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INTERNATIONAL CONFERENCE ON HUMAN RIGHTS

NOTE SUBMITTED BY THE  
COMMISSIONER-GENERAL OF THE UNITED NATIONS RELIEF  
AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE  
NEAR EAST (UNRWA)

Note by the Secretary-General

The Secretary-General has the honour to transmit to the International Conference on Human Rights the attached note, submitted by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Note by the Commissioner-General of  
the United Nations Relief and Works  
Agency for Palestine Refugees in  
the Near East (UNRWA)

The Commissioner-General has the honour to submit to the Conference the attached Note entitled "Human Rights and the Palestine Refugees". -

Whilst no report was requested from him by the Preparatory Committee for the Conference, the Secretariat of the Conference had received indications that various delegations have expressed a desire to have a Note or Statement by the Commissioner-General placed before the Conference. The Commissioner-General is glad to avail himself of the opportunity afforded by this wish of the delegations concerned to submit for the consideration of the Conference the attached Note. The Conference will be aware that the details of the Agency's work are fully reported, annually, to the General Assembly (most recently in A/6713) and, in addition, in 1967, were made the subject of two special reports to the Assembly by the Commissioner-General on the humanitarian aspects of the situation in the Middle East (A/6787 and A/6723 and Add.1), and of a Report by the Secretary-General, based on information provided by the Commissioner-General and the Secretary-General's Special Representative, Mr. Gussing, dated 18 August 1967 (S/8124). The Conference will also recall that the Secretary-General of the United Nations, in a Note dated 2 March 1968 (A/7060), circulated a further report by the Commissioner-General on the exodus from the Jordan Valley.

HUMAN RIGHTS AND THE PALESTINE REFUGEES

Twenty years ago, on 10 December 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. It was also twenty years ago that nearly three quarters of a million Palestinians became refugees. On 8 December 1949, in resolution 302(IV) the General Assembly conferred on UNRWA a mandate which envisaged a programme of assistance to the Palestine refugees. This resolution did not specifically use the phrase "human rights" or overtly express any connexion between this mandate and the basic concepts of human rights adopted by the Assembly in the Universal Declaration of Human Rights: but the connexion between the two resolutions, both in the period for which they have endured and in their humanitarian aims, is nevertheless clear.

The tragic circumstances in which the Palestine refugees found themselves, and the harsh conditions they have had to face over the last twenty years raise inevitably the question whether their status can be reconciled with the precept of Article 1 of the Universal Declaration of Human Rights, that

"All human beings are born free and equal in dignity and rights ..."

The Palestine refugees have faced their hardships with courage and, in a very real sense, it has been part of UNRWA's task to assist, as best it could within the limited resources available to it, in preserving for more than one and a quarter million Palestine refugees some semblance of human dignity, without which human rights are meaningless. This task has been discharged by the Agency for nearly twenty years and the details of the execution of this task have been a matter of annual report to the General Assembly. However, in the most summary terms it may be stated that, since its inception, UNRWA has provided basic rations of about 1,500 calories a day for about 850,000 persons in a refugee population which, by May 1967, numbered 1,300,000 persons. It has afforded supplementary feeding to specially vulnerable groups, such as infants, schoolchildren and pregnant women. It has distributed more than 10,000 tons of clothing and built camp shelter for more than half-a-million people.

The Agency has also provided a simple but effective community health service, with technical guidance from the World Health Organization, and there has never been a major epidemic amongst the refugees in UNRWA's care. Moreover, following upon the events of June 1967, the Agency has, pursuant to General Assembly resolution 2252(ES-V) of 4 July 1967, extended its assistance to tens of thousands of newly-displaced persons, in addition to the previously-registered refugees. It has accommodated some 70,000 people in emergency, tented camps set up in East Jordan and the Syrian Arab Republic. The increased burdens imposed upon the Agency as a consequence of the events of June 1967, burdens which show no sign of lessening, have been fully reported to the General Assembly in the Commissioner-General's last Annual Report (A/6713, paras 24-49 and 59).

No one can pretend that the standard of living thus provided conformed to "the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services" referred to in Article 25 of the Universal Declaration. Equally, with an expenditure of 10 U.S. cents per day per person for food, clothing, shelter, health and education, no one could expect that UNRWA could do so.

There remained one prospect of material improvement in the welfare of the refugees which, even in the absence of massive financial aid, offered some possibility of restoring a measure of human dignity. This lay in seeking to enlarge and improve the educational opportunities of the refugees in accordance with the aims envisaged in Article 26 of the Universal Declaration and the special emphasis placed upon the rights of the child in the General Assembly's Declaration on the Rights of the Child of 20 November 1959. This UNRWA has done, within the financial limitations of its limited budget. A whole educational system has been developed since 1948, with technical advice and guidance from UNESCO, and there are today more than 250,000 children receiving full-time education in 440 schools constructed or rented by UNRWA, in temporary tented schools in the emergency camps created since last June, or in government or private schools subsidized by UNRWA. It may be added that by 1966, 45% of this school population consisted of girls, and that every effort was made to recognize the principle of equality of the sexes, affirmed in the Preamble to the Universal Declaration. In addition to this Elementary and Preparatory schooling, ten well-equipped, residential centres for vocational and teacher training have been established, from which already more than 10,000 young refugee men and women have graduated to apply their skills throughout the Arab World and, in addition, to contribute to the living standards of their families. Over 40% of UNRWA's budget is now spent on education and, owing to the efforts of the young refugees themselves and their innate intelligence and ability, a gradual but evident process of rehabilitation has been at work. The value of this education to the young refugees cannot be denied, wherever their future may lie.

In final analysis, however, all these endeavours are palliatives: they have helped to maintain minimum standards of living for the refugee population, they have restored some of their confidence and, possibly, preserved something of their

human dignity. What they have not done is to put an end to their refugee status and accord to them the full measure of human rights which the Universal Declaration and the International Covenants require. The larger problem, which is both political and human, has remained and falls largely outside UNRWA's mandate and its capabilities.

It will be recalled that it was in relation to this larger problem that, in December 1948, only a few months after the refugees had fled from their homes, the General Assembly adopted resolution 194 (III), in paragraph 11 of which it resolved "that the refugees wishing to return to their homes and live in peace with their neighbours 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 and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible". In the same paragraph, the Assembly instructed the Conciliation Commission "to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief and Works Agency for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations". Paragraph 11 has been reaffirmed year after year by the Assembly but has remained unimplemented. After nineteen years the refugees have still had neither an opportunity of returning to their homes nor compensation for their property. Since the two issues of repatriation and compensation are linked together as alternatives in the resolution, the continuing deadlock over repatriation has had the result of denying the refugees of any benefit from the property they left behind in 1948. It would hardly seem that this can have been the intention of the Assembly in adopting its resolution nineteen years ago. Suggestions have been made from time to time for measures to enable the refugees to receive compensation, irrespective of whether they would have the opportunity of returning to their homes and without prejudice to this or any other political claims they may have; but these suggestions have not been pursued.

The importance of the 1948 Resolution remains undiminished at the present time, and this for two reasons. In the first case it is now widely accepted that, without some solution to the refugee problem, peace within the Middle East is unlikely to be achieved. It may be recalled that the Security Council, in resolution 242(1967) of 22 November 1967 affirmed the necessity of "a just settlement of the refugee problem" as an ingredient of any just and lasting peace in the area. The Secretary-General, in his Introduction to the Annual Report on the work of the Organization for the period 16 June 1966 - 15 June 1967 had earlier stated that:

"It seems to me also that there are certain fundamental principles which have application to the issues of the Middle East and which no one would be disposed to dispute as to their intrinsic worth, soundness and justness, at least when taken separately .... people everywhere, and this certainly applies to the Palestine refugees, have a natural right to be in their homeland and to have a future ... (A/6701/Add.1, para.49).

In the second case, without a just solution to the refugee problem the human rights which are enshrined in these international instruments cannot be achieved for the Palestine refugees: they will remain a people to whom the full realization of these rights is denied. It may thus be appropriate to search for a solution not only as a political settlement but as a means of implementing human rights. Perhaps a solution to this sad intractable problem may be more effectively and hopefully pursued by tempering considerations of a political character with simple humane concern for restoring human rights to the Palestine refugees.

Pending the solution to this larger problem there is an immediate problem to which the Security Council made reference in its resolution 237(1967) of 14 June 1967, and which is referred to under the heading "Respect for human rights and for humanitarian principles in time of military conflict" in the study submitted by the Secretary-General as Conference Document A/CONF.32/5/Add.1. This is not a problem which any organ of the United Nations has placed within UNRWA's competence, and I must stress that, in consequence, the Agency's concern with this problem has necessarily been limited to the implications which this problem has for its programmes of assistance and its proper interest in the general welfare of the persons entitled to that assistance, whether under its normal mandate or the extended mandate conferred by General Assembly resolution 2252(ES-V) of 4 July 1967.

One aspect of this problem concerns those refugees and other displaced persons who inhabited the areas where military operations took place in June 1967 and who have fled since the outbreak of hostilities. These number over 400,000 persons, many of whom are now existing in crowded, temporary habitation, deprived of means of livelihood, of their property and homes, and often separated from their families. For all these persons the Security Council called upon the Government of Israel to facilitate their return, and this call was endorsed by the General Assembly. In practice as I reported to the Assembly in my last Annual Report (A/6713, para.36), the number who actually returned prior to the end of August 1967 was a little over 14,000. Since then a further small number have been able to return under arrangements for reuniting families. The period since August has also seen a continuing movement of people out of the occupied areas.

The Agency's position has been consistent and perfectly clear on this question, and that is that, on grounds of common humanity, these people should be permitted to return. In a statement I issued on 3 July 1967, I said:

"Our mission is purely humanitarian and it is on grounds of common humanity that I urge this action - the return of the displaced persons - on all concerned. For this is a situation where the obligations of humanity must, I believe, prevail".

It may be added that, in terms of UNRWA's capacity to help these unfortunate people, a return to where they were living before the recent hostilities would increase that capacity precisely because it is there that UNRWA has the installations and facilities necessary to make its services effective: the tented camps and emergency facilities now provided on the East Bank of Jordan and in Syria and the United Arab Republic offer no adequate substitute.

The other aspect of this problem concerns that part of the population who now find themselves in occupied territory. It was on this aspect of the problem that the Security Council made to the Governments concerned the recommendation that they scrupulously respect the humanitarian principles governing the protection of civilian persons in time of war, contained in the Geneva Convention of 12 August 1949. The Geneva Convention of 1949, as any reading of it will disclose, has an intimate connexion with considerations of human rights, for its essential purpose is to

safeguard minimum human rights in times of military occupation. It must be in the interest of all the Governments concerned to ensure full compliance with this Convention and to demonstrate to world opinion that full compliance is achieved.

It may be recalled that, following upon the Security Council's request to the Secretary-General in resolution 237 (1967) of 14 June 1967 that he follow the effective implementation of that resolution, the Secretary-General appointed to Mr. Nils-Goran Gussing as his Special Representative to obtain for him, on the spot, the information required for the proper discharge of his responsibilities. In due course, on 15 September 1967, the Secretary-General published a report based upon the information submitted to him by Mr. Gussing (A/6797). UNRWA's role, during Mr. Gussing's mission and thereafter, has been confined to lending such assistance and furnishing such information to the Secretary-General and his Representatives as they might require and as would follow from the Agency's limited connexion with these matters, as described above. It only remains to be added that, in a series of Notes exchanged with the Governments of Israel, the Syrian Arab Republic, Jordan and the United Arab Republic during the past three months (S/8553, dated 19 April 1968) the Secretary-General has sought the concurrence of the Governments concerned to the despatch of a representative to the area who, once again, will assist the Secretary-General in meeting his reporting obligations under the relevant Security Council and General Assembly Resolutions.