

United Nations  
**GENERAL  
ASSEMBLY**

TWENTIETH SESSION

Official Records

**SPECIAL POLITICAL COMMITTEE, 435th  
MEETING**



Wednesday, 20 October 1965,  
at 11.15 a.m.

**NEW YORK**

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*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, A/SPC/104)

1. The CHAIRMAN said that as the text suggested by him at the previous meeting in connexion with the request for a hearing (A/SPC/104) had not been unanimously accepted, his conciliatory mission had come to an end.

2. Mr. ESCOBAR SERRANO (El Salvador) thought the following slightly amended version of the Chairman's compromise formulation might win unanimous acceptance:

"In view of the request submitted by the representatives of various Arab States in document A/SPC/104 to the effect that during this Committee's discussions of agenda item 35 a hearing should be granted to the members of the delegation of the Palestine Liberation Organization, the Special Political Committee decides to authorize the persons constituting that delegation to speak in the Committee and make the statements they consider necessary, without that authorization signifying recognition of the aforementioned political organization."

3. Mr. PACHACHI (Iraq) was of the opinion that the problem ought to have been disposed of easily and quickly by conforming to the precedent established in the Committee at the Assembly's eighteenth session when a hearing had been granted without objection to Mr. Oliver Tambo in his capacity as Deputy President of the African National Congress of South Africa. Procedurally, all petitioners appearing before the Committee should be treated alike, regardless of the items on which they wished to speak. The decision taken in the case of Mr. Tambo had been based on numerous precedents set by other committees in dealing with requests emanating not from individuals as such but from individuals in their capacity as representatives of organizations. All his delegation requested was that exactly the same procedure should

be followed in the present instance. None of the objections to the request for a hearing really related to the procedural aspect of the matter, which was the only aspect that should be taken into account in considering such requests. Attempts had been made to discuss the policies and objectives of the Palestine Liberation Organization, to introduce considerations of sovereignty and to suggest that to grant the request might imply recognition of that organization and support for its objectives. Yet it had been made quite clear that the granting of a request for a hearing could not constitute or imply any such recognition or support. The Palestine Liberation Organization wished to present its views on an item in which it was vitally interested and which was recognized by the Commissioner-General of UNRWA himself as being related to the item under discussion. Yet its delegation was being given treatment less favourable than that accorded to the representative of the African National Congress—in other words, treatment less favourable than that to which it was entitled under the established precedents. The request should therefore be granted in the same way as Mr. Tambo's request at the eighteenth session had been.

4. The proposal just submitted by the representative of El Salvador might, however, point the way to an acceptable solution of the problem and he would like to reserve the position of his delegation with regard to it until he had consulted with the other sponsors of the request.

5. Mr. TARABANOV (Bulgaria) said that the question was whether permission should be given for a delegation of the Palestine Liberation Organization, representing the Arab population of Palestine, to be heard by the Committee. His delegation supported the request for a hearing submitted by the representatives of the Arab countries. In the Fourth Committee a number of delegations representing organizations of a similar kind had been granted hearings. Only the day before the Fourth Committee (1531st meeting) had heard a petitioner speak on the subject of Aden in his capacity as representative of the Organization for the Liberation of the Occupied South, and that same petitioner had been heard on several earlier occasions by the Committee of Twenty-Four.<sup>1/</sup> Thus it could be said that the granting of requests for such hearings was by now part of the practice of various committees. Furthermore, the agenda item was a very important one and members should certainly have the opportunity to hear representatives of an organization established by the refugees whose fate would be discussed in connexion with it. The views which the petitioners would

<sup>1/</sup> Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

put before the Committee might be of assistance to it in finding a solution to the problem.

6. The final phrase in the text proposed by the representative of El Salvador seemed superfluous, since there was no question of recognizing or not recognizing the organization in question. When United Nations bodies had heard representatives of other organizations in the past the question of recognizing or not recognizing them had not arisen. To adopt the text as it stood might seem to imply that in other cases where requests for hearing had been granted without any such qualification the United Nations had thereby signified its recognition of the organizations represented by the petitioners. He therefore thought that the Committee should simply decide to grant the request.

7. Mr. COMAY (Israel) said that he wished to put on record his delegation's deep appreciation of the diligence and courage which the Chairman had displayed in seeking to arrive at a compromise. Although he had not been entirely satisfied with the Chairman's text, he had been willing to accept it in a spirit of conciliation and compromise. It was therefore with regret that he had heard the Chairman say, in effect, that his efforts had failed. The representative of El Salvador was likewise to be commended for his statesmanlike effort to help the Committee reach a consensus. He would like to have an opportunity to consider the El Salvador proposal carefully before taking a stand with regard to it, for the matter was by no means an easy one which could be quickly settled, despite the Iraqi representative's assertion to the contrary. It was, of course, procedural, but anyone with experience in United Nations affairs knew that procedural matters could sometimes have very important political implications and that was certainly true in the present instance. For the moment, therefore, he would like simply to raise a point of clarification. As the El Salvador representative's text did not specify that the petitioners would be invited to speak in their representative capacity, his delegation would assume that they were being invited as individuals, that there would be no further lengthy discussions concerning the capacity in which they would speak, and that the relevant documentation would indicate that they were being heard as individuals and nothing more. As he had pointed out at the preceding meeting, there were precedents for such action. It might be useful to have a short recess to enable the delegations concerned to clarify their reactions to the El Salvador proposal.

8. Mr. ANOMA (Ivory Coast) said that his delegation was gratified that, thanks to the initiative taken by the Chairman and the proposal of the representative of El Salvador, the Committee now had before it a text which could satisfy all members. The procedural problem at issue had given rise to lengthy debate at previous sessions of the General Assembly, and he appealed to those delegations wishing to study the El Salvador proposal in detail to accept it on the basis of a consensus, so that the Committee might hear the representatives of the Palestine refugees.

9. Mr. REDONDO (Costa Rica) supported the proposal of the representative of El Salvador and appealed to other delegations to accept it so that the Committee could proceed with its work.

10. Mr. TOMEH (Syria) said that in discussing the procedural question at issue the Committee should be guided by precedent. In resolution 104 (S-1) adopted at its 75th plenary meeting in May 1947, the General Assembly had resolved "That the First Committee grant a hearing to the Jewish Agency for Palestine on the question before the Committee". On 6 May 1947, the First Committee, at its 47th meeting, had resolved to give the Jewish Agency for Palestine, the Arab Higher Committee and any other organization representing a considerable element of the Palestine population an opportunity to appear before that Committee and present their views. At its 76th plenary meeting, the General Assembly had affirmed, in resolution 105 (S-1) "That the decision of the First Committee to grant a hearing to the Arab Higher Committee gives a correct interpretation of the Assembly's intention." The most recent precedent had occurred when it had been agreed in the Security Council (1209th meeting) that the representatives of the two contending factions in the Dominican Republic were to be invited to appear before the Council when the problem of the Dominican Republic was discussed.

11. To the best of his knowledge there was no precedent for any United Nations body devoting so much time to discussing such a request. It was not the Arab delegations who had objected to document A/SPC/104, but the Israel delegation, and any appeal should therefore be addressed to the latter.

12. Turning to the text proposed by the representative of El Salvador, he suggested that the word "various" should be deleted, so that the first part of the sentence would read "In view of the request submitted by the representatives of the Arab States". The words "without that authorization signifying recognition of the afore-mentioned political organization" were unnecessary; the Committee was not being asked to recognize any organization and indeed might not be competent to do so. His delegation reserved its final position on the text until it had had an opportunity to consult the representatives of the other Arab States.

13. Mr. PACHACHI (Iraq) agreed with the Syrian representative that the word "various" as well as the last part of the El Salvador draft were unnecessary; no question of the recognition or non-recognition of any organization arose, since the Committee was not competent either to grant or to withhold recognition.

14. His delegation considered the wording of the El Salvador proposal to be clear and unambiguous and rejected any interpretation put forth by a member of the Committee which did not conform with the clear meaning of the phrase "decides to authorize the persons constituting that delegation to speak to the Committee".

15. Mr. COMAY (Israel) said that the precedent the Syrian representative had invoked was in no way analogous the matter before the Committee. The subject under discussion in 1947 had been the future government of a non-self-governing Territory, and it was natural that the Assembly should have wished to hear the representatives of a community living in that Territory. The question now before the Committee

was whether, in discussion of a report of a refugee agency, a political body should be given a hearing.

16. He maintained his delegation's view of the phrase "persons constituting that delegation" as being no more than descriptive of the persons who would be given a hearing, as persons.

17. Mr. GOÑI DEMARCHI (Argentina) supported the El Salvador proposal, which took into account, so far as was possible, both the divergent opinions expressed and the precedents established by the Committee. While respecting the right of petitioners to be heard it carefully avoided passing judgement on the capacity in which they would be heard.

18. Mr. TOMEH (Syria) said it was the Israel representative's view that there was no Palestine problem, but only a refugee problem. His own delegation's position was that there was a refugee problem, but that it was a part of the Palestine problem.

19. The CHAIRMAN said that he would suspend the meeting briefly in order to allow delegations to consult.

*The meeting was suspended at 12.20 p.m. and resumed at 12.45 p.m.*

20. The CHAIRMAN announced that the representative of El Salvador had agreed to delete the word "various" in the first part of his text, and that Costa Rica had joined El Salvador in sponsoring the proposal.

21. Mr. COMAY (Israel) reserved his delegation's position on the El Salvador proposal, in view of the lack of clarity regarding the meaning of the phrase "persons constituting that delegation". He maintained his delegation's view that the persons concerned would be invited only as "persons".

22. The CHAIRMAN said that if there were no objections he would take it that the El Salvador representative's proposal, as amended, had been unanimously accepted. The reservation expressed by the Israel representative would be reproduced in the record of the meeting.

23. Mr. PACHACHI (Iraq) requested that the verbatim records of the Committee's 434th and 435th meetings be distributed to all members of the Committee who wished to have them.

24. The CHAIRMAN said that the Iraqi representative's request would be brought to the attention of the President of the General Assembly.

25. Mr. FRELINGHUYSEN (United States of America) expressed gratification that agreement had been reached on the El Salvador proposal, which seemed entirely consistent with the approach taken by the Committee in the past regarding the hearing of persons on the issue involved. His delegation was also gratified at the retention of the final phrase in the text, which seemed eminently suitable under the circumstances.

26. Mr. TOMEH (Syria) requested that the reservation he had expressed regarding the last phrase of the El Salvador text be included in the record. He also wished to ask the Secretariat how the name of the representative of the Palestine Liberation Organization would appear in the record.

27. Mr. PACHACHI (Iraq) said that in his view the Committee had been discussing a question of principle, which had been settled in accordance with justice and equity.

28. The CHAIRMAN said that the Syrian representative's statement would be taken into account in the Committee's records.

29. Mr. COMAY (Israel) dissociated himself from the request made by the Syrian delegation. If he understood correctly, the Chairman's statement that the request would be taken into account meant that it would be considered but not necessarily endorsed at the present stage.

30. The CHAIRMAN said that account would be taken of the Israel representative's comments.

31. Mr. EL ABIDIA (Libya) said that the question before the Committee had been very clear. It had been the request by thirteen Member States that the representatives of the Palestine Liberation Organization be heard, and the proposal that the request be dealt with in the light of the precedent of Mr. Tambo. The fair and natural action to be taken on that request was to meet it in the light, and on the lines of, the said precedent and of the other precedents in the Security Council and the General Assembly. Any action short of that would be clear discrimination against those unfortunate refugees and would set a dangerous precedent for other petitioners, most of whom came before the Organization as representatives and not as individuals. Moreover, he understood that the representatives of the Palestine Liberation Organization might refrain from participating in the discussion if they were subjected to any discrimination.

32. Mr. EL-KONY (United Arab Republic) endorsed the statement made by the Iraqi representative and associated his delegation with the reservations expressed by the Syrian representative.

33. Mr. DOSUMU-JOHNSON (Liberia) said that the action taken in Mr. Tambo's case did not constitute a precedent for the Committee, since the two questions were in no way analogous. Mr. Tambo had sent a telegram to the United Nations, as an individual living in London, requesting permission to be heard, while in the present case a request had been made by thirteen States Members of the United Nations. The United Nations would be running a serious risk if it were taken as an established precedent that any representative, by introducing a letter requesting that someone be heard, could ensure that that persons would be heard without regard to the merits of the particular case.

34. Mr. PACHACHI (Iraq) said that the Liberian representative seemed to believe that the precedent of Mr. Tambo did not apply in the present case because, whereas Mr. Tambo had personally sent his request, the Palestine Liberation Organization had sent its request through the thirteen Arab States. Perhaps when the Palestine Liberation Organization itself presented a request for a hearing the Liberian representative might take another point of view.

*The meeting rose at 1.10 p.m.*