

United Nations
**GENERAL
ASSEMBLY**

EIGHTEENTH SESSION

Official Records

**SPECIAL POLITICAL COMMITTEE, 403rd
MEETING**

Monday, 11 November 1963,
at 10.50 a.m.



NEW YORK

CONTENTS

	Page
<i>Agenda item 32:</i>	
<i>Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (continued)</i>	143

Chairman: Mr. Mihail HASEGANU (Romania).

AGENDA ITEM 32

Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/5513, A/SPC/89, A/SPC/90) (continued)

1. Mr. PACHACHI (Iraq) expressed regret at the imminent departure of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) from his post after five years of dedicated service.

2. The debate on the Palestine problem at the current session was enhanced by the presence of a group representing the people of Palestine, who, as the major party to the dispute, had every right to participate in the proceedings. The problem of Palestine involved all the great moral and political issues of the day, including nationalism and self-determination, racial discrimination and oppression of minorities, aggression and war. It had been created not by the Arabs but by an alien political movement which had deliberately invaded the country and dispossessed its people. An understanding of the nature of Zionism was essential to an understanding of the Palestine problem. The Zionist movement could not be considered a legitimate nationalist movement, for it lacked one essential element, namely a country that it could rightfully call its own. In their search for a country the Zionists had gone back into history and found that during a certain period the Hebrew tribes had established small kingdoms in a part of Palestine. On the basis of that brief and fragmentary physical connexion between the Jews and Palestine the Zionists had laid claim to the whole country. The fact was, however, that Palestine had at no time been exclusively Jewish, for other peoples, mainly of Semitic stock, had inhabited it long before the Jews had entered it and those same peoples had remained there after the Jews had left. They had enjoyed national independence and statehood in Palestine for a period far exceeding the brief experience of independent Jewish statehood in ancient times which the Zionists claimed to be restoring. The Arabs did not deny that there was a spiritual connexion between Palestine and the Jewish faith, but such a connexion, which existed in at least equal measure for two other religions, Christianity and Islam, was not a valid basis for political or territorial

claims. The Zionist ideology was based on the so-called historical connexion between the Jewish people and Palestine; without that connexion, the whole ideological edifice crumbled and Zionism was revealed for what it really was, an aggressive colonial movement bent upon the conquest and usurpation of a land belonging to another people.

3. The destruction of the Arab community in Palestine had not been the fortuitous outcome of war or even the result of acts of the Zionist armed forces in 1948 but was rather the culmination of an ideological and strategic approach to the problem of the Palestinian Arabs that went back to the earliest days of Zionism. From the very beginning the Zionists had had to face the problem of the existence of a sizable Arab population in Palestine, for they knew that as long as the Palestine Arab community remained intact and in possession of its land the Zionist programme could not be put into effect. They had realized that they would not be able to solve the problem by the physical liquidation of the Arab population, as might have been done in an earlier era, without evoking the wrath and indignation of all mankind, and they had therefore decided to uproot the inhabitants and forcibly transfer them to other places. Theodore Herzl, the founder of Zionism, had stated that the Zionists would solve the problem by providing work for the Arab inhabitants of Palestine in other countries but denying them employment in Palestine itself. After the establishment of the Mandate,^{1/} population exchange schemes had been proposed by the Zionists and their supporters, and in that connexion the British Zionist Harold Laski had written to former Supreme Court Justice Felix Frankfurter of the United States that the economic problem in Palestine would be insoluble unless Transjordan could be used for Arab settlement. Similarly, the report^{2/} of the Palestine Royal Commission in 1937 had advocated efforts to obtain an agreement for the exchange of land and population, such an agreement to make it clear that in the last resort the exchange would be compulsory. Finally, in 1944 the British Labour Party Executive had adopted a resolution to the effect that the Arabs should be encouraged to move out of Palestine as the Jews moved in.

4. The Zionists had realized that their schemes for the transfer of the Arab population could not be implemented without force and that a prerequisite for their success was to prevent an independent Arab State from being established in Palestine. To that end they had begun soon after the inauguration of the Mandate to establish strategic Jewish settlements in the midst of the predominantly Arab areas. Although ostensibly devoted to agriculture, those settlements had played an important part in 1947-1948 in pre-

^{1/} See *Official Records of the General Assembly, Second Session, Supplement No. 11, vol. II, annex 20.*

^{2/} London, H.M. Stationery Office, 1937 (Cmd 5479).

venting the Palestinian Arabs from establishing themselves in a continuous unified area and had helped the Zionists to dislodge them from the territories allotted to them under the Partition Plan (General Assembly resolution 181 (II)). Before the Plan was adopted in 1947, the Zionist High Command had decided to hold on to the thirty-three Jewish settlements in the area to be allocated to the Arab State. One of the best-known Jewish Commanders in the Palestine war, Yigal Allon, had described the tactics used by the Zionists to rid the inner Galilee area of its Arab population before the expiry of the Mandate. He himself had instructed the Jewish village leaders having contacts with the local Arabs to trick them into fleeing by persuading them that a newly-arrived Jewish reinforcement intended to burn all the villages of the Huleh district. The same commander had written that in the period immediately prior to the invasion by the Arab armies in May 1948, the local offensive war waged by the Haganah had achieved the continuity of the Jewish territories and enabled the Zionists to penetrate into Arab areas. He had gone on to say that if it had not been for the Arab invasion the Haganah forces would have been able to reach the "natural borders" of Western Israel, meaning that the whole of Palestine as far as the Jordan would have fallen to the Zionists. Thus the expulsion of the Arab population, which had been in the planning stage throughout the period of the Mandate, had finally been achieved in 1948 through outright military action. The next step in the Zionist strategy had been to seek political and legal sanction for the expulsion, and that was what Israel hoped to achieve by advocating direct negotiations with the Arab States. It was trying to use the United Nations as a cloak for its plans for the total destruction of the Palestinian Arab community, just as it had done in 1947. A recurring theme in Zionist propaganda had been that there was really no serious Arab problem in Palestine, and in the early days the Zionists had tried to make the world believe that Palestine was unpopulated except for a few nomadic Bedouins. An example of the tactic of ignoring the Palestine Arabs could be found in the negotiations between the Zionist leaders and the United Kingdom Government during the First World War. In the numerous memoranda presented by Dr. Chaim Weizmann no mention was made of the Arabs of Palestine, although at the time they had constituted about 93 per cent of the population. In the Balfour Declaration^{3/} the word "Arab" did not appear, being replaced by the euphemism "existing non-Jewish communities in Palestine", which implied that such communities must be small in proportion to the Jewish community and lacking in a distinctive cultural or national character. The Balfour Declaration had been illegal because it had contained a promise concerning a certain territory made by a Government which had had no legal or moral right to dispose of the territory in question. Moreover, it was self-contradictory for it had sought to achieve two mutually exclusive aims; the establishment of a National Home in Palestine for the Jews and the safeguarding of the rights of the non-Jewish majority. Yet despite those flaws the Balfour Declaration had been incorporated into the Mandate. The Mandate itself had constituted a clear violation of two provisions of Article 22 of the Covenant of the League of Nations: first, that the well-being and development of the peoples of the mandated territories were a sacred trust of civilization; second,

that certain communities formerly belonging to the Turkish Empire had reached the stage of development where their existence as independent nations could be provisionally recognized and that the wishes of those communities must be a principal consideration in the selection of the Mandatory. The sufferings of the Palestinian Arabs in the refugee camps were a living testimony to the way in which those provisions had been violated at the dictates of Zionism.

5. For thirty years the Arabs of Palestine, who had seen the character of their country being transformed beyond recognition and their existence as a distinct community threatened with destruction, had waged a heroic but unequal struggle against the might of the British Empire, a struggle which had taken the form of open rebellion in the years from 1936 until the outbreak of the Second World War. They had now been driven into exile, but they were sustained by an unshakable faith in the justice of their cause and an unwavering determination to return to their Palestinian homeland. With regard to what might be called the political basis of the Zionist case, namely the partition resolution, at the time when the Palestine question had been brought before the United Nations in 1947 the international situation, as well as the internal situation in Palestine, had strongly favoured the Zionists. The Palestinian Arabs had been exhausted by years of struggle against colonial rule, while the Mandatory Power, which in 1939 had pledged itself to implement a White Paper^{4/} envisaging the cessation of unlimited immigration into Palestine and the creation of a bi-national State, had emerged from the Second World War exhausted and dependent both politically and economically on the United States.

6. The Arab States had declared that Palestine wished to assume its independence and had asked the General Assembly to endorse the Palestinian people's right to freedom and self-determination under the Charter. That request, however, had been turned down because of Zionist pressure on the United States Government. The proposal^{5/} that the International Court of Justice be asked for an advisory opinion as to whether the partition of Palestine against the will of its people was compatible with the United Nations Charter and the Covenant of the League of Nations, under which Palestine was administered as a Mandated Territory, had also been turned down. But the Partition Plan (resolution 181 (II)) had been forced through the Assembly, even though the Arab States and the representatives of the Palestinian Arabs, who at that time made up two-thirds of the population of Palestine, had declared their rejection of the Plan. The Assembly had been warned repeatedly that a Jewish State in Palestine could only be created at the expense of the Arab inhabitants and that partition could never be implemented without violence.

7. Although the partition resolution had given the Zionists practically all they wanted, they had proceeded immediately to violate every important provision and had thereby destroyed the political basis upon which the State of Israel was founded. Under the resolution the Arab and Jewish States should have been established two months after the withdrawal of the Mandatory Power's troops, but the State of Israel had been proclaimed barely a few hours

^{3/} See Official Records of the General Assembly, Second Session, Supplement No. 11, vol. II, annex 19.

^{4/} Palestine: Statement of Policy (London, H.M. Stationery Office, 1939 (Cmd. 6019)).

^{5/} Official Records of the General Assembly, Second Session, Ad Hoc Committee on the Palestinian Question, Annexes, annex 17.

after British forces were finally evacuated from Palestine.

8. A far more serious violation had occurred a few weeks after the adoption of the partition resolution, when the Zionists had deliberately occupied areas which should have formed part of the proposed Arab State. Their action had not been dictated by military necessity, as had been claimed, but was part of a plan for the occupation of the whole of Palestine and the liquidation of its population.

9. Another violation of the partition plan had been the wholesale expropriation of Arab property within the area now controlled by the Israel authorities. The partition resolution provided that no expropriation of land owned by an Arab in the Jewish State should be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court was to be paid prior to dispossession.

10. Thus there could be no question of Israel having any right to expropriate any properties of the Palestinian Arabs in the areas allotted to the Arab State; indeed Israel had no right to be in those areas at all. The right of the Arabs to their property there was absolute and not subject to the authority of Israel. Furthermore, the expropriation of Arab properties in the area allotted to the Jewish State under partition had to be preceded by full payment of compensation. The wholesale expropriation of Arab property both in the area allotted to the Jewish State under the Partition Plan and in the areas of the Arab State now occupied by the Zionist forces was a serious violation of the partition resolution. Israel was bound by that resolution from the first day on which it was proclaimed and could not renounce its obligations without forfeiting its claim to statehood, which was exactly what it had done by its repeated violations of the resolution from the day after its adoption.

11. It was against that background, and the conclusions he had drawn from it, that the proposal for direct negotiations should be viewed. The dispute was not between Israel and the Arab States but rather between Israel and the people of Palestine. No settlement could be valid unless it was accepted by the Arabs of Palestine. In treating the whole problem as though it were a conflict between Israel and the Arab States, Israel hoped to dispose of the Palestinian people's rights and claim to be a legal entity. Israel had even ceased to use the word "Palestine" in the United Nations. It was clear that the Zionists had not given up their dream of taking over the rest of Palestine and also the whole of Transjordan which they claimed was part of the Jewish National Home promised by the Balfour Declaration and the Mandate of 1922.

12. Israel was really asking the General Assembly to sanction its invasion of Palestine and allow it to reap the fruits of its aggression. It wanted a fait accompli legalized and guaranteed by the international community. The Arabs could not be expected to be a party to such a plan.

13. It had been said that Israel was a fact and that therefore the Arabs must make peace with Israel; but there was a dangerous principle involved. Facts had no special sanctity attaching to them, and human history was a record of people's efforts to change unpleasant facts. It had been said that Israel was there to stay, but no one could predict the course of human history. The long history of the Middle East had been one of constant change. The Arabs had been told that

as Members of the United Nations they were under an obligation to settle their differences with Israel peacefully; but they were under a higher obligation not to bow to aggression or encourage it. All Members of the United Nations had a duty to see that justice was done and that the rights of oppressed people were restored.

14. In his report, the Commissioner-General of UNRWA, who had approached his very difficult task in an admirable manner, had recognized that after fifteen years the overwhelming desire of the refugees was repatriation and that the right of choice given to them by resolution 194 (III) had never been implemented. Those two facts were of great importance to the whole refugee problem. Yet they were not to be found in the twenty-first report of the United Nations Conciliation Commission for Palestine (A/5545).

15. Resolution 1456 (XIV) requested the United Nations Conciliation Commission for Palestine to make further efforts to secure the implementation of operative paragraph 11 of General Assembly resolution 194 (III). At the previous three sessions the General Assembly had again called on the Conciliation Commission to make further efforts to secure the implementation of paragraph 11. Instead of doing so, the Conciliation Commission had held talks with the host Governments and Israel on practical means for securing progress on the Palestine Arab refugee problem. That was not the same thing as securing the unconditional implementation of paragraph 11. The Conciliation Commission had done nothing to ascertain the wishes of the refugees despite the fact that the whole of the paragraph hinged upon the refugees' right of choice, which the Conciliation Commission had been asked to implement.

16. Had the Assembly wished to solve the problem in a different way, it would have said so explicitly in all its past resolutions; but since 1948 resolution 194 (III), paragraph 11, had been repeatedly reaffirmed and the General Assembly clearly did not envisage any solution of the refugee problem other than the one based on repatriation or compensation. By proceeding from assumptions which were in essence inconsistent with the provisions of that resolution, the Conciliation Commission had gravely exceeded the mandate which it had received from the General Assembly. It had therefore failed in the task entrusted to it, and the chief cause of its failure was its unwillingness to tackle the problem of repatriation seriously.

17. The Zionists must realize that sooner or later their policies could only lead to disaster for the people they claimed to serve. So long as they persisted in denying the Palestinian Arabs their rights and Israel continued to be expansionist there could be no peace in the Middle East. The least that the United Nations could do was to articulate and reaffirm the objective of repatriation and just restitution for the refugees.

18. Mr. EL-BOURI (Libya) congratulated the Commissioner-General of UNRWA on the manner in which he had performed his delicate task, and regretted that circumstances had compelled him to give up his post.

19. After fifteen years, the question of Palestine was a serious test of the United Nations ability to enforce the international morality embodied in the Charter. It was one of the major tragedies of modern times. Over a million human beings had been driven from the land of their ancestors and had been forced to live

on international charity. That had been the result of a General Assembly resolution which, misguided though it was, had not been respected by Israel, its only beneficiary. The decision had been a blow to the right of self-determination which was the corner-stone of the Charter.

20. In his recent statement (399th meeting), Mr. Shukairy had exposed all the manoeuvres surrounding that tragedy. The problem of the Palestinian refugees was the direct consequence of the 1947 decision on the partition of Palestine. Because of certain influences brought to bear on the United Nations in the first years of its existence, it had unfortunately approved the Partition Plan which had long been premeditated by Zionism and its allies. Partition had only been possible because the small and medium-sized States, with their feeling for justice and right, had not been represented in sufficiently large numbers in the United Nations. Since they owed their independence to the application of the right of self-determination, they would not have concurred in the denial of that right to others. The then dominant imperialist Powers had put their convenience and interest before principle. Nevertheless, there had been warnings at the time. Amongst others, the representative of Belgium, when explaining his vote, had expressed doubts about the justice, practicality and dangers of partition.^{6/} The dangers thus foreseen had been catastrophic. Directly after partition, Zionist groups, with the support of the imperialists, had begun to violate the United Nations resolution by massacring the civilian Arab population and taking their property. The United Nations, which had adopted the resolution on partition in good faith, had seen the fate to which it had condemned the refugees and had tried to remedy their tragic situation. The events in Palestine had awakened the conscience of mankind as a violation of the right to self-determination and of the principles of the Charter. Realizing its responsibility, the General Assembly had taken action at its third session, and resolution 194 (III), especially paragraph 11 providing for repatriation or compensation for the refugees, was still the basis of the question fifteen years after its adoption. However, the constant refusal of the invaders of Palestine to carry out the United Nations resolutions had soon ruled out all hope of a possible solution to the problem. The Conciliation Commission had reached the same deadlock. The attempts of the United Nations at each session to right the wrongs of the Arab people of Palestine had been scorned by Israel. The prestige and moral authority of the United Nations had suffered together with the victims of Palestine.

21. The representative of Israel had said in the General Assembly (1239th plenary meeting) that the question of Palestine no longer existed; but despite the unjustified presence of the aggressor in the United Nations, the problem did exist and would continue to exist until the Arab people of Palestine obtained their rights and returned to their homeland. The Minister for Foreign Affairs of Israel had also complained (1224th plenary meeting) that the question of Palestine was raised at each session as a dreary routine by the Arab countries. But they would continue to raise the question until a just solution was found. The reason why the Israel authorities persisted after fifteen years in their refusal to implement the United Nations reso-

lutions and the Protocol of Lausanne^{7/} lay in Israel's aim to deal with the problem of Palestine outside the context of the United Nations resolutions. Clearly, in carrying out its material and moral obligations towards the Palestine refugees, the United Nations should show greater determination in finding a solution to the problem.

22. The Israel representative spoke of peace, but his words contradicted the policy of Israel's leaders and its preparation for wars of expansion. Israel's peaceful intentions were hardly credible at a time when it refused to accept resolutions of the United Nations which were the preliminaries to peace. It was the duty of the United Nations to take concerted action to erase a dark page of history that cast doubt on its disinterestedness.

23. Although he regretted having detracted from the atmosphere of "détente" which was characteristic of the eighteenth session and appreciated the efforts of the great Powers to settle their differences, there could be no stability or freedom from tension in the Middle East while the Arabs of Palestine remained homeless beggars and until the injustice of which they were the innocent victims had been corrected.

24. Mr. DJERDJA (Yugoslavia) commended the Commissioner-General of UNRWA for his thorough and valuable report and for the work done to improve the situation of the refugees. A major concern after the departure of Mr. Davis from his post must be to ensure the proper functioning of UNRWA so that the refugees would not suffer from the change, but would receive even more attention from the United Nations.

25. The humanitarian problem of making the life of the refugees tolerable was in a sense the principal subject of the debate. However, a positive attitude towards finding a more permanent solution to the problem would reflect favourably on all aspects of their life. In his statement, Mr. Shukairy had given a vivid outline of the history and main aspects of the problem. Evidently, the conditions on which a more durable solution might be based had not changed in any way. The reason for that state of affairs was summarized in paragraph 40 of the Commissioner-General's report. Thus ways must be sought of creating conditions in which the problem of the Palestine refugees could be solved more fully within the context of the broader problem of Palestine. As its report (A/5545) showed, the Conciliation Commission had tried to take some steps towards a more complete solution. The debate in the Committee, however, had revealed substantial differences of opinion among the countries concerned with regard to paragraphs 2 and 3 of the report, and some of the delegations directly concerned had made serious reservations as to their accuracy. The idea of submitting a revised text of the report without the disputed section was therefore very useful, so that the Committee could gain a clearer idea of what had been done so far and what the prospects for progress were. For the time being, it was impossible to give views on what had been done or on steps that might be worth undertaking.

26. In the light of the unchanged situation over several years, the Committee should concentrate on two parallel tasks. The first was to agree that in the coming period the activities of UNRWA should continue in all directions and in all the fields related to

^{6/} *Ibid.*, Second Session, Plenary Meetings, vol. II, 125th meeting.

^{7/} *Ibid.*, Fourth Session, Ad Hoc Political Committee, Annex, vol. II, document A/927, annexes A and B.

the life of the refugees. The Commissioner-General's report and the present debate had been valuable guides as to the direction, volume and urgency of future action. The second task was to maintain the efforts to break the present deadlock and come closer to a substantive solution. In so doing, the Committee should always bear in mind the general line of policy traced by the United Nations on the matter. Further, it must make sure that in following that line it had the participation of the parties directly concerned and above all, the co-operation of the refugees themselves. His country's position had always been that only a just and sound solution in accordance with United Nations resolutions

would stabilize relations in the Middle East and ensure peaceful and progressive development there. He hoped that the debate at the present session would have more success than previous debates in showing the way to such a solution. His delegation would support efforts and ideas which might bring the goal nearer. He had in mind particularly the future work of the Conciliation Commission which, if continued in that spirit, could make a different contribution from that described in its latest report.

The meeting rose at 12.5 p.m.