



CONTENTS

	Page
Palestine: repatriation of Palestine refugees and payment of compensation due to them (A/1323, A/1324, A/1325, A/1326, A/1346, A/1349, A/1366, A/1367, A/1367/Corr.1, A/1367/Add.1, A/AC.38/L.30, A/AC.38/L.57) (continued)	397

Chairman: Mr. Victor A. BELAÚNDE (Peru).

Palestine: repatriation of Palestine refugees and payment of compensation due to them (A/1323, A/1324, A/1325, A/1326, A/1346, A/1349, A/1366, A/1367, A/1367/Corr.1, A/1367/Add.1, A/AC.38/L.30, A/AC.38/L.57) (continued)

[Item 20 (c)]*

1. Mr. DEJANY (Saudi Arabia) referred to the procedural discussion which had taken place at the 61st meeting and said that the delegation of Saudi Arabia was glad to fall in with the Chairman's proposal as to sub-item 20 (c), on the understanding that the draft resolutions on which a vote would be taken at the conclusion of the debate on refugees would be concerned exclusively with refugees.

2. The worsening of the conditions in which the refugees were living was a matter of grave concern to the Saudi Arabian delegation. The reports submitted by the Conciliation Committee (A/1367, A/1367/Corr.1, A/1367/Add.1) and by the United Nations Relief and Works Agency (A/1451, A/1451/Corr.1), mild as they were, must stir the emotions and sympathy of all decent people, especially when it was remembered that the refugees would have to pass still another winter in caves and camps far from their homes and in conditions which had greatly deterioriated, owing to the lamentable state of their clothes, blankets and tents. The relief measures proposed in the resolution (A/AC.38/L.52) which had been adopted by the Committee (57th meeting) were of a purely temporary nature and would barely enable the refugees to survive the coming winter.

3. The General Assembly had already decided how the refugee problem could be best settled when it adopted resolution 194 (III) of 11 December 1948. The main conditions of that settlement were laid down in paragraph 11 of the resolution, which did no more than

recognize and confirm established principles. Moreover, the late Count Bernadotte, when United Nations Mediator in Palestine, had said¹ that the right of the refugees to return to their homes at the earliest practical date should be definitely established, and that it would be a dangerous breach of elementary justice if the refugees were denied that right while Jewish immigrants continued to flow into Palestine. Count Bernadotte had also declared that the Government of Israel should restore private property to its Arab population and compensate them when their property had been wantonly destroyed.

4. The Arab refugees' right to repatriation and compensation was, moreover, based on acknowledged principles of international law. Mr. John Marshall, Chief Justice of the United States Supreme Court, had summed up the matter by stating that in modern times the conqueror generally displaced the sovereign authorities only; the people came under a new authority but their relations with each other and their property rights remained undisturbed.

5. Mr. Dejany declared that the Government of Israel made use of resolution 181 (II) of 29 November 1947 when it derived any advantage from it, but disavowed it whenever it suited the purpose.

6. At the time of the first truce, the Minister for Foreign Affairs of the Provisional Government of Israel had recognized in a communication to the Mediator² that General Assembly resolution 181 (II) was the only international instrument affecting the question of the future administration of Palestine. While that document conferred certain privileges on the Israel Government, it also imposed a number of obligations on that State. For example, it declared that the Arab population residing in the State of Israel would be entitled to opt for Israeli nationality. Of the 500,000 Arabs

¹ See *Official Records of the General Assembly, Third Session, Supplement No. 11*, p. 17.

² *Ibid.*, p. 24.

* Indicates the item number on the General Assembly agenda.

in that territory, about 70,000 had remained there and only some 60,000 of the rest, who had taken no part in the military operations but had fled in terror, had returned to the areas placed under the control of Israel, and their nationality and status still remained a moot point. The fact that areas originally allotted to the Arabs had been later occupied by Israeli troops should not affect the status of the Arab population and, even if those areas were regarded as conquered territory, the principles of international law referred to above should still be applicable.

7. Furthermore, the Arabs' rights to repatriation and compensation were also clear from articles 13 and 17 of the Universal Declaration of Human Rights.

8. Yet, at the 36th meeting of the Committee, Mr. Eban had said that Israel did not recognize the legal validity of paragraph 11 of resolution 194 (III). That in itself was a challenge to the General Assembly as a whole and to those delegations which had construed that paragraph differently and had believed in the validity of the various paragraphs of the resolution when the question of Israel's application for United Nations membership had been discussed.

9. The Saudi Arabian delegation considered that paragraph 11 of General Assembly resolution 194 (III) should be applied not merely because it was part of an adopted resolution but also because it was based on legal, moral and humanitarian principles recognized throughout the civilized world.

10. The strong desire of the refugees to return to their homes had been stressed in a number of reports. Even where their homes had been destroyed, they wanted to return to the districts which they had been forced to leave. But the Government of Israel did not allow them to do so.

11. Mr. DeJany then turned to the reasons advanced by Israel against the return of the refugees. The Government of Israel claimed that the refugee problem had arisen as a result of the invasion of Israel by forces of the Arab States and that the latter had therefore become responsible for the refugees. That, however, was a false argument, for over 250,000 Arabs had fled from their homes long before the Arab forces entered Palestine. A large number also had left Palestine to avoid the widespread Jewish atrocities. The details of the infamous massacre of Arabs at Deir Yasin were well known, but those of a long series of terrorist acts against the Arabs were not.

12. The pressure of the terrorist forces had driven large numbers of Palestinian Arabs to seek refuge in other countries long before the Arab troops entered Palestine. The Arab States had entered Palestine to protect the Arab population from persecution by the Jews of Palestine and by Jewish immigrants of all nationalities, armed by foreign Powers and financed from abroad. The entry of the forces of the Arab States into Palestine could not, therefore, validly be held to be the cause of the present terrible position of the refugees.

13. The second claim of Israel was that the repatriation of refugees should be carried out as an integral part of the final peace settlement in Palestine. From that it would appear that the Government of Israel was attempting to use the refugees as a bargaining factor

in its discussions with the Conciliation Committee. It had offered to repatriate a maximum of 100,000 refugees as part of the general peace settlement, and to settle them in regions chosen by the State of Israel in order that they might take part in carrying out the so-called plan for the economic development of that State. The Conciliation Commission had rejected that offer as unsatisfactory. The former Director of the United Nations Relief for Palestine Refugees had said on 6 July 1949, as reported in the *New York Times*, that the return of the refugees was an essential condition for maintaining peace in the Middle East. In refusing to repatriate more than 100,000 refugees, the Government of Israel was incurring a heavy responsibility.

14. The third objection put forward by Israel to the repatriation of Arab refugees was that the repatriation of a large number of Arab refugees would create a minority problem which would endanger peace in Israel and throughout the Middle East. But the Arabs had lived in Palestine for some thirteen centuries and could hardly be regarded as a minority in the Middle East. After all, the Arabs were still the legal owners of most of Palestine. Dr. Weizmann himself had once said that there was ample room in Palestine for both Arabs and Jews. At that time, the Jews had constituted a minority in Palestine and it was difficult to conceive how the existence of an Arab minority in Palestine could possibly give rise to apprehension.

15. Still another objection made by the Israel Government was that the Arab part of Palestine had had its own economic system which now no longer existed, that much of the Arab property had been destroyed and that it would be advisable to resettle the Arabs among people with whom they had more affinity. In that connexion it should be made clear that the Arab refugees were not all of the same class. They were not all farmers and peasants but included doctors, lawyers, teachers, merchants and business men who had lived in the towns of Palestine and whose social and cultural level had been in many respects as high as that of the people of any other civilized country.

16. For centuries past and during the time of the United Kingdom administration of Palestine, the Arabs working on the land and those employed in the towns had worked hand in hand, and that state of affairs had not been affected or interrupted by Jewish immigration. No change in government, no change in government policy could be so radical or so absolute as to make a revival of that way of living impossible. Nor could it be said that the standard of living of thousands of Jews in Palestine was any whit higher or better than that of the average Palestinian Arab. In any event, such discriminatory methods of selecting a population could not be condoned, for all countries included the lowly and the unpretentious among their citizens. Furthermore, in background, culture, religion and language, there was more unity among the Arabs of Palestine than among the immigrant Jews who had no other common bond but religion. There were many examples in the world to show that peoples of different backgrounds, languages and religions could live in perfect harmony; an outstanding example was provided by the United States of America. He therefore considered that the minority objection of the Israel Government was valueless.

17. Then there was the question of destroyed Arab property, and the occupation of undamaged property by new Jewish immigrants. From a practical angle, it would have seemed unnecessary for such reasons to bar permanently the return of the refugees to their native country. The funds voted by the Israel Government as compensation for destroyed property could have been used to build new homes for Jewish immigrants according to their requirements. Even if the housing shortage had been most acute, many of the Arab owners might well have been prepared to wait a year or so rather than forfeit forever their right to return to their country.

18. In connexion with that question, the Israel Government had passed what was known as the Absentee Property Law. Under that law, a "Custodian of Absentee Property" had been appointed and the property of the refugee Arabs had been put under his administration. At first sight, the provisions of the new law might seem reasonable, but a closer scrutiny revealed its real intentions, which were the liquidation and disposal of the property in question in a most unjust manner.

19. Although the Custodian was bound to protect the property of absent persons, there was no real restriction on his right to dispose of real estate. The definition of "absentee" included not only the Arabs who had left Palestine during the war but also those who since the cessation of hostilities had been allowed to return to the territories placed under the authority of the State of Israel. In that way more than half of the Arabs who were now in Israel were "absentees" for purposes of the law. The aim of the law had been to despoil the Arab population of Palestine of its property. The Custodian was leasing Arab land at the unusually low rate of half a Palestinian pound per *dunum*. Priority was being given to Jewish ex-servicemen and immigrants. When it was remembered that the Arabs had left extremely productive land, parts of which provided approximately one ton of olives for each three and three-quarters *dunum* and of which the rent was less than two Israeli pounds a year, it was easy to assess the enormous sums made by the lessee at the expense of the Arabs, the lawful owners of the olive groves.

20. The law also provided for sale of the property of absent persons under particularly adverse conditions, and Arab property was often sold for one-third or one-quarter of its true value. The law placed some apparent restrictions on the powers of the Custodian, but also authorized him to sell Arab property to the authorities carrying out the Palestine development programmes. Those authorities were themselves authorized to transfer the property to various governmental agencies and to private individuals. In practice, in view of the low scale of prices charged for Arab land, the transaction was nothing more or less than confiscation. The State of Israel had even sold some Arab property for foreign currency. Those facts explained why Israel did not wish the Arab refugees to return to their country.

21. The law of which he had spoken would utterly prevent the repatriation of many landowners. Even if the property had belonged to foreigners or enemies, the Israel Government would not have been justified in disposing of it in that way. The Arab refugees' right to the property had, however, been recognized not only by the Mediator but also by the General Assembly when it had adopted resolution 194 (III). Since the recogni-

tion of that absolute right, nothing had occurred to justify its modification.

22. Since the State of Israel had not carried out General Assembly resolution 194 (III), he urged the General Assembly to take all necessary measures to preserve the refugees' right to property and to enable them to return to their country. There was no hope that the refugee problem would solve itself. Its solution lay in the strict application of paragraph 11 of resolution 194 (III) adopted in 1948 by the General Assembly. That resolution was based on legal, moral and humanitarian principles. The General Assembly must reaffirm those principles and do what was necessary to put them into effect.

23. Mr. TAFAZZUL ALI (Pakistan) recalled that when, at the end of the United Kingdom Mandate, the United Nations had undertaken to settle the Palestine problem, it had by doing so assumed responsibility for clearing up the difficult situation caused by the conflict between Zionist aspirations and the rights of the inhabitants of Palestine. The General Assembly had attempted to solve the problem by adopting on 29 November 1947 resolution 181 (II) which included a plan for the partition of Palestine and provision for economic union. The Jews had been favoured in the partition since they had received the most fertile land, whereas the Arabs had been granted only the barren regions of Western Galilee and the hills of Samaria and Judea. Jerusalem, the Holy City of three great religions, was to have been internationalized. There had remained, however, the problem of protecting the rights of 400,000 Arabs left in the State of Israel which was to be set up. The General Assembly had hoped to find a solution by asking the Jewish provisional government to make the solemn declaration appearing in section C of resolution 181 (II), according to which no discrimination of any kind was to be made between the inhabitants on the ground of race, religion, language or sex. No expropriation of land owned by an Arab in the Jewish State was to be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court was to be paid before dispossession. The General Assembly had wished to lay still greater emphasis on the right of the Arab minority: it had therefore stated that the stipulations contained in the declaration were to be recognized as fundamental laws of the State. No law, regulation or official action was to conflict or interfere with those stipulations; nor was any law, regulation or official action to prevail over them.

24. The extent to which the Government of Israel had fulfilled its obligations was well known to the General Assembly. The promise that it would fulfil them had been one of the arguments on which Israel had based its claims to statehood. However, even before the end of the United Kingdom Mandate in Palestine, acts of violence and terrorism had compelled nearly 300,000 Arabs to abandon their homes in the area assigned to Israel. After the proclamation of the State of Israel and the beginning of the war in Palestine, the activity of terrorist groups, which showed the most complete contempt for the laws and customs of war and for humanitarian principles, had increased the number of refugees to 800,000. Thus had arisen the tragic problem of the Palestine refugees and the question of their fundamental

rights to return to their homes, to be repossessed of their property, and to live in freedom and security.

25. To those who asked whether the international community was bound to ensure observance of those rights, he would reply by recalling the provisions of the Charter, of the Universal Declaration of Human Rights, and of section C, chapter 4, of resolution 181 (II), according to which the rights of minorities should be under the guarantee of the United Nations, and no modification should be made in them without the assent of the General Assembly. By guaranteeing the observance of those rights the General Assembly had assumed a responsibility, and that was the cause for which the late Count Bernadotte, the United Nations Mediator, had given his life in order to ensure the peaceful settlement of the situation in Palestine. Count Bernadotte had emphasized in his progress report³ that the international community would continue to be responsible for the fate of the refugees until the problem was finally settled. The General Assembly had, besides, recognized that responsibility by adopting on 11 December 1948 its resolution 194 (III), which provided in paragraph 11 that refugees wishing to return to their homes should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return.

26. The Conciliation Commission set up by the same resolution was given the task of facilitating the repatriation and resettlement of the refugees, their economic and social rehabilitation, and the payment of the compensation due to them. The Conciliation Commission had made every effort to carry out its task and had met with a conciliatory attitude on the part of the Arab States, which had agreed that, in the settlement of their conflict with Israel, the refugee problem should not be the first to be solved, and had visualized the resettlement in Arab countries of the refugees who were not repatriated.

27. The Government of Israel had taken up quite a different position. As was apparent from paragraph 27 of chapter III of the Conciliation Commission's report (A/1367), it had replied to the proposal for the repatriation and resettlement of the refugees by saying that it looked for the solution of the problem through resettlement of the refugees in Arab countries, and that it could not undertake in advance to carry out the plan proposed by the Commission. The Prime Minister of Israel, Mr. Ben-Gurion, had made a statement to the same effect. Thus the efforts made by the Commission to induce the Israel Government to consider the fundamental rights of the Arabs had remained useless.

28. He emphasized the illogicality of the Israel Government, which stated on the one hand that it could not accept more than 100,000 refugees because of its economic situation, and on the other hand allowed the unrestricted immigration of Jews from all over the world. Those immigrants were not nationals of the State of Israel. They had no right over the land and homes of the Arab refugees, who were indisputably nationals of Israel. As could be seen from the memorandum submitted to the Technical Committee of the Conciliation Commission by Mr. Meron, of the Economic Division of the Israel Ministry for Foreign Affairs (A/1367, annex IV, part III), the Government of Israel had

partly solved the immigrants' housing problem by giving them houses abandoned by the Arab refugees. The memorandum added that immigration was continuing at the rate of 800 persons a day, a proof that the return of the Arab refugees to their former homes was quite impossible. Those measures had been adopted in flagrant contradiction of paragraph 8, chapter 2, section C of resolution 181 (II), prohibiting the expropriation of Arab property in Israel except in the public interest. Whereas, according to the statements of the Israel representatives to the Conciliation Commission the country's economic situation forbade the return of more than 100,000 refugees, Mr. Meron's memorandum showed that the population of Israel had increased by more than 50 per cent—an increase of more than 300,000 inhabitants. Since 1948 the Jewish population of Israel had risen from 650,000 to 1,200,000, and the country's economy had not prevented the absorption of 550,000 immigrants in two years.

29. In the circumstances it was impossible to believe the statement of the Israel representative that the repatriation of the Arab refugees was impossible even if the international community gave the most generous assistance to Israel. It was impossible to forget the appeal of the late Count Bernadotte, who had said that it would be an offence against the most elementary justice if the refugees, innocent victims of the conflict, were denied the right to return to their homes while Jewish immigrants flowed into Palestine. The international community must judge whether the attitude of the Israel Government was not a violation of Article 17 of the Universal Declaration of Human Rights, which provided that no one should be arbitrarily deprived of his property, whether it did not violate all the inalienable human rights upon which were based freedom, justice and the peace of the world. The Israel representative had said that his government found it possible to admit a large number of Jewish immigrants while at the same time refusing to repatriate the Arab refugees, because those immigrants had cultural, religious and spiritual links with the Jews of Israel. That declaration was a tacit admission that the Israel Government was applying a policy of discrimination against the Arab refugees and sacrificing their fundamental rights to the ambitions of the Israelis. Such discrimination was a flagrant violation of section C of resolution 181 (II), which provided that there should be no discrimination on grounds of race, religion, etc., and a challenge to the United Nations, which had pledged itself to see that those basic provisions were respected. The policy was also contrary to Israel's obligations as a Member of the United Nations under Article 55 c of the Charter. The General Assembly should therefore be even more perturbed by that policy than it had been with regard to respect for human rights in Bulgaria, Romania, and Hungary.

30. The Arab refugee problem could be solved only if it were looked at from a moral and humanitarian point of view. The Israel Government gave no sign of such an attitude. The two years which had elapsed seemed only to have hardened its heart against any appeal of that kind. In that connexion he read extracts from the book *Promise and Fulfilment—Palestine 1917 to 1949* by the contemporary Jewish writer Arthur Koestler.⁴ That fervent supporter of Zionism said that

³ *Ibid.*, p. 17.

⁴ MacMillan, London, 1949.

to the Jews the Arabs were a political and not a human and moral problem. For the Jews, Palestine was the promised land, and the presence of the Arabs was simply an accident. The Jews, said Koestler, meant no harm to the Arabs provided that the Arabs did not get in their way. Their purpose was simply to exclude the Arabs from their economy. The report of the Conciliation Commission confirmed that statement; it was clear from paragraph 13 of chapter III of the report that the Israel Government was seeking to derive political advantage from the poverty of the Arab refugees. It was using the need of the refugees to return to their homes as a lever to secure the incorporation of the Gaza region into Israel, thus making political capital out of the wretchedness of the refugees in order to exact territorial gains.

31. He then turned to the arguments which the Israel Government had put forward in justification. As was stated in paragraph 8 of chapter III of the Conciliation Commission's report, the Israel Government had replied to the request addressed to it to permit the refugees to return to their homes by calling attention to the passage in paragraph 11 of General Assembly resolution 194 (III) which provided that the refugees must live at peace with their neighbours. Thus, as the Israel representative had said in his speech on 7 November 1950 in the *Ad Hoc* Political Committee (35th meeting), the Israel Government was making the re-establishment of peace a condition of the return of the refugees. Paragraphs 5 and 6 of resolution 194 (III), which dealt with the settlement of the Palestine question as a whole and the re-establishment of peace, had no direct connexion with paragraph 11, which was concerned with the right of the refugees to return to their homes. There was therefore no justification for saying, as the Israel representative had said, that the provisions of paragraph 11 were valid only as part of a final settlement of the whole problem. If that method of reasoning was adopted, then paragraphs 7, 8, 9 and 10 of the resolution, which dealt with the Holy Places, the Jerusalem area, and other matters, must be applied as part of a general settlement of the problem. The General Assembly had examined the question of the Holy Places and of Jerusalem apart from the problem of a peaceful settlement between Israel and the Arab States. Israel had made no objection to that method and thus had not claimed that the application of paragraphs 7, 8, 9 and 10 depended on the final establishment of peace in Palestine. Therefore the Israel Government was not justified in making such a claim with regard to paragraph 11. That paragraph was independent. Moreover, once a question was covered by both general and specific provisions, the specific provisions always prevailed over the general. Therefore, even if the Israel representative's interpretation of the words "outstanding matters" in paragraph 5 of resolution 194 (III) were accepted, the canons of legal interpretation applied to similar cases nevertheless made paragraph 11 independent of paragraphs 5 and 6. There was therefore no justification for claiming that the return of the Arab refugees to their homes was contingent upon the establishment of peace between Israel and the Arab States.

32. Moreover, the problem of the refugees was in no way an outstanding question between the State of Israel and the neighbouring States, except in so far as it tended to aggravate the tension between them. The out-

standing question was between Israel and the Arab refugees. According to chapter 3, section C of resolution 181 (II), those Arabs whose home or residence was in territory occupied by Israel became Israeli citizens and as such must enjoy full civil and political rights. Thus the problem was reduced to a dispute between Israel and its own nationals. However, the responsibility for ensuring compliance with the rights of the refugees to repatriation and compensation rested with the United Nations, since the United Nations had guaranteed those rights.

33. The problem of the repatriation of the refugees not only concerned the right of the refugees to return to their homes: it also concerned respect for human rights and fundamental freedoms, respect for justice and international law, and the carrying out of United Nations responsibilities. The peoples of the entire world, and particularly the peoples of Asia who had just freed themselves from centuries of colonial rule, were following the development of the problem with hope and apprehension. Their apprehension was not unfounded, for, when the problem of Palestine was studied by the General Assembly, the most elementary and essential facts of the situation were ignored or passed over in silence. It had been claimed that the establishment of a Jewish State in Palestine would be an act of historic justice because of the links which the Jewish people had had from time immemorial with Palestine, although nineteen centuries had elapsed since that time and it might be thought that so long an occupation of the area by the Arabs would entitle them to be considered masters of their own country.

34. Moreover, as Arthur Koestler had pointed out in his book already quoted, the existence of the State of Israel was based on a *fait accompli* at the expense of the original population of Palestine. If the history of Israel were examined from the time of the United Kingdom Mandate to the establishment of an independent State of Israel, and the attitude of Israel compared with those colonial countries which had conquered other peoples, it was undeniable—and even Koestler pointed it out—that grave injustice had been done to the Arabs.

35. A well-known principle of international law laid down that agreements contrary to the provisions of pre-existing treaties were invalid. Therefore the Balfour Declaration was null and void, since it contravened the promises made by the Allies to the Arabs and had been proclaimed without consultation with the Arabs or their consent. As Koestler also said, it was true that the Arabs had vast under-populated territories and that the Jews had none, that the Arabs were a backward and the Jews a forward people. It was also true that the Jews claimed that God himself had given them Palestine, but undeniably such reasons had never before been invoked for establishing a new State.

36. The League of Nations had adopted the Balfour Declaration and had given the United Kingdom a Mandate over Palestine. That had, in fact, meant that the League of Nations took away Palestine from its rightful owners in order to give asylum to the Jews. Moreover, the concept of a "national home" which had come into being at that time was a curious notion which had no foundation in law but yet had been the object of an international treaty. Furthermore, the Mandate contained two absolutely contradictory provisions: a prom-

ise for a "national home for the Jews" in an Arab country, and a guarantee of Arab rights.

37. Despite the Atlantic Charter, despite the statement of President Truman on 27 October 1947, despite the Charter of the United Nations, the people of Palestine had not been able to exercise their right of self-determination. The will of one-third of the population had prevailed over that of the two-thirds majority. Mr. Bevin, Secretary of State for Foreign Affairs, had emphasized the contradictory nature of the Mandate in a speech made before the House of Commons on 25 February 1947, and had added that the Mandate had virtually provided for the invasion of the country by thousands of immigrants. The result of the adoption of resolution 181 (II) had been, as a distinguished Zionist writer and journalist had said, that a colonial solution had been imposed on Palestine. It was therefore no coincidence that all but one of the countries of Asia, representing one-third of mankind, had opposed that solution and that other countries, representing another third, had abstained.

38. The Pakistan delegation would support any proposal likely to prove most effective in securing the observance of the human rights of the Arab refugees. It appealed to the Israel representative to view the refugee problem as a human and not a political one. The Israel Government could not deny their most fundamental rights to 800,000 human beings, driven from their homes through no fault of their own, abandoned to misery and desolation, because they professed a different faith. Such a policy, contrary to the Charter and to international law, could only deepen the gulf separating Israel from its neighbours and increase the tension existing in an area which was already a storm centre of the world, a tension which Israel must be as anxious as any country to bring to an end as soon as possible. The Israel representative had said that his government was anxious for a permanent settlement of the problem. The Pakistan delegation was convinced that only the return of the refugees to their homes or the payment of compensation to those who did not wish to return constituted a just and humane solution and one which should be adopted; but even such a solution could only be permanent if put into effect in a spirit of human brotherhood.

39. MOSTAFA Bey (Egypt) recalled that it had been the Egyptian Government which, when the efforts made for the past two years by the Conciliation Commission had broken down, had requested the inclusion, in the agenda of the current session of the General Assembly, of the implementation of General Assembly resolutions regarding the repatriation of refugees and the payment of compensation due to them (A/1323). He summarized briefly the main points of the draft resolution submitted by his delegation (A/AC.38/L.30) to promote compliance with the relevant resolutions.

40. He explained that the draft resolution had been submitted before the Conciliation Commission had presented its report to the Committee. As things stood, his delegation had no objection to the proposal in the joint draft resolution submitted by France, Turkey, the United Kingdom and the United States (A/AC.38/L.57) that the Conciliation Commission should be retained; neither did it object to the attribution to the Conciliation Commission of the functions provided for in its own draft resolution.

41. He was glad to note that the joint draft resolution covered in principle some of the underlying purposes of the Egyptian draft resolution. It provided, though in somewhat vague and ambiguous terms, for the repatriation of refugees and the payment of the compensation due to them. Nevertheless, it contained two defects: the weakness of its wording and the implication that the repatriation of the refugees would result in the complete settlement of the Palestine problem. As the representatives of Saudi Arabia and Pakistan had pointed out, there was no connexion between the two questions.

42. The United Kingdom representative had stated (61st meeting) that the first paragraph of the preamble to the Egyptian draft resolution should refer to the whole of the resolution of 11 December 1948 instead of only to its paragraph 11. His delegation considered, however, that the repatriation of the refugees was an inherent right which was not contingent upon the solution of other problems.

43. The United Kingdom representative had also inquired whether it was really in the interests of the Arab refugees that they should return to Israel, in view of the economic conditions in that country; and the representative of Israel had stated recently (35th meeting) that it was utopian to contemplate the repatriation of the refugees. Mostafa Bey declared that the United Kingdom, as the former Mandatory Power, was responsible for the difficult position in the Middle East and had thus originally created the refugee problem.

44. When the plan for the partition of Palestine had been adopted on 29 November 1947, the Zionists had resolved to get rid of the Arabs living in the territory granted to the Jewish State. They had stuck at nothing in pursuit of that aim and had carried out persecutions as horrible as Hitler's. They had taken advantage of the chaos following the end of the United Kingdom Mandate on 14 May 1949 to establish their State and, by spreading terror throughout the country, had forced the defenceless Arab population to abandon the homes they had lived in for centuries. That was how the refugee problem had arisen.

45. The preamble to the Egyptian draft resolution simply reproduced texts on the same subject from other resolutions adopted by the United Nations; for the General Assembly had adopted several resolutions recognizing that refugees had the right to repatriation.

46. The second paragraph of the preamble noted that the solution recommended in paragraph 11 of resolution 194 (III) was just and in harmony with the principles of the United Nations.

47. Operative paragraph 1 simply established the measures which should be taken to enable the refugees to return to their homes and to live in Israel under the protection of the principles mentioned. Paragraph 2, which demanded binding guarantees for the treatment of refugees, expressed the concern of the United Nations for the observance of human rights. Paragraph 7 simply reproduced provisions contained in other resolutions, especially that adopted by the Security Council on 15 July 1948.⁵ There was no need to comment on the other paragraphs of the draft resolution.

48. Ever since the Conciliation Commission had been set up, the Arab States bordering on Palestine had made

⁵ See *Official Records of the Security Council, Third Year, Supplement for July 1948*, document S/902.

every effort to collaborate with it, and the very first interviews between the governments of those States and the Commission had made clear that the refugee question was the key to the solution of the whole problem. Peace and stability in the Middle East, the economic development of that area and its participation in the effort to consolidate world peace depended to a large extent upon a just and lasting solution of the refugee problem. That was why the Arab States had always insisted on the need to allow the refugees to return home and to pay them the compensation due to them. In that spirit the Arab States had agreed to discuss all the aspects of the Palestine question and had submitted to the Conciliation Commission two constructive proposals which had thus far remained without effect. The situation was therefore still the same. The few refugees who had been authorized to return under the policy which the Conciliation Commission, curiously enough, called "the reuniting of families separated as a result of the hostilities" had speedily been turned back in circumstances which had in fact recently led the Security Council to order an investigation.⁹

49. The statements made by the Conciliation Commission describing the terrible plight of the refugees had been corroborated by the Director of the Relief and Works Agency (31st meeting).

50. The Conciliation Commission had asked the Government of Israel if it would agree to allow the refugees who wished to return home to do so. Without replying directly to that question, Mr. Ben-Gurion had drawn the Commission's attention to paragraph 11 of resolution 194 (III) of 11 December 1948 and in particular to the statement that the refugees who returned to their homes should live at peace with their neighbours. He had added that the passage made the return of the refugees contingent on the establishment of peace. Such a statement was tantamount to a categorical refusal.

51. The Conciliation Commission had not mentioned in its report that Egypt had asked for an inquiry into the fate of the Arab population of territories under Jewish occupation. Moreover, the Conciliation Commission remained silent on the action to be taken on the various proposals made by the Arab States, for the simple reason that the Jewish authorities had refused to accept them, although they were in complete conformity with the resolution of 11 December 1948 and with the Lausanne Protocol of 12 May 1949.

52. History showed, however, that the most relentless extermination had never led to the solution of a problem. In the case at issue, the policy of extermination pursued by the Zionists had simply inspired in the Arabs hatred and a desire for revenge.

53. The situation had become progressively worse with the Jewish immigration into Palestine. During his negotiations the United Nations Mediator had understood the apprehensions of the Arab States about the establishment of a Jewish State at the very centre of the Arab world, and had recognized that those apprehensions were largely justified. The United Nations and the Powers which supported the Zionists should reflect on the factors which had given rise to those apprehensions if they wished to preserve peace and stability in the Middle East. There was no longer a

question of granting the Jews a symbolic home in Palestine, for they had created a State which could serve as a base for an offensive of infiltration against the Arab States, launched under the pressure of over-population resulting from mass immigration.

54. The CHAIRMAN remarked to the Egyptian representative that the discussion dealt only with sub-item 20 (c) of the General Assembly agenda; representatives should confine themselves to the discussion of that purely legal question and avoid mentioning any political considerations which might evoke replies also outside the scope of the discussion.

55. MOSTAFA Bey (Egypt) explained that he was dealing with the whole of the question so as to give members of the Committee a complete picture of the situation.

56. Resuming his statement, he observed that the failure of the Conciliation Commission was due to the policy of the *fait accompli* pursued by the Jews with the encouragement of certain great Powers. Indeed, Israel's attitude since the beginning of the Palestine conflict had constituted an uninterrupted series of violations of the principles and purposes of the United Nations and of the resolutions of its organs. The Egyptian delegation regretted therefore that the Conciliation Commission gave the impression of sharing to some extent the views of the Zionists. Despite the provocative policy of the Zionists, however, the Arab States had given assurances of their peaceful intentions.

57. The Egyptian delegation hoped that, taking into consideration all the elements of the problem, the General Assembly would act in conformity with the urgent requirements of peace and stability in the Middle East; those requirements could not be met until the refugee problem was settled in a just and lasting manner, in conformity with the resolutions of the United Nations.

58. Mr. ROSS (United States of America) said that his delegation had examined the Egyptian draft resolution most carefully. The proposal reflected Egypt's deep concern with the fate of hundreds of thousands of refugees who were innocent victims of the Palestine conflict. Those feelings were certainly shared by all the members of the Committee, the more so as very little progress had been made regarding the repatriation of those unfortunate people, the payment of the compensation due to them, their resettlement and their economic and social rehabilitation. As the United Kingdom representative had pointed out, however, the international community would not go on helping those refugees forever (61st meeting).

59. The Egyptian draft resolution advocated a method which should lead to the settlement of some aspects of that complex problem—repatriation and compensation; it proposed the establishment of a United Nations Office for the repatriation and compensation of Palestine refugees.

60. The United States delegation wondered whether it was really necessary and advisable to create a new organ for that purpose. The joint draft resolution (A/AC.38/L.57) advocated another method, the establishment of an Office under the direction of the Conciliation Commission. He hoped that the Egyptian delegation and the other Arab delegations would regard that method as the most effective means of attaining

⁹ *Ibid.*, Fifth Year, No. 66.

the objective so dear to their heart, the safeguarding of the refugees' most essential interests.

61. The United States delegation realized how deep were the wounds inflicted by the Palestine conflict in the Near East; it understood the passions that had been unleashed by that conflict and did not expect miracles in the final settlement of the problems thus created. His delegation believed, however, that the United Nations had played an important part in the measures which had already been taken to erase the traces of that war. It gladly took the opportunity of paying tribute to the work of the late Count Bernadotte, and to the devotion of his successor, Mr. Ralph Bunche and his associates, and of General Riley, who was now supervising the execution of the armistice agreements which had been made possible by the untiring efforts of his predecessors. The Conciliation Commission had also helped to promote an understanding between the parties.

62. The task of the United Nations was to facilitate the establishment of peace throughout the world by all means at its disposal. To the utmost of its ability it should therefore help to improve matters whenever a tense situation arose in any part of the world. Consequently, for the sake of peace and security it should redouble its efforts to solve the present problem. That was the principle which had guided his delegation when it had taken part in the preparation of the joint draft resolution.

63. His delegation believed that during the past year the governments concerned had become more conscious of the need for better relations between them. As the Conciliation Commission had pointed out, the indefinite prolongation of an armistice only prejudiced the interests of all parties, both jointly and severally. The aim of the joint draft resolution was to lay the basis for better relations; it recognized that the refugee problem had definite repercussions on peace and stability in the Near East; together with humane considerations, that fact made the solution of the problem even more urgent.

64. The resolution (A/AC.38/L.52) adopted by the *Ad Hoc* Political Committee on 22 November 1950 (57th meeting) opened the way to a permanent integration of the refugees through repatriation and resettlement. His delegation had welcomed the statement of the Israel Government's intention to contribute to the reintegration fund established under the resolution.

65. In the interest of the refugees themselves the joint draft resolution proposed the establishment of an Office which, under the direction of the Conciliation Commission, would make such arrangements as it might consider necessary, take all the measures listed in the resolution, and work in close co-operation with the United Nations Relief and Works Agency.

66. The joint draft resolution also reflected the concern felt by all that the parties had not succeeded in settling finally all their outstanding differences. One of its aims was to promote better relations between the governments of the area by inviting them to start direct negotiations immediately, either under the auspices of

the Conciliation Commission or independently of it. Such contacts had practically been non-existent for the past two years; they would enable the parties to realize that there existed a vast field in which agreement could be reached. Better understanding between the parties would undeniably serve the interests of each. It was reasonable to expect that they should seek together means for the peaceful settlement of their disputes. By calling upon them to start such negotiations, the authors of the joint draft resolution had not overlooked that success would in the last resort depend upon the good will of the parties; it was that good will which the parties concerned were in fact asked to show.

67. Mr. AMMOUN (Lebanon) speaking on a point of order, pointed out that the discussion dealt only with sub-item 20 (c) of the General Assembly agenda. The question was a purely legal one, so that by speaking of peace negotiations the United States representative was shifting the problem to political ground and going outside the limits of the discussion.

68. MOSTAFA Bey (Egypt) also speaking on a point of order, recalled that when he had been making his own statement the Chairman had asked him to confine himself to the point under discussion. The armistice agreements just mentioned by the United States representative were not under discussion.

69. The CHAIRMAN asked the United States representative not to touch upon the political aspect of the problem; political questions might be raised during the discussion on sub-item 20 (d) of the agenda.

70. Mr. MORA (Uruguay) thought it would be useful, in order to avoid any confusion, to clarify how the Committee wished to proceed with the examination of the question. The joint draft resolution touched upon certain aspects which were also mentioned in the report of the Conciliation Commission.

71. Mr. ROSS (United States of America) observed that the remarks he had made had a direct bearing on the problem under discussion. None the less he would comply with the Chairman's desire.

72. Continuing his statement, he said that the joint draft resolution went to the very heart of the problem without assuming a radical character. It contained no magic formula, but its authors were convinced that a sincere compliance with it would contribute to the establishment of better relations between Israel and the Arab States and promote the welfare of the Palestine refugees. During the discussion they had had with the parties before submitting their text, the authors of the draft resolution had asked the Arab States and Israel to try to understand each other's points of view and, should the draft resolution be adopted by the Committee, to co-operate in its execution.

73. His delegation hoped that the Committee would realize the advantages of the joint draft resolution for the establishment of peace in the Near East and the welfare of the refugees, and be able to adopt it.

The meeting rose at 6 p.m.