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Chairman: Mr. Alexis KYROU (Greece).

The Conciliation Commission for Palestine and its work in the light of the resolutions of the United Nations (A/2184, A/2216 and Add.1, A/AC.61/L.23) (continued)

[Item 67]*

1. Mr. AMMOUN (Lebanon) joined in the tribute paid to the Mexican delegation for the conciliatory spirit which had led it to appeal to the parties (25th meeting) for a peaceful settlement of their differences, and recalled a similar appeal made to the great Powers on the initiative of the same delegation and adopted unanimously in 1948 by the General Assembly resolution 190 (III). It was doubtful, however, that the present appeal or the support it found in the joint draft resolution before the Committee (A/AC.61/L.23) would prove more fruitful than its predecessor unless the basis of the peace it advocated was clearly defined and accepted by both parties. Several earlier pleas for direct negotiations on the issues outstanding in the Palestine problem had failed because they had required acceptance by the Arab States of the *fait accompli* in violation of United Nations resolutions and to the detriment of the interests of the Arab population of Palestine. The Arab States based their position on legal considerations while Israel recognized only the *de facto* situation. The Arab States were prepared to co-operate, but only on the basis of United Nations decisions and the principles of the Charter. They sought peace, but it must be a just and honourable peace.

2. Reviewing the history of the Palestine question, Mr. Ammoun pointed out that the myth of Arab aggression in Palestine, carefully built up by Israel, was thoroughly disproved not only by the facts of the combined attacks by the Haganah, the Stern gang and the Irgun, aided by an international coalition, upon the Arab population of the State, but by the living vestiges of that mass aggression represented by a million Arab

refugees. The argument that Israel had fought in self-defence was refuted by the record of terrorist attacks and the exodus of Arab refugees long before the emergence of the State of Israel in 1948. Moreover, as stated by Arthur Koestler in his book *An analysis of a miracle*, the Haganah forces had been in existence for thirty years as the illegal Palestine militia before the establishment of Israel and the Irgun had been engaged in acts of sabotage and terrorism against the Arabs for ten years before the Arab-Israel conflict. Finally, Prime Minister Ben-Gurion himself had admitted as early as 1945 that the efforts of the Jewish Agency to halt such terrorism were futile.

3. By adopting General Assembly resolution 181 (II) in 1947, the United Nations had paved the way for Israel's disruption of peace in the Middle East and for its aggressive action for the destruction of Palestine. The Arab States had been joined by many others in a vain effort to prevent that injustice. The British Foreign Secretary himself, in a speech to the House of Commons, had called attention to the dangers of setting up a religious State.

4. Nevertheless, the Arab States had bowed before the will of the United Nations and had respected the decision to establish the State of Israel, as well as its decisions on the territorial question, the internationalization of Jerusalem and the refugee problem. Although all the relevant resolutions had been adopted with the participation of Israel in the General Assembly, that State had refused to abide by them. Yet, the Assembly, in deciding to admit Israel to membership in the United Nations in May 1949, by resolution 273 (III), had explicitly taken note of its unconditional acceptance of the obligations of the Charter and had recalled General Assembly resolutions 181 (II) and 194 (III) on the Palestine issue. Israel had recognized those obligations once again when it had signed the Lausanne Protocol the day following its admission as a Member State, but so far it had refused to implement the main clauses of that instrument: withdrawal to the territory allotted to Israel on the map attached to General Assembly resolu-

*Indicates the item number on the agenda of the General Assembly.

tion 181 (II); repatriation of the refugees; and withdrawal from Jerusalem to facilitate the establishment of an international régime in that city.

5. The Conciliation Commission for Palestine had not overcome Israel's recalcitrance on the refugee and territorial questions. It had agreed that the refugee problem should be given priority for both political and humanitarian reasons and had emphasized to Israel the importance of accepting the principle of repatriation and applying it with a view to a further settlement. In the circumstances, it was surprising to find the Committee (25th meeting) refusing a hearing to the representative of the refugees. The Arab position had been defined by the Political Committee of the Arab League when it stated that if the principle of repatriation were accepted, it would consent to discuss the application of the principle. The Israel position had been stated by Mr. Ben-Gurion¹ when he claimed that the real solution consisted in the resettlement of the refugees in the Arab States. Until Israel recognized the principle of repatriation, negotiations could not be opened.

6. With regard to the territorial question, Israel's attitude was equally obstructive. It refused to evacuate territory allotted to the Arabs under General Assembly resolution 181 (II) and confirmed as Arab land by the Lausanne Protocol of 1949. Israel had stated at that time that, in the prevailing conditions, it could not accept the partition arrangements laid down in that resolution as a basis for a settlement and would not give up any portion of the territory it held. In vain the Conciliation Commission had pointed out that the territorial arrangements dictated by the armistice agreements were not to prejudice the ultimate political settlement and had been made purely for military reasons.

7. The Lausanne Protocol should constitute the starting point for further attempts at a settlement, but the first step must be a change in Israel's attitude toward that instrument. In view of its refusal to honour earlier commitments, it was natural to be sceptical regarding future agreement. On the other hand, the Arab States would like to recognize Israel's consent to release a relatively small portion of blocked Arab accounts as a conciliatory gesture and evidence of goodwill. If that was the case, Israel must accept all the General Assembly resolutions and the provisions of the Lausanne Protocol. That was a *sine qua non* for giving real effect to the Mexican representative's appeal. The Arab States were prepared to implement those resolutions and honour the Lausanne Protocol in order to speed its full implementation. They hoped that Israel would join with them in a concerted effort to carry out the United Nations resolutions and thus honour the signatures affixed to the Lausanne instrument.

8. Unfortunately, Israel was encouraged in its obstinacy by the Conciliation Commission. That body had concentrated its efforts on conciliation and mediation with regard to issues still outstanding between the parties, thus neglecting the equally important function of securing implementation of decisions already taken and confirmed by the United Nations. While it was true, to some extent, that General Assembly resolutions did not imply sanctions for those failing to observe them, the General Assembly resolution 181 (II) on

partition had acquired legal force when the State of Israel had been admitted on that basis. Apart from the progress made on secondary matters, the Commission had failed utterly to secure observance of the decisions on repatriation, territorial adjustment and internationalization of Jerusalem and was literally back where it had started. Since its eighth progress report, it had made no reference to the Lausanne Protocol. It seemed to have despaired of any future success and had adopted a passive silence which had the effect of encouraging continued resistance on the part of Israel. The time had come to revive the spirit of the Conciliation Commission, perhaps by a change of structure whereby two new members might be added.

9. Lebanon was quite ready to respond favourably to the appeal of the Mexican delegation and of the sponsors of the joint draft resolution for direct negotiations aimed at a peaceful settlement, provided that such negotiations were based on the implementation of principles laid down by the United Nations and previously recognized by the parties. The Lausanne Protocol might very well constitute the agenda for the negotiations, inasmuch as it had been signed by all the parties and by the three States comprising the Conciliation Commission. Lebanon hoped that the latter countries would maintain their firm attitude in accordance with the statement made by the United States representative at the General Assembly's third session.²

10. The Lebanese delegation could not support the joint draft resolution as it stood, because it failed to recall the principles reaffirmed in the Lausanne Protocol, which represented the only valid basis for a just settlement of the Palestine issue.

11. Mr. RODRIGUEZ FABREGAT (Uruguay) expressed his fervent hope that the debate in progress might contribute to the final solution of the problem under discussion. He heartily endorsed the Mexican representative's plea for a spirit of conciliation, and said that the contribution which the Latin-American delegations wished to make to the debate could be expressed simply in the word "peace".

12. The joint draft resolution before the Committee, of which his delegation was one of the sponsors, was simple and straightforward, but it contained a new suggestion. It suggested a method, the only novelty of which lay in that it was an encouragement to the parties to examine their differences and claims together. The negligible results already obtained by the Conciliation Commission for Palestine clearly showed that direct negotiation between the parties was needed. Negotiations, moreover, involved no new principle. It was a method enshrined in the Charter and provided for in treaties since the first of the conferences held at the Hague. The only cases in which the Charter ceased to envisage the possibilities of direct negotiation was when war had already broken out. Uruguay had always advocated the use of arbitration for settlement of international disputes at all international conferences on the subject. All the Latin-American countries were anxious to persuade the parties to the dispute in Palestine to take the logical first step of negotiation. He had been encouraged by the Lebanese representative's statement that his country was ready to negotiate a peaceful agreement and his description of the factors which would

¹ See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, Volume II*, document A/838, para. 26.

² *Ibid.*, Third Session, Part I, 184th plenary meeting.

condition such an agreement. Despite the bitter recriminations which the parties to the dispute hurled at each other in the Committee, it was nevertheless true that they were there sitting at the same table, and he could not believe that they would be incapable of getting together and carrying out, for the welfare of their own children, the same type of work as they carried out in the United Nations committees in the interests of international peace.

13. Mr. Rodríguez Fabregat went on to read and comment on the various paragraphs of the operative part of the joint draft resolution. The draft reaffirmed the principle that the governments concerned had the primary responsibility for reaching a settlement of their outstanding differences; it urged those governments to enter into direct negotiation for the purpose of finding a solution to those differences and requested the Conciliation Commission to hold itself in readiness to assist in settling the problem, if so desired. The preamble to the joint draft resolution was couched in the language of the Charter when it mentioned the primary duty of Members of the United Nations to seek settlement of international disputes by peaceful means. The reference in the preamble to previous resolutions of the General Assembly was, of course, to those resolutions which were designed to bring about conciliation, direct negotiation and the settlement of problems in Palestine. There was certainly no intention of referring to resolutions which might have in any way hindered the achievement of peace. Such resolutions in any case would not have been acceptable to his delegation. The joint draft resolution was so simple and clear that it could provide a basis for understanding, even if understanding must be subject to the conditions which various delegations had stated before the Committee.

14. Despite the careful attention which he had paid to all the speeches made in the debate, and in spite of certain attacks and accusations contained in those speeches, the Uruguayan representative had not heard one valid objection to the methods proposed in the joint draft resolution. Conditions had certainly been laid down, but no reason had been given as to why there should be no meetings or discussions, consultations or airing of problems. It was obvious that there were many outstanding differences between the parties, perhaps the most painful aspect of the dispute being the refugee problem. The sufferings of the refugees provided one of the most urgent reasons for a speedy solution of the problem. Wars had become increasingly cruel in the course of history and where the old formula had been "an eye for an eye and a tooth for a tooth," the modern formula seemed to be a "child for a child and a mother for a mother". Members of the United Nations, bound as they were by the Charter, had no desire to witness the perpetuation of persecution and suffering. Mr. Rodríguez Fabregat observed that his delegation's intervention had been prompted solely by a desire that peace should be established between the Arab States and Israel. That was the motive underlying the joint draft resolution before the Committee, and he appealed to the parties to the dispute, both of whom had suffered so much, to give careful consideration to that draft. He hoped that it might be possible for the delegations of the Arab States and of Israel to take part in a debate which would emphasize not the differences between them but the grounds of common agreement. He appealed to the parties to make such a debate possible.

15. Mr. JESSUP (United States of America) said that his delegation believed in the value of discussion. As Benjamin Franklin had said in 1787, when the Constitution for the future United States of America had been drawn up for the thirteen States whose views and interests had differed so widely, ". . . when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests and their selfish views". Franklin had, however, found the result of such mixture and exchange of views good. It was to be hoped that the attempts of the various delegations to the United Nations to deal with the Palestine question would be as successful.

16. The United States delegation would have preferred to refrain from commenting on the matter until it had heard the views of other members of the Committee, and in particular those of the parties directly concerned. In addition to its desire to gauge the Committee's opinion, it had been guided in its attitude by the experience it had gained from its work on the Conciliation Commission for Palestine during the past four years, when it had explored, together with the other members of the Commission, all the avenues open to the United Nations in the search for a settlement of the Palestine question in accordance with United Nations resolutions.

17. Mr. Jessup pointed out that his delegation had been reluctant to prejudice the success of any suggestion for a settlement of the difficulties by a premature intervention. It had come to the Committee with as open a mind as was possible under the circumstances, in the sincere hope that the opinions of the members of the Committee would expedite the finding of a solution. His delegation would be the first to admit that its views were substantially conditioned by its experience as a member of the Conciliation Commission. But the Commission's experience was part of the experience of the United Nations. He therefore wished to summarize briefly the Commission's work since 1948.

18. Shortly after its establishment, the Commission had held meetings in a number of Middle Eastern States, where it had explored with the Governments concerned how best to give effect to the General Assembly resolution. It had investigated conditions on the spot and had ascertained the wishes of the people concerned; it had at the same time consulted with the Governments and religious leaders on the question of an international régime for Jerusalem.

19. The Commission had then brought together the representatives of the Arab States in Beirut and had prepared for a full-scale conference at Lausanne early in 1949. From April to the middle of September of that year, the Commission had held daily formal and informal discussions in Lausanne with representatives of the Arab States and Israel in an effort to find areas of agreement. It had set up the Special Committee on Jerusalem and its Holy Places to prepare for submission to the General Assembly a draft statute for the internationalization of Jerusalem.

20. On 14 June 1949 the Commission had established the Technical Committee on Refugees to study and report on the refugee problem. That Committee's subsequent report³ had covered the entire problem of re-

³ *Ibid.*, Fifth Session, Supplement No. 18, Appendix 4.

patriation, resettlement and the social and economic rehabilitation of the refugees and had set forth the necessary immediate preliminary measures to preserve the rights, property and interests of the refugees. In August of that year it had also set up the Economic Survey Mission for the Middle East to carry out extensive surveys of the Middle East; that body's report to the Conciliation Commission had resulted in the creation by General Assembly resolution 302 (IV) of December 1949 of the United Nations Relief and Works Agency for Palestine Refugees in the Near East which was now engaged on a \$250 million programme.

21. Throughout its work the Conciliation Commission had unceasingly emphasized that as the matters outstanding between the Governments, in particular those related to refugee and territorial questions, were closely linked, the Arab and Israel delegations should extend their talks to all the problems covered by the General Assembly resolutions. It had accordingly asked the Arab States and Israel to sign the Lausanne Protocol, to which had been attached a map indicating the boundaries applying to General Assembly resolution 181 (II).

22. Realizing that only through conciliation could results be obtained, the Commission had put before the parties a scheme for mixed committees of Arab and Israel representatives to discuss specific problems. Unfortunately that plan had been rejected.

23. Then, in Paris in 1951 the Commission had put before the parties concerned a comprehensive plan dealing with all the questions arising under General Assembly resolution 194 (III). In doing so it had expected the parties to make counter-proposals. However, no such proposals had been made.

24. That had been the situation which had confronted the Commission at the 1951 session of the General Assembly and it had been on that basis that the Assembly had reminded the parties that it was their responsibility to settle their differences, and had asked the Conciliation Commission to make itself available to the parties to give any assistance that might be necessary. It should be noted that the Commission had formally informed the parties that it would be available to assist them at any time, but the only replies it had received had been one from the Government of Yemen and a simple acknowledgement from the Government of the Hashemite Kingdom of Jordan.

25. The Committee had already heard from the Chairman of the Conciliation Commission that the Government of Israel had agreed to the full release of the Arab refugees' blocked accounts in Israel, and to the return of the contents of their safe deposit boxes, and that further progress had been made on the question of compensation. It had been said by some that those results were inconsequential. No United Nations effort which had resulted in the release of some \$14 million belonging to the refugees, who were in such great need, could be regarded as inconsequential. Moreover, the Commission had on its own initiative continued to devise procedures for the payment of compensation to Arab refugees. Those were not final solutions nor were they substitutes for any other solutions; they were, however, an indication of what persistent efforts on the part of the Conciliation Commission could achieve.

26. But the past debates had revealed a growing realization that there was a fundamental problem which had

to be faced if the Palestine question was to be dealt with effectively in the future. The Committee would agree that there was no substitute, in the regulation of international differences, for direct negotiation between the parties. So far the United Nations had negotiated with the parties and the parties had negotiated with the United Nations, but the parties had not as yet negotiated with each other. The fruitful results obtained by the Mixed Armistice Commission and the Mixed Committee on Blocked Accounts proved that direct negotiations on the larger problems were not only possible but desirable. The United States Government's attitude in that respect applied not only to the Palestine question; indeed it had advocated direct negotiation in a number of other disputes.

27. Mr. Foster Dulles, United States representative to the General Assembly at its third session, had said⁴ that it was clear from the voting that the parties concerned had, in effect, told the General Assembly that the remaining issues in Palestine could be dealt with only through the processes of conciliation or negotiation. He had further pointed out that the primary responsibility developed upon the parties directly concerned, since the General Assembly did not have the power to command them or to lay upon them precise injunctions. If agreement was to be reached, those considerations should be kept in mind.

28. It was therefore important that the United Nations should agree upon what further efforts were to be made. If the parties could be induced to agree to direct negotiation it would not be difficult to reach agreement upon procedures whereby the United Nations could assist them. While the United States delegation believed that the primary responsibility under the Charter rested with the parties, it was convinced that the United Nations would always be ready to assist them.

29. Mr. Jessup said that he had not attempted to deal with any of the specific points raised by the various speakers nor had he attempted, at the present stage, to deal specifically with the draft resolution before the Committee. He wished to reserve his delegation's right to speak further on the joint draft resolution, or on any other proposals which might be laid down before the Committee, at the appropriate time.

30. Mr. DURON (Honduras) thought that the joint draft resolution would provide a satisfactory means of finding a just and equitable solution of the Palestine problem, for which the United Nations was largely responsible.

31. At first, countries had been inclined to blame each other for the failure to find a solution for the problem. Now they had shifted the blame to the Conciliation Commission for Palestine. The Honduras delegation, however, could not subscribe to that view as it considered that the Commission had and still served a useful purpose. His delegation endorsed the joint draft resolution which advocated a method of settlement inherent in the practice and tradition of his country. Its support of that draft resolution was, however, subject to two essential conditions: first, the draft should recall the obligations assumed under General Assembly resolutions 181 (II) and 194 (III); it should also reaffirm the principle contained in those resolutions, namely, that Jerusalem should be placed under an international

⁴ *Ibid.*, Third Session, Part I, 184th plenary meeting.

régime offering every safeguard to protect the Holy Places. Secondly, the draft should provide for the continuation and, if necessary, the strengthening of the Conciliation Commission, which had done much useful work. Finally, Mr. Duron appealed to all the delegations to give favourable consideration to the joint draft resolution.

32. The CHAIRMAN announced that the delegation of Cuba had joined the sponsors of the joint draft resolution and that a revised version of that document would be circulated shortly.

33. Mr. AL-JAMALI (Iraq) reminded the Chairman that he might wish to speak not only on behalf of his own delegation but also for the Hashemite Kingdom of Jordan.

34. Mr. EBAN (Israel), on a point of order, suggested that the Committee should give mature reflection before it agreed that another State, especially a State which was not a Member of the United Nations, should be represented in any formal sense by another government. Were that course adopted, governments would risk losing their identity and personality. If the repre-

sentative of Iraq wished to convey the views of the Government of the Hashemite Kingdom of Jordan in the course of his statement on his Government's behalf he could of course do so, but it was very doubtful whether the United Nations had ever recognized the concept of representation of States by proxy.

35. Mr. AL-JAMALI (Iraq) could see no objection to his speaking on behalf of the Hashemite Kingdom of Jordan since persons of one nationality had been known to speak in the United Nations on behalf of countries other than their own.

36. The CHAIRMAN reminded the representative of Israel that he had read out to the Committee the cable from the Government of the Hashemite Kingdom of Jordan appointing the representative of Iraq to speak on its behalf. Since there had been no opposition in the Committee to that suggestion, it was surely for the Government of Jordan to take any decision it wished concerning its representation. The right of reply would be accorded to any representative who might request it.

The meeting rose at 1.5 p.m.