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Agenda item 35:

*Reports of the Commissioner-General of the
United Nations Relief and Works Agency
for Palestine Refugees in the Near East
(continued)* 1

Chairman: Mr. Carlet R. AUGUSTE (Haiti).

AGENDA ITEM 35

Reports of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (continued) (A/5813, A/6013, A/SPC/103-106; A/SPC/L.113-L.116)

1. Mr. AZIZ (Afghanistan), introducing the draft resolution presented by his delegation and that of Malaysia (A/SPC/L.116) said that its provisions were humanitarian and not political. It was designed solely to enable the Arab refugees from Palestine to receive the income from the property which they owned in their ancestral land. That was simply a matter of common sense and justice. He could not see any reason why Moslem or Christian Arabs should not continue their ownership of property which belonged to them in a town or village in Palestine, even if the town or village had been occupied by the Israel authorities since 1948. To refuse them that right would be an act of racial and religious discrimination, just as much as the typical acts of discrimination condemned by the world world. A memorandum on the work of the Conciliation Commission, which the Commission had submitted in 1961,^{1/} stated that an agreement had been concluded in 1952 between the Conciliation Commission and the Israel Government with a view to un-freezing the accounts of Arab refugees and also bonds and other securities deposited in Israel banks. After some technical difficulties, the un-freezing had begun in 1953, when the first payments had been made. By 1956, £2,633,175 had been released. If that solution had been adopted for cash and securities, there was no reason why a custodian should not be appointed to make similar arrangements for ensuring that each Arab refugee received the income from his property. The Conciliation Commission had informed the Committee that a list of Arab property-owners had been compiled, and that would simplify the custodian's work. If all the property owned by refugees—small homes and large buildings, orange groves and cultivable land alike—had now been identified, the Israel authorities had no grounds for depriving

the Arab refugees of the income from that property, whatever political solution might be adopted for the Palestine problem as a whole.

2. The draft resolution was entirely in keeping with the Universal Declaration of Human Rights which stated in article 17 that "everyone has the right to own property alone as well as in association with others" and that "no one shall be arbitrarily deprived of his property". Further, under Articles 55 and 56 of the Charter, the United Nations was called upon to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The Palestine Arabs, like anyone else, had a claim to fundamental rights and freedoms; and it was only just and humane to help them to obtain the income from their property, which would alleviate their suffering, enable them to bring up their children more easily and to receive the medical and other care they needed. He hoped that in considering the draft resolution, members of the Committee would set aside their political prejudices and be guided solely by their sense of justice.

3. Mr. AL-RASHID (Kuwait) reaffirmed his delegation's position on the subject of the refugees. In his view, the Palestine Arabs had been expelled by an act of aggression. The State of Israel was illegal, and his delegation refused to recognize it. The Arabs' right to independence and national sovereignty should be restored to them.

4. In the United States draft resolution (A/SPC/L.113), some aspects of the matter had been ignored, and certain parts of the text might give rise to misunderstandings. There was no reference, for instance, to the refugees' wish to return to the country of their birth. The amendments submitted by Pakistan and Somalia (A/SPC/L.114), on the other hand, were more constructive. They were based on a realistic attitude and recognized that no just solution to the problem could be found unless the refugees' rights were fully respected. The fourth preambular paragraph contained a reference to the Commissioner-General's statement that the longing of the refugees to return to their homes remained unabated. It was absolutely essential to find a solution, since any further delay might have serious repercussions on the situation in the Middle East. The amendments submitted by Pakistan and Somalia should be adopted unanimously.

5. The amendments submitted by Israel (A/SPC/L.115) reflected the attitude which that country had always adopted, in flagrant violation of the principles of international law. It was not surprising that Israel, which had always refused to apply paragraph 11 of

^{1/} A/AC.25/W.81/Rev.2 (mimeographed).

General Assembly resolution 194 (III), was now trying to delete any reference to that paragraph in its amendments. The Israel representative had taken certain passages in the report of the Commissioner-General for 1964 (A/5813) out of their context in order to suggest that some progress had been made. But the mere fact that reference had been made to the possibility of extending the mandate of UNRWA showed that the situation had not improved. Further, Israel had tried to misinterpret paragraphs 3 and 4 of resolution 512 (VI). Reading out the full text of operative paragraphs 3 and 4 of that resolution, he pointed out that the phrase "in conformity with the resolutions of the General Assembly" appeared in both paragraphs. The Israel amendment would not deceive anyone. For Israel, negotiations merely meant capitulation by the Arabs and peace at the expense of the rights of the refugees, which no Arab could accept. The two-Power draft resolution (A/SPC/L.116) contained some constructive suggestions for protecting the property of the refugees, and he would support it.

6. Mr. DIMECHKIE (Lebanon) said that two points emerged clearly from the Israel amendments: first, Israel was trying to repudiate paragraph 11 of resolution 194 (III) and, secondly, it was attempting to find a legal method of annulling all the rights of the Arabs in Palestine, on the pretence of initiating negotiations under the auspices of the Conciliation Commission.

7. The Israel representative had stated that the Arabs had left Palestine of their own accord and that, as the Arab army had entered Palestine on 15 May 1948, the Arab refugees had lost all rights in regard to their homeland. That was a mere distortion of the facts. It was not true that hostilities between the Arab States and Israel had begun on 15 May 1948. Long before that date, the Zionists had committed acts of aggression against the Arab States and had carried out concerted military movements.

8. A fair idea of the methods used by Israel to expel the refugees could be obtained from the evidence given by an Israel Jew, Mr. Nathan Chofski, who had stated unequivocally that the Arabs had been expelled by force of arms or had been misled by false promises.

9. In the light of those facts the United Nations Mediator at the time, Count Bernadotte, had in his final report (A/648) expressed some doubts regarding Israel's policy towards the refugees. Events had only confirmed his fears; and that great man, who had devoted his whole life to the cause of peace, had been assassinated. Nevertheless, it was on the basis of his suggestions that the General Assembly had some months later adopted resolution 194 (III), which contained in paragraph 11 an affirmation of the refugees' right to repatriation and compensation.

10. In the amendments he had submitted (A/SPC/L.115), the Israel representative had suggested that the Conciliation Commission should help the Governments concerned to reach a negotiated agreement. He had indeed indicated the manner in which he hoped that the problem would be solved—namely, by a so-called exchange of property between the Arab refugees and the Jews who had left Arab countries to return to Israel. But, as the Syrian and Iraqi

representatives had already pointed out, the two problems were not comparable. The problem of the Palestine refugees had been created by a regrettable decision on the part of the United Nations and the Arabs had been expelled from Israel, while the Jews had left Arab countries of their own free will at the prompting of the Zionist movements. That partial exodus of the Jews from the Arab countries had, in fact, done the latter a great deal of harm, depriving them of the valuable contribution which the Jews could make to economic, cultural and scientific development.

11. Further, the Conciliation Commission was not competent to solve the refugee problem. It was the responsibility of the General Assembly, whose decision had been stated in paragraph 11 of resolution 194 (III) and reaffirmed at every subsequent session. Israel itself, in the Protocol of Lausanne signed on 12 May 1949,^{2/} had recognized the principle of respect for the rights of the refugees and the inviolability of their property. But that had obviously been a tactical move to gain admission to the United Nations since, once Israel had achieved its objective, it had repudiated its signature.

12. The problem of the refugees could be solved only by sincere and honest observance of the provisions of the United Nations resolutions, and not by the negotiations which Israel had proposed merely as a façade to conceal its real intentions. What kind of peace could indeed be offered by Israel, which had constantly violated United Nations resolutions and refused to put them into effect? No nation had in the past shown its contempt for the United Nations so often; no nation had so often been condemned by the Security Council for its acts of aggression and its threats to peace. During the previous week the Israel army had attacked Lebanese territory and had destroyed a village inside the Lebanese frontier. He hoped that members of the Committee would reject the Israel amendments by a large majority.

13. With regard to the United States draft resolution, his delegation felt that it disregarded certain aspects of the problem; and he therefore fully supported the amendments submitted by Pakistan and Somalia, which would considerably improve the United States text. He also appreciated the motives underlying the draft resolution submitted by Afghanistan and Malaysia (A/SPC/L.116), and recommended the Committee to adopt it.

14. Mr. HILMY (United Arab Republic) said he would confine his remarks to the Israel amendments (A/SPC/L.115) and the draft resolution submitted by Afghanistan and Malaysia (A/SPC/L.116). His delegation rejected the amendments in document A/SPC/L.115, whose aim was purely and simply to deny the existence of paragraph 11 of resolution 194 (III). The delegations of the Arab countries, on the contrary, wanted a principle which had been affirmed by the United Nations itself and could not be the subject of any negotiation to be applied. By asking for negotiations to be undertaken directly, Israel was trying to base the status quo on such negotiations. The amendments

^{2/} Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, vol. II, document A/927, annexes A and B.

in document A/SPC/L.115 took no account of the fact that on 12 May 1949, by signing the Protocol of Lausanne, the Israel authorities had accepted the principle of respect for the rights of the refugees and protection of their property, and that their signature had facilitated Israel's admission to the United Nations. Once admitted to the Organization, however, the Israel authorities had continually declared that they wanted to settle the question with the representatives of the Arab countries, without worrying about the persons actually concerned; and Mrs. Golda Meir had stated bluntly that Israel would not accept the return of any refugees. The Committee could therefore only reject amendments which were a distortion of the facts.

15. His delegation would support the draft resolution submitted by Afghanistan and Malaysia (A/SPC/L.116).

16. Mr. FRELINGHUYSEN (United States of America) reserved his delegation's right to comment on draft resolution A/SPC/L.116 when it had studied the text in more detail. In submitting draft resolution A/SPC/L.113, the United States delegation had tried to give the Committee a text which could be accepted by all the parties concerned. It had studied the amendments submitted by Israel and considered that, if they were adopted, they would upset the balance of the draft resolution. It therefore asked the representative of Israel, as it has asked the representatives of Somalia and Pakistan, not to insist on his amendments being put to a vote because if he did the United States would be obliged to vote against them.

17. The Israel amendments would not in any way facilitate the task of the Agency. The first Israel amendment would delete the third preambular paragraph of the United States draft which follows past formulae of the General Assembly and is firmly based on precedent. The second Israel amendment would note one particular aspect of the report of the Commissioner-General for the period 1 July 1963 to 30 June 1964 (A/5813), a principle which the United States opposed since the entire report was noted in the second preambular paragraph of the United States draft.

18. The other Israel amendments were all related to the question of negotiations, which had for several years been one of the most contentious issued in the Assembly's consideration of the problem. In that context, a call for negotiations necessarily became partisan and had no place in the draft resolution.

19. The United States draft attempted to strike a middle way among various contending positions and the amendments which had been submitted would, if adopted, disrupt the balance.

20. Therefore, if any one of the amendments submitted were to be adopted, the United States delegation would have to reconsider its entire position on the draft resolution itself.

21. The CHAIRMAN recalled that the Committee had previously agreed to hear persons constituting the Palestine Arab delegation. In pursuance of that decision, he invited Mr. Nakhleh to address the Committee.

22. Mr. COMAY (Israel), speaking on a question of procedure, said that, so far as he knew, when persons were invited to address a committee, there was no instance of their being invited also to state their views on draft resolutions. In order to avoid any superfluous discussion, however, his delegation would not raise a formal objection. Nevertheless, it wished its reservations to be recorded in the summary record, on the understanding, moreover, that the Committee's decision would not constitute a precedent.

23. Mr. NAKHLEH (speaking as a member of the Arab Higher Committee for Palestine in accordance with the decision taken by the Special Political Committee on 27 October 1965, such decision not implying recognition of that organization) said that in document A/SPC/L.116 Afghanistan and Malaysia had submitted a draft resolution for which they deserved gratitude. The questions at issue were whether the Palestine Arabs in fact had property in Palestine, whether the property produced income, whether the refugees were entitled to the income, and whether the spokesmen of the Zionists could state without shame before the Committee that such a right did not exist. Mr. Ben-Gurion himself had admitted explicitly that at the time of the partition the Jews owned only 6 per cent of the territory of Palestine. The other 94 per cent, comprising twelve towns and 800 villages, therefore belonged to the Arabs. For example, there had been 70,000 Arabs, Christians or Moslems at Jaffa—a flourishing town with many businesses, factories, various enterprises and a rich hinterland, much of it belonging to the Arabs.

24. The refugees' rights with regard to the income from their property had been mentioned by the United Nations Secretariat itself. In 1961, the Conciliation Commission for Palestine had submitted a document prepared by the Secretariat, with six annexes considering the question both from the historical viewpoint and from the viewpoint of international law. The document clearly showed that the regulation annexed to The Hague Convention of 18 October 1907 was applicable to the Palestine refugees. That was an important fact which the United States delegation, in particular, should take into account.

25. In international law, pillage was now regarded as a war crime. There had been many sentences for that crime under the Charter of the Nürnberg Tribunal and the actions brought against the firm of Krupp were especially noteworthy. The United States could not apply a different yardstick to the case under consideration. The Zionists were guilty of a war crime and action should be taken in consequence—quite apart from any political considerations, since the problem was above all a humanitarian one.

26. Mr. EL-BOURI (Libya) said that the draft resolution submitted by the United States (A/SPC/L.113) contained nothing new. Now that a third generation of refugees was appearing in the camps, there was every reason to expect, in a year which marked the twentieth anniversary of the founding of the United Nations, more constructive measures which would at least be a step towards the solution of the distressing problem of the refugees. Yet the Committee had before it a draft which merely repeated previous resolutions that had never been implemented. The

principal one was resolution 194 (III), by which the General Assembly had wanted to solve the problem without imposing any prior condition other than the signing of the armistice. The right of the refugees was an individual right which could not be subordinated to negotiations between the Arab countries and Israel. On the eve of his assassination, Count Bernadotte, the United Nations Mediator, had stated in his report (A/648) that the United Nations should proclaim the right of the Arab refugees to return to their homes in Jewish territory as rapidly as possible and that the repatriation, resettlement and economic and social rehabilitation of the refugees, as well as the payment of sufficient compensation for the property of those who decided not to return, should be supervised and facilitated by the Conciliation Commission. When by resolution 212 (III) the Assembly had created a fund to assist refugees, it had created the fund for only nine months, which showed that in its view nine months was sufficient time for the implementation of the provisions of paragraph 11 of resolution 194 (III).

27. Israel, however, had never intended to implement the provisions of paragraph 11; on the contrary, it had tried by every means to make the paragraph inoperative. The amendments in document A/SPC/L.115 merely confirmed that. At the same time, Israel was reviving the slogan of negotiation. Yet any negotiation was subordinate to the implementation of paragraph 11 of resolution 194 (III) and the Arab countries could not in any way take the place of the Palestine refugees.

28. His delegation supported the amendments submitted by Pakistan and Somalia in document A/SPC/L.114. That text rightly quoted the statement in the report of the Commissioner-General of the Agency that the longing of the refugees to return to their homes in conformity with paragraph 11 of resolution 194 (III) remained unabated. In addition, the proposed text had the merit of urging Israel not to obstruct any further the implementation of paragraph 11.

29. Draft resolution A/SPC/L.116 represented an act of justice which did credit to its sponsors. The Libyan delegation therefore commended that draft to the Committee and appealed to all representatives to isolate the refugee question from any political considerations, because it was a gesture of human solidarity which had to be made.

30. His delegation wished to take the opportunity to offer the Commissioner-General of the Agency its congratulations on the way in which he was performing his task.

31. Mr. D. OSUMU-JOHNSON (Liberia) appealed to all the members of the Committee to concentrate their efforts above all on relieving the suffering of the refugees. In his view, the draft resolution submitted by the United States (A/SPC/L.113) met that requirement, since it included specific measures to ensure the functioning of the Agency for a definite period, and his delegation would vote in favour of the draft. At the same time, it asked Pakistan and Somalia, as well as Israel, not to press for a vote on their amendments. It was particularly desirable not to stress the provisions of paragraph 11 of resolution

194 (III), which was open to so many different interpretations.

32. If a vote should be called for on the amendments that had been submitted, his delegation believed it would become necessary to ask the Secretariat to circulate the records of the debate which had led to the adoption of resolution 194 (III). That would not be necessary, however, if the amendments in question were withdrawn. His delegation was unable, for lack of instructions, to take a definitive position on the amendments and it reserved the right to take the floor again if developments in the debate so required.

33. Mr. GUELLAL (Algeria) observed that most of the speakers had taken an essentially political approach to the problem of the Palestine refugees, regarding it as the result of a colonialist aggression, and that consequently it was urgent to reopen the record on the substance of the Palestine question. Failure to do so was liable to perpetuate a situation which was dangerous to the peace and security of the Middle East. For that reason, while it appreciated the United States delegation's efforts and did not doubt its desire to contribute to a satisfactory solution of the refugee problem, the Algerian delegation feared that to stress the purely technical aspects of the problem, as was done in all the operative paragraphs of the United States draft resolution (A/SPC/L.113), was to maintain precisely the status quo. The Algerian delegation would also like the elements which constituted the actual substance of the problem under consideration to be mentioned not in the preamble but in the operative part. In the Algerian view, failure to condemn the Israel authorities' disregard of the decisions of the United Nations, particularly their refusal to implement paragraph 11 of resolution 194 (III), was abnormal and inadmissible, for only the implementation of the relevant provisions would open the way to a settlement of that tragic problem. For that reason, the amendments submitted by Pakistan and Somalia (A/SPC/L.114) would make it possible, by reaffirming recognized rights, to remedy the omissions of the United States draft resolution, would give it the necessary balance, and would thereby help to improve considerably the chances for a definitive settlement of the problem.

34. Mention of Israel's refusal to implement paragraph 11 of resolution 194 (III) was all the more important because no equitable solution could be found unless the rights of the refugees, which the Israel authorities themselves had recognized in the Protocol of Lausanne, were fully respected. Israel had in fact agreed, before its admission to the United Nations, to discuss with the Conciliation Commission the measures aimed at ensuring respect for the refugees' rights and protection for their property. Needless to say, those rights could not be subject to any negotiation whatsoever. No one could accept the claims of Israel, which after forcibly colonizing Palestine, today refused to respect the Organization's decisions. For that reason, his delegation asked the Committee to reject the Israel amendments (A/SPC/L.115) which were intended only to mislead the Committee.

35. The Algerian delegation supported the draft resolution submitted by Afghanistan and Malaysia (A/SPC/L.116) since it was in keeping with the ob-

jective being pursued. Having caused the distress of the Palestinian people, the Organization had a duty to assume its responsibilities towards that people, all the more because if it proved impotent to ensure respect for that decision, the movement towards disintegration and decomposition of the United Nations might be accelerated.

36. Mr. FARAH (Somalia) said he was not surprised at the United States representative's reaction to the amendments proposed in document A/SPC/L.114. He wished to state once more the reasons which had impelled the Pakistani and Somali delegations to submit those amendments. They had wished to escape once and for all from the succession of sterile resolutions that had been adopted year after year and to place the problem in its true perspective. It was in that spirit that the four preambular paragraphs contained in the first amendment had been formulated. He recalled the circumstances which had led the General Assembly, after the publication of the report of Count Bernadotte, the United Nations Mediator for Palestine, to adopt paragraph 11 of resolution 194 (III), which was aimed at safeguarding the refugees' property and protecting their rights. The Arab countries' intention was not, as the Israel representative claimed, to exploit the refugee problem for propaganda purposes but to make everyone face his responsibilities. The Somali delegation's reply to the United States representative's argument that the amendments contained in document A/SPC/L.114 would spoil the balance of the United States draft resolution (A/SPC/L.113) would be that it could not regard that draft as a balanced document and objected to the adoption, year after year, of superficial resolutions which failed to deal with the substance of the problem.

37. Unlike the United States draft, the amendments submitted by Pakistan and Somalia (A/SPC/L.114) were based on resolution 302 (IV) concerning aid to Palestine refugees, particularly on its operative paragraphs 5 and 6. It might also be wondered why the United States had omitted from its draft resolution any reference to paragraph 11 of resolution 194 (III), which was mentioned in operative paragraph 5 of resolution 302 (IV). It might likewise be wondered why, when it was necessary to "prevent conditions of starvation and distress among the

refugees", as that resolution put it, the United States had used only vague expressions in operative paragraph 5 of its draft resolution, and lastly, why it did not provide for any positive measures aimed at ending international assistance in the form of relief. It was because they could not accept that inertia and recognized the urgency of the problem that the Pakistani and Somali delegations had wished to remedy the omissions of the United States draft resolution by submitting amendments based directly on resolution 302 (IV). In conclusion, his delegation believed that the draft resolution submitted by Afghanistan and Malaysia (A/SPC/L.116) confirmed the rights of the refugees in the most constructive manner possible, and he wished to add the name of the Somali delegation to the list of sponsors.

38. Mr. DOTSEY (Togo) said that his delegation favoured any sincere effort likely to contribute to a settlement of the Palestine refugee problem. It therefore appreciated the effort of the United States, whose draft resolution (A/SPC/L.113), in spite of all the criticism voiced against it, constituted an important step towards a settlement and at the same time a synthesis of the general debate, since it took account of the views expressed by most of the delegations and by the Commissioner-General in his report, particularly with regard to certain practical and financial questions. His delegation believed that the substance of the amendments submitted by Pakistan and Somalia (A/SPC/L.114) and by Israel (A/SPC/L.115) was, so to speak, summarized in the United States draft resolution. Moreover, the mutual condemnations in amendment No. 3 proposed in document A/SPC/L.114 and amendment No. 6 proposed in document A/SPC/L.115 were scarcely likely to create an atmosphere favourable to the solution of the problem. His delegation believed, therefore, that those amendments should be rejected, and it called on delegations to give wholesale support to the United States draft resolution (A/SPC/L.113).

39. The Chairman appealed to the members of the Committee to confine themselves in their statements strictly to the draft resolutions and amendments which were before the Committee.

The meeting rose at 5.50 p.m.