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AD HOC POLITICAL COMMITTEE 34th

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Chairman : Mr. Selim SARPER (Turkey).

Threats to the political independence and territorial integrity of Greece: (b) Repatriation of Greek children (A/1932, A/1933, A/AC.53/L.4/Rev.1) (continued)

[Item 19]*

1. The CHAIRMAN said that he had received a favourable reply from the Czechoslovak Government, which had been invited to take part in the discussion of the Standing Committee on the Repatriation of Greek Children. He read out the Czechoslovak Government's reply and expressed the hope that other invited governments would follow its example.

Palestine : (a) Report of the United Nations Conciliation Commission for Palestine (A/1985, A/AC.53/L.22) ; (b) Assistance to Palestine refugees : report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/1905, A/1905/Add.1) (continued)

[Item 24]*

2. MOSTAFA Bey (Egypt) paid a tribute to the Lebanese representative for the speech he had made at the previous meeting, and also to the representatives of France and the United States for their statements. The admiration he felt for the statements of the latter however was tinged with some bitterness, for he had not expected the delegations of those two countries to recommend that the Committee should bow before the *fait accompli* for reasons based on reality, regardless of the claims of right and freedom.

3. With the examination of the Conciliation Commission's report (A/1985), the Palestine problem would

again be placed before the *Ad Hoc* Political Committee with all the difficulties which the Egyptian delegation had foreseen more than four years ago. It was essential to help the United Nations to correct the mistakes of the past and to find a solution in keeping with the principles of the Charter. The Egyptian delegation would work for that goal.

4. Mostafa Bey wished to define Egypt's position. It had no expansionist ambitions and was pursuing no political aims. Its traditions were liberal and it had never been guilty of religious persecution or of following racial and anti-semitic doctrines.

5. Reviewing the Conciliation Commission's work, the Egyptian representative said that the most important question raised by the Palestine problem was that of the refugees. The return to peace and stability in the Middle East, its economic development and participation in the consolidation of world peace would depend to a large extent on a just and lasting solution of the refugees question. Consequently, the representatives of the Arab countries had, during the past three years, constantly emphasized the importance of the return of Arab refugees to their homes and of the payment of compensation for the property of those choosing not to return. Unfortunately, the Arab States' constructive proposals had so far had no results. The refugees had not returned to their homes, their houses and lands had been confiscated, tens of thousands of Arabs living in the regions under Israel administration had been expelled, and some of those who had sought to regain their homes had been massacred. Furthermore, the Arab population was being persecuted by the Israel Government, in violation of the most elementary rights recognized in the Universal Declaration of Human Rights. The Egyptian Govern-

* Indicates the item number on the General Assembly agenda.

ment had drawn the Conciliation Commission's attention to all those facts but the Commission's report had been silent on that point. Nor had any action been taken on the proposal of the Arab delegations that refugees owning citrus fruit plantations in Israel territory, that might deteriorate, should be allowed to return. All those facts showed that the Conciliation Commission had been a failure.

6. Mass immigration of Jews in Palestine had made the situation worse. The artificial creation of a Jewish home in the heart of the Arab world, in the form of a sovereign State, was undoubtedly a threat to international peace and security. The Mediator had pointed out that fact in a letter dated 6 July 1948 addressed to the Israel authorities; he had noted that unlimited immigration into Palestine might give rise to a very serious economic and political situation with which the Israel Government would be unable to cope and which might harm the interests not only of the State of Israel but also of the Arab States. Israel had pursued a policy of the *fait accompli* by flagrantly violating the resolutions adopted by the Security Council on 29 May (S/801) and 15 July 1948 (S/902), resolutions which the Arab States had strictly complied with. The Conciliation Commission had not reacted when faced with the policy which the Israel Government and the Zionists had followed with the aid of certain great Powers. The Commission had in particular failed to make use of its right of mediation under General Assembly resolution 194 (III) of 11 December 1948.

7. Mostafa Bey pointed out that the Conciliation Commission, in affirming that its members should act in accordance with the instructions of their Governments and not with the resolutions of the United Nations, had attempted to disregard the General Assembly's instructions, thereby placing an undemocratic interpretation on its terms of reference. It had, too, assumed the right to decide for itself whether the situation in Palestine warranted the application of the United Nations resolutions on the Palestine question. What was more, it had gone beyond its terms of reference, as determined in General Assembly resolution 194 (III), which did not empower it to give its views on the question of Arab refugees, their return to their homes, and the payment of compensation to those who did not wish to return. In that connexion, the Egyptian representative pointed out that the objection that the Commission was unable to impose solutions upon the parties was not valid. The role of the Conciliation Commission should be to implement the United Nations resolutions and to carry out the instructions contained in them. If any obstacles were encountered it was the Commission's duty to draw the attention of the higher bodies of the United Nations to it, but in no circumstances did it have the right to interpret recommendations made by the General Assembly. Yet, that was what it had done when the Israel Government, after making numerous reservations, had offered to repatriate 85,000 refugees in the whole of the territory placed under Israel administration. The Conciliation Commission had taken up the Israel Government's offer without taking into account the provisions of

resolution 194 (III) which made the return of refugees to their homes dependent only on the free expression of their wishes. That in itself was a serious infringement by the Commission of its terms of reference. It was also an unwarranted reversal of its policy. After having secured from the parties an undertaking that they would realize the aims stated in resolution 194 (III) as regards refugees, at the signing of the Lausanne Protocol, the Commission had done nothing to bring about the realization of those aims. It had, on the contrary, endeavoured to restrict the rights of refugees, thus encouraging the immigration policy of the Israel Government.

8. The Conciliation Commission's proposal that the Government of Israel should accept the obligation to pay, as compensation for property abandoned by refugees not repatriated, a global sum that took into consideration Israel's ability to pay, was contrary to the principle of the right of refugees to compensation laid down in General Assembly resolution 194 (III), a right which should be theirs without restrictions or limitations. The Egyptian delegation could not accept that proposal and insisted that compensation should be paid to the refugees without delay by the Government of Israel or, failing that, by the United Nations.

9. Finally, the Conciliation Commission was proposing that the Government of Israel and the Governments of Egypt, Jordan, Lebanon and Syria should agree to examine the possibility of revising or amending the armistice agreements concluded between them. The Egyptian delegation had no objection to that proposal but wished to observe that any revision or amendment of the armistice agreements must be based on the principles contained in the resolutions on the Palestine problem adopted by the General Assembly, the Security Council and the Trusteeship Council, and should seek to eliminate, in the light of the experience gained in the preceding three years, the abnormal situation in Palestine as well as the causes of friction between the parties.

10. The Egyptian delegation was surprised that the Conciliation Commission, in drawing up its proposals, had ignored the Lausanne Protocol which the Commission itself had worked out in May 1949. It was characteristic of those proposals that they were based on United Nations resolutions whenever Israel's interests were concerned, but that whenever the Arabs' interests were at stake, various arguments were adduced to limit the scope of those same resolutions.

11. The Conciliation Commission's proposals did not make the slightest reference to the internationalization of the Jerusalem area or to the fate of that part of Palestine which had not been placed under Israel administration. The fate of that area must be decided by its inhabitants in accordance with the principle of the right of peoples to self-determination contained in the Charter and in the Universal Declaration of Human Rights.

12. The comments of the delegation of Israel on the Conciliation Commission's proposals would not help in any way to reach a just and lasting solution of the

problem in accordance with United Nations resolutions. On the contrary, they tended to complicate the problem and to make a solution more difficult.

13. In its conclusions, the Conciliation Commission recognized that both sides had expressed their desire to co-operate with the United Nations towards the achievement of stability in Palestine, but it believed that neither side was at the present time ready to seek that aim through full implementation of the General Assembly resolutions under which the Commission was operating. The statement that Israel authorities declined to abide by the provisions of paragraph 11 of General Assembly resolution 194 (III) was in accordance with the facts; but it was not correct to say that the Arab Governments were not prepared to abide fully and completely by the provisions of paragraph 5 of the resolution. To realize that it was enough to refer to the Lausanne Protocol. The proposals submitted at Lausanne by the Arab delegations had been designed to achieve a final settlement of the entire Palestine question. Egypt, for its part, desired to see lasting peace restored in Palestine by a settlement of the entire Palestine question on the basis of the resolutions of the General Assembly, the Security Council and the Trusteeship Council, and in accordance with the principles of justice and the Universal Declaration of Human Rights.

14. With regard to the joint draft resolution submitted by France, Turkey, the United Kingdom and the United States (A/AC.53/L.22), the Egyptian delegation, like the other Arab delegations, would give it careful consideration and probably submit some amendments.

15. Mr. TABIBI (Afghanistan) thought that the sooner the Palestine question was settled the better it would be for the peace of the Middle East and for the United Nations.

16. The United Nations had adopted several resolutions on the question but the General Assembly had taken no effective measures to ensure the protection of Arab refugees through the implementation of those resolutions. Paragraph 87 of the Conciliation Commission's report left no doubt that the Commission had failed to carry out its mandate. Responsibility for that failure could not be attributed to the Arab States which had always been ready to compromise, sometimes at the expense of their legitimate interests. Paragraph 84 of the report indicated clearly on which party that responsibility must be placed. The proposals which the Conciliation Commission had submitted to the parties, in particular proposal 2, which was contrary to the principle of the right of peoples to self-determination and exceeded the Commission's terms of reference, were not in accordance with the General Assembly's decisions.

17. The delegation of Afghanistan believed that unless the provisions of paragraph 11 of resolution 194 (III) were carried out, the Palestine problem as a whole would not be solved and would continue to be a threat to the peace of the Middle East.

18. With regard to the joint draft resolution (A/AC.53/L.22), the delegation of Afghanistan shared the opinion expressed by the representative of Egypt and felt that some amendments should be introduced in it to bring it into line with previous resolutions of the General Assembly and to make it acceptable to the majority of the Committee.

19. Mr. ATASSI (Syria) would confine himself to some brief comments on the conclusions in the Conciliation Commission's report, as he felt that the statements by the representatives of Lebanon and Egypt had shed sufficient light on the question.

20. The Conciliation Commission had expressed regret at its inability to make substantial progress in its task which, according to the Commission, was one of assisting the parties to the Palestine dispute towards a final settlement of the questions outstanding between them. That view of the Commission was somewhat surprising as it did not correspond to General Assembly resolution 194 (III) of 11 December 1948, which created the Conciliation Commission and laid down its terms of reference. It was true that the resolution invited the Conciliation Commission to assist both parties in settling the dispute but it contained other provisions that were even more important. In particular, it recognized the right of the population of Palestine, driven from their country and divested of their property, to return to their homes. The Palestine refugees were not nationals of any Arab State. They were natives of Palestine and the right recognized by the Assembly resolution was a personal right. Action could be taken only by the Israel authorities who had the alternative either of bowing to the Assembly decision or of refusing to respect it. They had categorically rejected it from the outset. At the Lausanne conference they had agreed to admit an insignificant number of refugees to Palestine, but at the recent Paris conference they had refused to admit even that number. Consequently it would be wrong to reduce the problem to a dispute between Israel and the Arab States. To do so would be contrary to the resolution of 11 December 1948 and might mean that the good effects of that resolution would be lost.

21. Further, the Conciliation Commission did not object to the rejection of the United Nations decision by the Israel authorities, but took refuge behind the fact that changes had occurred in the last three years to explain why it had been unable to accomplish its mission. The Syrian delegation could not agree to the view that by obstructing the implementation of General Assembly resolutions the Israel authorities had freed themselves of the obligation incumbent upon them to put resolution 194 (III) into effect and had relieved the Conciliation Commission of its responsibility to accomplish the task assigned to it. Yet that was what the *Ad Hoc* Political Committee was being called upon to undertake in a spirit of realism. It was the duty of the Conciliation Commission, which had been in existence for three years, to prevent the Israel authorities from hindering the implementation of Assembly resolutions. While the Conciliation Commission had no means of ensuring that those resolutions should be

carried out, it had nevertheless been aware of what was happening in Palestine and had observed the development of the events which—it was now being claimed—prevented the return of Arab refugees. It should have informed the General Assembly accordingly, both to relieve itself of responsibility and to enable the Assembly to take the necessary steps to implement those resolutions. The Commission had not done so.

22. The Conciliation Commission had been asked to show a spirit of realism. But the real situation was complex and some of its many aspects could not be overlooked. For example, it was realistic to emphasize that a people forced to live outside its own territory and subjected to the direst poverty would still retain an attachment for its homeland and its memories. It was also realistic to understand that the refugees were human beings who had not only a material life but also a moral and spiritual one and that they could not be uprooted from their own country and transferred to another, as had been proposed by some, with the added condition that the Arab States ought to bear the expense of resettling the refugees.

23. For all those reasons the Syrian delegation could not accept the conclusions of the Conciliation Commission that it would be impossible not to take into consideration the changes which had occurred during the past three years. If the whole function of the United Nations were to take note of and accept accomplished facts it would be useless to try to solve other problems, to ensure the implementation of General Assembly resolutions and to seek to maintain the authority of the Organization. The Syrian delegation called upon the Committee not to deprive the Arab population of Palestine, who were the victims of one of the most cruel tragedies in history, of the hope of returning to their country and of seeing peace finally restored to the area.

24. In concluding, Mr. Atassi said that he would reserve the right to submit any amendments to the joint draft resolution that he deemed necessary.

25. Mr. COULSON (United Kingdom) was certain that he was expressing the feelings of the delegations present when he paid a tribute to the efforts made by the Conciliation Commission over the past three years to effect a final settlement of the Palestine question, which concerned three great religions of the world as well as countless millions of people.

26. The United Kingdom delegation deeply regretted that those endeavours had not met with success, and in particular that the recent Paris talks had not led to constructive results. It shared the belief of the Conciliation Commission, expressed in paragraph 86 of its report, that given goodwill by the parties, the principles underlying the Paris proposals might yet serve as a basis for further efforts towards a settlement. In view of the existing tension the United Kingdom Government considered that no opportunity of diminishing the area of conflict should be neglected. That was why it deemed it essential that the Conciliation Commission should be maintained in existence. Any move to terminate its functions would be to acquiesce in failure.

27. The joint draft resolution, of which the United Kingdom delegation was a co-sponsor, provided for the maintenance of the Commission and for the transfer of its headquarters to New York. The latter provision should not be interpreted as meaning that the United Nations was disinclined to pursue actively and on the spot any chance of effecting a settlement. It merely showed a realization that until the parties were ready to reach a settlement the mere presence of the Commission in the Middle East would not advance matters. That was apparent from the Commission's experience during the past three years. Responsibility for reaching an agreement rested primarily on the parties concerned and, if they were disposed to do so, the Commission would certainly lose no opportunity of furnishing all possible assistance to them. Meanwhile the presence of the Conciliation Commission in New York would facilitate the co-ordination of the United Nations efforts to promote stability, security and peace in the Near East and would in no way hamper the functions of the United Nations Relief and Works Agency, much of whose work had to be conducted on the spot.

28. Nearly three years ago a series of armistice agreements had been signed between Israel and her neighbours with a view to promoting the return of permanent peace in Palestine. Those agreements were the result of much patience and skilful negotiation by the Acting Mediator, Dr. Bunche, of a desire for peace on the part of the signatory Governments and of the spirit of realism in which they had approached the situation. It was to be hoped that that spirit was still alive and that the Governments concerned would approach the problem, not solely with a view to securing what they believed to be their rights, but also with the determination to achieve a permanent settlement.

29. Speaking on the joint draft resolution, over which there had already been some discussion, particularly regarding the meaning of the words "in the spirit of justice and realism and on the basis of mutual concessions", Mr. Coulson said that, in so far as the draft resolution pointed out that the Governments concerned had the primary responsibility for reaching a settlement of all outstanding questions, the ways and means of reaching such a settlement must be determined by those Governments, provided of course that they were pacific in character. Finally, whatever had been read into the words "realism" and "mutual concession" and whatever the context, it was certain that unrealistic proposals stood no chance of success; furthermore, if the various parties were to maintain their original positions without making the slightest concession there could be no hope of a settlement. The two parties had, however, already made certain concessions. For instance, the Arab countries had made a constructive contribution by considering the possibility of resettling some of the refugees on their own territory, namely, in Egypt and Jordan. Similarly, the Israel Government had offered to consider the matter of compensation outside the question of general settlement, which represented an important advance on the previous Israel position. The United Kingdom delegation urged the two parties to consider what further steps of that kind could be taken to enable more rapid progress to be made.

30. Without dealing with the report in detail or anticipating the discussion on the work of the United Nations Relief and Works Agency, the United Kingdom representative wished to reaffirm his Government's attitude with regard to the refugees, not only because the attention of the world had been particularly drawn to those unhappy people by the recent news of floods and storms in that area, but also because it was a most important, and certainly the most human, aspect of the Palestine problem.

31. The United Kingdom Government did not call in question the right of the refugees to return to their homes. What it did question was whether it was in the interests of the refugees themselves that they should all exercise that right. At the preceding session, the United Kingdom representative had drawn attention to the difficulties which returning refugees would have to face and to the obligations which they would have to assume. While not denying their right to repatriation, the United Kingdom delegation felt that the bulk of the refugees would find a happier and more stable home, at any rate in the immediate future, amongst their Arab brethren.

32. There was, however, an important corollary, namely, compensation. The refugees were human beings

and should be treated as such. The fact remained that they had lost property and that the gain had been Israel's. It was gratifying to see that the Israel Government had offered to contribute to the settlement of the question of compensation. His delegation welcomed that offer and appealed to the Conciliation Commission and to the Governments concerned to pursue the matter further without delay.

33. In the interests of world peace every effort should be made to bring tranquillity to Palestine. That was no easy task, and any assistance which the Members of the United Nations could offer should be freely given. The Conciliation Commission for Palestine should therefore remain at the disposal of the parties concerned. His Government extended to the Commission its full support and was prepared to assist it and the Governments concerned in any way possible in their endeavour to solve the problems which still lay ahead.

34. The United Kingdom delegation hoped therefore that the joint draft resolution would receive the Committee's support.

The meeting rose at 12.30 p.m.