

# GENERAL ASSEMBLY

## SEVENTH SESSION

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AD HOC POLITICAL COMMITTEE, 25th

MEETING

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Headquarters, New York

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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)**

[Item 67]\*

1. The CHAIRMAN referred to the letter from the delegations of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen (A/2184) requesting the inclusion of the item in the General Assembly's agenda and to the twelfth progress report of the United Nations Conciliation Commission for Palestine (A/2216 and Add. 1). He also stated he had received a letter from the Chairman of the Conciliation Commission for Palestine, dated 24 November, which he read to the Committee.
2. He further announced that a telegram had been received by the Secretary-General from the Minister for Foreign Affairs of the Hashemite Kingdom of Jordan, dated 9 November 1952, authorizing the representative of Iraq to speak on that country's behalf during the discussion of the item now before the Committee.
3. In reply to a request by Mr. MOSTAFA (Egypt), which was supported by Mr. EBAN (Israel), Mr. ORDONNEAU, as Chairman of the Conciliation Commission for Palestine, said that he would introduce the Commission's twelfth progress report and the supplement thereto at the Committee's following meeting.
4. Mr. AL-JAMALI (Iraq) asked that Mr. Tannous, representative of the Palestine refugees, should be invited to take part in the meeting during the discussion of the item, since the twelfth progress report dealt primarily with the question of the payment of compensation to Palestine refugees.
5. Lord LLEWELLIN (United Kingdom) thought that since the item under discussion was a political one, on which the representatives of the six submitting Governments were sufficiently informed to give the Committee all the information it needed, it would set a dangerous precedent to extend that privilege to Mr.

Tannous, as it might provoke a number of similar requests.

6. Mr. AL-JAMALI (Iraq), in reply to the United Kingdom representative's remarks, said that the Arab delegations only represented their countries and could not speak for the refugees.

7. Mr. EBAN (Israel) said that on previous occasions his delegation had supported proposals to invite a representative of the Palestine refugees to participate in the discussion of items specifically related to the future of the refugees, to questions of resettlement and compensation, and to the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. His delegation had supported such a proposal when the fifth item on the agenda of the *Ad Hoc* Political Committee<sup>1</sup> had been considered at the General Assembly's last session.

8. In the present instance, however, no request had been made nor any credentials submitted, and even had such formalities been completed, the Israel delegation would have had to object on principle, since, as the United Kingdom representative had pointed out, the Arab cause was adequately represented in the Committee by six representatives to one. Furthermore, the representatives of the Arab States were perfectly capable of assessing the situation and expressing such views as were current within the refugee communities.

9. Never before had a representative of the Palestine refugees taken part in the discussions on the political aspects of the relations between the Arab States and Israel. Mr. Eban felt, therefore, that the suggestion to invite Mr. Tannous to take part in the Committee's work should be rejected, it being understood, of course, that Mr. Tannous, like all other interested parties, had access to the Committee in writing, in accordance with the usual rules of procedure.

10. The CHAIRMAN stated that Mr. Tannous had the right to address a letter to the Committee and at

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

<sup>1</sup> See *Official Records of the General Assembly, Sixth Session, Ad Hoc Political Committee, 45th meeting.*

the request of a delegation it would be circulated on the responsibility of the delegation concerned. He then pointed out that even if the Committee were to accept the Iraqi representative's request, Mr. Tannous would not take part in the discussion but merely make a statement.

11. Mr. AL-JAMALI (Iraq) insisted that the two aspects of the problem, the humanitarian and the political, were inextricably interwoven and that the Committee could not assess the Palestine refugees' claims without having heard their views on both aspects of the problem. They were the only ones who could express those views. No other State, however much it might sympathize, could speak for them.

12. The Israel representative's allegation that there was a lack of balance in the Committee was unfounded, since the conflict was between causes rather than States and the causes were supported by States other than those directly concerned.

13. Mr. JESSUP (United States of America) agreed with the representative of Iraq that the Committee should not be guided by such a consideration as the relative support enjoyed by the parties concerned in any particular question.

14. The problem of inviting non-governmental representatives to participate in the work of the General Assembly's Committees had been given a good deal of attention over a period of years. Generally speaking, such invitations had been extended in exceptional cases only, such as during the early stages of the debate on the Palestine question and during the debate on the disposal of the former Italian colonies.

15. The representative of Iraq had disclaimed his ability to speak for the Palestine refugees. During debate on another item, however, the Iraqi representative had pointed out that the Syrian representative on the Committee was himself one of the refugees and therefore perfectly able to speak on their behalf. Mr. Jessup was glad to see that representative present. He therefore felt that the Committee should not embark on the exceptional course of inviting representatives of the Palestine refugees to participate in the discussion of the present item.

16. Mr. AL-JAMALI (Iraq) wished to make three points: first, that as it was clear from the report of the Conciliation Commission for Palestine that its main achievement had been to arrange for the release from the banks of certain funds belonging to the Palestine refugees, the Committee, which had only the Commission's report to go by, should hear the views of the refugees on that matter.

17. Secondly, while there were many who would gladly speak on behalf of the Palestine refugees, none could do so officially, as representatives of States could only express the views of their own governments and not those of stateless persons.

18. Thirdly, it would certainly be a sad departure from the principles and traditions of the United Nations to deny the Palestine refugees the right to defend their claims and legitimate political rights which had not yet been satisfied.

19. Mr. DEJANY (Saudi-Arabia) said that it had been alleged, some weeks ago, by the Israel representative (7th meeting) that the Arab States were perpetu-

ating the sufferings of refugees and that they were refusing to admit that the problem had been settled, while others had suggested that it would not be in the best interest of the refugees to be repatriated. Surely it would be only fair to hear from the representative of the Palestine refugees whether they in fact believed those allegations or whether they felt that the Arab States had not conveyed sufficiently strongly their determination to be repatriated. It could hardly be right for the Committee to deprive almost a million human beings of the right to plead their own cause.

20. The CHAIRMAN put to the vote the Iraqi representative's motion to grant a hearing to the representative of the Palestine refugees.

*The Committee rejected the motion by 14 votes to 13, with 20 abstentions.*

21. Mr. MOSTAFA (Egypt) regretted that the failure of the United Nations to achieve any progress with respect to the Palestine problem would make it necessary for him to repeat arguments which he had already put forward in the Conciliation Commission for Palestine and in the *Ad Hoc* Political Committee itself at previous sessions. As time went by, a *fait accompli* which had been established by deliberate aggression in Palestine was being consolidated, and he felt it his duty to caution the United Nations against the possible harmful consequences to the economic stability and political security of Palestine. None felt the repercussions of the Palestine situation more acutely than the people of Egypt, whose delegation had already warned the United Nations of all the deplorable consequences which might arise from the action taken. It was regrettable that that action, which had been intended to follow the purposes and principles of the Charter, had produced results which were actually contrary to those purposes and principles. The Egyptian delegation, which wished to preserve a most objective attitude in its approach to the problem, was anxious to contribute to a solution which would result in the establishment of peace and security on durable foundations. Egypt had no expansionist plans nor any desire to achieve political goals, nor, as the inheritor of thousands of years of liberal tradition, was it prompted by any motives of racial discrimination.

22. The Conciliation Commission for Palestine had been in existence for over four years, but its work, with which the Arab countries had from the beginning co-operated to the fullest possible extent, had as yet produced very little result. As early as 1949, it had become plain that the solution of the problem must hinge on the question of refugees, and only if that question were settled on a just and lasting basis could peace and stability return to the Near East. Representatives of Arab countries had accepted invitations from the Conciliation Commission to attend conferences at Beirut, Lausanne, New York, Geneva and Paris. On every occasion they had emphasized the need of allowing the Arab refugees to return to their homes and of providing compensation to those not wishing to do so. Despite all the efforts of the Arab States, however, only a handful of refugees had been permitted to return, and those had been expelled again. The houses and property of refugees had been confiscated and were being occupied by Jewish immigrants. Even a decision by the Egyptian-Israel Mixed Armistice Commission relating to two cases of refugees who were to be allowed to return to their homes, had not been implemented by the Govern-

ment of Israel. The Arab population of Jewish-occupied territories were denied the most elementary human rights proclaimed in the Universal Declaration of Human Rights. As his Government's representative on the Conciliation Commission for Palestine, he had repeatedly but without avail drawn that body's attention to the situation. Despite the agreement of the Israel Government to conform with General Assembly resolution 194 (III) of 11 December 1948 and the Lausanne Protocol of 1949, all the Arab proposals which had been made to the Conciliation Commission for the return of Arab refugees to Jewish-occupied territory had achieved no results.

23. Mr. Mostafa stressed the dangerous consequences to peace and stability resulting from the influx of Jewish immigrants into Palestine, a country which might well prove unable to support them. Difficult conditions were already causing many immigrants to attempt to leave Israel, and demographic pressure might well result in the State of Israel being used as a spring-board for infiltration into the Arab countries. Even the United Nations Mediator for Palestine had recognized that the misgivings of the Arab States were to a substantial extent well-founded, and that the indefinite continuation of immigration into Palestine might create an economic and political situation which the Israel Government would no longer be able to control. Already such immigration had proved prejudicial to the indigenous population of Palestine, and its continuation could have only two consequences, first, the increased difficulty of returning the Arab refugees to their homes, and second, the possibility that the State of Israel would be tempted to expand.

24. The reason for the inability of the Conciliation Commission for Palestine to carry out its terms of reference lay quite simply in the insistence of the Israel Government on perpetuating the established situation. He recalled the Security Council resolutions of 29 May 1948,<sup>2</sup> 15 July 1948,<sup>3</sup> 4 November 1948 and 16 November 1948,<sup>4</sup> with all of which the Israel authorities had refused to comply. Furthermore, although the armistice agreements made were of a purely military nature and were not supposed to prejudice in any way the settlement of the Palestine question, Israel was insisting upon retaining the territories occupied by it under those armistice agreements. The Israel representatives kept repeating that the return of refugees to their homes in Palestine would be a Utopian endeavour. The Egyptian representative pointed out that his purpose in outlining the picture of events in Palestine was in order to dispel any doubts regarding the intentions of the Zionists.

25. It was a well known fact that General Assembly resolution 194 (III) establishing the Conciliation Commission for Palestine, had included among that Commission's terms of reference the function of acting as United Nations Mediator for Palestine, if necessary. Yet, although the Arab delegations had on several occasions submitted draft resolutions which took into account previous United Nations decisions on the subject, and although the draft resolutions hitherto submitted by Israel had been contrary to those decisions, the Conciliation Commission had merely attempted to

ignore the existing resolutions and directives and make a fresh start.

26. Furthermore, the Commission had improperly assumed the right of interpreting its own terms of reference to suit the situation obtaining in Palestine. Reference to General Assembly resolution 194 (III) would make it clear that the Commission had no power to do so. The Commission had perhaps not realized that the General Assembly resolution did not contain recommendations, but entrusted the Conciliation Commission with the task of carrying out decisions of the General Assembly. In support of his contention, Mr. Mostafa quoted the relevant paragraphs of the resolution and pointed out that the Commission had imperative terms of reference which it was bound to fulfil and which were in no case left to its own discretion. By resolution 303 (IV), the General Assembly had censured the Commission in 1949 for proposing a draft statute for Jerusalem in disregard of the precise instructions contained in its resolution 194 (III). It must be concluded from that fact that the General Assembly rejected the Conciliation Commission's recommendations whenever that Commission went beyond its terms of reference or allowed itself to be influenced by considerations foreign to them.

27. The Commission contended that it was unable to impose solutions on the parties to the dispute. The Egyptian delegation had never suggested that the Commission should impose solutions, because were it to do so it would be exceeding its powers. It had, however, urged the Commission to give effect to the United Nations decisions and Mr. Mostafa felt that if there were obstacles to the fulfilment of its mission the Commission should denounce the parties responsible before the competent bodies of the United Nations.

28. In illustration of the Commission's attitude, the Egyptian representative referred to the question of the repatriation of refugees, and some of the proposals which the Commission had submitted to the parties in discharge of its mediation functions. The Commission had proposed that the Israel Government should agree to repatriate a specific number of Arab refugees who could be integrated into the economic life of Israel and had expressed a desire to return to that country. The Egyptian delegation did not consider the proposal acceptable on the grounds of the attitude of the Israel Government. That Government had made a proposal which was too restrictive to be acceptable to the Arab States and yet the Commission, in making its own proposal, had apparently lost sight of the provisions of the relevant General Assembly resolutions and based its arguments on the same criteria as the Israel Government. That was but one link in the chain of the Commission's retreat from the original United Nations' position. The resolutions on the subject carried no reference to the realities arising out of the *fait accompli* established by Israel and the Commission, by adopting such an attitude, was denying to the Arab refugees rights enshrined in those resolutions and in the Universal Declaration of Human Rights. The Commission had gone further. It had persuaded the parties to the dispute to sign the Lausanne Protocol, allegedly designed to achieve the objectives laid down in the General Assembly resolution 194 (III). Three years had passed since that document was signed, but there was no indication that the Commission had taken any steps

<sup>2</sup> See *Official Records of the Security Council, Third Year, Supplement for May 1948* (S/801).

<sup>3</sup> *Ibid.*, Supplement for July 1948 (S/902).

<sup>4</sup> *Ibid.*, Supplement for November 1948 (S/1070 and S/1080).

to implement its provisions. Rather, the Commission seemed to have whole-heartedly espoused the cause of Israel and, on the pretext of facing the realities of the Palestine situation, was encouraging that State's dangerous policies and, by its proposals, sanctioning a flagrant injustice. The conciliatory attitude of the Government of Israel was always expressed more in words than in deeds, and the Commission, by supporting that Government's actions, was exceeding its terms of reference and perpetuating a cause of unrest and instability in the Middle East.

29. The Conciliation Commission had also proposed that the Israel Government should make good its pledge to compensate the Arab refugees for property belonging to non-repatriated refugees. The global sum to be paid, however, was to be related to Israel's financial capacity, and Egypt had made considerable reservations on that aspect of the proposal. The right of the refugees to compensation had been guaranteed by General Assembly resolution 194 (III); it was an individual right which could not be restricted. Israel had recognized its obligation to honour that right; failure to do so was tantamount to confiscation of Arab property. The financial straits in which the Israel Government found itself as a result of its policy of mass immigration, despite United States financial aid, could not be invoked as a pretext for delaying full compensation or subordinating it to any conditions whatsoever. The United Nations shared in the responsibility to respect those rights because it had been instrumental in creating the unfortunate situation of the Palestine Arabs. If the principal party responsible was insolvent or defaulted on its obligations, the United Nations must ensure prompt compensation.

30. Moreover, the sum obtained as a result of the recent German-Israel agreement on reparations and restitution would increase the Israel Government's financial potential and consolidate its economic position so as to make possible an acceleration in the payment of compensation to the Arab refugees. On the other hand, it would have been more equitable to compensate the individuals who suffered losses at the hands of the nazis rather than to make a lump sum payment to the Government of Israel.

31. The Conciliation Commission had further proposed a revision of the armistice agreements which Egypt had accepted on the understanding that the agreements related exclusively to military questions and did not prejudice an over-all political settlement or future claims. Egypt had also stated its view that any revision or amendment of the armistice agreements should be designed to eliminate the causes of friction between the parties and at least, partially, to correct the injustices perpetrated on the Arabs of Palestine.

32. Generally, the Conciliation Commission's proposals had one main feature: whenever Israel's interests were at stake or there was some possibility of consolidating Israel's position, the Commission found support for that position in the General Assembly resolutions. On the other hand, it tended to belittle the Arab interests which had been guaranteed in the very same resolutions. It was attempting, for example, to re-establish communications and economic relations between Israel and its Arab neighbours, but that objective could not be attained so long as a million Arab refugees

were denied their rights and the Israel Government continued to pursue an aggressive policy in defiance of United Nations decisions.

33. In the conclusions of its report<sup>5</sup> the Conciliation Commission was not consistent. It stated that one of the parties was not prepared to carry out United Nations directives laid down in General Assembly resolution 194 (III) which had created the Commission. That statement was well-founded inasmuch as Israel was not prepared to implement paragraph 11 of that decision on repatriation of refugees. The Commission further argued that the Arab Governments were not prepared to carry out the provisions of paragraph 5 of General Assembly resolution 194 (III). That statement was gratuitous in the light of the Commission's own recognition that the Lausanne Protocol had been designed to achieve all the objectives set forth in that resolution. The Arab States which had signed the Protocol were willing to discuss all aspects of the Palestine situation, and Egypt's representatives had taken part in the discussion with the Israel representatives concerning the release of blocked accounts. The real responsibility for the lack of objectivity of the Commission must be borne by Israel, whose policy had blocked all efforts towards a just and lasting solution of the Palestine problem.

34. Since the last relevant General Assembly resolution, 512 (VI), the Conciliation Commission had dealt almost exclusively with the question of the release of blocked accounts of Palestine Arabs from Israel banks. Thus, it was actually inverting the logical order for dealing with the refugee problem. The first and primary right of the refugees to repatriation continued to be disregarded, while the very complex question of compensation, which affected only those who did not wish to return to their homes, seemed to have priority. Compensation should become a priority question only after repatriation had been completed. Moreover, the sum released by the Israel Government was very small in relation to the total value of the blocked accounts. Israel should free all accounts as speedily as possible; any temporizing on that matter by the Conciliation Commission would be an admission of failure.

35. Mr. QUINTANILLA (Mexico) observed that one of the most important contributions of those States not directly concerned in the problem under discussion was to serve as mediators and peace-makers and echoed the Chairman's earlier appeal (11th meeting) for moderation and sobriety in the debate. In any dispute, with the goodwill of the parties, some ground for agreement could be found and attention must be focused on such possibilities. Problems must be faced realistically rather than theoretically. Certain realities could not be reversed or altered and must be taken into account if world peace was to be consolidated. Instead of exploiting irrevocable differences, all efforts should be directed towards seeking avenues for constructive co-operation. In the complex and delicate problem before the Committee, positive results could be attained which might give some measure of satisfaction to all parties even though they might not be wholly satisfactory.

36. The Mexican representative said he did not mean to imply that the parties should abandon their legal posi-

<sup>5</sup> See *Official Records of the General Assembly, Sixth Session, Supplement No. 18*, paras. 84 and 85.

tions or sacrifice basic principles. On the other hand, constructive co-operation was impossible if they were to maintain their original positions inflexibly. Accordingly, and with the utmost respect for the contributions of the Jews and the Arabs to civilization, he appealed to them to discuss their problems in a conciliatory and moderate spirit.

37. Mr. AL-JAMALI (Iraq) expressed his appreciation of the spirit shown by the Mexican representative and pointed out that the basic reason determining certain opinions on the Palestine problem was the lack of knowledge and appreciation of the real situation in some areas of the world and the failure to give sufficient weight to the gravity of the problem. Public opinion was largely uninformed and the Press did little to remedy that deficiency. Unless the world began to take the question seriously and to learn the facts, it could not

expect the peace desired by the Arab States—a peace based on truth, justice and honour.

38. Mr. EBAN (Israel) had been deeply moved by the appeal of the Mexican representative. It had been made in the same spirit which had led the Mexican delegation to appeal to the great Powers in 1948 (147th plenary meeting) to renew their efforts to compose their differences and establish a lasting peace, and had resulted in the adoption of resolution 190 (III). He conceded that his delegation had sometimes been drawn into vehement debate because the issue was one of fundamental rights, for which blood had been shed. It would endeavour to respect the Mexican appeal, however, because it reflected the universal desire, after some five years of controversy on the Palestine question, to look forward to peace and stability in the Middle East.

The meeting rose at 12.40 p.m.