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Chairman: Mr. Alexis KYROU (Greece).

The Conciliation Commission for Palestine and its work in the light of the resolutions of the United Nations (A/2184, A/2216 and Add.1, A/AC.61/L.23/Rev.3, A/AC.61/L.23/Rev.4, A/AC.61/L.25, A/AC.61/L.26/Rev.1, A/AC.61/L.33) (continued)

[Item 67]*

1. The CHAIRMAN asked the sponsors of the eight-Power draft resolution (A/AC.61/L.23/Rev.3) to what extent they had been able to comply with the proposal made at the previous meeting by the Mexican representative.

2. Mr. JOHNSON (Canada) said that after consultation the sponsors of the draft resolution were prepared to accept the Mexican representative's proposal and to add after the words "bearing in mind" in paragraph 4 of the operative part the words "the resolutions as well as".

3. Mr. QUINTANILLA (Mexico) pointed out that the English text of the draft resolution did not exactly express the proposal he had made, which was faithfully reflected in the French and Spanish versions. The Spanish text read: "*teniendo en cuenta tanto las resoluciones de las Naciones Unidas como los objetivos . . .*" To make the English text correspond exactly with the French and Spanish texts, the English words "bearing in mind" would have to be replaced by the words "taking into account". If the English text was to be left unaltered the two other texts would have to be changed; and in that case the Mexican delegation would be obliged to abstain from voting on paragraph 4 of the operative part.

4. The CHAIRMAN observed that the original of the eight-power draft resolution was the English text and that, consequently, it was the French and Spanish texts that would have to be adapted to the English. However, perhaps the sponsors of the draft resolution would agree

to modify their original text in accordance with the Mexican representative's suggestion.

5. Mr. JOHNSON (Canada) pointed out that he could not say that the sponsors of the draft resolution would agree to alter their text in the manner suggested.

6. The CHAIRMAN said that a fourth revised text of the eight-Power draft resolution would be issued which would take into account the proposal made by the Mexican representative at the previous meeting to add the words "the resolutions as well as . . .", as agreed to by the sponsors of the draft. The new text would also correct a drafting error which had been overlooked in the English text, in the fourth paragraph of the preamble, as well as some inaccuracies in the French and Spanish translations, in the second paragraph of the preamble and in paragraph 4 of the operative part.

7. Mr. ALGHOUSSEIN (Yemen) said that if they refused to modify the English text of paragraph 4 of the operative part of their draft resolution, the eight sponsoring delegations would thereby be rejecting the Mexican representative's proposal. The Yemen delegation made a final appeal to the Committee before it took a decision whose consequences might be grave. The Syrian representative (36th meeting) had exhaustively analysed the eight-Power draft resolution, and Mr. Alghoussein could only endorse his conclusions. That draft was in no way a compromise solution. It did nothing to bridge the gap between the parties to the dispute, and could only aggravate the situation. In reality, the issue to be settled was not between Israel and the Arab States, but between Israel and the Palestine Arabs. The eight-Power draft resolution would not facilitate a settlement, since it did not state explicitly that the proposed negotiations must be based on the relevant General Assembly resolutions.

8. Mr. DEJANY (Saudi Arabia) expressed his delegation's support for the Syrian representative's observations at the 36th meeting on the eight-Power draft resolution.

* Indicates the item number on the agenda of the General Assembly.

9. The first paragraph of the preamble of the draft resolution referred to Article 33 of the Charter, which related to disputes the continuance of which was likely to endanger the maintenance of international peace and security. But it had not been established that the dispute existing between Israel and the Arab States was of that nature, and it was therefore questionable whether the reference to Article 33 was in order. Even on the assumption that the dispute came within the scope of Article 33, however, it must be dealt with in conformity with the principle of justice and international law, as specified in Article 1, paragraph 1, of the Charter. Furthermore, Article 33 of the Charter left the choice of methods for the settlement of the dispute to the parties involved. Hence the General Assembly was in no way authorized to impose a particular method on the parties, especially since one of the parties did not accept the proposed method.

10. Moreover, as far as the question of the repatriation of refugees and the territorial question were concerned, the parties to the existing dispute were not Israel and the Arab States but Israel and the Palestine Arabs. The Arab States were only indirectly interested in those questions. Israel was immediately and directly interested, since as soon as it was ready to observe General Assembly resolution 194 (III), the Arab refugees would return to their homes on Israel's territory or territory under its occupation. The same applied to the territorial question, since although the solution of that question would result in the final demarcation of the frontiers between Israel and the neighbouring States, it essentially involved the restitution by Israel to the Palestine Arabs of the territory allotted to them under the partition plan. Thus the disputes between the parties on the question of the repatriation of the refugees and the territorial question were not international disputes within the meaning of Articles 1, 2 and 33 of the Charter and were therefore not disputes which could be settled by the methods enumerated in Article 33.

11. With regard to the internationalization of Jerusalem, that was a question in which Israel stood opposed to the international community, not to the Arab States. That question again, therefore, was outside the scope of Article 33 and could not be a matter for direct negotiation between Israel and the Arab States.

12. It was true that in the plan he had submitted to the Committee (29th meeting) the Israel representative had referred to a number of other questions—such as the question of security in the Middle East, economic, social and cultural matters, and questions of communications, technical assistance and diplomatic relations—as possible subjects for direct negotiation.

13. The question of security in the Middle East, which involved the conversion of the armistice agreements into peace treaties, was perhaps the sole issue which in fact existed between Israel and the Arab States, and which could be dealt with by direct negotiation. As, however, the representatives of the Arab States had declared that their Governments intended to respect the armistice agreements, the situation in that regard could not endanger international peace and security.

14. As for the other questions dealt with in the plan submitted by Israel, neither the United Nations nor any other authority was competent to impose on the Arab States direct negotiations for the settlement of those questions, since it could not be argued that they con-

stituted an international dispute and a threat to international peace and security within the meaning of the Charter.

15. Reverting to the eight-Power draft resolution, Mr. Dejany pointed out that the quotation from the twelfth progress report of the Conciliation Commission for Palestine in the fourth paragraph of the preamble was incomplete. The Commission's report, it was true, said that general or partial agreement should be sought by direct negotiation, but it subordinated that possibility to the acceptance by all parties of the principles enunciated in the general proposal submitted to them by the Commission at the Paris Conference.

16. As for paragraph 3 of the operative part, which restated the principle that the responsibility for finding a solution to their differences rested primarily with the Governments concerned, it should be noted that the Arab States were not direct parties to those differences, and that in any event it was not a question of the settlement of differences but of compliance with United Nations decisions.

17. In connexion with paragraph 4 of the operative part, which was the essence of the eight-Power draft resolution, the delegations of the Arab States had already said that they were not opposed to the principle of direct negotiations, but considered that such negotiations would be valueless. As a token of good-will the Arab States would agree to enter into negotiations provided that they were based on the resolutions adopted by the General Assembly: that condition they considered essential. However, the Israel representative had said in terms which left no room for doubt that his Government was not prepared to enter into direct negotiations based on the General Assembly resolutions. That being so, the eight-Power draft resolution was bound to remain a dead letter. The United Nations, which had the duty of settling the Palestine problem, could not evade its responsibilities by calling on the Israel Government and the Governments of the Arab States to undertake direct negotiations, even on the assumption that Israel and the Arab States were the sole parties interested in the matter.

18. The effectiveness of the provisions of paragraph 5 of the operative part of the draft resolution—whose usefulness could not be doubted—was jeopardized by the general spirit of the draft resolution, since it left Israel free to paralyse the work of the Conciliation Commission by arguing that questions in which the Commission wished to intervene must first be dealt with by direct negotiations between the parties.

19. On the other hand, the four-Power draft resolution (A/AC.61/L.25) noted that the Palestine problem was not settled and drew attention to the methods recommended by the General Assembly for its solution. It requested the Conciliation Commission to continue its efforts to fulfil the task entrusted to it under General Assembly resolutions, and did not rule out direct negotiations. The increase of the Commission's membership, dealt with in paragraph 6 of the operative part, and the transfer of the Commission's headquarters, referred to in paragraph 5, could not but have happy results.

20. The Saudi Arabian delegation would vote against the eight-Power draft resolution unless it were amended so as to recognize that direct negotiations must be based on the resolutions of the General Assembly.

21. Mr. AMMOUN (Lebanon) said that the eight-Power draft resolution could not be effective unless the direct negotiations which the parties were invited to undertake were based on respect for United Nations resolutions on the Palestine problem. It was unfortunate that the sponsors of that draft had not seen fit to accept the Mexican representative's suggestion to replace the words "bearing in mind" in the English text by the words "taking into account", which would have dispelled any ambiguity. In the circumstances, the Lebanese delegation would be unable to vote for the eight-Power draft resolution.

22. Mr. AL-JAMALI (Iraq) observed that the Arab States had asked (A/2184) for the question under discussion to be placed on the General Assembly's agenda in order to secure the legitimate exercise of their rights, which had already been much abridged by the resolutions adopted on the question. However, the eight-Power draft resolution, which was the outcome of protracted debate on the matter in the Committee, was evasive, obscure, vague and partial. The four Powers which had hitherto interested themselves in security in the Middle East had now left the field to a number of countries which had no relations with the Middle East and which could not be expected fully to appreciate the effects the decisions they were being called upon to share in might have in the Middle East.

23. At the previous meeting the Israel representative had explained his Government's position with regard to the United Nations resolutions but had failed to mention the fundamental rights of the Palestine Arabs which had been recognized in those resolutions. Although the Palestine Arabs had suffered greatly at the hands of the United Nations, the Organization now appeared to be supporting the case of Israel, since even the Israel representative admitted that the eight-Power draft resolution was entirely satisfactory to his Government. The Palestine Arabs no longer looked to the United Nations for justice but it was to be feared that they might in consequence seek other means of obtaining satisfaction.

24. The realities of the world situation had to be faced: many problems had to be dealt with for some of which the United Nations was responsible. Mr. Al-Jamali therefore hoped that the Committee would ensure that no part of the resolution 512 (VI), adopted by an overwhelming majority at the General Assembly's sixth session, was abandoned or whittled down in the forthcoming decision. At its sixth session, the General Assembly had decided that the problem must be settled in conformity with its previous resolutions. It might well be asked what political considerations had come into play that such a radical change in position could now be contemplated.

25. The Iraqi Government, which considered that the problem must be solved in accordance with the demands of justice, honour and the dignity of the United Nations, strongly opposed the eight-Power draft resolution which betrayed the cause of the Organization. Iraq was not directly a party to the Palestine dispute; it was the champion of the rights of the Arab refugees. So long as those rights were ignored or violated, the Iraqi Government would not change its attitude. It was for those who had invoked and obtained the rights conferred on them by the General Assembly resolutions to see to it that the other party also obtained the rights due to it under the same resolutions.

26. If it was true that the Arab States had opposed General Assembly resolution 181 (II) of 1947, that resolution had nevertheless been imposed on them and the Arabs were therefore justified in claiming the rights it had conferred on them. Admittedly, an attempt could be made to impose the eight-Power draft resolution in the same way, but the bitterness, humiliation and resistance which such action would bring about in the Arab world would create a dangerous situation, since peace could not be restored by increasing a people's resentment.

27. Mr. AL-JAMALI hoped the Committee would reject the eight-Power draft resolution, unless it were so amended as to incorporate the provisions of resolution 512 (VI) adopted by the General Assembly at its sixth session.

28. Mr. SHUKAIRI (Syria) wished to consider from the legal aspect the new version of the eight-Power draft resolution (A/AC.61/L.23/Rev.4) which had just been distributed.

29. According to that text, the Conciliation Commission was to be maintained and was requested to continue its efforts. The members of the Conciliation Commission, however, were also members of the *Ad Hoc* Political Committee. In view of the heated nature of the debate and of the fact that one of the parties accepted the recommendation contained in the eight-Power draft while the other strongly opposed it, it was to be hoped that the members of the *Ad Hoc* Political Committee, who were also members of the Conciliation Commission, would adopt a neutral attitude in voting on the draft resolution.

30. There could be no talk of conciliation in connexion with a measure which sought to impose on one party a decision imperilling rights established and confirmed by the General Assembly. The eight-Power draft resolution was calculated, not to bring the parties closer together, but, on the contrary, to separate them still further and intensify their resentment. To break the deadlock, Mr. Shukari proposed that the Committee should adopt an approach on which no further disagreement was possible—the legal approach.

31. The agenda items proposed by the Israel representative for the negotiations provided for in paragraph 4 of the operative part of the eight-Power draft resolution fell into two categories: one containing items relating to relations between States and the other items relating more properly to Palestine. The first category included the questions of economic and diplomatic relations and the recognition of Israel. What relations a State decided to maintain or not to maintain with another State was exclusively a matter of sovereignty, of domestic jurisdiction. The United Nations was not entitled under the Charter to interfere in those matters; it could not recommend that a State should recognize another State, or should establish diplomatic or commercial relations with it. It was the sovereign right of every State to decide such questions as it saw fit. The second category of items included the refugee question, the territorial question and that of the internationalization of Jerusalem. In the case of the refugees, the problem was one of purely private rights, the rights of persons who were not nationals of any Arab or other State. How could Israel and the Arab States be invited to reach agreement with respect to the purely private rights of persons who were not even their nationals? Was there a single article of the Charter which empowered the General Assembly to deal with those rights, other than the articles which

required it to ensure their strict observance? The General Assembly had no authority to decide that such rights should form the subject of negotiations between States.

32. The eight-Power draft resolution therefore raised legal questions of the highest importance. Those questions were: whether the Palestine Arab refugees were entitled to be repatriated to their former homes and to exercise their rights to their properties and interests; whether Israel was entitled to deny the refugees those rights; whether those rights should be observed without further formality or should form the subject of negotiations between States of which the refugees were not nationals; whether States Members of the United Nations were entitled in law to enter into any agreement in relation to those rights.

33. Before coming to a decision on the eight-Power draft resolution, the Committee should logically ask the highest international legal authority for an answer to those questions. Under the Charter, the General Assembly could ask the International Court of Justice for an advisory opinion. That course of action was essential so that the members of the Committee should no longer have any doubt in their minds as to the justice and equity of the decisions they would be required to adopt.

34. As regards the procedure to be followed in such a case, Mr. Shukari recalled that on 6 November 1952 (391st plenary meeting) the General Assembly had adopted a resolution which provided that whenever any Committee contemplated making a recommendation to the General Assembly to request an advisory opinion from the International Court of Justice, the matter might be referred to the Sixth Committee for advice on the legal aspects and on the drafting of the request, or the Committee concerned might propose that the matter should be considered by a joint committee of itself and the Sixth Committee; the General Assembly had also provided that when a committee considered the legal aspects of a question important, it should refer the matter to the Sixth Committee for legal advice or propose that the question should be considered by a joint committee of itself and the Sixth Committee.

35. The Syrian delegation was accordingly submitting draft resolution (A/AC.61/L.33) recommending that the advisory opinion of the International Court of Justice should be requested on the legal questions he had enumerated. He appealed to the members of the Committee to support that draft resolution. Some United Nations' resolutions, especially General Assembly resolution 181 (II) which established the State of Israel, had caused great upheavals in the Middle East: kings, heads of State and ministers had been deposed or assassinated because their peoples accused them of having failed to achieve their national aspirations. Adoption of the eight-Power draft resolution would be a further humiliation for the Arabs, a further blow to their hopes. The course proposed by the Syrian delegation was the only one which could satisfy the conscience of the members of the Committee and permit the hope that peace might be achieved, since there could be no peace without justice.

36. The CHAIRMAN said that, while he appreciated the fact that the Syrian representative had had to make a detailed statement in order to submit a new draft resolution, as the discussion was already very protracted he proposed, under rule 113 of the rules of procedure,

that the time to be allotted to each speaker to explain his vote should be limited to ten minutes.

It was so decided.

37. Mr. PATIJN (Netherlands) pointed out to the Iraqi representative that there was nothing sinister in the motives which had led eight States without responsibilities in the Middle East to submit a draft resolution and it should not be regarded as the result of political manoeuvres. He would explain why the Netherlands delegation, for its part, recommended the method of direct negotiations.

38. It was difficult to understand why some of the States concerned shunned direct negotiations, which the Charter regarded as the paramount method of settling disputes between States. For four years the Conciliation Commission had made every effort to bring the parties together, but to no purpose. Accordingly, it had had to report to the General Assembly that it could not carry out its mandate. A deadlock had been reached: the Arab States continued to adhere strongly to the resolution 194 (III) of 1948 which was their major legal argument; Israel was not prepared to accept a settlement of the refugee issue outside the framework of an over-all settlement, for fear that in doing so it would weaken its position in the negotiations on other issues.

39. Nevertheless, the Conciliation Commission believed that if the parties accepted the principles underlying the proposals which it had submitted to them at the Paris Conference the previous year, general agreement could be sought through direct negotiations. The Conciliation Commission's proposals therefore still permitted the hope that the parties would reach agreement.

40. By inviting the parties to the dispute to negotiate, the eight-Power draft resolution did not actually ask them to renounce their claims or to undertake not to invoke the previous resolutions of the General Assembly. The purpose of the draft was not to consign those resolutions to oblivion but merely to have the parties concerned agree at last to enter into negotiations. The Netherlands delegation found nothing objectionable in such a proposal, nor was it able to understand why a legal opinion should be sought in connexion with a recommendation which, within the context of the problem, was in no way abnormal. Some delegations apparently considered the proposal unwise or inadvisable simply because they believed that there was another solution and that the General Assembly should, in their view, impose its will upon the parties.

41. The Palestine tragedy had lasted for several years precisely because from the very outset the General Assembly had not been in a position to impose its will upon the parties. It was very much easier to adopt resolutions than to ensure their implementation. If General Assembly resolution 181 (II) of 1947 had been applied by all the parties concerned, the war in Palestine would not have occurred. If Israel and the Hashemite Kingdom of Jordan had carried out the provisions of resolution 194 (III) of 1948, Jerusalem would be internationalized. The General Assembly had on numerous occasions adopted resolutions which had not been carried out because the Assembly had not had the power to impose its will upon the parties. For that very reason, the Netherlands delegation was convinced that only the parties concerned could solve the problem. The Middle East had witnessed the birth of sovereign and indepen-

dent States whose actions could not be dictated by any Power. For their part, those countries could not request the United Nations or any Power to impose their will in order to ensure the application of decisions which could be implemented only by the peoples concerned. The Security Council could take measures in cases of aggression but the General Assembly could not compel States to abide by its resolutions. Therefore, the only remaining method was that of negotiation.

42. Within the scope of those negotiations, the parties concerned could raise any question they considered important and assert any claim they considered justified. The presence in those negotiations of countries not parties to the dispute would not only fail to serve any purpose but would in addition be harmful since those countries might be called upon by the parties to take a decision on the question of responsibility. As the Conciliation Commission had stated in one of its previous reports (A/1985), any attempt to determine responsibility for the outbreak of hostilities would not be a step forward but would, on the contrary, be a step backward. It was therefore preferable to leave the matter to the parties concerned as they alone could arrive at that peace which all wished to see prevail. That was why the Netherlands delegation had taken part in the drafting of the eight-Power resolution.

43. Mr. ESENBEL (Turkey) said that his delegation had refrained so far from intervening in the discussion on the various proposals before the Committee in the hope that a text acceptable to both Israel and the Arab States could be drafted on the basis of the various draft resolutions and amendments submitted. The Turkish delegation regretted the fact that its hopes had not been realized and considered it necessary to state its position with regard to the various draft resolutions.

44. The United Nations had adopted a number of resolutions and had advocated a number of methods through which a just settlement of the Palestine question could be achieved. The fact that the desired results had not been obtained could not be taken to mean that the methods and decisions in question had been inappropriate or not susceptible of implementation, but rather that the necessary effort had not as yet been made to arrive at useful solutions. To consign those resolutions to oblivion, to take a stand implying acceptance of the *fait accompli* and thus to abandon the balanced solution to which every effort had so far been directed would not only impair the prestige of the United Nations but would also make it useless to expect the negotiations to achieve any positive results.

45. Mr. Esenbel pointed out that, as he had already indicated in his first statement (34th meeting), the Turkish delegation in no way objected to direct negotiations. On the contrary, it hoped that the parties concerned would be imbued with a spirit of conciliation and moderation and would soon enter into direct negotiations in accordance with previous General Assembly resolutions. It believed, however, that positive results could not be expected from a draft resolution which implied the imposition of the method of direct negotiations under conditions to which one of the parties concerned had objected. For that reason, the Turkish delegation was unable to vote in favour of the eight-Power draft resolution.

46. Mr. TRUJILLO (Ecuador) said that the Iraqi representative was not justified in offending those dele-

gations which, in a spirit of complete disinterestedness and of friendship, were endeavouring to facilitate the settlement of a question of interest to the whole world. To state that a text was ambiguous, evasive or equivocal was to imply that the sponsors of that text were attempting to lead astray those to whom they appealed. The eight-Power draft resolution was quite clear and, as had been stated anew by the Netherlands representative, had been actuated only by a desire to facilitate an agreement between Israel and the Arab States. Similarly, there was no basis for the criticism that the sponsors of the eight-Power draft had lacked first-hand information on the situation in Palestine. They had studied the problem very carefully and had made every effort to place themselves on a neutral ground upon which an understanding could be reached.

47. It seemed that the Arab States were prepared to enter into negotiations only after the problem had already been settled. But the very purpose of direct negotiations was to facilitate a settlement of the problem. The sponsors of the eight-Power draft resolution had endeavoured to prepare a text likely to facilitate direct negotiations conducted in complete freedom. The Iraqi representative had vehemently objected to the draft and had intimated that its adoption might prove to have very serious consequences. Mr. Trujillo appealed to the conscience of the Iraqi representative and to the spirit of concession without which no settlement was humanly possible.

48. It was wrong to allege that the eight-Power draft resolution called on the Arab States to renounce their rights which had been sanctioned by the resolutions of the General Assembly. The sponsors of the draft had, on the contrary, taken care to maintain those rights in the light of the developments of the situation. That was apparent from paragraph 4 of the operative part of the draft resolution which provided that, within the scope of direct negotiations, the Governments concerned should bear in mind the resolutions and principal objectives of the United Nations in the Palestine question and the religious interests of third parties. That wording took into account the views of the Arab States without ignoring the realities of the present situation.

49. Contrary to the statements made by some representatives, the Israel representative had not refused to recognize the value of previous General Assembly resolutions. Bearing that fact in mind, the text proposed by the eight States seemed to offer the best solution which could be reached at the present time.

50. Mr. RIBAS (Cuba), in reply to the observations of the Iraqi representative who had questioned the impartiality of the eight sponsors of the draft resolution, stated that the eight delegations in question had been actuated only by the desire to implement the principles of the Charter, particularly those set forth in Article 33 to the effect that parties to any dispute should first of all seek a solution by negotiation. For its part, the Cuban delegation sought only to ensure the co-operation of the parties concerned with a view to reaching a just and equitable settlement. It was sincerely hoped that the adoption of the eight-Power draft resolution would contribute to the restoration of peace and harmony between the parties in the interests of all.

51. Mr. FRAGOSO (Brazil) had hoped that the Committee's efforts to arrive at a prompt settlement of the Palestine question would prove fruitful. The Com-

mittee had been called upon to discuss a first draft resolution (A/AC.61/L.23), which appeared satisfactory and a second draft (A/AC.61/L.25), submitted by four States, which, as far as substance was concerned, was not far removed from the first draft. Subsequently, several delegations, either individually or collectively, had proposed amendments to the original draft resolution. The Mexican representative had then expressed the view (34th meeting) that a basis of agreement could be reached and had suggested that, since there were no fundamental divergencies of opinion, the sponsors of the two draft resolutions should confer in an attempt to draft a single text. As a result, the eight-Power draft resolution has been substantially revised. It was unfortunate that all points of view could not be reconciled, the more so as the two texts now before the Committee did not really differ in their essential elements.

52. It was surprising that the parties to the dispute had failed to submit any proposal during the discussion. The Brazilian representative hoped that their attitude did not mean that they would refuse to accept proposals submitted by neutral and impartial delegations. It was a matter of satisfaction to him that Israel appeared prepared to accept the eight-Power draft resolution. That draft referred to the resolutions of the General Assembly and the Security Council on the Palestine question and urged the Governments concerned to bear them in mind during their negotiations. After voting in favour of the draft resolution, Israel could not ignore the resolutions of the United Nations and it seemed therefore that the fears expressed by the Arab States on that point were unjustified. No one had the right to question in advance the sincerity of others. Was it certain that those who began by assuming that Israel lacked sincerity had never ignored any United Nations resolution? In relations among States, it was inevitable that justice and the rights of everyone might not always be respected as fully as might be wished.

53. On the other hand, the Arab States were justified in defending the legitimate interests of their countries. The Arab populations deprived of their homes had endured and continued to endure great hardships. The United Nations could not forget that aspect of the question. It was incumbent upon Israel to grant the refugees just compensation and to endeavour to bring their sufferings to an end. That was one of the points which warranted direct negotiations. It should be noted that the eight-Power draft resolution specified that those negotiations should be entered into without prejudice to the rights and claims of the Governments concerned.

54. Brazil had the greatest respect for the Arab States and for Israel whose population in the past has been subjected to indescribable hardships. The Brazilian delegation was not criticizing either of the parties concerned but had stated its opinion frankly with a view to creating an atmosphere more conducive to conciliation.

55. It was a matter of particular satisfaction to the Brazilian delegation to find a reference in the eight-Power draft resolution to the religious interests of third parties. The status of Jerusalem and of the Holy Places was a source of concern to every Christian and it was to be hoped that, in the course of the negotiations, that question would be dealt with to the satisfaction of the whole Christian world.

56. Mr. HUSAIN (Pakistan) recalled that the purpose of the Committee's efforts should be to facilitate a

settlement which would take fully into account all the interests at stake. It should be borne in mind that the United Nations — and not the Arab States — was responsible for the Palestine question. Significant structural changes had been imposed upon the Middle East and every effort should now be made to restore to the area the stability essential to its prosperity.

57. It was obvious that the resolutions of the General Assembly, however much they might have been opposed, remained in force as long as they were not specifically abrogated by new provisions. In the case of Palestine, the only question to be settled was that of their implementation. The Conciliation Commission had made every effort to achieve that but had unfortunately been unable to arrive at the desired result.

58. The object of the direct negotiations now suggested could only be to implement United Nations resolutions and the parties could not be expected to come to an agreement through direct negotiations when they had failed to do so with the active assistance of the Conciliation Commission. He could not see any logic in seeking to absolve the parties from their obligations under the General Assembly resolution; such an attitude was not likely to add to the prestige of the Organization.

59. The eight-Power draft resolution was inconsistent. The words "recalling the existing resolutions" and "without prejudice to their respective rights and claims" were without meaning. Again, paragraph 5 of the operative part contradicted the preceding paragraphs; the Conciliation Commission could not be expected to continue its efforts to fulfil the tasks entrusted to it under General Assembly resolutions and, at the same time, request the parties to begin direct negotiations. Thus, the draft resolution was not only ambiguous but its provisions were contradictory.

60. The Pakistan delegation could not therefore support the eight-Power draft resolution, which was entirely unacceptable to the Arab States concerned. Its adoption could only make the situation worse and further weaken the hope of finding a fair and just solution. It would be purposeless to adopt a resolution which the parties were not prepared to implement.

61. Mr. JESSUP (United States of America) was sorry that the discussion and the laudable efforts of a number of delegations had not resulted in a proposal which would be generally acceptable. It was enough to compare the original draft of the eight-Power resolution with its present text (A/AC.61/L.23/Rev.4) in order to be convinced that the sponsors of the draft had made a sincere effort to meet all points of view. For example, they had added to the paragraph inviting the parties to open direct negotiations references to the resolutions and the principal objectives of the United Nations in the Palestine question and had made an important change in the paragraph dealing with the future work of the Conciliation Commission.

62. The Arab States continued to oppose the wording of the draft and were now criticizing the very idea of direct negotiations. The United States delegation must say that it obviously could not repudiate the principle of direct negotiations which it had advocated for years and which it had recommended in the Palestine case since 1948. The statements of members of the Conciliation Commission, who had acquired wide experience in the question, strengthened the belief that direct negotia-

tions were the best method to ensure a satisfactory settlement of the Palestine question.

63. Mr. Jessup had pointed out at the 28th meeting that direct negotiations did not mean that the parties must abandon their legitimate rights and interests and were entitled to cast aside the various resolutions of the General Assembly on the Palestine question. The revised text of the eight-Power draft resolution met the points which had preoccupied the United States delegation. The text now before the Committee did not undermine any given right, nor did it create any new right. It merely called on the parties to follow a procedure which would lead to a quicker solution of the Palestine question.

64. It had to be frankly admitted that without the agreement of the two parties progress became more and more difficult, whatever the means employed, whatever the efforts of the parties and the Conciliation Commission. That was why it was advisable to appeal to the parties and call upon them to try a method which although it had been recommended had never been employed.

65. The Committee could rest assured that the members of the Conciliation Commission would always be ready to assist the parties in reaching a solution of the serious problems which divided them and were so great a threat to the stability and prosperity of the whole Middle East.

66. The United States delegation was distressed that the eight-Power draft resolution had not succeeded in meeting all of the objections of the parties, but it did stand for a principle which the United States had constantly advocated and his delegation would therefore vote for it.

67. Mr. TJONDRONEGORO (Indonesia) said that while his delegation appreciated the conciliatory efforts of the sponsors of the eight-Power draft resolution, it could not support that text. It would vote in favour of the four-Power draft resolution before the Committee.

68. His delegation wished to see a peaceful settlement of the Palestine question based on previous General Assembly resolutions. The sponsors of the four-Power draft resolution believed that a peaceful settlement might be reached through direct or indirect negotiations between the parties, that the negotiations would depend on circumstances and the matters discussed, but that whatever happened they must be based on the previous General Assembly resolutions. In addition, the sponsors of that draft felt that the Conciliation Commission should play an active part in the negotiations.

69. One of the defects of the eight-Power draft resolution was that it did not make it clear that the objectives of the previous resolutions of the General Assembly must remain unchanged. In that connexion, the Indonesian representative recalled that the Canadian representative had asked (30th meeting) whether the two parties were prepared, upon opening negotiations, to act in conformity with the spirit of the General Assembly resolutions already adopted as the basis for a just and peaceful solution of the Palestine question. The Arab States had clearly indicated their willingness to negotiate on that basis. The answer of the Israel representative, on the other hand, had been rather ambiguous (36th and 37th meetings). It was to be regretted that the eight-Power draft resolution was not more explicit on that point despite the good intentions of its sponsors.

70. The Indonesian representative also regretted that the eight-Power draft resolution failed to include a particularly important provision of paragraphs 3 and 4 of the operative part of resolution 512 (VI), namely, the words "in conformity with the resolutions of the General Assembly on Palestine". The eight-Power draft resolution did not even take into account the Chilean amendment (A/AC.61/L.26/Rev.1) which mentioned the need to conform to the fundamental principles contained in United Nations resolutions on the Palestine question. There were only vague allusions to the previous General Assembly resolutions.

71. The Indonesian delegation felt that if the Committee adopted the eight-Power draft resolution it would create the impression that in seeking a new solution it was setting aside the solutions already recommended by the General Assembly for a peaceful settlement of the Palestine problem. The eight-Power draft resolution did not improve the chances for a solution and his delegation could therefore not support it.

72. Lord LLEWELLIN (United Kingdom) said that when his delegation had intervened in the general discussion (33rd meeting), its sole intention had been to help the parties concerned to get together and to settle their disputes through direct negotiations. He believed that that had been the desire of the majority of the delegations. The Committee was indebted to the eight States which had taken so much trouble to submit a draft resolution incorporating all the amendments that had been made to it. The revised draft resolution was in many respects an improvement on the original draft.

73. Some representatives of Arab States had apparently misunderstood his earlier remarks and he wished to make it quite clear that he had not said that General Assembly resolutions lapsed with the passage of time. In particular, paragraph 11 of resolution 194 (III), which preserved amongst other things the right of the refugees to return to their homes, was still wholly valid. In that connexion, he had confined himself to suggesting, and he still suggested, that the parties should be prepared to study any means which might enable them to relieve the misery of those unhappy people. The United Kingdom delegation was deeply concerned for the fate of the refugees despite the doubts expressed by the Syrian representative (35th meeting) with such deep feeling. The United Kingdom's contribution to the United Nations Relief and Works Agency amounted to \$15 million in 1952, apart from other forms of assistance. Such actions spoke louder than words.

74. The claim had been made that the eight-Power draft resolution did not give sufficient emphasis to the previous General Assembly resolutions. However, in recalling those resolutions, the sponsors did have them in mind, and included resolution 194 (III). Moreover, paragraph 4 of the operative part expressly stated that the Governments concerned should enter into direct negotiations "without prejudice to their respective rights and claims". That phrase was an important safeguard for the Arab States because they did not have to abandon in the negotiations any claims or rights which had been recognized by previous resolutions. During the negotiations, any of the parties would be perfectly justified in invoking one or another resolution of the United Nations.

75. Lord Llewellyn expressed the hope that, on reflection, the parties would realize that all their rights were

safeguarded in the revised draft and would decide that they should try to compose their differences through negotiation. It was with that hope that the United Kingdom delegation would vote in favour of the eight-Power draft resolution.

76. Mr. RODRIGUEZ FABREGAT (Uruguay) said that his vote was explained by his delegation's statement during the general debate (28th meeting) and by the fact that it was one of the sponsors of the eight-Power draft resolution. That draft had been revised during the debate by the incorporation of many amendments which certainly could not have been disregarded, for they sought to support the efforts to bring about understanding and peace between the parties to the dispute which rent the Middle East. His delegation did not wholly approve all the amendments that had been proposed, but it had decided to accept them in the hope that the draft resolution thus revised would win general support.

77. Mr. Rodriguez Fabregat had recently spoken with the Iraqi representative in an effort to gain some idea of the kind of wording which would be most likely to lead to a common meeting-ground and make possible effective negotiations among the parties. He had therefore been painfully surprised to hear the statement the Iraqi representative had just made, to which two delegations had already fittingly replied. It was absolutely false to allege that the eight sponsors of the draft resolution had participated in some kind of conspiracy and that they did not intend to contribute to the restoration of the peace so ardently desired by all but rather to work to the prejudice of the Arab States. The Arab peoples were especially dear to the Latin American delegations, which would never do anything against their interests. The unfortunate language of the Iraqi representative could not harm the Uruguayan Government or its delegation. He would reply to them by confining himself to affirming once again his unshakable faith in a peaceful settlement.

78. Certain changes in the eight-Power draft resolution had perhaps aroused some doubts, in particular the reference in paragraph 4 of the operative part to the religious interests of third parties. The phrase simply meant that when the representatives of Israel and the Arab States met around the same table they should not forget that the religious interests of the Christian world were to some extent involved.

79. The Uruguayan delegation had taken part in the consideration of the Palestine question in the hope that peace would soon be restored to the Middle East, which was the birthplace of religions and of civilizations. Above all it felt that co-operation among nations was essential for human progress. In spite of all that might be said, it would continue its sincere and disinterested efforts to restore peace between the parties and to give Israel and Arab mothers the hope of rebuilding their homes and living in a happy and prosperous world.

80. Mr. LONDONO PALACIOS (Colombia) said that the discussion had been long and difficult because the solution of the Palestine question was arduous and complicated. His delegation, faithful to his country's

international tradition, would vote in favour of the eight-Power joint draft resolution which might now be said to reflect the sincere and disinterested efforts of fifteen delegations.

81. He dealt with the resolution point by point and showed that it represented an important step towards the restoration of peace in the Middle East. The preamble recalled the existing resolutions of the United Nations and that implied express recognition of the fact that those resolutions were still valid and should therefore be implemented. He then observed that the parties should come to terms quickly because it was obvious that the situation in Palestine was extremely dangerous and was harmful to the welfare of the peoples concerned. The four paragraphs of the preamble described the aims and intentions of the United Nations as well as the reasons why the Organization continued to deal with the Palestine question.

82. Paragraph 1 of the operative part was a tribute to the Conciliation Commission which had done everything it could to find a solution. Although the results had not been as positive as might have been wished, the Organization must be grateful to the Commission and hope that its future work would prove more successful. Paragraph 2 expressed confidence in the parties and in their honourable intention to abstain from any hostile action. Paragraph 3 laid down the principles of the sovereignty of the States and of respect for their mutual rights. Paragraph 4 reminded the parties of the general obligations they had assumed in signing the United Nations Charter and invited them not to forget the resolutions and the principal objectives of the United Nations in the Palestine question or the religious interests of Christendom, which hoped that the Holy Places would always be scrupulously respected. Paragraph 5 called on the Conciliation Commission to continue its efforts and to be prepared at all times to lend its assistance to the parties if they so desired. Paragraph 6 indicated that the Palestine question would remain on the General Assembly's agenda. It was to be hoped that in the not too distant future the Assembly would hear that the direct negotiations recommended to the parties had enabled them to overcome all difficulties and extinguish the actual source of the conflagration caused by the dispute between Israel and the Arab States.

83. The Colombian representative paid tribute to the delegations which had tried to find a formula acceptable to both parties and likely to lead to the conclusion of a just and honourable peace. He was especially grateful to the Latin American delegations which had demonstrated that apparently insoluble problems could be solved if the principles of American law were applied. America continued to show the world that it could effectively contribute to the improvement of legal institutions; it gave proof of its maturity and reaffirmed the proposition that men of peace and progress could turn to America with confidence if they agreed to be guided by the legal standards governing human rights and the principles of freedom.

The meeting rose at 6.35 p.m.