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Chairman: Mr. Mihai MAGHERU (Romania).

AGENDA ITEM 26

Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/3931, A/3948, A/SPC/29, A/SPC/31) (continued)

1. Mr. JAWAD (Iraq) said that certain delegations had seized upon the approaching termination of the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) as a pretext for presenting the question of the Palestine refugees in a completely new context. They ignored the regional and international implications of the problem and the decisions of the General Assembly upon it, concentrating solely upon the Agency as a means of relief and rehabilitation. He was confident, nevertheless, that the Committee would not lose sight of its political duties, nor forget the action already taken by the General Assembly, largely upon the Committee's own initiative, in recognition of United Nations responsibility for the existence of the problem as a consequence of its decision to create the State of Israel.

2. It had been alleged that it was the Arab war against Israel that had created the refugee problem; but 200,000 Arabs had already been driven out of the country by Zionist terrorism before the entry of any Arab forces and before the birth of Israel was proclaimed in May 1948. Responsibility for the refugees and the solution of their problem rested with the United Nations as a whole and particularly with those Member States which had supported that unjust and inequitable decision. The United Nations had, of course, tried since then to take some steps to provide material assistance for the victims of its action. Surely it was not prepared to abandon its political and humanitarian responsibilities now, as the statements of certain representatives regarding the action to be taken in view of the approaching end of the Agency's mandate seemed to imply.

3. The United States representative had said that there had been no way of telling, in 1948, that the Palestine refugee problem would go on for so long, and that more than the provision of relief would be required. However, it had soon become apparent that much more would have to be done if the problem was to be dealt with successfully. He had then referred to the General Assembly's enunciation of the basic rights of the refugees, as embodied in paragraph 11 of General Assembly resolution 194 (III). His statement showed that the

United Nations itself, and at least one of the great Powers largely responsible for the creation of Israel, realized that the only solution to the refugee problem lay in repatriation and compensation. However, Israel had bluntly refused, from the very beginning, to implement that decision of the General Assembly, and the relief work of UNRWA, originally intended only to be a temporary measure, had had to be continued. The refugees' deep conviction of their right to return to their homes, a right which the General Assembly had repeatedly confirmed, had led them to endure great suffering and deprivation.

4. There were various motives behind Israel's rejection of repatriation and compensation. The driving out of Palestine Arabs prior to the Arab-Israeli hostilities had been followed by large-scale intimidation of the Arab population in the territory occupied by Israel. In the end, more than 900,000 Palestine Arabs had become refugees. The whole operation had been part of a policy of clearing Palestine of its original inhabitants in order to enlarge the area for Zionist occupation. Israel rejected the return of the Arabs, ostensibly on the grounds that they would become enemies within the State. Obviously, repatriation would in fact undo the gains of the terrorists, and reverse the basic policies upon which Israel had been founded. The real objectives of the Jewish State were to drive out the Arab population in order to provide space for millions of Jewish immigrants and make Israel a base for expansion, through aggression against the Arab States, and a foundation for the perpetuation of colonial domination in the Middle East. The Palestine refugee problem should be viewed against those major aims of Zionist policy. It would never be solved until the United Nations was prepared to face the real facts of the situation.

5. The first of those aims had led directly to the creation and perpetuation of the refugee problem and to Israel's defiance of the General Assembly. The provisions of paragraph 11 of General Assembly resolution 194 (III) had gone unheeded, as had the recommendations of paragraph 4 of resolution 393 (V) regarding the reintegration of the refugees into the economic life of the Near East. The policy of driving the Arabs out and keeping them out was part of a plan for the conquest of Palestine as a whole.

6. The second aim of Israel, to provide living space in Palestine for millions of Jewish refugees, followed closely upon the first. Zionist propaganda had encouraged world Jewry to migrate to Palestine and had created for the many Jews who did not wish to go there the problem of dual loyalty. In 1948, there had been about 650,000 Jews in Palestine. The present population of Israel was nearly 1,800,000. Thus, over a period of ten years Israel had taken in nearly 1,150,000 immigrants, and in the coming ten years it planned to receive 2,000,000 more. Those figures argued a capacity to absorb great population growth, yet Israel refused to

take back the Arab refugees who had fled from the area, though it should be recalled that more than 25 per cent of the territory occupied by Israel constituted part of the Arab State. In fact, Israel would have to expand further if its target for the next ten years was to be achieved. Although the Zionists refused to admit it, the policy of admitting more and more immigrants would require expansion in the area by aggressive means.

7. The third aim of Israel's policy, to make its present territory a basis for expansion into other parts of the Middle East, had been amply illustrated by its occupation of the territory assigned to the Arab State in Palestine, and by its military preparations and acts of aggression against its neighbours. The Security Council's repeated condemnations of Israel's aggression had been ignored.

8. Israel's fourth aim to dominate the Arab countries, in co-operation with certain colonial Powers, stood out clearly. Israel's aggression against Egypt in 1956, in collaboration with France and the United Kingdom, spoke for itself. Only recently, permission given to British warplanes to fly over Israel's territory to Jordan had reconfirmed Israel's close co-operation in implementing colonial policies aimed at the domination of the Arab countries.

9. In his statement to the Committee (A/SPC/29), the Acting Director of UNRWA had referred to four groups which were vitally interested in any decision regarding the Agency: the refugees themselves, the host Governments, the contributing countries and the United Nations. He had left Israel out completely. The Iraqi delegation would refrain from comment, because of its confidence in the Agency's impartiality and its appreciation of what it had done for the refugees; but it found that omission mysterious.

10. Certain facts showed that some of the great Powers approved of the major premises of Israel's policy and used them for their own political purposes. There had been the tripartite military aggression against Egypt in 1956 and also the continuous material and military assistance given to Israel since its creation. The United States made the largest contribution to the maintenance of the Arab refugees, but its contribution to the building up of Israel and the maintenance of its aggressive policy was far greater. Those great Powers which were interested in maintaining Israel as a base of aggression overlooked Israel's defiance of the United Nations. They paid lip service to the humanitarian aspects of the refugee problem but grudged the few million dollars they contributed as charity.

11. World public opinion realized that the problem of the Arab refugees had been created by the irrational policies of the great Powers towards the Arab countries; and it must remain their responsibility. They could not fail to be aware of the impact which the winding up of the Agency would have upon the development and security of the Middle East. They should also realize that Israel's defiance of the General Assembly was bound to reflect adversely upon the moral and political authority of the United Nations, and to jeopardize the whole future of international co-operation. The time had come for the United Nations to act vigorously in dealing with Member States which refused to abide by its decisions. The Charter provided means of dealing with such Members, and Israel's defiance clearly called for such action. The Committee should there-

fore direct the Assembly's attention towards the need for new and active measures which would prepare the way for a solution of the refugee problem within the framework of the United Nations and in accordance with the rules of international law.

12. Mr. BEELEY (United Kingdom) said that the Bulgarian representative had complained of the way in which some representatives had confined themselves to the humanitarian aspects of the Palestine refugee problem, and had maintained that the refugees wanted justice, not charity (109th meeting). But justice was sometimes much more difficult to give than charity, and that difficulty was no excuse for refusing charity.

13. He was sure that the Committee would agree that, within the limits imposed by the political situation, UNRWA had carried out the task entrusted to it by the Assembly effectively and economically. The work of the Acting Director and his devoted staff was worthy of the highest praise. The United Kingdom delegation associated itself with the regrets expressed at the resignation of Mr. Labouisse. The Government of the United Kingdom had had the greatest admiration for his efficient and sympathetic direction of the Agency over the previous four years. It believed that he had enjoyed, and still enjoyed, the confidence of all the parties most closely concerned in the Agency's operations.

14. In paragraph 36 of his report (A/3931), the Director expressed the Agency's gratitude to the many voluntary organizations which assisted the Palestine refugees. The United Kingdom was sure that the Committee would endorse that tribute, and it hoped that all Governments would support the World Refugee Year (see resolution 1285 (XIII)) in such a way as to give the voluntary agencies fresh encouragement.

15. At the beginning of the period reviewed in the report, the Agency's scale of operations had been restricted by an acute shortage of funds. Sufficient contributions had eventually been received to avoid further cuts, and there was now some prospect of restoring the 1957 reductions. Nevertheless, the Agency was still operating on a narrow margin and its services were still on a very modest scale. A great deal more could be done if funds were larger, and to spend more now might well prove to be an economy in the long run. There was an urgent need for new contributors as well as the continued support of those who had contributed in the past. The United States had once again set a most generous example, and the United Kingdom appealed to those Governments which had given nothing in the past to start contributing now.

16. The need for more funds was particularly urgent in connexion with rehabilitation. In paragraph 5 of his report, the Director described the encouraging signs on the part of the refugees that they were beginning to recognize that rehabilitation was in their own interest and would not prejudice their rights and claims. It was important that that trend should not be stifled by lack of financial support, and it was there that new contributors could help most.

17. Self-support projects and vocational training would not, of course, solve the Palestine refugee problem. The solution, when it came, would probably lie in a combination of repatriation, compensation and resettlement. However, practically no progress had been made on any of those fronts during the past ten years. The attitude of the refugees themselves, and the posi-

tion of the Arab Governments and Israel on repatriation and resettlement had not changed. The resettlement schemes discussed some years previously had fallen into oblivion. There was no immediate likelihood of progress, either within or outside the United Nations, towards a general settlement of the Palestine refugee problem. It was true that the representative of Israel had made the important statement that his Government would be prepared to participate in a settlement of the refugee problem without waiting for the settlement of other outstanding issues (106th meeting); but a consideration of the offer as a whole and the reaction to it had not greatly relieved his pessimism as to the prospects for an early solution.

18. That was the background against which the Committee must decide whether it needed to take any action in the current year to extend, terminate or modify the present mandate of UNRWA, which was due to expire on 30 June 1960. It should start from two assumptions: first, that the need for the kind of services which UNRWA now provided would continue to exist after 1960; and second, that the United Nations and the international community could not wash their hands of responsibility for providing those services. In paragraph 8 of his report, the Director pointed out that the Assembly would have to take a clear decision on the future of UNRWA not later than the autumn of 1959, and in paragraph 9 he suggested that, in view of the importance of the decision, the Assembly should arrange for a survey of the problem in 1958 so that a report and recommendations could be presented at the fourteenth session. The United Kingdom supported that view. The United States representative had pointed out that over the past ten years the world had given some \$300 million, two-thirds of which had come from the United States, to help the Palestine refugees. The Assembly could not be expected to accept a continuing obligation of that size without question, nor could the Members of the United Nations simply go on contributing without ever inquiring whether UNRWA was the best means of achieving what they had in mind. It was not reasonable to ask the Assembly to extend the Agency's mandate without the fullest consideration, and an automatic extension without reflection would not be in the best interest of the host Governments or the refugees. Moreover, less than half the Members of the United Nations made any contribution to UNRWA. That fact imposed on the Governments which did contribute a more than normal responsibility to justify that expenditure to their own parliaments and people. Those Governments would require time to study the proposed survey and its conclusions, and it was important, therefore, that it should be submitted well in advance of the fourteenth session of the Assembly.

19. There was no reason to fear that an investigation of that kind would prejudice the position of any of the parties in relation to a general settlement, nor could it affect the validity of United Nations resolutions on the matter. The United Kingdom delegation did not foresee any fundamental change in the existing arrangements, but that was not an argument against conducting an inquiry. The Canadian representative had given some valuable indications of the kind of material which could usefully be prepared (109th meeting).

20. In conclusion, the United Kingdom delegation expressed its confidence that the staff of UNRWA would continue to work with their traditional devotion and

efficiency in the year ahead, and that the host Governments would give them all possible assistance and co-operation. The United Kingdom Government had undertaken to contribute the sum of \$2.7 million to the Agency in the first six months of 1959, and, as usual, to seek parliamentary approval for a further substantial contribution to the Agency's budget in the second half of the year. He was sure that the resolution eventually recommended to the Assembly by the Committee would make clear the high value of the services rendered by the Agency to the Palestine refugees and, through them, to humanity.

21. Mr. MUKHTAR (Sudan) expressed his delegation's appreciation to Mr. Labouisse, to the Acting Director, Mr. Carver, and to all who had participated in the Agency's work.

22. The current report showed that UNRWA was performing invaluable services for the Palestine refugees and that the Agency's work should be continued. Paragraphs 4 and 5 gave cause, for some optimism and it was apparent from paragraph 7 that UNRWA's mandate must be extended, particularly in view of Israel's failure to implement General Assembly resolution 194 (III). The self-support programmes of the Agency were readily accepted by the refugees and would eventually bear fruit.

23. As the representative of India had already demonstrated (105th meeting), responsibility for the Palestine refugees lay solely with the United Nations. Therefore, any proposal that might lead to relinquishing that responsibility was unacceptable to the Sudanese delegation. If the Agency's mandate was terminated simply because it had lasted for ten years, the result would be chaos in the Middle East and aggravation of the plight of the refugees without any foreseeable solution. Since little was being done to reach a solution through implementation of the General Assembly's resolutions, there could be no wisdom in proposals to do away with the only practical means for dealing with the human side of the problem. The delegation of Sudan called for immediate action by the United Nations towards carrying out its resolutions.

24. With regard to Israel's statement concerning repatriation and compensation, the delegation of Sudan found it unacceptable. Sudan reaffirmed the right of the refugees to return to their homeland and to have access to their property. Compensation should be considered only in the case of those who did not wish to return. In the meantime the United Nations should receive from Israel the revenue and income due to the refugees, who alone were entitled to benefit from them.

25. Mrs. STOFFELS (Netherlands) said that the current UNRWA report contained certain encouraging elements that had not been present in previous years. The growing interest of the refugees in self-support and rehabilitation and the improvement in services as the result of increased contributions were two positive factors.

26. It was disappointing, however, to learn that the Agency was not always recognized as a subsidiary organ of the United Nations and that its status and immunities were therefore not assured. Co-operation from the countries concerned was certainly the first prerequisite for UNRWA to discharge its essentially humanitarian function.

27. From the humanitarian point of view, it was especially gratifying that the refugees were taking an increasing interest in self-support projects. In view of the high proportion of refugees under sixteen years of age, who were in no way responsible for the existing problems, the greatest emphasis should be given to providing education and vocational training to enable the younger generation to obtain gainful employment, and the Netherlands delegation supported the Director's appeal to the United Nations Members to contribute as much as they could to that end. In spite of its own economic problems, the Netherlands had doubled its contribution to UNRWA for the current year in that belief.

28. Although there was a political as well as an economic aspect to reintegration, UNRWA was only concerned with the latter. Since the refugees had found the Agency's activities concerning vocational training and individual grants acceptable, funds should be forthcoming to enable that work to be continued. The highest praise was due to Mr. Labouisse, whose valuable work would undoubtedly be continued by Mr. Carver.

29. In view of the encouraging new trend in the attitude of the refugees towards their future, it seemed worth while to consider what additional measures might be taken to extend self-support and rehabilitation measures as a solution to the general problem. A large-scale programme of self-support and integration might only be feasible within the context of a major development project in the area. In any case, the possibilities should be examined and recommendations taking into account the new trends might be appropriate at the present stage.

30. The fact that Israel had reconsidered its position with regard to the payment of compensation was a welcome development which deserved serious attention and study by the United Nations. As time went on it became increasingly apparent that large-scale repatriation could provide no solution to the problem. The Netherlands delegation was glad to see that the suggestion it had made at the twelfth session (69th meeting) for increased repatriation under the family reunion scheme had been carried out.

31. The Netherlands delegation agreed with the Director's suggestion that arrangements should be made to present a report and recommendations to the Assembly in 1959 (A/3931). It seemed a normal course for a United Nations body to be subject to review at the end of a certain period.

32. Mrs. VON LOWZOW (Denmark) expressed her delegation's appreciation for the admirable work performed by the Agency under the directorship of Mr. Labouisse.

33. The report under consideration contained two encouraging indications for the future of the refugees, namely, that the economic situation had been better than expected and that the refugees had shown increasing interest in vocational training. A realistic appraisal of the situation showed that the refugee problem could not be solved by the time the Agency's mandate expired in 1960. As Mr. Carver had pointed out (101st meeting), only three possibilities remained: first, to continue the work of the Agency; second, to transfer the care of the refugees to another organization; and third, to make a thorough examination of the problem to enable a final

decision to be reached at the Assembly's fourteenth session.

34. The refugee problem existed in many parts of the world, but in most cases the refugees were quickly and easily absorbed into their new communities. In the case under consideration, the problem had the special feature that political interests were bound up with purely humanitarian interests. Mutual recriminations would not further a solution to the problem, which must be approached from a realistic point of view.

35. Two basic facts had to be faced. First of all, Israel was a permanent institution, established with the full authority of the United Nations, which had shown its capacity to survive by receiving immigrants from a number of countries and by raising the living standards within the area. The second fact was that the refugees were still homeless, and their problem had still to be solved.

36. A number of refugees were being repatriated to Israel on a family basis. While appreciating Israel's difficulty in receiving refugees who might take a hostile attitude, it was none the less to be hoped that Israel would do its utmost to continue repatriation on a family basis and extend the provision beyond the immediate family.

37. The Danish delegation believed that equitable compensation for property should be paid, as soon as the loss was legally substantiated, possibly to an administering fund, and that it should be in no way linked with the economic circumstances of the debtor country or its wishes as to the future settlement of the refugees.

38. Apart from a limited repatriation to Israel, there was no other possibility of solving the problem than by integrating the refugees into the life of the host countries and neighbouring countries. To attain that aim, training and education would be essential and the United Nations should do its utmost to provide them. The Danish delegation would support any resolution that would create such possibilities. It also considered that the third solution suggested by the Acting Director was the only feasible one and that a plan should be worked out to enable a final decision to be taken at the fourteenth session of the General Assembly.

39. Mr. MAURTUA (Peru) observed that UNRWA was doing remarkable work on behalf of the Palestine Arab refugees, but it was essentially a humanitarian organ and could not be expected to solve the political questions involved in the refugee problem. That was a matter for the international community and the parties concerned. The problem could not be solved by extreme measures, since a solution would have to depend on the co-operation of the interested parties. Repatriation of the refugees was a solution unacceptable to Israel on the grounds of national security and the fact that some of the property owned by the refugees had been incorporated into public works projects. The Israel Government was, however, prepared to consider the possibility of paying compensation, subject to the receipt of international financial assistance. Its offer should be given the most serious consideration. It would serve to alleviate the sufferings of the refugees without prejudice to the question of repatriation. The representative of Saudi Arabia, on the other hand, had proposed the appointment of a trustee of Arab property in Palestine, the income derived from such property to be paid to the rightful owners (107th meeting). While

neither of the proposals was acceptable to the other party concerned, they were not irreconcilable and could be considered a gesture of good will on the part of the proponents. It was incumbent upon the United Nations to explore every avenue which might lead to a solution, particularly proposals submitted by the parties concerned.

40. Prompted by a desire to reconcile the two proposals made at the present session, which had injected a new element into the debate, the Peruvian delegation urged the Committee to a procedure not uncommon in international law, that of appointing a mixed claims commission composed of a representative of Israel and the Director of UNRWA. The commission's task would be as follows:

(1) To establish a register of refugees claiming property rights in Israel;

(2) To establish a register of Israel citizens having rights in the Arab States by reason of the fact that they had been compelled to abandon their property;

(3) To identify and evaluate such property;

(4) To receive the claims of both parties concerning entitlement to that property;

(5) To determine the compensation to be paid, on the basis of a negotiated agreement, bearing in mind the status of each refugee.

41. The idea of collective compensation, to which the Israel representative had referred, did not seem advisable because it was contrary to established rules governing compensation in respect of damages.

42. Since the negotiations on compensation would be based on the actual or presumed existence of the property claimed by the refugees, the Committee might accept the Saudi Arabian representative's suggestion concerning the administration of such property on the understanding that the income derived therefrom would be held in trust pending a final settlement in each specific case. Custody of the property would be entrusted to an agent appointed by the Special Political Committee. In order not to infringe upon the legal personality of the State of Israel, a point mentioned by the representative of Israel, the first stage of the trustee's work would be based on information supplied by the Government of Israel with respect to the claim submitted by each refugee. Where the property claimed no longer existed, full compensation would be paid and the refugee's right thereto cancelled. The Government of Israel might be requested to submit evidence concerning the status of the property.

43. The commission would, in agreement with the parties concerned, draft its own rules of procedure and the conditions for the submission of claims.

44. Any legal point that remained unsettled might be referred to the International Court of Justice.

45. While the proposed procedure would not provide a complete solution to the refugee problem, it would at least serve to lighten the international community's financial burden. The Director of UNRWA might be authorized to join the representative of the State of Israel in approaching international financial institutions or some States in a position to provide the financial assistance required to give effect to the proposed procedure. His rôle in such negotiations would be

purely advisory since repayment of loans received or applications for assistance would be entirely Israel's responsibility.

46. The Agency should be allowed to continue its work until such a mixed claims commission had been established, at which time a date might be set for its termination. Liquidation of the Agency would take time, as the refugees must not be abandoned to their fate. For the present, the best course would be to prolong the Agency's mandate.

47. Mr. BOGDAN (Romania) said that the Romanian Government fully endorsed the numerous resolutions adopted by the General Assembly advocating the repatriation of the Palestine Arab refugees and the payment of compensation to those who did not wish to return to Israel. The resolutions constituted the only valid approach to the refugee problem since the choice of repatriation or compensation was left to the Arab refugees themselves, and the majority had expressed a desire to return to their homes.

48. The Israel representative had contended that the repatriation of the Arab refugees would jeopardize Israel's security. Surely the opposite was the truth; continuation of the present situation could only increase the tension between Israel and the Arab States. Israel's security depended upon normal relations with its Arab neighbours, and those relations could only be established following an equitable solution of the refugee problem.

49. The refugee question was merely one of the unsolved problems in the Middle East which contributed to the present tension in that area. They could be solved only by a rigid stand against imperialist and colonialist interference in the affairs of the Arab peoples for the purpose of dividing the Arab world.

50. Partial solutions to the refugee problem, while acceptable, must not be allowed to affect the principle of repatriation. In that connexion, the suggestions made by the Saudi Arabian representative might represent the initial stage towards repatriation. The Romanian delegation would support any measures designed to ensure repatriation of the Arab refugees in conformity with the resolutions adopted by the General Assembly.

51. The CHAIRMAN drew the Committee's attention to a letter he had received from the representative of Iraq (A/SPC/31) requesting that Mr. Izzat Tannous, Director of the Palestine Arab Refugee Office in Beirut and New York and himself a Palestine refugee, should be permitted to address the Committee as he had done at previous sessions.

52. Mr. EBAN (Israel) said that there was no evidence that Mr. Tannous was the accredited representative of the refugees. Important groups of refugees had, in fact, publicly denied his right to represent them. Moreover, Mr. Tannous was registered as a member of the permanent delegation of Iraq. For a delegation to seek dual representation in a United Nations debate, first in a corporate capacity and second by one of its members in a private capacity, was undesirable and established an unfortunate precedent. The Committee had had an unhappy experience in the past when Mr. Tannous had obtained the right now sought again on his behalf. At the previous session, he had been admonished by the Chairman for failing to confine himself to the Arab

refugee problem and for having been discourteous towards some members of the Committee.

53. If the Committee nevertheless wished to hear Mr. Tannous, the Israel delegation would not raise a formal objection.

54. The CHAIRMAN said that, since there had been no formal objection to the request made by the delegation of Iraq, Mr. Tannous would be permitted to address the Committee at its next meeting.

The meeting rose at 12.50 p.m.