

# GENERAL ASSEMBLY

## SEVENTH SESSION

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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.2) (*continued*)**

[Item 67]\*

1. Mr. QUINTANILLA (Mexico), speaking on a point of order, said that if the proceedings were to be a coherent, logical and constructive discussion, they should conform not only to the rules of procedure, but also to certain standards of ethics and logic. Members should avoid any negative or aggressive attitude in the discussion and should adopt a constructive spirit which alone could lead to satisfactory solutions.

2. It was unfortunate that the calm and objective statement made by the representative of Israel at the previous meeting, no word of which had implied any attack on the honour of the other party to the dispute, should have aroused such a violent reaction from the representative of Syria, who had raised all sorts of motives for discord and racial or religious prejudice. The Arab States had an obvious interest in the Palestine problem and it was of course quite natural that they should interpret the statements made by the representative of Israel in the light of their own particular interests. Still, the Arab States might have found acceptable or useful elements in the proposals of Israel. He therefore made a most earnest appeal to them and urged all the members of the Committee to try to solve the problem in a spirit of brotherhood.

3. What the Committee needed was the submission of concrete proposals or positive ideas which would enable it to envisage a settlement. Mr. Quintanilla therefore earnestly hoped that the Arab States would express their views on the joint draft resolution (A/AC.61/L.23/Rev.2) and on such part of the proposals made by Israel as they might eventually be able to accept; they should also state which questions they would like

to have taken up in any direct negotiations that might materialize. In that way some results might be accomplished and, if the proceedings were conducted in the manner that he hoped, the Committee might succeed in removing the obstacles hampering a solution of the problem.

4. The CHAIRMAN explained that he had not called any speaker to order because the earlier statements had all been relevant. Nevertheless, he would be very glad if the Committee could be guided to a greater extent by humanitarian principles than by technicalities. He hoped therefore that the Syrian representative would respond to the Mexican delegation's appeal.

5. Mr. SHUKAIRI (Syria) thanked the Mexican representative for the moving appeal he had made. He wished, however, to point out that the events underlying the problem under discussion had themselves been violent in character. It was hard to speak coolly or pleasantly about the tragedy which had befallen a whole population, causing the people to be turned out of their own country and condemning them to live for five years in utter misery far from their cherished homes, without any possibility of making themselves heard through the Press or through their own politicians.

6. Nevertheless, he would try to meet the wishes of the Mexican representative and to speak in a spirit of brotherhood. In fact, until very recent times, a spirit of brotherhood had prevailed among the Jews and the Arabs. For centuries Jews and Arabs had lived together harmoniously in the Arab countries, where the Jews had been admitted to all walks of life and had often held important posts. Even now, the Jews living in Arab countries were happy and prosperous; they would have gone on living peacefully in their countries of origin if Israel had not incited them, often against their will, to immigrate into Palestine and to remain there even when they would have preferred to return to their countries of origin.

7. Mr. Shukairi then turned to a consideration of the plan for peace and economic development which the

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

representative of Israel had outlined at the previous meeting. It was no new plan but simply a new version of the plan which the pioneers of Zionism had presented successively to various Powers, each time recommending an alliance with the Power concerned and pointing out the advantages which that Power would derive from such an alliance, both for its economy and for its influence and prestige throughout the world. Thus the plan submitted to France by Sokolov had emphasized the importance of a Palestinian State which, placed at the centre of the great communication routes, would become an *entrepôt* of all the riches of the earth; the Zionists had attempted to attract the sympathies of the French Government by speaking of the help which the Jewish people would give France in accomplishing its historic mission of controlling the routes to China and India. The plan had also been submitted to the Ottoman Empire. There again the emphasis had been laid on the importance of the Middle East as a centre of communications and on the aspect of economic development. It would be to the eternal glory of the Caliph that he had refused to alienate a single square foot of land, considering himself only as the guardian of the land which belonged to his people who had built an empire with their blood. Then the Zionists had turned towards the United Kingdom to which the State of Palestine had been presented like a new Gibraltar enabling the United Kingdom to defend the route to India. Thereafter they had turned and tried to tempt Germany by the bright prospect of the possibility of using the State of Palestine as an economic and political base under the joint control of Germany and Turkey. Then the Zionists had approached the United States and had emphasized the democratic side of their plan in order to give the impression that their interests coincided with those of the United States. Finally, the Zionists had not hesitated to arouse the ambitions of the USSR: in 1944, Mr. Ben-Horin had stated that, in the Middle East, the British had formed an alliance with the cliques of feudalistic leaders and colonizers, and that, if the USSR were to form an alliance with the Jews, it would receive full support in Palestine and would gain the everlasting gratitude of the Jews throughout the world and the approval of the governments which wished to encourage the emigration of the Jews; at the same time the USSR would create for itself an excellent position in the Middle East.

8. Mr. Shukairi turned next to an examination of the details of the proposals made by Israel. The provisions to achieve security would remain without effect as long as the parties acted in the wrong spirit and the causes of the dispute continued to exist. Before security could really be achieved, the parties must be determined to respect their obligations under the Charter, in particular human rights and fundamental freedoms, including the idea of nationality. However powerful the religious ties uniting Jews throughout the world might be, those Jews still had a nationality which was not that of Israel, and Israel could not claim the allegiance of all its coreligionists and expect them to consider themselves as Israel nationals. In order to respect the obligations imposed by the Charter and banish all discrimination based on creed or religion, there must be a line of demarcation between nationality and religion.

9. Mr. Shukairi then read a letter dated 15 January 1952 addressed to the Minister of Religious Affairs in

Israel by Monseigneur Hakim, Archbishop of Galilee for the Greek Catholic Church, demanding respect for all religions and freedom of worship. That letter had followed after a telegram to which Mr. Shukairi had referred at the beginning of his statement at the previous meeting, a telegram which Monseigneur Hakim had sent after the destruction of the Catholic village of Ikret. The details given in the letter showed that the village, and particularly its church, had been left in ruins after the attack by a neighbouring Jewish colony which had carried its lack of respect so far as to remove the church bell. Mr. Shukairi emphasized that that sacrilegious incident had taken place after the cessation of hostilities in Palestine.

10. Such deeds surely did not denote a peaceful attitude—for it was deeds and not words which counted. Before a peace plan could be negotiated the parties concerned must be sincerely and honestly prepared to respect all the obligations laid down in the Charter and all the resolutions of the General Assembly. For their part, the Arab States accepted all the Assembly's resolutions concerning the Palestine question. The Syrian representative doubted if Israel was prepared to give the same assurance. Israel demanded that direct negotiations should be opened and stated from the outset that it intended to ignore the General Assembly resolutions. The representative of Israel had advanced a very strange argument in claiming that he could not accept in 1953 resolutions 181 (II) and 194 (III) adopted in 1947 and 1948. Such an approach towards the General Assembly's decisions would prove a fatal blow to the whole Organization and would reduce the Charter to a dead letter. The General Assembly had adopted a just and fair solution of the Palestine question. Resolution 181 (II) of 1947 had been reaffirmed at the beginning of 1952, at the Assembly's sixth session by resolution 512 (VI). It could not be claimed that the original resolution must be set aside because it did not take the current situation into account, for only a few months earlier the General Assembly had stressed its desire to see that resolution implemented. The Assembly had defined and reaffirmed its policy and it alone could decide whether that policy was no longer to serve as a guide for the parties in question.

11. In that connexion it was not without interest to recall the attitude of Israel at the time when it had applied for admission to the United Nations. Mr. Shukairi quoted from the summary record of the 45th meeting of the *Ad Hoc* Political Committee held during the second part of the third session when Mr. Eban had stated that neither the attitude nor the policy of Israel were inconsistent with the Charter or with the General Assembly's resolutions. At the 46th meeting, replying to a question asked by the Lebanese representative, Mr. Eban had said that the statements of the Government of Israel and of its representatives did not constitute a rejection of paragraph 11 of General Assembly resolution 194 (III), or of any other provision of that resolution. But now that Israel had become a Member of the Organization, it was rejecting all of the General Assembly's resolutions.

12. In outlining his peace plan, the representative of Israel had turned next to the question of refugees. Since the refugees represented 80 per cent of the population of Palestine, it could be stated that practically an entire nation had been uprooted from its homeland. The repre-

representative of Israel argued that they could not be repatriated because a state of war still existed. Yet the General Assembly had been fully aware in 1948 that the war was in progress and that had not prevented it from demanding the repatriation of the refugees, who had an imprescriptible right to return to their homes. An indication of the Israel Government's attitude on that point was furnished by one of the Conciliation Commission's progress reports (A/927, para. 13) where it stated that it had not succeeded in persuading the Government of Israel to accept the principle of repatriation. The Technical Committee on Refugees had been informed by Israel that repatriation was impossible if that meant that Arab refugees would be allowed or assisted to return to their former homes or villages. The Israel authorities had added that the clock could not be put back five years. Yet, Israel owed its existence to the fact that the clock had been put back two thousand years.

13. Turning to the territorial question, Mr. Shukairi recalled that under the armistice agreements Israel controlled, between the partition and armistice lines, more than 5,000 square miles which included Arab towns, villages and farms. If Israel wished to be reasonable it would allow the refugees to return to the territory that the United Nations had assigned to the Arabs; that would enable 500,000 refugees to be repatriated and to resume a normal existence. But that could not be done; Mr. Eban himself had written to the Chairman of the Conciliation Commission informing him that Israel would never cede any part of the territory that it held or controlled. It was difficult to see how direct negotiations with Israel could succeed when it refused to consider the cession of territory that had not been assigned to it by the General Assembly resolution.

14. The last point on which Mr. Shukairi wished to speak was on the internationalization of Jerusalem, which had been decided in principle in 1947 by General Assembly resolution 181 (II) and reaffirmed in 1948 and 1949 by resolutions 194 (III) and 303 (IV). The Arab States accepted *in toto* the provisions of the Statute of Jerusalem drafted and adopted by the Trusteeship Council and included in its special report (A/1286). The Jews of Jerusalem accepted and even requested the internationalization of the city, as was shown by a memorandum dated 21 February 1950 addressed to the Trusteeship Council by the Ashkenazi Jewish Community in Jerusalem, consisting of some 30,000 orthodox Jews residing in the centre of Jerusalem with their Moslem and Christian brethren. Only the State of Israel was resisting the wishes of the people of Jerusalem and of the General Assembly for internationalization. Mr. Ben-Gurion, Prime Minister of Israel, had declared in the Knesset that Jerusalem was and always would be the only capital of Israel. In those circumstances it was difficult to see how the question of the internationalization of Jerusalem could be discussed in direct negotiation, since Israel affirmed its unshakable policy to make that city its capital until the end of time. There was also reason for concern regarding the fate of the Holy Places, if their sacred character was not preserved and if the members of all sects could not go there to worship.

15. Consequently, the entire plan submitted by the Israel representative was unacceptable. Moreover, it dealt particularly with matters which were, strictly

speaking, unrelated to the Palestine question. The economic development of the Near East was the concern of the States in that area, not of the *Ad Hoc* Political Committee. The question before the Committee was that of Palestine, the territorial question, the internationalization of Jerusalem, and the refugee question.

16. Mr. Shukairi wished to propose a constructive plan which would provide a solution for the three aspects of the question. That plan provided for the observance of the obligations under the Charter and the General Assembly resolutions and for the creation of three Arab-Jewish committees under the auspices and chairmanship of the Conciliation Commission for Palestine.

17. The joint committee on Jerusalem would deal with the problem of the internationalization of Jerusalem in accordance with the wishes of the community of nations and the believers of the world. The joint committee on refugees would work on the lines established by the General Assembly resolutions, particularly by paragraph 11 of resolution 194 (III), which Israel had claimed to accept when applying for admission to the United Nations. The joint committee on territorial questions would work on the basis of the General Assembly resolutions and the Protocol signed on behalf of Israel by Mr. Eytan, an instrument which had been cited by the United States representative (28th meeting) as one of the outstanding achievements of the Conciliation Commission.

18. The three committees should include representatives of the population of Palestine, which was directly concerned with the settlement of the Palestine question. Those representatives would act as advisers on matters relating to the repatriation of refugees and the evaluation of and compensation to be made for lost and damaged property.

19. Under that plan the Palestine problem could be solved in the spirit of the joint draft resolution before the Committee. One point of disagreement might remain: the appointment of the first governor of Jerusalem. To overcome any difficulty in that respect, the Committee might adopt a resolution requesting His Holiness Pope Pius XII, whose impartiality was beyond question, to appoint the first governor of Jerusalem.

20. The Arab States accepted the principle of direct negotiation envisaged by the joint draft resolution, but it was regrettable that the draft made no reference to the Lausanne Protocol signed by Israel and the General Assembly resolution 181 (II) concerning the internationalization of Jerusalem. The decisions of the United Nations were the decisions of the peoples of the world and could not be ignored. The Syrian representative hoped that Israel would not, by persisting in its defiance of those decisions, invite the charge of failing to honour its word.

21. The Chairman felt bound to observe, without implying any criticism of the Syrian representative, that the debate was developing in a way that might cause the Committee to lose sight of the concrete aim in view. It was discussing one of the most important items on the General Assembly's agenda. While it was in no way his intention to limit the expression of points of view, for the sake of order he requested the speakers to keep in mind the purpose of the discussion. A joint draft resolution was before the Committee and another draft resolution would soon be placed before it. He

hoped that the two drafts would help the delegations to keep strictly within the limits of the discussion.

22. Mr. AL-JAMALI (Iraq) pointed out that the Committee was still at the stage of general discussions and had not yet begun to consider the draft resolutions. The Syrian representative's statements had been directly related to those made at the previous meeting by the Israel representative, and the discussion was not straying from the subject, as the Chairman's statement implied.

23. The CHAIRMAN repeated that his remarks were not directed toward the Syrian representative's statement. He had merely expressed the hope that the debate would be kept within the limits of the subject under consideration.

24. Mr. JOHNSON (Canada) thanked the Norwegian representative who had taken the initiative in bringing together delegations to discuss a joint draft resolution which might encourage the peaceful adjustment of conflicting interests in Palestine. Reports of the Conciliation Commission for Palestine and other documents suggested that the possibility of mutual accommodation had improved a little. Progress had been slow but comprehension of the position of the parties had increased and certain areas of agreement already existed between Israel and its Arab neighbours.

25. The Conciliation Commission had stated in its report to the General Assembly in 1950 (A/1367/Rev.1, Supplementary report, para. 3) that the anxiety felt by both Israel and the Arab States with regard to their security was an important factor impeding the achievement of normal relations between them and preventing negotiation. The Commission had concluded that stability and harmony in the Middle East could be restored only by means of a compromise by which, firstly, the new State of Israel would do its best to counteract the dislocations caused by its own establishment among the Arabs and, secondly, the Arab countries would endeavour to adapt their policy to the new state of affairs.

26. The United States representative had recalled (28th meeting) that in September 1951 the Conciliation Commission had offered the parties proposals which might have served as a basis for agreement, but it had been disappointed to find that the parties, while failing to accept those proposals, had not put forward counter-proposals of their own to serve as a basis for real negotiations. At the previous meeting of the *Ad Hoc* Political Committee, the Israel representative had, however, outlined a plan for a settlement which might be regarded as a formulation of Israel's counter-proposals. During the General Assembly's sixth session, the Syrian representative had stated in the *Ad Hoc* Political Committee (35th meeting) that the Governments of the Arab States were willing to negotiate with the Israel Government as soon as the latter publicly undertook to observe the resolution adopted by the General Assembly on the Palestine question, and at the present session Arab representatives had confirmed that offer. Thus the context within which the question was now being discussed had changed. It might change even more if the Committee proceeded with full understanding of the needs of all the parties.

27. The representative of Iraq had said (25th meeting) that comprehension must play an important part in ensuring the quality of the Committee's debates. The Canadian delegation hoped, therefore, that the Arab States directly concerned in the question might find it desirable to let the General Assembly know at their convenience which resolutions of United Nations organs they would prefer to use as a starting-point for negotiation. The United Nations had been feeling its way in the Palestine problem. The goal had always been the same, but the approaches had differed. If United Nations resolutions were to serve as a basis for the negotiations, therefore, it was important to know exactly which resolutions were to be used. Since one of the parties had reaffirmed its offer to negotiate on the basis of General Assembly resolutions and the other party had offered counter-proposals for a possible form of settlement, it seemed a propitious time for the General Assembly to urge the parties to begin direct negotiations.

28. The Canadian Government did not overlook the fact that the differences between the parties were deep and that the General Assembly, in urging them to enter into direct negotiation, was asking them to do something which they might both find extremely difficult. That was why the joint draft resolution asked the Conciliation Commission to be available to the parties to facilitate negotiations if so desired. The success of those negotiations would depend, in large part, on the meaning the parties would attach to the word "negotiation". What the sponsors of the joint draft resolution had in mind was negotiation in the accepted sense of the term; they hoped that the parties, after initial statements of their positions, would be able to make the necessary mutual adjustment and that a resolution adopted by the General Assembly would facilitate that process.

29. Mr. COCK (Colombia) joined the representatives of Mexico and Honduras in addressing an urgent appeal to the parties to settle their differences by direct negotiation, an appeal which was consonant with the *raison d'être* of the United Nations.

30. In his forty years as a teacher of international law, he had always taught that might was not right. His present attitude, however, was based not on personal convictions alone but also on Colombia's historical tradition, which had always supported the principle of the peaceful settlement of international disputes. *Jus belli* and *jus fetialis* had become outmoded concepts, but the principle of the peaceful settlement of differences, particularly by arbitration, which had already existed in antiquity, remained one of the foundations of international law. It was that principle, which excluded the use of force, that should be observed and applied in the case before the Committee. In requesting the parties to refrain from any hostile act and to enter into direct negotiation in order to settle their differences, the General Assembly was discharging a primary responsibility, that of maintaining international peace and security.

31. The Colombian delegation would therefore give its enthusiastic support to the joint draft resolution.

The meeting rose at 1 p.m.