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Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

In the absence of the Chairman, Mr. Sanz Briz (Spain), Vice-Chairman, took the Chair.

AGENDA ITEM 25

Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/4861; A/SPC/L.79 and Corr.1 and 2, L.80, L.81 and Corr.1) (*continued*)

1. Mr. CHEN Chih-Mai (China) said that the situation of the Palestine refugee was a complicated question that had generated deep feelings. The statement by representatives of different countries and the refugees themselves merited the careful attention of the Committee. China had long-standing and cordial relations with the Arab nations and had a Moslem population of 60 million. Those Moslems had been denied their freedom by the communists, who had declared total war against all religious faiths, and had been forced to take refuge in other countries. The Chinese delegation wished to thank those Moslem countries which had accommodated Chinese Moslem refugees. It was fully aware of the seriousness of the question before the Committee, which involved more than one million people and, if handled wrongly, might disturb the peace in an important region of the world. The United Nations had been trying to solve that tragic situation for thirteen years and men of good will were thus most anxious to find a solution. It was essential, in discussing the question, to bear in mind the previous General Assembly resolutions. Although they constituted only recommendations, which were not legally binding on Member States, they should not be disregarded merely because they did not suit the convenience of certain States.

2. The failure to implement General Assembly resolution 194 (III), and in particular its operative paragraph 11, was the main reason for the continued existence and increasing importance of the Palestine refugee question. Although draft resolution A/SPC/L.80 was inspired by a sincere desire to find a solution, the Chinese delegation felt that, in view of the divergence of views, it would be unwise to foist upon the interested parties a recommendation which would tend to widen rather than bridge the gulf between them. Instead, efforts should be made to reaffirm the past resolutions of the General Assembly and the parties concerned should be recommended to apply

them speedily; measures of that kind would uphold the position of the United Nations. Since a complete settlement of the dispute would require much time, the human side of the question should be dealt with. The United Nations was responsible for the refugees in the Near East and therefore should do everything possible to help them, for they were not allowed to return to their homeland and were living in desperate conditions. A new generation was growing up which was unemployed and in most cases unemployable. At the 306th meeting, the Director of UNRWA had proposed some positive steps for the consideration of the Committee; the Chinese delegation would support any measure that would make the work of UNRWA effective and comprehensive.

3. The CHAIRMAN, in accordance with the decision taken at the 306th meeting, invited Mr. Izzat Tannous to take a place at the table.

Mr. Izzat Tannous, Director of the Palestine Arab Refugee Office in Beirut and in New York, took a place at the table.

4. Mr. TANNOUS wished first to thank Mr. Davis and his staff for their services in alleviating the lot of the Palestine Arab refugees. He thanked Mr. Davis also for his factual report (A/4861) and his objective statement before the Committee at the 306th meeting. Paragraph 5 of the Director's report stated that three out of five of the Arab refugees dependent on UNRWA had grown to adulthood as refugees and had had no opportunity to learn a trade, and that about 35,000 children were born each year. That tragic situation had been perpetuated by the failure of the United Nations to ensure that its resolutions were carried out. The right of the refugees to return to their lands was not dependent, however, upon any United Nations resolution; it was an inalienable right, for the Arabs had lived in Palestine for 1,300 years. The Director had also pointed out, in paragraph 9, that the life of frustration and enforced idleness to which the refugees had been condemned had inevitably increased their bitterness, and it was not surprising that they still demanded the right to choose between repatriation and compensation as provided by General Assembly resolution 194 (III).

5. The feelings of the refugees and the embittered attitude of the new generation were shared by the Arabs in general. The Committee should realize that time would not solve the question. The dispossession of a people by immigrants coming from all parts of the world was without parallel in history. If the Jewish people had not forgotten their connexion with Palestine after 3,000 years, they could not expect the Arabs to forget theirs after ten years. The latter considered their right to Palestine indisputable and no Balfour Declaration,^{1/} United Nations resolutions

^{1/} See *Official Records of the General Assembly, Second Session, Supplement No. 11, vol. II, annex 19.*

or Hebrew invasions would prevent them from exercising that right and from recovering their land as they had done on a past occasion before the existence of the United Nations. The situation was due to a decision of the General Assembly, made under pressure from certain countries, to divide the Holy Land, and had continued to haunt the United Nations ever since. As the result of a decision based on selfish motives, in disregard of considerations of justice, a whole nation had been uprooted from its ancestral land which had been usurped by strangers.

6. It was therefore not a question of analysing the meaning of a particular United Nations resolution; nor was it a dispute between the Arabs and the occupiers of Palestine. It was a question of the determination of a people to recover its homeland. The Zionists could not, by avoiding the use of the term "Palestine", succeed in obliterating Palestine for ever.

7. The Arab people were convinced by now that the matter would not be settled by United Nations resolutions. Israel would not have been able to occupy Palestine and to expel its Christian and Moslem inhabitants without the help of the Christian West. The same Christian West now washed its hands of the matter and exhorted the parties to "settle their differences".

8. On 2 November 1917 the United Kingdom had made a declaration of war on the Arab people in the form of the Balfour Declaration. The events in Palestine had been brought about by a movement—the Zionist movement—which had originally disguised itself as a religious movement but which had later become openly political, and which aimed at the transformation of the Holy Land into a Zionist State, by any means and regardless of the consequences. The territorial claims of the Zionists had been justified on the basis of promises contained in the Bible. The arguments used had been refuted by various religious authorities, but in any case the Palestine Arabs did not believe that the expulsion and massacre of a people could be sanctioned by divine command.

9. On 2 November 1917, while the First World War was in progress, the British Government had made a declaration, known as the Balfour Declaration, in which it had expressed approval for the establishment of a home for the Jewish people in Palestine. That declaration had been made at a time when the forces of the United Kingdom and the Arabs were fighting side by side, in accordance with a treaty under which Britain had promised independence to the Arab peoples. The Balfour Declaration had been made in a brief letter to a Jewish citizen of the United Kingdom, and had been kept a secret from all save the highest officials in order that the Arabs should know nothing of it until the end of the war. As late as 1918, it had been stated in the Anglo-French declaration that the goal of France and Great Britain was the liberation of peoples who had been long oppressed by the Ottoman Empire and the setting up of Governments based on the free choice of the indigenous inhabitants. In consequence, the liberating armies had been received with jubilation by the Arab populations. When the United Kingdom Government was no longer afraid of a mutiny by the Arab forces, the news had been broken. The Arab protests had been vehement, and a commission sent by the United Kingdom and the United States in 1918 had noted that opposition to the Zionists was not only found in Palestine but was shared by people all over Syria.

10. King Faisal had been heart-broken by the British betrayal. When he went to the Versailles Peace Conference to ask that the promises should be fulfilled he had not been received as an ally but had been ignored and obliged to submit to the Balfour Declaration. In return for the promise of benefits for the Arabs, an agreement had allegedly been signed in 1919 between him and Mr. Weizmann. That agreement, however, was neither binding nor valid, and if it had been of value to the Zionist cause it might be asked why Mr. Weizmann had not made use of it or published it until 1937.

11. The Balfour Declaration had caused suffering, chaos and tragedy throughout the Middle East. Indeed, the extent of the harm which it had done could not yet be evaluated for the disaster to which it had given rise was still running its course. A number of authorities who were neither Arab nor Jewish had recognized the inequity of that Declaration. For example, Harvard Professor Emeritus William Ernest Hocking in his booklet Peace by Persuasion in the Middle East had written that the Balfour Declaration had been drawn up at a time when the Allied cause appeared to be on the verge of collapse and the great financial resources of world Jewry had been required to save the situation. He had quoted Winston Churchill's statement that the Declaration had been made not for sentimental reasons but as a practical measure at a time when the Allies were not able to afford to neglect any possibility of material or moral assistance. Thus, Professor Hocking had continued, the United Kingdom had used what did not belong to it as a bargaining point to obtain the support of Zionism, while at the same time deliberately raising the hope of independence in the minds of the Arabs as a means of winning support from that quarter as well. Lord Grey, who was Secretary of State for Foreign Affairs at the time when an exchange of letters took place between Sherif Hussein and Sir Henry MacMahon concerning the independence of the Arab countries and the fixing of their frontiers, had said that in view of the inconsistencies in the Balfour Declaration he did not see how it could be carried out; although it promised the establishment of a Zionist home in Palestine without prejudice to the civil and religious rights of the non-Jewish population, a Zionist home implied a Zionist Government and he did not see how that could be established without prejudice to the civil rights of 93 per cent of the population which consisted of Arabs.

12. Encouraged by the Balfour Declaration, the Zionists had brought more than 600,000 Jews into Palestine during the period of the Mandate against the wishes of the Arab inhabitants. That the United Kingdom had had no right thus to dispose of Palestine without regard for the wishes and interests of all its inhabitants had been recognized by the Maugham Commission in 1931. Finally, realizing that its plans for Palestine were unworkable, the United Kingdom had conferred with the Arabs and the Jews in December 1938 and on 17 May 1939, in a White Paper,^{2/} had issued a new statement of policy more in consonance with the demands of justice. That White Paper had included the statement that it was not part of the United Kingdom Government's policy that Palestine should become a Jewish State, for to make the Pales-

^{2/} See The Political History of Palestine under British Administration, Memorandum presented by His Britannic Majesty's Government to the United Nations Special Committee on Palestine (London, July 1947), paras. 102-108.

tine Arabs the subjects of such a State against their will would be contrary to both the Mandatory Power's obligations to them and the assurances which had been given them in the past. It had gone on to state that the Jewish national home contemplated in the Balfour Declaration had already become a reality and that only 75,000 more immigrants should be admitted under the existing provisions, after which any further immigration would have to be approved by the Arabs. The White Paper had concluded with the statement that the inhabitants—a majority of whom would in the circumstances have been Arabs—should be enabled to exercise the right of self-determination and that Palestine should then become independent within ten years. The Zionists, however, had promptly set in motion a world-wide propaganda campaign in opposition to the White Paper, which with the outbreak of the Second World War had been quietly shelved. Furthermore, realizing that the establishment of a Zionist State would no longer be officially sanctioned by the United Kingdom, the Zionists had resorted to violence to attain their ends. Two new illegal groups, the Stern Group and the Irgun Zvai Leumi, had been organized for the purpose of terrorizing the Arab population.

13. In 1944, while the United Kingdom was still fighting to save the Jews in Europe, the Zionists had launched a campaign of terror against the very forces that had made it possible for them to come to Palestine, kidnapping and in some cases hanging British Army officers. In July 1946 over 100 officials of the Mandatory Power had died in the ruins of a hotel blown up by the terrorists in Jerusalem. British Command paper No. 6873 gave full details of those acts of violence. The figures on the membership of the three terrorist organizations given in the report of the Anglo-American Committee of Inquiry^{3/} showed that they had constituted a veritable army and had even imposed a system of conscription whereby young Jews in Palestine had been compelled to serve in their ranks. Yet the British forces, instead of suppressing those acts of violence, had simply protected themselves behind barbed wire entanglements, leaving the illegal organizations free to attack the Arab population. Mr. Bevin, the then Secretary of State for Foreign Affairs of the United Kingdom, had recognized that the Mandate had been based on contradictory promises and had stated that the rights and property of the Arabs should be protected, but the Government, intimidated by the tactics of the Zionists, had decided that the problem was too difficult for it and had turned it over to the United Nations. There, as recognized by no less an authority than the late Mr. Sumner Welles, pressure had been exerted by the United States Government on delegations known to be either uncertain or opposed to partition resolution 181 (II) to induce them to cast an affirmative vote. Had it not been for such pressure then the resolution would not have been adopted. That resolution had never been workable and had been the source of all the subsequent difficulties. Count Bernadotte, the United Nations Mediator, had recognized that partition could not be put into effect without the use of force and had expressed fear that a resort to force, instead of bringing about a final solution, might be the beginning of a process leading to another war. The Mediator's fears had proved only too correct,

for the Arab inhabitants had been driven out by force in order to enable the Jews to take over the country.

14. In 1899 Theodore Herzl, the founder of Zionism, had offered Turkey the support of Zionism but the Sultan had refused, stating that it would jeopardize the interests of his subjects, the indigenous inhabitants of Palestine. Herzl had replied that the Zionist scheme, far from entailing the expulsion of the Arabs, would increase their well-being and prosperity. That promise was in striking contrast to what had actually happened when the Zionists had taken over.

15. The refugees were unanimous in their contention that it was intolerable for them to be barred from returning to their homeland because they were not Jews. That feeling was shared by all Moslems, by conscientious Christians and by non-Zionist Jews. If the United Nations really wanted to establish peace in the Middle East, it should take action to enable the refugees to return to their homeland.

Mr. Tchobanov (Bulgaria) took the Chair.

16. The CHAIRMAN said that if there were no objections he would rule that the general debate should be concluded at the following meeting.

It was so decided.

17. Mr. NGILERUMA (Nigeria) appealed to all concerned to give more sympathetic consideration to the plight of the refugees. The host countries had made an important contribution by supplying the needs of refugees living within their borders. The report that the Government of Israel, thanks to the efforts of the Conciliation Commission, had released bank accounts and safe deposit and safe custody items belonging to the refugees was encouraging. Those examples showed that with further sacrifice and good will still more could be achieved. His delegation supported the view that the provisions of most of the resolutions adopted by the General Assembly on the question since 1948 should be complied with, for if the United Nations was to succeed its decisions must be respected. He therefore urged all parties to give serious consideration to the provisions of General Assembly resolution 194 (III) concerning repatriation and compensation. He congratulated the Director of UNRWA and his staff for the good work they had been doing in providing vocational training for the refugees and hoped that all Member States would contribute to that worthy cause. His delegation's position on the draft resolutions and amendments before the Committee would be guided by the general considerations which he had outlined.

18. Mr. SULEIMAN (Sudan) said that a statement by the representative of Israel at the 309th meeting of the Committee had implied that in 1958 the Sudan had complained to the Security Council of aggression on the part of Egypt. In fact, the Sudanese delegation had not made any such claims of aggression. The representative of Israel had been trying to detect division among the Arab countries and to tell those countries who were their friends and who were their enemies.

19. The case before the Committee involved the tragedy of a whole nation uprooted from their homes, deprived of their rights and forced to live in camps on a bare subsistence provided by international charity, while others had unjustly displaced them and prospered by exploiting their possessions. The tragedy was intensified by the growing number of young persons with little or no hope of leading a

^{3/} The Anglo-American Report on Palestine (S. DOC. No. 182), Washington, D. C., United States Government Printing Office, 1946.

stable and normal life in the future. They had been the victims of power politics designed to satisfy the fabulous claims of world Zionism. The collaboration of power had been first manifested in the Balfour Declaration in which the United Kingdom had promised the establishment of a Jewish home in Palestine without the consultation or consent of the people living there, which the United Kingdom Government was unable to obtain. Had it not been for that Declaration, which was the main cause of their tragedy, the Arabs in Palestine would be enjoying independence and occupying their lawful place in the United Nations. The United Kingdom Government had been strictly guided by the Declaration throughout the mandatory period and, under heavy pressure from world Zionists and their supervisors, had incorporated it in the Mandate, against the wishes of the indigenous population of Palestine. The United Kingdom having thus forsaken its obligation to the people of Palestine, who were entitled under the Mandate to be trained for self-determination and independence, had adopted the legal and administrative measures necessary for the establishment of a Jewish home in Palestine. Under the protection of the Mandatory Power, the Jewish population had immigrated freely into Palestine and had been able to use force and terrorism, and as a result the case was referred to the United Nations. The tragedy of the refugees had been created by the adoption of General Assembly resolution 181 (II), which was unjust, unconstitutional, completely illegal, and a clear violation of the sacred trust affirmed in the Mandate of the League of Nations. As a result, the fate of the people of Palestine had been hurriedly decided by a United Nations vote in which considerable political pressure had been exerted. The repeated appeals by the people of Palestine, who had foreseen the tragic results of the adoption of such a resolution, had been ignored.

20. The Zionists had immediately begun to expand their State in Palestine, using ruthless measures against the defenceless Arabs. Several incidents had occurred, including the massacre of Deir Yassin, which had been admitted by the Israelis themselves. Hundreds of thousands of Arabs had been forced to take refuge in neighbouring Arab countries. The situation resulting from the partition resolution was so dangerous that the General Assembly had adopted resolution 186 (S-II) and later, on the recommendations of the Mediator, resolution 194 (III). The latter resolution established the right of the refugees to choose between repatriation and compensation. To facilitate the repatriation and resettlement of the refugees, the General Assembly had also created the Conciliation Commission for Palestine and UNRWA, pending the solution of the problem. Although UNRWA had been intended as a temporary measure, it had remained the principal and the only active instrument in alleviating the miseries of the refugees. The Director of the Agency and his colleagues had played a magnificent role in that connexion. The Director had stated that the responsibility for settling the case of the Palestine refugees rested with the Conciliation Commission rather than with UNRWA.

21. The Conciliation Commission had been unable to provide a solution and had failed, in its annual progress reports, to state the causes of its failure to apply the General Assembly resolutions. The failure of the Commission was apparent from General Assembly resolutions 1456 (XIV) and 1604 (XV). Under the latter resolution, the Conciliation Commission

had submitted its nineteenth progress report (A/4921) and the report of its Special Representative, Mr. Joseph E. Johnson (A/4921/Add.1 and Corr.1). The Sudanese delegation did not share the optimism of the Special Representative, who had assumed the role of a mediator instead of concentrating on the task of applying operative paragraph 11 of resolution 194 (III), which was the main purpose of the Conciliation Commission and formed the substance of operative paragraph 1 of resolution 1604 (XV). It was obvious from the statement by Mr. Ben-Gurion on 11 October 1961 that Israel rejected the idea of freedom of choice for the refugees, and the ratification of that statement by the Knesset showed that it did not want the Arab refugees to be returned to Israel. It could thus be concluded that the chances of carrying out paragraph 11 of resolution 194 (III) and of safeguarding the rights of the Arab refugees were remote, in view of the persistent defiance of Israel.

22. It was obvious that the Conciliation Commission was unable to fulfil its tasks, and it was to be hoped that the General Assembly would establish new machinery to safeguard the property rights of the Arab refugees. The failure of the Commission was due to its own constitution and not to a lack of initiative on the part of the General Assembly or to any legal considerations. The attitude of the United States and France towards Israel explained why no real effort had been made to settle the case. The United States had been the creator and the major benefactor of Israel, and France had flagrantly supported Israel in its attempts to extend its territory, by waging an open war against Egypt in 1956. The third member of the Commission, Turkey, was in the minority and its decisions might be affected by its alliance with the other two countries. Thus, since the Commission had failed to achieve any tangible progress, it was necessary to review its composition and perhaps introduce new members which were neutral in the question at issue. The Special Representative's efforts to achieve conciliation had already been jeopardized by the Knesset and by Mr. Ben-Gurion's statement. In the light of those considerations, the Sudanese delegation considered that the only way to protect the property of the refugees in Israel, pending a final and just solution, was the appointment of a custodian or the establishment of machinery to assume that responsibility. It would oppose any settlement based on the recognition of the status quo which deprived the refugees of the right to choose between repatriation and compensation. Such a settlement would not only be unacceptable to the Arab refugees but it would add to their frustration after long years of deprivation and enforced camp life. Furthermore, it would not contribute to the maintenance of peace in that area and might make the refugees lose confidence in the United Nations and seek other dangerous methods of settling their grievance.

23. It was to be hoped that the sponsors of draft resolution A/SPC/L.80 would not insist on its being put to a vote. Although appreciating the intentions and motives of the sponsors, the Sudanese delegation considered that no happy solution could be reached without the consent of the parties concerned. They would have to make certain sacrifices, but their basic rights should not be infringed. A solution could not be dictated, but it would have to take into account the psychological, human and emotional as well as the legal sides of the question.

24. Mr. DJIKIC (Yugoslavia) said that UNRWA and its Director had gained valuable experience that would enable the Agency to become more efficient and more effective. The Agency needed funds which the Member States must provide and the Yugoslav delegation supported the proposal that a person or a United Nations agency should administer the property abandoned by the Palestine refugees and the income from that property. Such a measure would furnish the additional resources required to meet the necessities of life of the Palestine refugees and to provide a future for the thousands of young people whose numbers were continually increasing; they had a right to be helped, so that one day they would be able to support themselves. Furthermore, the refugees were entitled to their property rights. Aid to the refugees, although very important, was not a long-term solution. Such a solution could only be achieved by carrying out the previous decisions of the General Assembly, in particular paragraph 11 of resolution 194 (III). Consequently, in examining the report of UNRWA, the previous discussions and decisions of the Committee should be borne in mind. The Conciliation Commission had been unable to accomplish its task and its composition should therefore be modified or enlarged.

25. Draft resolution A/SPC/L.80, which stressed the need to settle disputes by peaceful means in accordance with the Charter, was not satisfactory because it considered the case of the Palestine refugees as though the item had been placed on the General Assembly agenda for the first time. The Yugoslav delegation had always supported the settlement of disputes through negotiations. The Committee was considering not Arab-Israel relations as a whole, but one concrete issue—the question of the fate of the Palestine refugees, on which the United Nations had taken a series of clear decisions that had not been

complied with. The weakness of this draft resolution was therefore not the fact that it favoured negotiations, but that it ignored the issue and the series of resolutions adopted by the United Nations. The Yugoslav delegation therefore could not support it. The draft resolution submitted by the United States delegation (A/SPC/L.79 and Corr.1 and 2) would be complete only with the incorporation of the amendment in document A/SPC/L.81 and Corr.1. The adoption of the United States draft resolution, with that amendment, would represent a step forward towards a final solution and contribute to the strengthening of peace and co-operation in the Near East.

26. Mr. HASAN (Pakistan) wished to reply to the statement made at the previous meeting by the Israel representative who had said that a Muslim leader, Sir Abdur Rahman, a Pakistani judge, had been a member of the United Nations Special Committee on Palestine (UNSCOP), and had implied that Justice Rahman had supported the Israel position. That was not the case, and it was made clear, for example, in the report of UNSCOP^{4/} that Justice Rahman had considered the right of self-determination to be applicable to Palestine as a whole.

27. Mr. COMAY (Israel) replied that it was perfectly true that Justice Rahman had supported the minority view in the Committee and favoured a federal system rather than partition. What he had said, however, was that the members of UNSCOP had unanimously rejected the position of the Arabs: indeed, they had rejected both the Arab and Israel claims, which they had termed the "extreme positions".

The meeting rose at 1.5 p.m.

^{4/} See Official Records of the General Assembly, Second Session, Supplement No. 11, vol. II, appendix III (III).