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*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. TUQAN Bey (Representative of the Hashimite Kingdom of the Jordan) said he appreciated the opportunity given him to present the views of his government. Although his country was not yet a Member of the United Nations, it was a party directly concerned in the question under discussion inasmuch as approximately one-half of the population of Jordan came within the category of refugees. Palestine and the country east of the Jordan River had always constituted a geographic unit and even under the United Kingdom Mandate refugees had fled there for refuge. During the more recent exodus of Arab refugees from Palestine, Jordan had facilitated their entry into its territory. Subsequently, general elections had been held to establish a joint parliament, in which representatives of the inhabitants of Palestine, refugee and non-refugee, were to join with representatives of the people residing to the east of the Jordan River in administering their own affairs. The results of the elections, which actually amounted to a plebiscite, showed that the people had decided of their own free will to unite the inhabitants on both sides of the Jordan under a single government, with one parliament and one king. They had made that decision without prejudice to the future settlement of the Palestine question along the lines proposed by the Arab States.

2. Jordan was deeply concerned with the interests of the refugees, because half a million of them had become part of its population. It had participated in all the deliberations of the Arab States on the matter and was in full agreement with them. The refugees must be

permitted to return to their homes, and those who chose not to return must be compensated. They could not be left in the intolerably miserable conditions described in the report of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/1451, A/1451/Corr.1) and amplified by various representatives, notably the representative of Pakistan. Time would not dim their hopes of returning to their homes or erase the memory of their native land. They considered repatriation their only salvation and were fully aware that the United Nations had resolved to achieve that end and to furnish adequate compensation to those not desiring to return to their homes. Repatriation was their inalienable right; it could not be denied them because of the state of relations between Israel and the Arab States. It would help to dispel that legacy of hatred to which the United Kingdom representative had referred (61st meeting) when he had argued that that hatred would make it impossible for the returning refugees to live in peace with the inhabitants of Israel.

3. No steps should be taken to deprive non-returning refugees of the right to dispose as they wished of the compensation paid to them for the loss of their property. The States in which they chose to resettle would doubtless assist them to invest their funds in a sound manner compatible with the planned economy of each of those countries. While help might be sought from the United Nations specialized agencies, it would be prejudicial at that stage to suggest a reintegration fund designed to absorb the private wealth of compensated refugees. In that case all the refugees would wish to return to their homes. The most profitable utilization of compensation should be studied by the sub-committee of experts which the Conciliation Commission was to appoint.

4. Referring to the warning given by several delegations and, in particular, by that of the United States (62nd meeting), that Member States might ultimately find themselves unable to continue to make the contributions which had thus far kept the refugees alive, the representative of Jordan emphasized the repugnance of

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

the refugees to continuing to live on charity. They had been forced by acts of aggression and terror to live on relief funds, with the result that they were suffering physically and morally and their children were being brought up in abnormal conditions. Their sole desire was to return to their homes to resume a stable and productive life.

5. The refugees could have been spared that suffering. The value of the property they had abandoned in Israel amounted to \$3,000 million. There would be no need for them to live on charity if they were permitted to return to their lands and earn their livelihood.

6. Responsibility for the long delay in finding a solution of the refugee problem did not rest on the refugees or on the Arab States, but on the State of Israel and on the United Nations itself. The United Nations had failed to implement the Assembly's decision to repatriate and compensate the refugees, and Israel had refused to respect that decision. Paragraph 11 of the General Assembly resolution 194 (III) clearly indicated the only just solution of the refugee problem; it was based on the basic human right of persons to live in freedom in the country of their birth so long as they abided by the laws of that country. The Organization was under an obligation to fulfil that pledge.

7. Mr. BIRGI (Turkey) observed that the Committee was dealing with a subject highly charged with emotion: the suffering of thousands of human beings. Their situation threatened the peace and stability of an especially sensitive area of the world. Some representatives had pointed out that human rights were at stake. In the circumstances, the discussion should be maintained on a level of calm objectivity, which was the only attitude conducive to a rapid and effective solution of the problem. In that spirit, Mr. Birgi analysed the intentions of the authors of the joint draft resolution (A/AC.38/L.57) of which Turkey was a co-sponsor.

8. Experience in dealing with the Palestine question since the signing of the armistice agreements had shown that the various aspects of the problem were closely interwoven, and that much tact and prudence was required in approaching a solution. Sub-paragraph (a) of the third paragraph of the preamble of the joint draft resolution indicated why the refugee question had been left in the general context of the Palestine question. Sub-paragraph (b), however, individualized the question and the following paragraph recognized that it must be dealt with urgently in the interests of peace and stability. Thus the importance of the problem was in no way diminished or lost sight of.

9. Moreover, there was no cause to suspect the motives of the sponsors of the joint draft resolution. The same States had sponsored the resolution concerning the relief and works programme (A/AC.38/L.52) which had been adopted (57th meeting) by an overwhelming majority in the Committee. They had recognized the urgency of solving the problem of immediate relief on humanitarian grounds and had not hesitated to deal with it apart from the other aspects of the Palestine question. Almost all other delegations had shared that view, as had been demonstrated in the vote on the relief proposal. Once again, the genuine desire of the sponsors of the joint draft before the Committee was to arrive at a practical solution.

10. The basic principles for such a solution were set forth in paragraph 11 of General Assembly resolution 194 (III). The joint draft resolution did not seek to alter those principles or to make them subject to negotiations between the parties concerned. That premise had been explicitly stated in operative paragraph 2. On the other hand, the joint proposal recognized the need to ensure the application of those principles on a practical basis; it therefore urged direct negotiations between the parties and directed the Conciliation Commission to set up a special Office to implement paragraph 11 of the Assembly's decision and to continue consultations regarding the protection of the rights and property of the refugees. The joint draft resolution deliberately avoided any statement which might hamper progress toward a solution. It placed the problem on a technical basis and recognized its complexity and the continuing need for consultations and negotiations between the parties concerned.

11. Mr. Birgi had welcomed the statement of the representative of Egypt (62nd meeting), that he might consider the suggestion for an Office to deal with the refugees under the direction of the Conciliation Commission instead of the new agency called for in his own draft resolution. Such a new agency would represent a new source of expenditure, which could be avoided by adopting the equally effective plan contained in the joint draft resolution. For his part, Mr. Birgi hoped that the two draft resolutions could ultimately be combined. That should not be too difficult, as the point of departure in both was paragraph 11 of resolution 194 (III). The tension which might be created by the Egyptian draft resolution, however, was eliminated in the joint proposal and Mr. Birgi commended the latter to the Committee. The representative of Egypt might object that, in their desire for a calm and systematic treatment of the refugee question, the sponsors of the joint draft resolution tended to delay a solution and to maintain the *status quo*. As was frequently the case, the real merits of the proposal would be recognized only when the results were obtained. The proposal offered the Conciliation Commission a new opportunity to advance its work, and held out hope for the future. It was to be hoped that the parties directly concerned would co-operate fully with the Commission. As the United States representative had observed (62nd meeting), the proposal could not be expected to work miracles: its value would be in the effectiveness with which it was implemented. The drafting might be improved, and Mr. Birgi was prepared to consider any amendments to that end.

12. Mr. NAUDY (France) once again emphasized that nothing in the joint draft resolution could be construed as jeopardizing the right of the refugees to repatriation. Repeated references in both the preamble and the operative part to the Assembly's resolution 194 (III), and particularly to paragraph 11, gave ample evidence of that fact. The solution envisaged by the French delegation rested on the principles stated in the Assembly's decision. Those principles retained their full force. The practical difficulties arising from their implementation must, however, be analysed. In view of the fact that the Assembly's resolution had grouped all aspects of the problem in a single decision, it was difficult to consider them separately, removed from the

general context. That did not imply, however, that the application of any one principle was to be sacrificed or subordinated to that of any other. The Conciliation Commission, in its supplementary report (A/1367/Add.1), had concluded that the practical difficulties required an over-all solution which did not sacrifice any of the principles laid down by the Assembly. The French delegation concurred in the conclusions reached by the Commission after a two-year study of the situation on the spot. The joint draft resolution conformed to those conclusions. In its supplementary report, the Commission had placed special emphasis on the urgent need of a solution for the very grievous situation of the refugees. It would be dangerous to prolong that situation. The joint draft resolution helped to effect an improvement and laid the grounds for a final settlement in the interests of the refugees.

13. The humanitarian and security aspects of the refugee question were closely related. The good will of the parties directly concerned and their active co-operation with the competent international organs were essential to a solution. The French delegation hoped that the new Office to be established under the direction of the Conciliation Commission would co-operate closely with the Relief and Works Agency. It welcomed the position of Israel in the matter of compensation and had been gratified by the observation of the Egyptian representative that the Office for refugee repatriation to be created under the joint draft resolution closely resembled the agency called for in his own proposal.

14. Finally, Mr. Naudy urged adoption of the joint draft resolution because it served both the interests of the parties directly concerned and the cause of peace.

15. Mr. GHASSEMZADEH (Iran) stated that because of the close ties linking the people of Iran and the Arabs of Palestine, the Iranian Government felt deep concern for the fate of the 800,000 destitute Arab refugees who were suffering indescribable privation and want in neighbouring Arab States. The interim report of the United Nations Relief and Works Agency (A/1451/Add.1) gave a clear and impartial description of the miserable conditions of the refugees, their low morale and their tremendous yearning to be permitted to return to their homes in Palestine, in accordance with the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948. The provision that compensation should be paid to those refugees choosing not to return to Palestine, and that those who wished to return should be allowed to do so, had been reaffirmed by General Assembly resolution 302 (IV) of 8 December 1949. Moreover, before having been admitted to membership in the United Nations, Israel had formally undertaken to implement General Assembly resolution 194 (III) by permitting Arab refugees to return to their homes, by paying compensation to them for property loss and damage, and by compensating those who did not wish to return to their homes.

16. The desire of the Arabs to return to their homes was based on a natural, sacred and inalienable right, consecrated by the Charter, which all Member States of the United Nations had signed, and by the Universal Declaration of Human Rights. The Government of Israel was, however, unwilling to fulfil the obligations imposed upon it by the relevant resolutions of the General Assembly, to honour its commitments under

the United Nations Charter, and to adhere to the principles of the Universal Declaration of Human Rights.

17. The intolerable situation must be ended and the refugees must be repatriated without delay. The General Assembly should instruct the Government of Israel to comply with the provisions of United Nations resolutions by permitting Arab refugees to return to their homes and by compensating them for property losses. Implementation of those resolutions was a *sine qua non* for the maintenance of the prestige of the United Nations and for the establishment of peace and security in the Near East.

18. The delegation of Iran would support any draft resolution fulfilling those basic objectives.

19. Mr. ZEINEDDINE (Syria) stated that it was the understanding of the Syrian delegation that the Committee was dealing with only one aspect of the Palestine problem, which was the repatriation of Palestine refugees and the payment of compensation due to them, in accordance with resolutions of the General Assembly. Although, regrettably, there had been some discussion of other aspects of the question, he fully reserved the position of his government with regard to other aspects of the Palestine problem and any other issues raised in the discussion or contained in any of the proposals before the Committee.

20. In view of the clear description of the situation given at previous meetings, he intended only to call attention to a number of points which the Syrian Government wished to stress and to discuss parts of the statements made by the delegations of the United Kingdom, the United States, Turkey and France.

21. The Syrian delegation was prepared to do everything in its power to ensure the faithful application of the United Nations resolutions on Palestine, with special reference to the right of refugees to repatriation and compensation. In no circumstances was it willing to deviate from the principles established in the resolutions, or to replace them by the views of Member States which had undertaken duties under the Conciliation Commission or other organs of the United Nations.

22. No matter how controversial the issues of the Palestine question were, there was one point which dominated all others. The problem of Palestine had not been created by the Arabs. They had lived peacefully in their homeland for centuries and had suddenly, after the First World War, been required to accept the intrusion of alien elements composed of nationals of other States who, grouped together under Zionism, had embarked on aggression with the support of the United Kingdom under the pretence of the Palestine Mandate. Palestine Arabs, the majority of whom were refugees, were the victims of the Palestine problem, the first of many problems resulting from Zionism.

23. Although the solution of the Palestine problem decided upon by the United Nations did not conform to the Syrian delegation's views, the ideals of the Charter, or the basic principles of justice, the Syrian delegation did not seek to circumvent resolution 194 (III) of 11 December 1948. All it wanted was implementation of its basic principles. No new solution was needed. The principles and important details had already been agreed upon and approved by the General Assembly.

24. In analysing the matter, he proposed to review the measures established by resolution 194 (III), the efforts made to implement that resolution, the present state of affairs, including the situation of the refugees, the Jewish attitude and that of the Conciliation Commission, and the practical measures which could be taken by the United Nations.

25. Resolution 194 (III) contained various provisions which were not all of a kind. It dealt with mediation and conciliation, the question of the internationalization of Jerusalem and the problem of the refugees, and a number of minor related problems.

26. In the matter of mediation and conciliation, the parties concerned were asked to expand the talks, begun in accordance with the Security Council resolution of 16 November 1948,<sup>1</sup> on unsolved problems of armistice and demarcation lines. In calling for negotiation between the parties through the Conciliation Commission or more directly, the United Nations resolution showed the parties how to proceed, but gave no definite solution to the problems outstanding between them. Since such problems affected international peace and security, they were within the jurisdiction of the Security Council and the report of the Conciliation Commission (A/1367) should be submitted to that body.

27. In the case of Jerusalem, the situation was very different. The United Nations had established the basis of a solution for the internationalization of Jerusalem and its demilitarization, and had also defined the area affected. The Conciliation Commission was asked to prepare a statute on that basis. Thus, the decision as to the future of Jerusalem was not a subject for negotiation and agreement between the parties.

28. Resolution 194 (III) was more definite on the subject of the refugee problem and, in addition to establishing principles, indicated the procedure to be followed. Paragraph 11 affirmed the right of refugees to return to their homes if they wished to do so, and established the principle of compensation to those who chose not to return and to those whose property had been lost or damaged. That paragraph further instructed the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees, and the payment of compensation, while paragraph 12 empowered the Conciliation Commission to establish the machinery necessary for implementation. In addition, the resolution called upon all governments to co-operate in the matter.

29. The resolution clearly established the basic right of refugees to return to their homes. The decision to return to Palestine had to be left to each refugee. No authority such as the Conciliation Commission could assess the best interests of the individual refugee and make the decision for him. He must be given a completely free choice. Since the right was an individual right, it could not be altered for the benefit of others. Compensation, for example, was the right of the individual, and, as the representative of the Hashimite Kingdom of the Jordan had just declared, should not be turned over to a reintegration fund.

30. The General Assembly resolutions had merely consecrated natural and human rights which had always existed. The Mandate over Palestine had recognized the right of the Arabs to be in the country and General Assembly resolution 181 (II) of 29 November 1947 on partition had safeguarded the rights of Arabs in the Jewish State and of Jews in the Arab States. It had stipulated that those guarantees were not within the domestic jurisdiction of any of the States set up by the resolution, as those provisions could not be amended, impaired or diminished. The natural right consecrated in two subsequent resolutions of the General Assembly had become an acquired right, which could not be taken away from the refugee by any government or authority and which could not be relinquished by agreements of any kind by the Syrian Government, for the refugees were of Palestinian rather than Syrian nationality. Moreover, the existence and the implementation of that right must not be dependent upon the acceptance of any of the parties, which might not agree on the point. Were that so, the right might be lost. It therefore could not be made a part of a general negotiation or agreement because agreement might or might not be reached on the basis of relinquishment of rights which had existed previously and had been consecrated by the United Nations.

31. There were certain implications arising from the duties incumbent upon the United Nations Conciliation Commission under resolution 194 (III). First, the refugee question was considered a matter of urgency, and stress was laid not on whether repatriation or the payment of compensation was practicable, but rather on the application of measures as soon as possible. Secondly, the Commission was responsible for safeguarding the rights of the refugees. True, it had not been possible to implement the General Assembly resolution on the subject, but failure in that respect should not be taken to imply that the rights themselves had been destroyed. Thirdly, no more refugees should have been expelled from Palestine, yet it was a fact that the number of refugees was steadily increasing. Fourthly, the resolution had implied that no obstacle should be put in the way of implementation of the resolution by any authority or even by the Commission itself. Yet, such obstacles had continually arisen. He wished to enumerate some of them.

32. First, there had been destruction of property. The Jewish authorities had not actually encouraged such destruction, but they were aware of it. Orange groves which were the property of Arabs had been left unwatered, which meant that they were ruined. Towns had been partly destroyed. Jewish immigrants were occupying Arab property, and the Absentee Property Law, to which the representative of Saudi Arabia had referred during the 62nd meeting, tacitly sanctioned the legal eviction of the Arab owners. He did not wish to expatiate on that subject, but hoped to be allowed to discuss it further at a later date.

33. Another similar point was that repatriation should mean that the refugees were allowed to return to Palestine, if they chose, whatever the conditions awaiting them. But Palestine had been closed to them, and no positive action had been taken by the Conciliation Commission to make it possible for them to re-enter the country. He felt that the Commission might have

<sup>1</sup> See *Official Records of the Security Council, Third Year, Supplement for November 1948*, document S/1080.

made a statement to the Security Council or the United Nations showing what authority had been responsible for preventing the implementation of the resolution, so that the matter could be dealt with in some other way.

34. The Syrian Government had from the outset tried to co-operate with the Conciliation Commission, and had put before it the views which he had expressed in the Committee. It had first contacted the Commission at Beirut, and later at Lausanne. The Syrian position had always been that the principles of resolution 194 (III) should be accepted and that the first step towards its implementation should be the adoption of the measures referred to in paragraph 15 of chapter III of the Commission's report (A/1367).

35. On neither occasion had his government felt that the Conciliation Commission disagreed with the views submitted to it, and the latter had even said that those views were acceptable. But, despite everything, the Jews had refused to accept the principles of repatriation or compensation. In view of the attitude of the Jewish authorities, the Conciliation Commission had tried to find solutions which were not in accordance with the United Nations resolution, and which were even to a large extent contrary to it. The result was that the refugees were living under the very bad conditions described in the report of the United Nations Relief and Works Agency (A/1451). One million of them were destitute, and their numbers were increasing because of the action of the Jewish authorities, who had expelled about a thousand more from the country during the past few weeks, and had treated them with great brutality.

36. The situation of the refugees was deteriorating and while their need of help increased, the possibilities of help decreased. The probability that the problem would have serious social and political consequences was also increasing. The number of refugees concentrated in Jordan, Lebanon, Arab areas of Palestine, and Syria was about one-seventh of the total population of those areas. The possibilities of resettlement were few, and it was difficult to decide what was to be done. It would of course be possible to implement the United Nations resolution, which was simple and sound. That would mean that the problem would soon lose its seriousness. But the Jewish authorities had taken a stand which had made it very difficult to implement the resolution. If to that were added the lack of enthusiasm shown by the Conciliation Commission, implementation became impossible.

37. A solution had been sought by trying to find other means of assisting the refugees. Excuses had been made for failure to implement the resolution, such as the pretext that the Palestine refugees had become such because of aggression by the Arab States, which relieved the Jewish authorities of responsibility for them. There was another excuse that the refugees had been invited by the Arab States to leave their homes. In deference to the Chairman's expressed wish that the discussion should not raise antagonistic feelings in the Committee, Mr. Zeineddine would confine himself to pointing out that those two pretexts had been dealt with in the report of the late Count Bernadotte<sup>2</sup> and in the

report of the Conciliation Commission, which stated that the Arab States had not invited the refugees to leave their homes. In any event, those possibilities had already been considered by the United Nations before the adoption of resolution 194 (III). In fact, the entire situation had been considered and the resolution had provided a solution to the problem.

38. Another excuse for failing to implement the resolution had been that under its terms, the return of the refugees to their homes was contingent upon the restoration of peace. That was fallacious. He inquired how the poor disarmed refugees could endanger peace by returning to their homes.

39. It had also been alleged that it was not practicable for the refugees to return to their homes, first, because the Jews refused to take them back, and, secondly, because a new economy was being built up in Palestine. He did not understand how a new economy could disposses people and prevent them from living under it if they were prepared to settle in their own country. The United Kingdom representative's suggestion (61st meeting) that the Arab refugees might be unwilling to return to Palestine because of the conditions of austerity which prevailed, did not appear to be well-founded in view of the conditions under which the refugees were living.

40. It was the aim of the Zionist movement to drive the Arabs out of Palestine and force them to settle in other countries. In support of his statement he read two quotations from articles which had appeared in a Zionist publication in 1919 and 1921. The Zionists wished to drive the Arabs out of their land and to prepare it for a new occupation by Jewish immigrants, and that had been the basis of all their activities from the beginning of Zionism until the present time. The idea of resettlement was not based on any practical or moral conception of real value. The refugees had made it clear, as appeared from the report of the Conciliation Commission, the report of the United Nations Relief and Works Agency, and statements by the Economic Survey Mission,<sup>3</sup> that they wished to return to their country.

41. Furthermore, there was little possibility of resettling a large number of refugees in the neighbouring countries. The report of the United Nations Relief and Works Agency stated that several hundred million dollars would be required for resettlement (A/1451, part II, para. 77). In a study of the resettlement of Jewish refugees, Mr. Thicknesse, of the Royal Institute of International Affairs, had estimated that the resettlement of each refugee entailed an expenditure of from £600 to £800. If that was the case in Palestine, where refugees could find that many things had already been prepared for them by the Arabs, obviously the cost of resettling Arab refugees in other countries would be still higher. Such expenditure could not be met by the United Nations. The provision of relief at the rate of six cents per day per refugee was already proving difficult. None of the States bordering upon Palestine would be able to meet the huge costs of resettlement.

42. Resettlement could not be undertaken without the consent of the States in which the refugees were to be

<sup>2</sup> See *Official Records of the General Assembly, Third Session, Supplement No. 11*.

<sup>3</sup> *Ibid.*, Fourth Session, Ad Hoc Political Committee, Annex, vol. I, document A/1106.

resettled. Syria was prepared to receive the refugees if they wished to come, but not against their will, and of course it would not be able to undertake more than it was possible for it to do. There should be no illusions with regard to the practicability of such suggestions of resettlement.

43. The Syrian delegation considered the Egyptian draft resolution (A/AC.38/L.30) acceptable and sound. It would like to see the rights of refugees safeguarded and made independent of any other consideration. Although the comments of the representatives of France and Turkey were along the right lines, they did not make the necessary distinction between the rights of the refugees and the question of negotiation and peace, and they could not consequently be considered entirely satisfactory.

44. There could be no doubt that the Jewish authorities had defied the authority of the United Nations, the resolutions of which they were refusing to implement. The Conciliation Commission had weakly accepted that defiance and taken it as a pretext for failing to make the Jewish attitude public. Human rights were being disregarded, and certain Powers were showing elasticity of principle in respect of such rights in the case under discussion, although they were much more careful of them on other occasions. The attention of every Member of the United Nations must be drawn to any proceedings likely to undermine the prestige of the Organization.

The meeting rose at 1.15 p.m.