting up a Palestinian government-in-exile to pave the way for Palestinian participation in Middle East peace talks.

December 5—The Washington Post reported that Egyptian President Sadat had said he was ready to sign a "peace agreement" with Israel. He said, "First of all, a state of belligerency has prevailed in this area since the creation of Israel 28 years ago. . . . Let us end this state of belligerency officially in this peace agreement by all parties concerned. After that, this should be linked with the complete withdrawal by Israel from the Arab land occupied after 1967."

Sadat said that the Palestinians must have their state on the West Bank that would have some tie to Jordan and that he would "not oppose the idea of a single Arab delegation if the Arab states concerned agree."

December 6—The Washington Post reported that the Soviet newspaper Pravda had dismissed as "transparent camouflage" Israeli Prime Minister Rabin's proposal for a Helsinki-style conference on the Middle East and repeated the Soviet call for a renewal of the Geneva conference on the Middle East.

December 6—Israel submitted to the U.N. General Assembly a draft resolution calling on Egypt, Israel, Jordan and Syria to "reconvene without delay" and "without prior conditions" the Peace Conference on the Middle East.

December 6—Amendments to the Israeli draft resolution calling for the reconvening of the Geneva conference on the Middle East were submitted to the U.N. General Assembly. The amendments would specify PLO participation in the Geneva talks.

December 6—The U.N. representative of Sri Lanka, on behalf of the Group of Non-Aligned Nations which met recently at Colombo, Sri Lanka, introduced two resolutions to the U.N. General Assembly which proposed preparations for the convening of a comprehensive Geneva peace conference early in 1977.

The first resolution called for the participation of the Palestinians in the conference, demanded a total Israeli withdrawal from territories occupied in the 1967 war, and asked for a total cut-off of military aid to Israeli.

The second resolution, without mention of the PLO asked the Secretary-General "to resume contacts with the parties to the conflict" in preparation for convening the Geneva conference and requested that he report the results of his efforts to the Security Council by March 1, 1977. According to news reports this resolution was regarded as an attempt to enlist support for the resolution from nations that do not recognize the PLO or favor its participation in a conference.

December 7—The Washington Post reported that Al Fatah, the Palestinian movement's major commando organization, under increasing pressure from the Syrian-dominated peace force in Lebanon, had decided to call off any guerrilla attacks against Israel through southern Lebanon. A close observer of Palestinian affairs was repored to have said, "Now the Palestinian resistance is trying to adapt itself to the new fact that all Arab nations now want peace with Israel."

December 7—The New York Times reported that, according to informed Arab diplomats, Palestinian leaders were moving toward acceptance of an Egyptian proposal for their inclusion in a single Arab delegation to a reconvened Geneva conference on the Middle East. The Palestinians have been insisting that the PLO take part in the conference as an independent delegation along with the delegations of Egypt, Syria, Jordan and Israel.

December 7—The New York Times reported that PLO leader Arafat was visiting in Rumania en route to Moscow for talks with Soviet officials about the

Geneva conference, Resolution 242, and proposals for the establishment of a Palestinian state on the West Bank and in the Gaza Strip.

December 8—The Christian Science Monitor reported that Libyan President Muammar al-Qaddafi put forth the radical Palestinian view at a Kremlin dinner in his honor during his visit to the Soviet Union. After Soviet chief-of-state Nikolai Podgorny had made a muted, though clear, restatement of the need for a new Geneva meeting. Qaddafi said that not too much importance should be laid on conferences. He said the Arab nation would never lay down its arms until it had won back its own land.

December 8—According to the Christian Science Monitor, General Ariel Sharon, the general who led Israeli forces across the Suez Canal in the October war of 1973, said in a Tel Aviv news conference that Israel should be "ready to negotiate with any Arab party, including the Palestinians." Sharon said in a foreign-policy manifesto entitled "A New Approach to Peace": "I am in favor of holding negotiations in Geneva with a united Arab delegation for an overall peace agreement."

December 9—The U.N. General Assembly adopted two resolutions on the situation in the Middle East. The first called for the convening of the Geneva conference on the Middle East not later than the end of March 1977 and asked Secretary-General Waldheim to contact "all the parties to the conflict" in preparation for the conference and to give the Security Council a report on his activities by March 1. The United States and Israel voted against the resolution. Ambassador Scranton explained the U.S. voting saying that the United States did not wish to tie the hands of the incoming administration to an "artificial deadline" for reconvening the conference. (122 in favor, 2 against, 8 abstentions (Latin American and African states).)

The second resolution called for PLO participation in the conference, condemned Israel's continued occupation of Arab territories, and asked all states not to supply it with military or other aid permitting consolidation of the occupation. This resolution was opposed by Israel, the United States, the United Kingdom, and other Western countries. (91 in favor, 11 against, 29 abstentions (Western and Latin American states).)

December 9—Israel withdrew its draft resolution calling for the reconvening of the Geneva Conference after amendments were submitted to include PLO participation and reference to the 1975 General Assembly resolution on Palestinian rights. Israel's U.N. Chaim Herzog said the amendments were designed to "sabotage" his country's move towards peace and that the two resolutions adopted changed the ground rules for the Geneva conference and were "one-sided, biased and hostile to Israel."

December 9—The New York Times reported that Israeli General Sharon, in a Tel Aviv news conference, offered a program for gradual steps towards a Middle East peace settlement. He advocated a formal treaty defining the "process for the development of peace" as well as future borders, but deferment of the treaty's full enforcement until there is "no threat of war any more." The procedure suggested by General Sharon included: (1) Israeli withdrawal from all of Sinai except areas vital for security, such as Sharm el Sheik at the southern top of Sinai controlling passage from the Red Sea to Elath; (2) Israeli recognition of Egyptian sovereignity over those areas and lease them until the "second stage"—eased relations—was reached; (3) the West Bank would become a sovereign Palestinian state together with Jordan; during the first stage Israel would retain military control but would be flexible concerning political control.

December 13—The Washington Post reported that Israeli Defense Minister Shimon Peres had said there is "no chance" that an early return to the Geneva peace conference will bring an overall settlement to the Arab-Israeli dispute. Peres said he would prefer "quist diplomacy" to public meetings at Geneva that produce little more than a television show.

December 14—The New York Times reported that at the end of a three-day meeting of the Palestinian Central Council in Damascus the PLO leadership had issued a declaration which endorsed the creation of an independent Palestinian state by listing such a state as one of the "legitimate rights" of the Palestinian people and, by implication, a goal to be attained by the organization. The declaration did not contain any mention of a secular state in all of Palestine for Arabs and Jews, the concept which implies the disappearance of Israel and was the former official PLO policy.

December 16—The New York Times reported that U.S. Secretary-General Waldheim had met with Secretary of State Kissinger as he began a new series of contacts in keeping with the General Assembly's call for preparations for the early reconvening of the Middle East peace conference. Waldheim made clear that he would consult all the parties including the PLO.

December 16—The Washington Post reported that, in an interview at Amman, Jordanian King Hussein expressed optimism that "definite progress" toward a peace settlement with Israel could be made in 1977. In addition, he said that (1) Arabs resented Israeli claims that their peace efforts were insincere, (2) he was willing to recognize Israel as a legitimate state in exchange for a return to the 1967 borders, (3) he would not oppose a phased Israeli withdrawal from occupied territories as long as Israel committed itself to total withdrawal, (4) borders were negotiable but were a matter to be decided by the Palestinians, (5) some form of federation or confederation between Jordan and a Palestinian controlled territory was possible, and (6) Jordan did not wish the West Bank territory to be returned to it but stood for "the right of Palestinians to self-determination under conditions of total freedom."

December 17—The Washington Post reported that, according to Saudi Petroleum Minister Sheikh Zaki Yamani, Saudi Arabi would increase its oil production in an effort to nullify the price increase approved by eleven of its partners in OPEC. In exchange, Yamani said, "we expect an appreciation from your new administration for what we have done. And this has to be shown in your efforts toward a peaceful settlement" of the Arab-Israeli conflict and in new efforts to increase aid from the industrialized nations to the Third World.

December 18—According to the Washington Post Syrian President Hafez Assad said he and President Sadat of Egypt were coordinating efforts to "launch a peace offensive" for a settlement with Israel. Assad said Syria advocated reconvening the Geneva conference on the Middle East in a fresh bid to "regain all Arab territory" lost to Israel. He also said Syria might use the "military option" to liberate Arab lands if the talks fail.

Assad said that he supported the idea of one Arab delegation to the Geneva conference which would include Syria, Jordan, Egypt and the PLO. He said, "This will show that our cause is one and at the same time does not cancel the recognition of the PLO as the sole legitimate representative of the Palestinian people."

December 19—According to the Washington Post, President-elect Jimmy Carter at a news conference in Plains, Georgia said there has been "no quid pro quo discussed between the Saudis and either myself, Cyrus R. Vance, the Secretary of State-designate, nor anyone speaking for us." His statement was in response to questions speculating on a linkage between Saudi Arabia's action on oil prices and U.S. political decision-making in the Arab-Israeli conflict.

December 21—The Washington Post reported that Egypt and Syria would take steps toward a union of the two countries. The announcement came in a communique issued after three days of talks between President Assad of Syria and President Sadat of Egypt.

In a press conference discussing the communique Egyptian Foreign Minister Fahmi said the union agreement did not mean that Egypt and Syria accepted the idea of a single unified Arab delegation, including Palestinians, to a reconvened Geneva conference. He said the two presidents had agreed that the PLO must have its own delegation in Geneva.

December 21—The Christian Science Monitor reported that an opinion poll conducted in Jerusalem indicated that nearly half of all Israelis would favor peace talks with the PLO if that organization recognized the state of Israel.

December 22—The official Saudi radio reported that PLO leader Arafat had said the Palestinian organization would set up a state on "any piece of liberated Palestinian soil." Arafat's comment was interpreted as an indication of willingness to accept a Palestinian state in the Israeli-occupied territories of the West Bank of the Jordan River and in the Gaza Strip, should this be decided at a resumption of the Geneva peace conference on the Middle East. Arafat was reported to be holding talks with Saudi and Egyptian leaders.

December 27—The New York Times reported that Israeli officials and Foreign Ministry analysts regarded recent reports that the PLO was softening its position on Israel's existence as propaganda. They viewed the new PLO position as part of an overall Arab strategy aimed at persuading other nations, especially the

United States, that the Arab countries were eager for renewed Middle East peace talks and were modifying their intransigence toward Israel.

Israeli officials said certain facts had been overlooked in recent reports: (1) Fifteen of the thirty-three articles in the PLO covenant call for the dissolution of Israel, (2) Arafat had not renounced terrorism as a tactic, (3) terrorist groups were still being organized on the West Bank, and (4) Arab broadcasts continued along a hard line and did not tell people in the Arab countries the same softened PLO position being reported in the West.

Israeli officials also rejected the idea of a single Arab delegation at renewed talks, claiming that such an idea was merely a ruse to include the Palestinians.

December 29—The Washington Post reported that Egyptian President Sadat, in a Cairo interview, set new conditions for reaching a Middle East peace settlement: (1) Any Palestinian state that is created must be formally linked with Jordan; (2) Israeli withdrawal from territories occupied in the 1967 war must be swift and complete, not phased over an extended period of time; and (3) Lebanon must be a full participant in any Geneva peace conference.

Sadat said that creation of an Egyptian-Syrian "unified political command" was not intended to lead to an actual merger but its purpose was to show that "Arab solidarity is very solid" and "that we are genuinely preparing for the Geneva conference."

December 31—The Washington Post reported the response to Egyptian President Sadat's statement that any future Palestinian state would have to maintain some link with Jordan. Israeli Foreign Minister Allon said that "If indeed Sadat has qualified his earlier support for a third state between the [Jordanian] desert and the Mediterranean, this is a positive development. However, other things said by Sadat in this interview were less positive." Allon referred mainly to President Sadat's demand that Israel withdraw to its 1967 borders. According to Allon the borders between Israel and its neighboring Arab states should be decided in negotiations at Geneva and Sadat's demand was seen as a pre-condition for a Geneva conference.

Reactions to Sadat's proposal in the occupied West Bank were mixed: in Judea, the southern half of the West Bank, the reaction was positive, but leaders in Samaria, the northern half, rejected the idea. The mayor of Bethlehem, Elias Freij, known as a moderate, said in an interview, "I agree with Sadat's proposal 100 percent. This has been my idea for a long time."

UPI reported from Beirut that a PLO spokesman had said it was "premature" to discuss the possibility of a formal tie between Jordan and any Palestinian state that may be created. The spokesman said, "Such matters will have to be decided by the representatives of the Palestinian people," indicating that the subject would be referred to the Palestinian National Council.

Appendix C

Agreement in Implementation of the Treaty of Friendship and Cooperation Between Spain and the United States of America of January 24, 1976

Preamble

For the purpose of implementing Article V of the Treaty of Friendship and Cooperation between Spain and the United States of America, dated January 24, 1976, and its Supplementary Agreements, the Governments of Spain and the United States of America have agreed as follows:

Definitions

For the purpose of this Agreement, the terms used herein and in the Procedural Annexes shall have the following meaning:

1. *Facilities.*—This term means lands and constructions within Spanish military installations, which are the property of the Spanish Government.

2. *United States Personnel in Spain.*—This term means anyone included in any of the following three categories of personnel:

a. *Members of the United States Forces.*—This term means:

(1) *Military Personnel.*—This term means personnel belonging to the land, sea or air armed forces of the United States who are

permanently or temporarily assigned to Spain by military orders for the performance of official duties, in accordance with the Treaty and within the force levels established by agreement with the Spanish Government.

(2) *Civilian Employees.*—This term means nonmilitary personnel who are nationals of or ordinarily resident in the United States and who are employed in Spain by the United States Forces, whether paid from appropriated or non-appropriated funds.

(3) *Other Civilian Personnel.*—This term means employees of a non-Spanish and noncommercial organization hereinafter listed, or hereafter agreed upon by the Joint Committee for Politico-Military Administrative Affairs, who are nationals of or ordinarily resident in the United States and who, solely for the purpose of contributing to the welfare, morale or education of the United States Forces, are accompanying those Forces in Spain. These organizations include:

(a) American Red Cross;
(b) University of Maryland;
(c) University of Southern California; and
(d) United Services Organization.

(4) *Dependents.*—This term means members of the families of personnel included in paragraphs (1), (2) and (3) above, who depend upon such persons for their support and who are in Spain, and, in any case, the spouse and minor children in Spain of such persons.

b. *Personnel Engaged in Exercises or Maneuvers.*—This term means personnel belonging to the land, sea or air armed forces of the United States who are temporarily in Spain for the purpose of engaging in military exercises or maneuvers authorized in advance by the Spanish Government.

c. *Members of Visiting Units.*—This term means the personnel of the land, sea or air armed forces of the United States who temporarily enter Spain aboard vessels or aircraft belonging to or chartered wholly by such forces, which are in Spanish territory on visits or for the purpose of providing logistic support to or receiving logistic support from the United States Forces.

3. *Military Unit.*—This term means an operational, logistic or administrative command or element thereof of the land, sea or air armed forces of the United States which—

a. in accordance with the Treaty is stationed in Spain either for the purpose of maintaining a facility used by the United States Forces in a Spanish military installation or for operations, training, or other military activities, including on a rotational basis, within the specific levels agreed upon; or,

b. although not included in the preceding subparagraph, uses such a facility, in accordance with the Treaty, for authorized military purposes.

SECTION II

Criminal Jurisdiction and Claims

ARTICLE XIV

United States Personnel in Spain are obligated to respect the laws in force in Spain and to abstain from all activity inconsistent with the spirit of the Treaty existing between the United States and Spain, in particular, from all political activity in Spain. The United States assumes the obligation of adopting necessary measures to this end.

ARTICLE XV

1. Subject to the provisions of this Section:

a. The military authorities of the United States shall have the right to exercise within the territory under Spanish jurisdiction such criminal and disciplinary jurisdiction as is conferred on them by the law of the United States over United States Personnel in Spain for offenses punishable under the military law of the United States.

b. The authorities of Spain shall have the right to exercise jurisdiction over United States Personnel in Spain with respect to offenses committed within the territory under Spanish jurisdictions and punishable by the law of Spain.

2. a. The military authorities of the United States shall have the right to exercise exclusive jurisdiction over United States Personnel in Spain with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Spain.

b. The authorities of Spain shall have the right to exercise exclusive jurisdiction over United States Personnel in Spain with respect to offenses, including offenses relating to the security of Spain, punishable by its law, but not by the law of the United States.

c. For the purposes of this paragraph and of paragraph 3 of this Article a security offense against a State shall include:

(1) treason against the State;

(2) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defense of that State.

3. For the sole purpose of determining whether an act or omission is a punishable offense under the law of Spain or under the military law of the United States, or both, the interpretation of the law of Spain by the Spanish authorities shall be accepted by the Government of the United States, and the interpretation of the military law of the United States by the authorities of the United States shall be accepted by the Spanish authorities. When, by application of the foregoing provisions, it is determined that an act or omission is a punishable offense under both the law of Spain and the military law of the United States, thereby giving rise to concurrent rights to exercise jurisdiction, the following rules shall be applied:

a. The military authorities of the United States shall have the primary right to exercise jurisdiction over United States Personnel in Spain subject to the military law of the United States for the following offenses punishable under such law:

(1) offenses solely against the property or security of the United States, or offenses solely against the person or property of a member of the United States Personnel in Spain;

(2) offenses arising out of any act or omission done in the performance of official duty.

b. The authorities of Spain shall have the primary right to exercise jurisdiction over United States Personnel in Spain in relation to:

(1) offenses, not included within the provisions of subparagraph 3.a.(2) of this Article, solely against the property or security of the Spanish State, or solely against the person or property of Spanish nationals;

(2) any other offense over which the military authorities of the United States do not possess the primary right to exercise jurisdiction under subparagraph 3.a. of this Article.

4. For the appropriate protection of military discipline, whenever a member of the United States Personnel in Spain is prosecuted in Spanish courts, only the courts of ordinary jurisdiction will have competence to try him.

ARTICLE XVI

1. When a member of the United States Personnel in Spain other than a dependent is charged with an offense by the Spanish authorities, the military authorities of the United States, if the circumstances warrant, will issue a certificate verifying the fact that the alleged offense arose out of an act or omission done in the performance of official duty. The certificate will be transmitted to the appropriate Spanish authorities, by whom it will be considered sufficient proof of such fact for the purpose of paragraph 3.a.(2) of Article XV of this Agreement, without prejudice to the provisions of paragraph 2 of this Article.

2. In those cases where the appropriate authorities of Spain consider that discussion of a certificate of official duty, issued in accordance with paragraph 1 of this Article, is required, it shall be made the subject of review in the Joint Committee for Politico-Military Administrative Affairs, provided a request for review is received by the Committee within ten days from receipt of the certificate by the Spanish authorities. However, if within the ten day period, the Spanish authorities notify the Committee that for special reasons they wish to consider the matter further, such authorities shall have an additional period of ten days within which to present a request to the Committee for review. The Committee will complete its review expeditiously and in any event within thirty days from the receipt of the request for review.

ARTICLE XVII

If the Government having the primary right to exercise jurisdiction under paragraph 3 of Article XV of this Agreement decides not to exercise jurisdiction, it will notify the authorities of the other Government as soon as possible. The authorities of the Government having the primary right shall give sympathetic consideration to a request from the authorities of the other Government for a waiver of its right.

ARTICLE XVIII

1. Within the limits of their respective legal powers, the military authorities of the United States and the authorities of Spain shall mutually assist each other in the arrest of members of the United States Personnel in Spain who are in Spanish territory.

2. The authorities of Spain shall immediately notify the military authorities of the United States of the arrest of any member of the United States Personnel in Spain.

3. The custody of a member of the United States Personnel in Spain, who is legally subject to detention by the military authorities of the United States and over whom Spanish jurisdiction is to be exercised, shall be the responsibility of the United States military authorities, at their request, until the conclusion of all judicial proceedings, at which time the member will be delivered to Spanish authorities at their request for execution of the sentence. Nevertheless, at the conclusion of a trial at which the sentence of the court includes confinement for more than one year, the member shall, if ordered by the judge of the court, be delivered to the Spanish authorities for execution of the sentence even if the verdict of the trial is being appealed. During periods of custody by the United States military authorities, those authorities, within the legal powers given them by the military law of the United States, shall give full consideration to the decisions of the competent Spanish authorities regarding conditions of custody. The United States military authorities shall guarantee his immediate appearance before the competent Spanish authorities in any proceeding that may require his presence and, in any case, his appearance at the trial.

4. In criminal proceedings in Spanish courts against a member of the United States Personnel in Spain who is legally subject to detention by the military authorities of the United States, the following rules will be followed:

a. If the court grants provisional liberty without bail for said member, the guarantees of paragraph 3 of this Article will satisfy the "apud acta" obligation of periodic reporting called for in Spanish laws.

b. If the court decrees provisional confinement without bail or the bail decreed has not been provided, the grant of custody of the member to United States military authorities will imply, in principle, the retention of the member in a military installation in which facilites have been granted to the United States, with restriction of movement and effective vigilance. In such case, if, because of the requirements of United States military law, the nature of the restraint initially imposed or thereafter adopted is other than that decreed by the court, United States military authorities will notify Spanish authorities of the nature of the restraint imposed, without prejudice to the guarantees provided in paragraph 3 of this Article being complied with diligently, and in such cases the decision will rest with the court as to the extent to which such alternate restraint may be credited against any sentence to confinement eventually adjudged.

c. If the court accepts bail from said member, such bail will be considered to replace the guarantees provided in paragraph 3 of this Article.

ARTICLE XIX

Confinement imposed by a Spanish court upon a member of the United States Personnel in Spain shall be served in penal institutions agreed upon for that purpose by the Joint Committee for Politico-Military Administrative Affairs. The Spanish authorities fully guarantee to the authorities of the United States the right to visit such persons at any time and to provide them with such material assistance as the authorities of the United States deem appropriate, in accordance with the pertinent Spanish prison regulations.

ARTICLE XX

1. The military authorities of the United States and the authorities of Spain shall assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the seizure and, in proper cases, the delivery of objects connected with an offense. The delivery of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

2. The military authorities of the United States and the authorities of Spain shall assist each other in obtaining the appearance of witnesses necessary for the proceedings conducted by such authorities within Spain.

3. The military authorities of the United States and the authorities of Spain shall notify each other of the disposition, including the sentence if any, of all cases in which there are concurrent rights to exercise jurisdiction.

ARTICLE XXI

1. The military authorities of the United States may not carry out a death sentence in Spanish territory.

2. A death sentence imposed upon a member of the United States Personnel in Spain by the Spanish authorities in a case over which Spain exercises jurisdiction under the provisions of this Agreement may be carried out only by a method of execution utilized under both Spanish and United States law.

ARTICLE XXII

Where an accused has been tried in accordance with the provisions of this Agreement either by the military authorities of the United States or the authorities of Spain and has been acquitted, or has been convicted and is serving, or has served, his sentence, or his sentence has been remitted or suspended, or he has been pardoned, he may not be tried again for the same offense within the territory of Spain by the authorities of the other State. However, nothing in this Article shall prevent the military authorities of the United States from trying a military member of the United States Personnel in Spain for any violation of rules of discipline arising from an act or omission which constituted an offense for which he was tried by the authorities of Spain.

ARTICLE XXIII

Whenever a member of the United States Personnel in Spain is arrested, detained, or otherwise prosecuted by Spanish authorities, in criminal or quasi-criminal (cases of contraband) proceedings, he will be appropriately advised, through an interpreter if required, of the specific charges against him, and of his legal rights. The military authorities of the United States will be advised immediately of his arrest, detention, or prosecution, and he will then be permitted to communicate with a representative of the United States Government, who may be present throughout the investigative and judicial phases of the entire proceedings even in the event such proceedings are held behind closed doors for reasons of public order or morality.

ARTICLE XXIV

For the purpose of Articles XXVI and XXVII of this Agreement, the term "civilian employees of the United States Forces" also includes "local labor personnel", within the meaning of Article XXXIII of this Agreement when such personnel are acting in the performance of official duty assigned to them by the United States Forces. This term does not include contractors of the United States and the employees of such contractors, nor does it include other civilian personnel of the United States Forces.

ARTICLE XXV

1. Each Government waives all its claims against the other for damages, in Spanish territory, to the properties owned or used by said Government if the damage:

a. Was caused by military personnel or civilian employees of the armed forces of the other Government in the performance of official duties; or

b. Was caused by use of any vehicles, ship or aircraft owned or utilized by the other Government and used by its armed forces, provided that the vehicle, ship or aircraft causing the damage was being used for official purposes. Each of the two Governments waives all its claims against the other for rescue or salvage, either maritime or aerial, provided that the rescued or salvaged ship, aircraft or cargo was owned by the other Government and used by its armed forces at the time of the incident.

2. Each Government waives all its claims against the other for injury or death suffered by military personnel or civilian employees of its armed forces while the said military personnel or civilian employees were engaged in the performance of official duties.

3. For the purpose of this Article, it is understood that "local labor personnel" shall be considered as civilian employees of the armed forces of the United States.

ARTICLE XXVI

1. Military members of the United States Personnel in Spain and civilian employees of the United States Forces shall not be subject to suit before Spanish courts or authorities for claims arising out of acts or omissions attributable to such persons done in the performance of their official duties. Such claims may be presented to the Spanish Military Administration and processed according to the provisions contained in Article XXVII of this Agreement.

2. If it should be necessary to determine the applicability of paragraph 1 of this Article, the military authorities of the United States may issue an official certificate stating that a certain act or omission of a military member of the United States Personnel in Spain or civilian employee of the United States Forces was done in the performance of his official duties. The Spanish authorities will accept such certificate as sufficient proof of the performance of official duty. When in a particular case the Spanish authorities consider that a certificate of official duty requires clarification, it shall be the subject of expeditious review by the Joint Committee for Politico-Military Administrative Affairs.

ARTICLE XXVII

Claims, other than contractual claims, for injury or damage in Spain to Spanish persons or property arising out of acts or omissions done in the performance of official duties by military members of the United States Personnel in Spain or civilian employees of the United States Forces, or out of any other act, omission or occurrence for which the United States Armed Forces are legally responsible, and not otherwise satisfied by the United States, shall be dealt with by the Spanish authorities in accordance with the following provisions:

1. Claims for damages shall be presented, processed and decided according to the rules of Spanish law applicable to claims arising from the activities of the armed forces of Spain.

2. The appropriate Spanish authorities shall decide on the admissibility of the claim and, when the case warrants, the amount of damages to be awarded, and shall pay the amount to the claimant or claimants.

3. A determination of the amount of compensation made by the appropriate Spanish authorities under the provisions of paragraph 2 of this Article, whether decided administratively or determined by court decisions, shall be binding and conclusive upon the Governments of Spain and the United States. The military authorities of the United States, shall be informed through the Joint Committee for Politico-Military Administrative Affairs of the determination in a detailed report giving background data, the legal grounds for the decision, procedures followed, and the decision taken, accompanied by a proposal for the sharing of the sum involved in conformity with the terms of paragraph 4 of this Article.

4. The amount of compensation determined by the appropriate Spanish authorities under the provisions of paragraph 2 of this Article shall be shared between the parties as follows:

a. Where the United States alone is responsible the amount awarded or adjudged shall be shared in the proportion of 25 percent chargeable to the Government of Spain and 75 percent chargeable to the Government of the United States.

b. Where the United States and Spain are jointly responsible for the damage, the amount awarded or adjudged shall be apportioned between them according to their comparative responsibility, but, in any case, no more than 75 percent of the amount shall be chargeable to the United States. Where the damage was caused by the armed forces of the United States or Spain, or jointly, and, because of insufficient evidence, it is not possible to attribute the damage specifically to one of the forces or to apportion the damage between the forces according to their comparative responsibility, the amount awarded or adjudged shall be shared equally between Spain and the United States.

c. The proposed distribution referred to in paragraph 2 of this Article shall be regarded as having been accepted by the military authorities of the United States, unless those authorities within 60 days after receipt of the proposal, request consultations in the Joint Committee for Politico-Military Administrative Affairs, which consultations shall be undertaken expeditiously. If, within 60 days after the request by the military authorities of the United States, such consultations do not result in agreement regarding an appropriate distribution, the matter shall be referred to an arbitrator selected by agreement between the two Governments from among the nationals of Spain who hold or have held high judicial office. The arbitrator shall decide a formula of distribution in accord with the principles of subparagraphs a. and b. above, and his decision shall be binding and conclusive on the two Governments. The compensation of the arbitrator shall be fixed by agreement between the two Governments and shall, together with the necessary expenses incidental to the performance of his duties, be shared equally by them.

5. Every three months a statement of the sums determined by the Spanish authorities in the course of the three-month period in respect of every case regarding which the proposed distribution has been accepted by the military authorities of the United States shall be sent to the appropriate United States authorities together with a request for payment. Such payment shall be made in Spanish currency within the shortest possible time, but not more than 60 days from the receipt of such request for payment.

ARTICLE XXVIII

Claims for injury or damage to persons or property in Spain caused by reason of exercises or maneuvers carried out by the United States Forces with the express authorization of the Spanish Government shall be governed by the agreement reached in each case by the authorities of the two Governments.

ARTICLE XXIX

The Government of the United States shall require that insurance contracts be effected to cover civil liabilities that may be incurred in Spanish territory as a result of acts or omissions done in the performance of duty by employees of contractors and subcontractors of the United States Forces, or by those members of the United States Personnel in Spain, other than dependents, to whom the provisions of Articles XXVI and XXVII of this Agreement are not applicable. The terms and conditions of such insurance contracts shall be determined in an appropriate procedural annex.

ARTICLE XXX

1. Damage or injury caused in Spanish territory to persons or property by acts or omissions of military members of the United States Personnel in Spain or civilian employees of the United States Forces not done in the performance of official duties may, at the election of the claimant, be dealt with by:

a. the prosecution of a suit before a Spanish civil court; or

b. a claim against the Government of the United States, processed through the following procedures:

(1) The claim, addressed to the United States Foreign Claims Commission, will be submitted to the Joint Committee for Politico-Military Administrative Affairs.

(2) After having obtained precise information, the Committee will issue a detailed report on the claim submitted and the damages sought;

(3) Within 60 days of receipt by the Committee, the claim, with the report of the Committee, will be transmitted to the Foreign Claims Commission for decision;

(4) In making the final decision, the Foreign Claims Commission shall take into account the recommendations of the Joint Committee for Politico-Military Administrative Affairs.

2. The filing of a suit before a Spanish civil court against a military member of the United States Personnel in Spain or civilian employee of the United States Forces will be considered to be the renunciation of any right of the Spanish Government or of the person filing the suit to compensation by the Government of the United States in accordance with this Article. However, when such a suit is terminated because of the issuance by the military authorities of the United States of the certificate of official duty referred to in paragraph 2 of Article XXVI of this Agreement, a claim may be processed according to the provisions of Article XXVII of this Agreement, if applicable, or according to the provisions of paragraph 1.b of this Article.

ARTICLE XXXI

The compulsory insurance of official motor vehicles of the United States Government and of privately owned vehicles belonging to United States Personnel in Spain shall continue to be regulated by the Agreement of November 30, 1965, as supplemented by the rules agreed on for its implementation dated March 25, 1966, or by any other agreement that may replace it. The aforesaid Agreement and rules, or those that may replace them, shall have prior application with respect to the filing and settlement of claims arising from the operation of the said vehicles in accordance with the provisions of Articles XXVII and XXX of this Agreement.

ARTICLE XXXII

The military authorities of the United States shall render all assistance permitted by United States law to secure compliance with judgments, decisions, orders and settlements in connection with civil liabilities established by Spanish courts and authorities.

Procedural Annex XIV

INSURANCE COVERING CIVIL LIABILITIES OF EMPLOYEES OF CONTRACTORS AND SUBCONTRACTORS OF THE UNITED STATES FORCES AND OTHER CIVILIAN PERSONNEL AS PROVIDED IN ARTICLE XXIX OF THE AGREEMENT IN IMPLEMENTATION

1. This Annex sets forth the requirements relating to civil liability insurance covering employees of contractors and subcontractors of the United States Forces and other civilian personnel as provided in Article XXIX of the Agreement in Implementation. The acquisition of civil liability insurance by Spanish contractors and subcontractors of the United States Forces, and the conditions thereof, shall be governed by Spanish laws and regulations pertaining to civil liability insurance and shall not be within the application of this Annex.

2. The insurance policies referred to in this Annex shall be taken out with Spanish or United States companies legally authorized to conduct this type of business in Spain.

3. The insurance policies discussed in this Annex, which may be of a general or particular character, shall conform to Spanish law and regulations.

4. Insurance policies referred to in this Annex shall contain:

4.1. Provisions requiring submission to Spanish law and jurisdiction of any problem that may arise in regard to the interpretation or application of the clauses and conditions of the policy.

4.2. Provisions authorizing the insurance company, as subrogee of the insured entity, to attend to directly and to assume, with respect to any person damaged, the legal consequence arising from the occurrence of such damages.

5. Insurance policies referred to in this Annex shall not contain:

5.1. Any deductible amount or similar limitation.

5.2. Any provision requiring submission to any type of arbitration.

6. Prior to the conclusion of contracts or commencement of services referred to in paragraph 7 of this Annex, the Joint Committee for Politico-Military Administrative Affairs, as expeditiously as possible, shall determine for each class of contracts or services the amount of insurance required sufficiently to cover risks deriving from civil liabilities arising in Spain as a result of personal injury or property damage caused by acts or omissions done in the performance of duty by those persons referred to in Article XXIX of the Agreement in Implementation, bearing in mind the types of activities involved in each class of work or service.

7. After the determination by the Joint Committee for Politico-Military Administrative Affairs required by paragraph 6 above has been made the following rules shall apply:

7.1. With respect to contractors and subcontractors, the military authorities of the United States shall provide in all contracts for works or services the obligation of the contractor to take out an insurance policy covering civil liabilities for damages to persons or things which may arise in Spanish territory as a result of acts or omissions done in the performance of duties by his employees. They shall also require that the same obligation be included in the contracts of subcontractors performing services for the principal contractor.

7.2. Before the start of work by the contractor or subcontractor, the military authorities of the United States shall transmit to the Joint Committee for Politico-Military Administrative Affairs a document issued by the insurance company certifying insurance coverage of the civil liabilities referred to in paragraph 7.1. above in an amount no less than the amount established by the Joint Committee for Politico-Military Administrative Affairs for that class of contract.

7.3. With respect to civilian members of the United States Personnel in Spain who are not dependents and to whom the provisions of Articles XXVI and XXVII of the Agreement in Implementation do not apply, the military authorities of the United States shall transmit to the Joint Committee for Politico-Military Administrative Affairs a document similar to that required by paragraph 7.2. above before such persons begin their official activities in Spain.

8. The military authorities of the United States, upon receiving notice of the occurrence of injury or damage which may result in claims under the insurance policies referred to in this Annex, shall transmit to the Joint Committee for Politico-Military Administrative Affairs a brief report of the incident containing the date, place, parties involved and the name of the applicable insurance company. To facilitate the handling of claims, the said authorities will afford a copy of the report to persons alleging injury or damage.

Madrid, the 31st of January 1976.

For the Government of Spain:

For the Government of the United States of America:

Appendix D

First Progress Report of the United Nations Co-ordinator of International Relief For Lebanon

INTRODUCTION

On 26 February 1976 the Secretary-General, at the request of the Government of Lebanon, addressed an appeal to the international community to respond to the urgent humanitarian needs created by the tragic conflict in that country, and named Under-Secretary-General William B. Buffum to serve as Co-ordinator of International Relief for Lebanon. Shortly after the issuance of that appeal the relative calm that had prevailed for a number of weeks was broken and heavy fighting resumed. Relief activities by governmental and international organizations continued, but at a severely curtailed level.

Recent developments, however, appear to make possible the resumption on a larger scale of humanitarian relief efforts, have prompted the renewed appeal by the Secretary-General to the international community on 12 November and set in motion a renewed effort by the Co-ordinator to assure that the United Nations system is prepared to act quickly, effectively and in harmony, in co-operation with the Government of Lebanon, other governments and other international

organizations, to deal with the immense dislocation and human suffering that nineteen months of strife have generated.

This first progress report of the Co-ordinator is intended to provide a summary of relief activities already undertaken by United Nations agencies and programmes, current estimates of the immediate needs, the response of donors to the appeal, the co-ordination mechanisms, and actions and activities envisaged for the period ahead.

EMERGENCY RELIEF ASSISTANCE DURING THE CONFLICT

As noted in the Secretary-General's renewed appeal of 12 November, United Nations agencies and non-governmental organizations continued to provide assistance throughout the conflict to those in dire need to the extent that it was possible given the difficult security situation and the disruption of many of the necessary distribution systems. Local distribution of relief supplies has been possible through the remarkable efforts of the International Committee of the Red Cross (ICRC), the Lebanese Government Office of Social Development (ODS) and a large number of local committees and agencies. The ICRC has been particularly active both in the distribution of supplies from United Nations agencies, bilateral governmental and voluntary agency donors, and in providing data upon which estimates of the population in need have been based. In a few cases expert staff of United Nations agencies have been seconded to the ICRC to assist in areas where their expertise was needed. Annex I of this report provides a summary of the types and volume of assistance that have been provided by United Nations agencies alone up to mid-November 1976, the total value of which is estimated at close to US $14.3 million. This assistance has been provided from available programme resources, except as otherwise noted.

PRESENT ESTIMATES OF THE IMMEDIATE NEEDS

The recent return of greater security and stability has made possible at least preliminary surveys of the population in need and the types and volume of relief required over the coming several months. A summary breakdown is contained in Annex II. Several observations are called for with regard to the preparation and interpretation of these estimates of requirements, which total in value approximately US $51.1 million:

Total population in need

Present estimates of requirements are based on several recent surveys undertaken by the ICRC and accepted by Lebanese Government authorities that place the population in need at 1,364,000 of which 764,000 are described as in total need (displaced persons, including families whose homes have been destroyed and those whose "breadwinner" has been killed or disabled) and of which 600,000 have a head of family without work due to the conflict.[1]

Breakdown of specific needs

These estimates are based on a number of recent surveys undertaken by experienced personnel of United Nations agencies and programmes who have travelled to Lebanon and have had extensive conversations with, and the co-operation of, government officials, local relief committees and ICRC delegates. Agencies have also benefited from the information on needs provided by H. E. Ghassan Tueni, Lebanese Minister of Labour and Social Affairs, and Chairman of the Interministerial Committee for Aid Co-ordination, during his recent visits to agencies' headquarters. Inter-agency consultations and consolidation of data to avoid duplication was undertaken under the direction of the United Nations Co-ordinator. It should be noted that the estimates are for goods and external services (e.g. transportation). Administrative costs, to the extent possible, are being absorbed by the agencies and programmes from their regular budgets.

Time period of estimates

A four-month period, through March 1977, has been adopted for the consolidated estimates since most surveys have extended at least to that date. It should be borne in mind, however, that *all* types of assistance are required immediately, and that the greatest burden is to provide assistance now and in the weeks im-

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[1] The Lebanese Government estimates there may be an additional 336,000 chronic poor and needy in areas not surveyed.

mediately ahead, especially for food, medicine, shelter and clothing to alleviate suffering during the winter that is now setting in. The seed requirements, to be of practical benefit, must reach Lebanon in time for the planting season that begins in January. As the figures on resources already committed suggest, United Nations agencies are working actively to meet these immediate needs within existing resources, which included the prompt allocation of all the funds available in the Secretary-General's Trust Fund for Assistance to Lebanon for medicine, blankets, clothing and shelter materials. Quantities of relief supplies are in the pipeline and others are under procurement, but available resources are insufficient to meet all of the immediate needs.

Response of donors

Governments, international organizations, and voluntary agencies have responded generously to the plight of the suffering Lebanese population. Unfortunately, however, the magnitude of the problem remains far greater than what has, so far, been provided and the resources available to agencies for relief activities in Lebanon are rapidly being exhausted. It is recognized that a major portion of the needs as outlined in Annex II may be met by government bilateral programmes, and by contributions in cash and kind directly to programmes of specific international and voluntary agencies outside the United Nations system. The Co-ordinator welcomes all such assistance in meeting the total needs. To the extent that the donations are made known to the Co-ordinator and United Nations agencies, the United Nations programmes can be tailored to take them into account so that limited resources can be channelled into areas where need persists.

Despite these outside efforts, the total needs are not being met and the direct response to the Secretary-General's appeal for contributions to the United Nations Trust Fund for Assistance to Lebanon and to the appeal of the United Nations agencies associated with the co-ordinated programme has been disappointing. With respect to the Trust Fund itself, the sole contribution actually received as of the date of this report was the US $1 million provided by the United States government, which amount, as noted above, was promptly allocated to meet immediate needs. The Government of Norway has also informed the Co-ordinator of its intention to make a contribution to the Trust Fund. Other positive responses to the appeal are eagerly awaited, whether in cash or in kind and whether directly to the Fund or to those United Nations programmes and agencies participating in the co-ordinated programme. It should be noted that the principal purpose and value of the Trust Fund is that it makes possible the most useful and effective allocation of limited resources to meet immediate needs *not* being met through direct contributions bilaterally or to individual programmes of international and voluntary agencies. It also assures, through the co-ordination mechanism, that duplication of effort is reduced to a minimum.

THE CO-ORDINATION MECHANISM

At the time of the Secretary-General's appeal of 26 February 1976, the Co-ordinator established an interagency co-ordinating committee at Headquarters consisting of representatives of the Food and Agricultural Organization of the United Nations (FAO), the World Food Programme (WFP), the International Labour Organization (ILO), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), and the United Nations Relief and Works Agency (UNRWA). At the same time, Mr. Mohamed Said Al-Attar, Executive Secretary of the Economic Commission for Western Asia, whom the Secretary-General designated as Co-ordinator for Relief Operations within Lebanon, undertook consultations with the Lebanese Government and United Nations agency representatives in Beirut to assure that Lebanese Government requests for assistance were met as promptly and as effectively as possible.

The resumption of heavy fighting severely limited the amount of co-ordination that could be accomplished on the spot. Throughout that period, however, co-operation and co-ordination of operational activities continued among and between the agencies concerned with relief programmes, notably FAO/WFP, WHO, UNHCR, UNICEF and the ICRC. The Co-ordinator at Headquarters was kept informed of the status of ongoing programmes.

The Co-ordinating Committee was convened again on 4 November 1976 in the light of positive developments within Lebanon and the contribution of the United States Government to the Secretary-General's appeal of 26 February. The

Committee concluded that the situation held promise for an early resumption of a full-scale programme for relief and rehabilitation, that a renewed appeal for assistance from the international community was warranted, and that the co-ordination mechanism should be fully reactivated and strengthened. At the suggestion of the Co-ordinator and on behalf of the Secretary-General, the Director-General of the United Nations Office at Geneva convened an informal meeting at the Palais on 22 November of all agencies concerned with providing international humanitarian assistance to Lebanon. The meeting was attended by representatives of the Co-ordinator, FAO, WFP, ILO, WHO, UNESCO, UNHCR, UNICEF and UNRWA. The Permanent Representative to Lebanon to the United Nations Office at Geneva and representatives of the ICRC were also present. The principal purpose of the meeting was to assure full co-ordination of operation activities and to exchange information needed to prepare consolidated estimates of immediate and short-term requirements. In addition, a representative of the Co-ordinator undertook detailed consultations with agency representatives in Geneva between 18–24 November. All of these meetings have been invaluable in the preparation of this first progress report.

Co-ordination within Lebanon itself has not yet been re-established, but is among the first priorities of the Co-ordinator. In this connexion, Mr. Al-Attar plans to visit Beirut 2–4 December. The re-establishment of a focal point within the Lebanese Government for relief efforts and the return of staff of United Nations agencies will be important prerequisites for a systematic relief programme.

NEED FOR A COMPREHENSIVE SURVEY

The present estimates of the population in need and the relief requirements are based, as has been noted above, on a number of separate surveys undertaken in difficult circumstances. There remains a serious lack of detailed information regarding the total population offected, their location and their specific needs. Just as soon as conditions permit, a comprehensive survey of relief needs should be undertaken, in co-operation with the Lebanese Government, by a single inter-agency team of experts from UNHCR, UNICEF, WHO, FAO and WFP, including the ICRC, and perhaps also with the participation of major donors.

It should be stressed, however, that the results of such a survey, even if undertaken immediately, would not be available for a number of weeks. In the meantime, it is imperative that relief activities proceed apace, based upon the preliminary surveys of the clearly identified immediate needs.

REHABILITATION AND RECONSTRUCTION

The activities covered by this report are concerned with humanitarian relief, in accordance with the mandate of the Co-ordinator. It should be clear, however, that relief activities are but the most immediate phase of a situation in which rehabilitation and reconstruction are problems of an even greater magnitude. And the two phases are obviously not mutually exclusive either in nature or in time. The United Nations system must move quickly to be responsive to the rehabilitation and reconstruction needs of Lebanon, as determined by the Government in consultation with international agencies. It should go without saying that the needs of displaced persons, the homeless, the jobless, including farmers, children out of school, and other groups will continue for a long period and tax the resources of international relief agencies if prompt steps are not taken to restore the economic and social infrastructure and services—housing, schools, factories, roads, water supply, farmlands and orchards, medical institutions and the like. Consideration might be given to expanding the comprehensive survey of relief needs referred to in the preceding section to include rehabilitation and reconstruction needs as well, with the participation of additional agencies and programmes such as the IBRD, UNDP, ILO and UNESCO, who will undoubtedly have a vital role to play in assisting the Government of Lebanon in this important phase of its recovery.

RELATIONSHIP WITH UNRWA

While it is not the present intention of the Co-ordinator to allocate funds to UNRWA from the Trust Fund for Lebanon since that Agency has a long-established and separately funded programme in the Middle East, there will continue to be a full exchange of information with UNRWA on programmes of common interest.

1, December 1976.

WILLIAM B. BUFFUM, *Coordinator.*

ANNEX I

EMERGENCY RELIEF ASSISTANCE PROVIDED TO LEBANON BY UNITED NATIONS PROGRAMS AND AGENCIES

[As of mid-November 1976]

Type	Source	Value
Food assistance:		
30,000-plus metric tons commodities	World food program	[1] US$11,000,000
200 tons wheat flour 6 tons full cream milk 10 tons specialized milk for infants 120 tons canned meat 15 tons canned fish	Loaned to UNHCR by the Government of Cyprus.	[1] 300,000
Whole milk powder and baby food Lentils and edible oil 684 bags skim milk powder 125 tons chick-peas	UNICEF	[2] 143,954
875 tons fortified skim milk	Donated to UNICEF by the Government of Canada.	[1] 1,181,250
Total		1,265,204
Medical assistance:		
(October 1975 to March 1976)		
Medicaments, medical supplies and equipment	WHO regional office for the Eastern Mediterranean.	165,000
Do	WHO headquarters emergency funds	90,000
(March 1976 to mid-November 1976)		
4 ambulances 2 autoclaves 2 anesthesia apparatuses 200,000 capsules tetracycline 5 Ped-o-jets 10,000 doses smallpox Vaccine 200,000 doses polio Vaccine 16,000 doses cholera Vaccine 200,000 doses DPT Vaccine 200,000 doses TAB Vaccine 500 ampoules rabies serum 40,000 doses tetanus Vaccine 35,000 sachets Buccochydral (for oral rehydration) 500,000 tablets Globaline (for water purification) 3 million tablets Halazone (for water purification)	Provided by WHO, funded by UNHCR and distributed through ICRC.	200,000
Alcohol (local procurement) 2 VW Vans Milk powder and blankets (local) 2 VW Microbus Miscellaneous medical supplies	UNICEF	82,204
50,000 doses typhoid Vaccine	Provided to WHO by the Egyptian Red Crescent Society.	----------
		537,204
Shelter and clothing:		
Blankets	UNHCR funded	305,000
	do	483,810
	Contribution in kind to UNHCR from OXFAM	[1] 55,760
Total		844,570
3,000 foam mattresses (local)	UNICEF funded	32,000
Total		876,570
Utensils, miscellaneous supplies:		
Cooking utensils	UNICEF	[2] 135,075
Baby care equipment	do	[2] 13,700
Play equipment sets	do	2,100
Sewing machines with stands	do	4,100
Total		154,975
Transportation costs (where not already included)		127,290
Total		14,321,243

[1] Estimated value. 0
[2] CF value.

NOTES

Since UNRWA has a long-established and separately funded program in the Middle East, assistance to Palestinian refugees registered with UNRWA within Lebanon is not included in this table.

Administrative and local transportation costs are not included.

ANNEX II

PROGRAMS IN PROGRESS AND/OR PROJECTED OVER NEXT 4 MO (TO MAR. 31, 1977)

[In U.S. dollars]

Type	Agency	Resources	
		Available [1]	Additional Needed
Food and agricultural assistance:			
Wheat flour, Dried skim milk, Vegetable oil, Cheese, Meat	FAO/WFP	4,700,000	[2] 31,658,000
Supplementary high protein food	UNHCR	----------	500,000
Fertilizers—43,000	FAO	600,000	6,000,000
Potato seeds—15,400	FAO	[3] 400,000	7,300,000
Wheat seeds—5,000	FAO	150,000	1,500,000
100 water pumps	FAO	----------	1,000,000
Total		5,850,000	47,958,000
Medical assistance:			
Immunization programs, Water purification materials, Water purification—gasoline-operated units, Antibiotics, Antiseptics (for hospitals and health centers), General antisepteics, Equipment—2 blood transfusion central bank units, Dressings, bandages, other surgical materials, 10 first-aid ambulances, 12 anaesthesia apparatuses, Sterilizers and autoclaves, Analgesics and sedatives	WHO	[4] 330,000	670,000
Basic equipment and supplies for maternity and paediatric wards, basic MCH equipment.	UNICEF	[5] 200,000	100,000
Soap (500,000 bars)	UNICEF	----------	45,070
Total		530,000	815,070
Shelter and clothing:			
Blankets	UNHCR	[5] 250,000	550,000
Shelter material (tarpaulins, plastic sheeting, etc.)	UNHCR/UNICEF	[5] 150,000	78,000
Clothing	UNHCR/UNICEF	[6] 100,000	900,000
Mattresses	UNICEF	----------	108,000
Total		500,000	1,636,000
Other basic supplies:			
Kitchen utensils and basic household equipment	UNHCR/UNICEF	[5] 100,000	441,800
School materials (basic)	UNICEF	----------	200,000
Total		100,000	641,800
Grand total		6,980,000	51,050,870

[1] These amounts represent funds already committed or contributions in kind already received. Funds already committed are in some cases subject to replenishment.

[2] It is recognized that a substantial part of this requirement may be met in contributions in kind to the recent appeal of the Director-General of the Food and Agriculture Organization.

[3] Includes contribution of the Government of Switzerland at an estimated value of $200,000.

[4] $130,000 from WHO regional budget and $200,000 from the United Nations Trust Fund for Assistance to Lebanon.

[5] From Trust Fund for Assistance to Lebanon.

[6] From Trust Fund to UNICEF for baby clothing.

Note: Types of assistance, amounts and total value are based on preliminary surveys and are subject to revision following the conclusion of a more comprehensive survey when conditions permit.

COMITE INTERNATIONAL DE LA CROIX-ROUGE

RO 708/6
8.10.1976

MEMORANDUM

ICRC ACTIVITIES IN LEBANON

Fighting, shooting and mounting casualties constitute the ghastly reality of everyday life in Lebanon, even though the rest of the world, its attention drawn to other trouble spots, may only too readily tend to forget it.

Who can know the number of victims in this war which has now lasted over eighteen months? Wounded, sick, displaced persons, minority groups surrounded by a hostile population; they are all human beings whom the International Committee of the Red Cross (ICRC) must take care of. It has to act, because it is the only international body whose presence is acknowledged among all the various sides in the conflict, and because the emergency character of its activities has never been refuted in a country torn by strife, where no one seems to know what the morrow will bring.

In spite of the climate of insecurity and constant danger, in spite of all kinds of difficulties, the ICRC's humanitarian efforts have expanded in the course of the last few months to a remarkable degree. The machinery it has set up to provide medical aid and essential supplies has been consolidated. Its development has proceeded by steps, corresponding to the needs and the available means at various stages, and today its Lebanon organization comprises five bases for direct action, 62 delegates—including the medical personnel—about sixty local staff and an extensive logistic network.

MEDICAL ACTION

The ICRC hospital

This unit is no longer a tent hospital as was the case until May 1976; it was transferred to a building offering a greater degree of security, in the immediate vicinity of the ICRC delegation for West Beirut. But this move did not bring an end to the worries of the sixteen Scandinavian doctors and nurses running the hospital.

When the field hospital was first set up, it contained 30 beds. By May, the number of beds had been increased to 50 and the average number of cases treated (outpatient and hospitalizations) had risen to 700 a week. This was a remarkable achievement on the part of this handful of men and women who, working at all times of the day and night, treated emergency cases and devised medical care in premises and with equipment which they improvised on the spur of the moment.

Today, there are over sixty beds, and while the number of patients cared for every week often exceeds a thousand, the medical team carries on with the same number of doctors and nurses.

There are several reasons for the constant increase in the number of wounded and sick.

This conflict has been going on for over eighteen months. Thousands of civilians have been killed by artillery and small arms fire. Large numbers of children have been orphaned or separated from their parents. Families have been disrupted. The social fabric has been almost totally destroyed. The direct consequence of all this is that the hospitals are overcrowded. Every shell, every rocket falling upon the population adds to the number of casualties. Children who have lost a limb cannot be sent home, because they have no home to go to. Many hospital beds are occupied by people who have been cured in the therapeutic sense but who do not know where to go. And still the firing does not cease.

Faced by such a situation, it might be thought that doctors and nurses would be weighed down with despondency. The opposite is the truth. The steadfact team spirit of the Danes, Finns, Norwegians, Swedes, Americans and Lebanese is quite extraordinary. Their work is perfectly well co-ordinated: not only do they perform their job with so much energy that one is left wondering where they get it from, but they show their concern for the future of all those severely handicapped people who will have to face life in a country where nothing is yet available in terms of rehabilitation, post-operational care, artificial limbs and social welfare in general.

Unhappily, the ICRC hospital team can only ask themselves: "What can a person who has lost a leg do in Lebanon today, with no family, no home, thrown onto the streets, without the temporary protection offered by a hospital?"

MEDICAL ASSISTANCE

Does malnutrition exist in Lebanon? In which sector is large-scale medical assistance necessary?

It is impossible to give a straight answer to such questions. First of all, it is not only malnutrition and epidemics that have to be dealt with, and secondly, there is a time factor that must be considered, even though all ICRC operations are necessarily limited to emergency situations.

It should be remembered that before the war Lebanese medical services were well developed; its inhabitants received excellent medical treatment and, consequently, depended to a fair extent on thorough medical care.

As the fighting grew in intensity, the departure of doctors to other countries quickened (50 per cent have left), imports of medicines slowed down, in short, when stocks became exhausted, the whole structure was thrown out of joint, not to say paralysed.

Thanks to their relatively high standard of health, the Lebanese have been able so far to bear fairly well the austere living conditions created by 18 months of war. They have made efforts to cope as well as possible with shortages of water, affecting the majority of the country, and with food restrictions. All the same, there is a limit to their resistance; with every month that goes by, it gets weaker. The approach of winter menaces all the people; but especially the tens of thousands of civilians uprooted from their homes by the fighting.

As soon as the evacuation of the Tel al-Zaatar area was completed, the ICRC fixed its priorities on the setting up of a network for the flow of medical and material supplies, so that it would be prepared to alleviate the hardship to civilians caused by any deterioration in the situation. The ICRC delegation in west Beirut had already organized among the hospitals in that part of the city a co-operative system to obtain medical supplies on a rational basis and ensure the best possible method of distribution, that is to say, for the benefit of the war casualties and the sick bereft of financial resources.

A similar system was set up by the delegation in Jounieh for the hospitals in east Beirut, on the coast and in the north. These hospitals were also overcrowded and were providing medical care under extremely difficult conditions. Furnishing aid to these hospitals and clinics therefore constituted the first vitally important stage of a medical plan.

During the second stage, the objective was to improve the existing structures in the rest of the country, and to set up new ones where none existed. The ICRC actively undertook this task. Its medical delegates travelled the length and breadth of the country, visiting countless dispensaries and first aid posts. All their work was of course co-ordinated with the local people in charge, whoever they might be, whether they belonged to the Red Cross or the Red Crescent, the medical services of the various troops, or other organizations such as the ODS (Organisation pour le Développement Social).

The network is now operational. The question now is to feed in supplies regulary. The ICRC is at the present moment the only body that can bring in medicines officially, and the needs, even for a short period, are enormous, much more than those covered so far.

MATERIAL AID

Although some of the inhabitants still manage to support themselves, there are a considerable number of victims who depend entirely on outside aid. These include those people forced to leave their homes because of the fighting and who fled, when whole towns were evacuated, along the roads, empty-handed, like all war refugees.

The number of refugees increased from July 1976, as fierce battles were fought. People assembled as well as they could in villages which were not really equipped to receive them. Schools were opened to provide temporary shelter, and some kind of assistance was organized. It was not easy to bring in aid, and it was necessary to take a count of all the people in an area, all the while providing them with the bare minimum to enable them to survive until a regular flow of relief supplies could be organized.

The stocks collected by the ICRC in various parts of the country have enabled the most urgent requirements to be covered. The Cyprus-Lebanon shuttle-service operated by the "Kalliopi", a vessel chartered by the ICRC, has been stepped up. Trucks and other vehicles of all kinds, belonging to the charitable organizations co-operating with the ICRC, takes supplies from the warehouses to the places where people in need have found a home. The lines of communication exist and the breakdowns have become more and more rare as each one is trying to organize his life and has only to fear the unknown factors which might suddenly occur and which are unhappily only too frequent in the life of the Lebanon of today.

It is therefore vital that along those lines of communication not only foodstuffs should continued to flow, but blankets, too, which with the onset of winter

will be eagerly sought. Something will have to be done in this respect even before winter, in October, perhaps, if one reads the signs correctly, for the schools will soon be opening their gates to their customary occupiers, and the present dwellers will have to seek shelter elsewhere.

PROTECTION AND THE CENTRAL TRACING AGENCY

Protection in Lebanon, like in other places, constitutes a not insignificant aspect of ICRC action, even though it often is carried out most discreetly and, apart from the dry information provided by statistics, receives very little publicity. It is well known that ICRC delegates have had to face, and continue to face, many difficulties when they attempt to convince others of their obligation to observe the elementary rules of humanity: not to kill those who surrender; to spare the civilians; not to hinder aid to the wounded and the sick.

The delegates continue their efforts with such tasks: they have been able to see a few prisoners; they visit regularly isolated communities living among a hostile population; they represent the link between those minorities and their families from whom they have been cut off, not only by the simple fact of their physical presence, but also because they are the bearers of messages.

Protection and tracing agency activities complement each other. Because they so frequently move from place to place, the delegates can act for the tracing bureaux experts in Tripoli, Jounieh, Beirut and Baalbeck and can be of valuable assistance to them. Members of families which have been split up are scattered all over Lebanon, and in order that contact should not be lost for ever, a chain has been forged linking the Tracing Agency and the various branches of the Red Cross and Red Crescent.

Geneva, 8 October 1976.

ACTION: LEBANON—CONTRIBUTIONS RECEIVED AND PROMISED FOR THE PERIOD FROM OCT. 25, 1975, TO SEPT. 22, 1976

[All figures in Swiss francs]

Donors	In cash					Value of goods received [1]		Value of services [2]		Grand totals
	1975	1976	Promised	Totals, 1976	Totals, 1975/1976	1975	1976	1975	1976	
Governments	343.917	9.180.863	5.757.360	14.938.223	15.282.140	70.000	3.519.100			18.871.240
National societies	101.905	819.665	64.500	884.165	986.070	589.100	3.697.450		291.320	5.563.940
Others	126	725.185	4.228	729.413	729.539		3.782.425	224.180	866.820	5.602.964
Total	445.948	10.725.713	5.826.088	16.551.801	16.997.749	659.100	10.998.975	224.180	1.158.140	30.038.144

[1] Value of goods received—11.658.075.
[2] Value of services—1.382.320.

Note.—This table does not include any gifts or consignments to Lebanon made by governments, national societies, or any other donors through channels other than the ICRC.

CONTRIBUTIONS—LEBANON

Donors	In cash				Totals, 1975–76	Goods		Services		Grand totals
	1975	1976	Promised	Totals, 1976		1975	1976	1975	1976	
I. Governments:										
Germany (Federal Republic)	50.890	243.670		243.670	294.560					294.560
Saudi Arabia		924.000		924.000	924.000		350.000			1.274.000
Australia							300.000			300.000
Austria		141.500		141.500	141.500					141.500
Belgium		127.380	320.000	447.380	447.380					447.380
Canada	193.027	571.115		571.115	764.142					764.142
Denmark		205.182		205.182	205,182					205.182
United States		4.945.000	5.000.000	9.945.000	9.945,000		125.000			10.070.000
Ghana			10.700	10.700	10.700					10.700
United Kingdom		109.875		109.875	109.875					109.875
Iraq							210.000			210.000
Iran		12.717	61.660	74.377	74.377					74.377
Iceland		3.332		3.332	3.332					3.332
Italy							125.000			125.000
Liechtenstein		5.000		5.000	5.000					5.000
Luxembourg		6.090		6.090	6.090					6.090
Morocco		136.369		136.369	136.369					136.369
Norway		610.008		610.008	610.008					610.008
Pakistan							12.500			12.500
Netherlands		484.625		484.625	484.625					484.625
Qatar		150.000	365.000	515.000	515.000					515.000
Sweden							540.000			540.000
Switzerland	100.000	500.000		500.000	600.000	70.000	1,856.600			2,526.600
Vatican		5.000		5.000	5.000					5.000
Totals	343.917	9.180.863	5.757.360	14.938.223	15.282.140	70.000	3.519.100			18.871.240
II. National societies:										
Afghanistan							25.000			25.000
Germany (Federal Republic)		96.350		96.350	96.350	27.900	512.200			636.450
Australia	3.303	34.741		34.741	38.044					38.044
Austria						29.000	30.000			59.000
Bahrain		5.000		5.000	5.000					5.000
Belgium	19.350	30.500		30.500	49.850	52.300	40.600			142.750
Brazil							500.000			500.000
Canada	19.469	31.303		31.303	50.772					50.772
Denmark						61.000	179.850		45.720	286.570
Egypt							86.900			86,900
Spain		3.621		3.621	3.621					3.621

Finland		10.000		10.000	10.000	99.300	337.200	122.000	568.500
France		8.700		8.700	8.700	70.000	57.100		135.800
United Kingdom		11.328		11.328	11.328	89.700	297.975		399.003
Greece	5.000				5.000				5.000
Iran							4.200		4.200
Ireland	15.915	1.549	64.500	66.049	81.964				81.964
Iceland		3.332		3.332	3.332	2.500			5.832
Italy						46.800			46.800
Japan		8.295		8.295	8.295				8.295
Kuwait							127.500		127.500
Libya		65.092		65.092	65.092				65.092
Liechtenstein	1.000				1.000				1.000
Luxembourg	4.000				4.000		80.000		84.000
Monaco	2.950				2.950				2.950
Norway						29.000	108.000	123.600	260.600
New Zealand		11.001		11.001	11.001				11.001
Netherlands		114.188		114.188	114.188	13.700	246.250		374.138
Philippines		1.250		1.250	1.250				1.250
Sweden		289.500		289.550	289.550	15.000	97.3675		1.278.225
Switzerland	25.000	75.000		75.000	100.000	31.400	91.000		222.400
Thailand		1.250		1.250	1.250				1.250
Tunisia						21.500			21.500
R.C. Gaza		17.615		17.615	17.615				17.615
R. C. Jerusalem	5.918				5.918				5.918
Totals	101.905	819.665	64.500	884.165	968.070	589.100	3.697.450	291.320	5.563.940
III .Others:									
Organizations:									
British Columbia Agricultural Committee		38.141		38.141	38.141				38.141
E.E.C		333.333		333.333	333.333		1.590.000		1.923.333
National Evangelical Church		2.336		2.336	2.336				2.336
Diakon Werk (RFA)							25.000		25.000
WHO		30.846		30.846	30.846		530.900		561.746
OXFAM		110.231		110.231	110.231		240.000		350.231
St. Christopher's Church		200		200	200				200
UNICEF							63.000		63.000
W.C.C		61.500		61.500	61.500				61.500
Save the Children Fund							22.175		22.175
Unit 18/United Nations		600		600	600				600
UNHCR							931.350		931.350
Corporations:									
Various							22.000		22.000
M.E.A								224.180 866.820	1.091.000

Donors	In cash				Totals, 1975–76	Goods		Services		Grand totals
	1975	1976	Promised	Totals, 1976		1975	1976	1975	1976	
Private donors:										
Swiss Consul in Milan		50		50	50					50
Sundry in Germany		5		5	5					5
Sundry in Israel	26	681	609	1.290	1.316					1.316
Sundry in Lebanon		22		22	22					22
Sundry in Switzerland	100	2.540		2.540	2.640					2.640
Through:										
American R.C		1.187	890	2.077	2.077					2.077
Canadian R.C		1.512		1.512	1.512					1.512
French R.C		6	125	131	131					131
Red Cross of Monaco		10		10	10					10
Sundry in Jordan		356		356	356					356
P. Edde (Beirut)			2.604	2.604	2.604					2.604
Civilians in Israel-occupied territories		140.258		140.258	140.258		300.000			440.258
Palestinians in Sweden							38.000			38.000
Federation of Armenians Friends							20.000			20.000
Armenian drivers in Lebanon		1.371		1.371	1.371					1.371
Total	126	725.185	4.228	729.413	729.539		3.782.425	224.180	866.820	5.602.964

BUDGET FOR ICRC ACTION IN LEBANON

I. Food: Some 700,000 persons have been affected in one way or another by the events. It is estimated that about 400,000 of them are in need of this supplementary food assistance.

Monthly ration per head:

Flour	6.0
Powdered milk	1.0
Tinned meat of fish	1.0
Sugar	.5
Fats	1.0

Totals for 400,000 persons per month:

	U.S. dollars	Swiss francs
Flour (2,400 tons)	768,000	1,920,000
Milk (400 tons)	320,000	800,000
Meat/fish (400 tons)	480,000	1,200,000
Sugar (200 tons)	72,000	180,000
Fats (400 tons)	560,000	1,400,000
Subtotal	2,200,000	5,500,000
II. Medical activities: Medicaments, surgical equipment, and maintenance of field hospital, monthly	800,000	2,000,000
Subtotal	3,000,000	7,500,000
III. Various: Mattresses, kitchen kits, and soap—clothes for 250,000 persons 500,000 blankets (total 6,000,000 Swiss francs), monthly	600,000	1,500,000
Subtotal	3,600,000	9,000,000
IV. Transport:		
5,500 m³ seafreight	660,000	1,650,000
300 tons airfreight	60,000	150,000
Freight from Cyprus	80,000	200,000
Subtotal	4,400,000	11,000,000
V. Operating expenses	200,000	500,000
Total, monthly	4,600,000	11,500,000

STATEMENT OF CONTRIBUTIONS AND EXPENDITURE [1]

[In thousands of—]

	U.S. dollars			Swiss francs		
	Received	Promised	Total	Received	Promised	Total
Contributions in cash, kind and services:						
Governments	5,246	2,303	7,549	13,114	5,757	18,871
National societies	2,200	25	2,226	5.500	64	5.564
Miscellaneous	2.239	2	2.240	5.598	4	5.602
Total	9.685	2.330	12.015	24.212	5.825	30.037

	U.S. dollars	Swiss francs
Expenditure:		
Operating expenses	1.005	2.512
Relief purchased and committed by ICRC	2,278	5.695
Total	3.283	8.207
Relief made available by governments, national societies, various organizations and institutions	5.216	13.040
Total	8.499	21.247

[1] October 1975 till September 1976.