

United Nations  
GENERAL  
ASSEMBLY

EIGHTEENTH SESSION

Official Records

SPECIAL POLITICAL COMMITTEE, 414th  
MEETING



Wednesday, 20 November 1963,  
at 10.45 a.m.

NEW YORK

CONTENTS

	Page
<i>Election of an Officer (concluded)</i> . . . . .	209
<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> . . . . .	209

*Chairman:* Mr. Mihail HASEGANU (Romania).

Election of an Officer (concluded)\*

1. The CHAIRMAN asked members of the Committee to submit nominations for the position of Vice-Chairman.

2. Mr. HADISUDIBJO (Indonesia) nominated Mr. Narciso G. Reyes. From 1948 to 1954, before becoming Ambassador of the Philippines in Indonesia, Mr. Reyes had been a member of his country's Permanent Mission to the United Nations; during that time he had served on the Special Political Committee and had been elected Rapporteur of the Social Commission. Subsequently he had been Director of the Philippine Information Agency at Manila, and afterwards Ambassador to Burma. Since the opening of the General Assembly's eighteenth session, he had been Acting Chairman of his country's delegation. The Indonesian delegation hoped that the Committee would elect Mr. Reyes unanimously.

3. Mr. DOUMBOUYA (Guinea) seconded the nomination of Mr. Reyes. The six years which the latter had spent in the Philippines' Permanent Mission to the United Nations had given him great insight into the work of the Organization. He had, in addition, a measure of proved competence which would be a further guarantee of the success of the Committee's work.

*Mr. Reyes (Philippines) was elected Vice-Chairman by acclamation.*

*At the invitation of the Chairman, the Vice-Chairman took his seat on the rostrum.*

4. Mr. REYES (Philippines), Vice-Chairman, thanked the representatives of Indonesia and Guinea for their kind words and expressed his gratitude to the Committee for electing him.

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, A/S/C/91, A/SPC/92, A/SPC/93, A/SPC/L.98/Rev.1, A/SPC/L.99, A/SPC/L.100 and Add.1) (continued)

5. The CHAIRMAN invited the Committee to consider the draft resolutions contained in documents A/SPC/L.98/Rev.1, A/SPC/L.99, A/SPC/L.100 and Add.1.

6. Mr. PLIMPTON (United States of America) referred, in connexion with his statement to the Committee at the 398th meeting, to two misunderstandings which seemed to have arisen—one concerning the progress report of the United Nations Conciliation Commission for Palestine (A/5545) and the other concerning the wording of the United States draft resolution in document A/SPC/L.98. In both cases, the suggestion seemed to be that the wording tended to give the impression that operative paragraph 11 of General Assembly resolution 194 (III), or for that matter other applicable provisions of the pertinent resolutions, were being watered down or forgotten. That, of course, was not the position of the United States, and in order to remove any doubt, it was submitting a revised text of paragraph 4 of its draft resolution (A/SPC/L.98/Rev.1).

7. Mr. RIFA'I (Jordan) said it was particularly significant that the Palestine Arab delegation had participated in the debate. It showed that the Arab people of Palestine was in process of re-establishing its nationhood—a development which should strengthen the general efforts for the restoration of its rights.

8. It was difficult to understand how a draft resolution like that contained in document A/SPC/L.100 and Add.1 could be submitted as a proper conclusion to the debate, and how eighteen countries could agree to follow the wishes of Israel in direct opposition to Arab views and interests and in open conflict with the principles of justice, the dictates of law, the provisions of United Nations resolutions and the requirements of international peace and security. The co-sponsors of that draft resolution were States with which the Arabs maintained the friendliest relations. Several of them shared with the Arab world a common cultural and spiritual heritage; others were countries with which the Arabs had joined in the movement to secure freedom for all nations and dignity for all men. Others, again, were countries to which the Arabs had never done the slightest harm, and the remainder were States which had entered the United Nations long after the events that had given rise to the Palestine problem. The Jordanian delegation therefore failed to see any justification for the eighteen nations in sponsoring such a draft resolution, which struck at the very roots of the question of Palestine.

9. As to the substance of the draft, his delegation was astonished to see that the text, which deliberately ignored the most salient facts that had emerged during the debate, requested the Governments concerned to undertake direct negotiations with a view to finding an agreed solution for the question. That was both strange and regrettable, and could not fail to detract from the seriousness of the Committee's work.

— Resumed from the 412th meeting.

10. For fifteen years the United Nations had been seized of a problem which itself was thirty years old. For half a century the Arabs had struggled against injustice and against the combined forces of Zionism, colonialism and Western domination. All that had culminated in the greatest tragedy ever witnessed by man. But it all meant nothing to the co-sponsors of draft resolution A/SPC/L.100 and Add.1, who thought that the problem could be settled peacefully and finally by a simple appeal for direct negotiations. What common ground for such negotiations could there be? What common ground could exist between a nation driven out of its homeland and an invading people, between those who wished to return home and those who refused to allow them to return, between the legal and the illegal, between those who claimed that what had happened was an accomplished fact and those who would never agree to legalize it? Draft resolution A/SPC/L.100 and Add.1 should really be ruled out of order, since it did not place the subject in its proper context—as was shown by the fact that it made no mention whatever of any of the previous resolutions concerning the Palestine Arab refugees. It was an attempt to violate all the pertinent resolutions adopted over the past sixteen years. It began by saying: "The General Assembly renews its appeal to the Governments concerned". What appeal was that? If the co-sponsors were referring to the negotiations provided for in Security Council resolution of 16 November 1948,<sup>1/</sup> they were trying to build on hollow foundations and in a completely different area, quite removed from the question of the rights of the Palestine Arab refugees. The General Assembly had never adopted a resolution appealing to the Governments concerned to undertake direct negotiations with a view to finding an agreed solution for the question. Moreover, if "the Governments concerned" meant the Arab Governments, he did not see in what capacity those Governments would be entitled to determine the refugees' rights. The rights referred to in paragraph 11 of resolution 194 (III) were those of the refugees, not of Governments. No Arab Government could substitute itself for an Arab refugee and assume for him his right of choice between repatriation and compensation. According to the logic of the draft resolution's text, Israel itself would be entitled to decide the destiny of the Arab refugees. The implementation of such a resolution would create a revolting situation: Israel would determine the rights and the future of its victims. The co-sponsors of the draft resolution had also committed the error of presenting the problem as if it were a dispute between the Arab Governments and Israel, whereas the dispute was one between the Arabs and Jews of Palestine. The relations between certain Arab States and Israel were governed by a General Armistice Agreement which could in no case prejudice the rights and claims of the Arab people of Palestine. The rights of the Palestine Arab refugees could accordingly in no way be subject to negotiation or compromise.

11. Again, draft resolution A/SPC/L.100 and Add.1 spoke simply of the "Arab refugees". That fact was obviously welcome to Israel, which did not admit that a country called Palestine, or men called Palestinians, existed. Moreover, the draft took no account of the discussions which had been proceeding in the Committee for two weeks. That was because the general tone of those discussions had been one of complete

sympathy and support for the Arab people of Palestine and its refugees, and because the voice of Palestine had been resoundingly heard in them. Another defect of the draft resolution was that it appealed to the Governments concerned "to undertake direct negotiations ... if they so desire". The principal party involved—the Palestine Arab delegation—and the delegations of the Arab States had clearly said that there could be no possibility of considering any negotiations, direct or indirect, unless and until the rights of the refugees had been implemented. What other "desire" could be expected from the Arabs? The refugees, and the entire Palestine Arab nation, had decided either to live honourably or to die honourably. As for the Arab Governments which were defending the cause of the refugees, their desire was known and their choice had been made: they would carry on that defence either through justice and equity, or through struggle, whatever the dimensions and consequences of that struggle might be.

12. In fact, the co-sponsors of the draft resolution understood the situation quite well. The purpose of their proposal was therefore not negotiation, which they knew to be quite hopeless. What they sought was, not a solution based on the principles of the Charter, but a solution in which the will of Israel would prevail. Such an endeavour was categorically rejected both by the Arab Governments and by the Arab peoples.

13. If the co-sponsors of draft resolution A/SPC/L.100 and Add.1 really believed that their proposal would represent an advance towards peace, they must be told that they were wrong and that, on the contrary, it would lead to a far more explosive situation in the region and among the refugees. The 1.2 million people who were living on 6 cents a day constituted a cell of hate and despair which, if subjected to an extreme pressure, would burst and destroy everything around it. He therefore earnestly requested the co-sponsors not to add fuel to the fire, and to withdraw their draft resolution.

14. The region of the Middle East was the land of peace and tranquillity. So it had always been and so it will be again. The Middle East had brought peace to all mankind through its prophets and its religions. It was therefore unnecessary to preach peace to it. Indeed, it was in the cause of peace that the delegations of the Arab countries were taking such an active part in the current heated debate.

15. With regard to the draft resolution submitted by Afghanistan, Indonesia and Pakistan (A/S/C/L.99) it appeared that some identified it as an "Arab draft". It was true that the sponsors of the text were countries with which the Arabs had close relations and which had always defended the cause of justice and, in the case under consideration, the cause of the Arab refugees of Palestine. That did not mean, however, that what the draft resolution asked for represented the Arabs' demands. If the Arab countries had wished to offer for the Committee's consideration their demands concerning the question of the Palestine Arab refugees they would have proposed, in a separate draft resolution, that aggression in the Israel-occupied territory of Palestine should be brought to an end, that all the legitimate rights of the Arabs in Palestine should be restored and that the provisions of paragraph 11 of resolution 194 (III) should be implemented immediately. They would at least have asked the General Assembly to call on the Israel authorities to cease the expropriation and confiscation of Arab property in the

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

territory which they occupied. Finally, they would have called for the application of sanctions against Israel if it persisted in its defiance and its violations. The reason why the Arabs had not done so was because they were not yet in a position to persuade the United Nations to take the right path. In the circumstances the least they could do was to arrest any tendency, on the part of any State whatsoever, to take steps which would jeopardize the rights of the refugees or distort the true meaning of the implementation of those rights. In that sense draft resolution A/SPC/L.99 represented a sincere effort to protect the basic rights of the refugees.

16. With regard to the revised draft resolution which had just been submitted by the United States (A/SPC/L.98/Rev.1) his delegation would like to study the text together with the statement of the United States representative and to consult all those concerned before making any comment. In any event, its action would be guided by the interests of the refugees.

17. Mr. COMAY (Israel) referred first of all to draft resolution A/SPC/L.99. Operative paragraphs 1, 2 and 3 had been drafted in such a way that the uninitiated might have the impression that they merely reproduced the terms of earlier resolutions.

18. At first glance operative paragraph 1 resembled a paragraph which had appeared in the preamble of various resolutions adopted by the General Assembly. Nevertheless, it lacked one passage which did appear in the United States draft resolution (A/SPC/L.98/Rev.1); it read as follows: "...no substantial progress had been made in the programme...for the reintegration of refugees either by repatriation or resettlement...". In all the previous resolutions there had been a balance between two elements: the reference to paragraph 11 of resolution 194 (III) and, in addition, a reference to the subsequent evolution towards a much broader concept, namely the integration of the refugees into the economic life of the Near East as a whole. The missing passage was the key to the refugee problem. It reflected the economic and regional approach to the problem, a concept which had been accepted in 1949 and had been United Nations doctrine ever since.

19. Early in the summer of 1949, not long after the adoption of resolution 194 (III), it had become apparent that it was no longer realistic to think that the refugees could simply go back to their homes. The Conciliation Commission had then adopted a longer-range policy, based on a regional economic approach.

20. In its second progress report,<sup>2/</sup> published four months after the adoption of resolution 194 (III), the Commission had already sketched that policy by stating that the final solution of the problem would be found within the framework of the economic and social rehabilitation of all the countries of the Near East. In August 1949 the Lausanne talks had reached a stalemate and the Conciliation Commission had appointed an Economic Survey Mission, the so-called Clapp Mission, the task of which had been, *inter alia*, to draw up plans which would facilitate the integration of the refugees into the economic life of the region. In December 1949 the Assembly, with the interim report<sup>3/</sup> of the Clapp Mission before it, had adopted

resolution 302 (IV) establishing the Relief and Works Agency and instructing it to carry out the programmes recommended by the Mission for public works and development projects in the host countries. At its fifth session the Assembly had stated in operative paragraph 4 of its resolution 393 (V) its view that, without prejudice to the provisions of paragraph 11 of resolution 194 (III), the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, was essential in preparation for the time when international assistance would no longer be available and for the realization of conditions of peace and stability in that area. The Assembly had clearly regarded integration in the Near East as a whole as consistent with the provisions of paragraph 11 and as permitting the adaptation of those provisions to the long-range aspects of the refugee problem which had not been clearly apparent in 1948. The same 1950 resolution had set up a reintegration fund for the permanent absorption of refugees. In its resolution 513 (VI) the Assembly had gone a step farther by setting up a \$200 million reintegration fund for the absorption of the refugees in the economic life of the Near East. Unfortunately, as the Assembly had noted with regret in every resolution since then, that programme had not been fulfilled. In a study made in 1959 the United Nations Secretary-General had stated that viewed in the perspective of regional economic development, "the unemployed population represented by the Palestine refugees should be regarded... as an asset for the future" and constituted "a reservoir of manpower which in the desirable general economic development would assist in the creation of higher standards for the whole population of the area".<sup>4/</sup>

21. That approach, which made sense from both the humanitarian and the economic standpoints, did not fit into the political dogmas of the Arab Governments as expressed in the United Nations. That explained why an attempt was now being made to convey the impression that the views of the United Nations concerning the refugee problem had not advanced beyond 1948. To adopt paragraph 1 of the draft resolution as it stood would be to turn the clock back fifteen years.

22. It should be noted that the corresponding paragraphs of earlier resolutions had referred to repatriation or compensation, whereas in document A/SPC/L.99 the wording was repatriation and compensation. That interpretation of paragraph 11 of resolution 194 (III) went beyond even the claims of the Arab spokesmen themselves.

23. Turning to operative paragraph 2 of draft resolution A/SPC/L.99, which dealt with paragraph 11 of resolution 194 (III), he said that the Arabs' interpretation of paragraph 11 robbed it of all value as a basis of discussion. According to that interpretation, in effect, the refugees could return to their homes without the consent of Israel, without acknowledging the legitimacy of Israel and its laws and without undertaking to be loyal citizens. Such a concept had never entered the minds of the representatives who had adopted resolution 194 (III) in 1948. The idea of the return of the refugees had appeared in the report<sup>5/</sup> of the United Nations Mediator. However, where Count Bernadotte had spoken in his report of a right, the Assembly had stated that the refugees "should be

<sup>2/</sup> Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, volume II, document A/838.

<sup>3/</sup> *Ibid.*, vol. I, document A/1106.

<sup>4/</sup> *Ibid.*, Fourteenth Session, Annexes, agenda item 27, document A/4121, part I, para. 11.

<sup>5/</sup> *Ibid.*, Third Session, Supplement No. 11.

permitted" to return. The reason was that the United Nations could not confer on any individual an absolute right to enter the territory of a Member State. Moreover, one of the important reservations contained in paragraph 11 was that represented by the words "at the earliest practicable date". In the original draft resolution, submitted in 1948 by the United Kingdom, the expression used had been "as soon as possible". The representative of Guatemala had proposed the wording "as soon as possible after the proclamation of peace between the contending parties in Palestine".<sup>6/</sup> The sponsor of the draft resolution, however, had not been willing to accept that amendment and, in order to make clear the meaning which he attached to his own text, he had said that it might be many years before a formal peace was established in Palestine but that conditions of stability might be re-established in fact, without any agreement on the terms of a peace.<sup>7/</sup> The Israel representative had then stated that the return of the refugees would not be possible until peace had been restored, whereupon the United Kingdom, as the sponsor of the draft resolution, had proposed the replacement of the word "possible" by the word "practicable".<sup>8/</sup> Thus it had been perfectly clear at the time of the adoption of resolution 194 (III) that the repatriation of the refugees to Israel would not be practicable until normal and peaceful conditions had been restored. It followed that as long as the Arab Governments considered themselves to be at war with Israel and refugee spokesmen declared that they would never accept its existence, the repatriation of the refugees to Israel would not be practicable within the meaning of paragraph 11 itself.

24. The representatives of the Arab countries often invoked Count Bernadotte's report to which he had referred. They forgot to mention that in one passage of that same report, which he read out, the Mediator had urged the Arab countries to resign themselves to the presence of the Jewish State or risk incurring grave liabilities.

25. The Arab leaders had not yet resolved their dilemma. If they were willing to accept the existence of the State of Israel and to negotiate a peaceful solution with it, the refugee problem would cease to exist as a humanitarian problem of concern to the international community. If, on the contrary, they persisted in demanding the destruction of Israel, they could not in the same breath demand the repatriation to Israel of people who were hostile to that State. The doctrine of "conquest by repatriation" was not and never had been the meaning of paragraph 11. It was therefore incorrect to state that Israel had violated that paragraph and in so doing it had defied the United Nations.

26. Operative paragraph 3 was concerned with abandoned refugee property; that was an issue which the Minister for Foreign Affairs of Israel had dealt with in her statement at the 410th meeting so that there was no need for him to return to it. The representative of Iraq had stated at the same meeting that the paragraph in question was derived from resolution 394 (V). In fact, draft resolution A/SPC/L.99 carefully avoided any allusion to the consultations which—under resolution 394 (V)—the office established by the Conciliation Commission had been requested to continue with the parties concerned on abandoned refugee property. In any case, the words "rights, property

and interests of the refugees" could only mean the rights, property and interests that existed under Israel legislation, since such rights and interests within a sovereign State could be regulated exclusively by the laws of that State, the United Nations having no competence in the matter, any more than any other outside body. If the position were otherwise, the United Nations would find itself in an impossible situation, for it would be involved in tens of millions of claims for compensation. In order to get round that insurmountable legal obstacle, the Arab States had been driven to argue that the principle of sovereignty applied to the other 110 Member States but not to the State of Israel; but that was contrary to Article 2 of the Charter. Those specious arguments had not prevailed at previous sessions. The very fact that Israel's sovereignty was once more being assailed by the representatives of the Arab States revealed the real intention of the authors of operative paragraph 3 of draft resolution A/SPC/L.99. If there had remained any doubt on the subject, the statement by the Minister of Foreign Affairs of Jordan (411th meeting) left no further room for it; he had contended that Israel had no sovereignty over the area it occupied and that it was not even a State, but merely a military occupation authority. The answer to that assertion was that it was not the custom of the United Nations to admit military occupation authorities as States Members; moreover, when Jordan had been admitted to the United Nations, Israel had already been a Member for many years. Any lingering doubt as to the motives behind that manoeuvre must have been finally removed when it had become known that another paragraph, asking for the appointment of a United Nations custodian, had been drafted; the sponsors had preferred to submit the present paragraph to the Committee—a milder version, but one which compelled his delegation to raise the same objection of principle. It was true that the Conciliation Commission had for many years dealt with certain questions relating to refugee property; moreover, the Minister for Foreign Affairs of Israel had mentioned those matters on which there had been close co-operation between the Commission and the Government of Israel, based on the voluntary consent of that Government and subject to Israel legislation.

27. He regretted that the Israel delegation was unable to vote for the revised United States draft resolution (A/SPC/L.98/Rev.1). The original text had repeated operative paragraph 2 of resolution 1856 (XVII). In that resolution his delegation had found the provisions relating to paragraph 11 of resolution 194 (III) unacceptable, but had voted for the second part of operative paragraph 2 which did not mention paragraph 11 because it had always co-operated with the Conciliation Commission in its efforts to bring the parties to agreement. It had been his Government's understanding that after the adoption of resolution 1856 (XVII), the Conciliation Commission's terms of reference would no longer be linked to the provisions of paragraph 11. Mrs. Meir had stated at the 410th meeting that the talks between the United States Government and the Government of Israel had taken place without preconditions as to the nature of the eventual solution of the problem, as the Conciliation Commission had stated in paragraph 2 of its twenty-first progress report (A/5545), and that the Israel Government would not have entered into the talks on any other basis. He was authorized to state that his Government's position remained unchanged with regard to any future

<sup>6/</sup> *Ibid.*, Third Session, Part I, First Committee, 226th meeting.

<sup>7/</sup> *Ibid.*

<sup>8/</sup> *Ibid.*

talk on the matter. Thus, the United States Government knew very well that the Israel Government was not prepared to accept paragraph 11 as a basis for discussion. The revised text of the draft resolution went back to the text of paragraph 4 of resolution 1456 (XIV), which his delegation had voted against and on which twenty other delegations had abstained because they had shared Israel's misgivings as to the wisdom of such a provision. Experience had shown that those misgivings had been fully justified.

28. In any case, his delegation did not doubt that the United States Government was motivated by a desire to solve the problem of the refugees once and for all by integrating them in the region. That objective, his delegation was convinced, could not be achieved by reverting to the discredited formula of implementing paragraph 11. By making that last-minute change, the United States had made operative paragraph 4 of its draft resolution more acceptable to one party, but wholly unacceptable to the other. That observation must not be taken to imply that the Israel delegation attributed any validity to the interpretation of paragraph 11 given by the representatives of the Arab States; as it had already said, their interpretation was not only unfounded but potentially dangerous. It would be regrettable if a fresh endorsement of such a controversial paragraph should give a stimulus to Arab belligerence. He asked whether the United States delegation gave the same interpretation as Israel to the words "the refugees wishing to return to their homes and live in peace with their neighbours" which appeared in paragraph 11 of resolution 194 (III), namely, that those refugees would have to become loyal citizens of the State of Israel, respecting its constitution and its laws. Had it succeeded in persuading the Arab States that that was the interpretation that should be put on paragraph 11? If not, his delegation did not understand why paragraph 11 had been reinstated in the operative paragraph dealing with the mandate of the Conciliation Commission.

29. With regard to draft resolution A/SPC/L.100 and Add.1, he noted that the sponsors, drawn from different regions, maintained normal and friendly relations with both Israel and the Arab States concerned, and had no direct involvement in the dispute. It was a spectacle unique in the annals of the United Nations that a group of Member States should be attacked for suggesting that the parties to a dispute should seek a peaceful solution. He believed that the moral position of the sponsor countries was impregnable and in full accordance with the spirit of the eighteenth session of the General Assembly.

30. To explain the refusal of their Governments to negotiate, the representatives of the Arab States contended that resolution 194 (III) excluded the refugee question from the scope of negotiations between the States concerned. They also contended that in any case the host countries were not parties to the dispute. In fact, the General Assembly had addressed those Governments from the very beginning; the Conciliation Commission dealt with them and only with them; they had been parties to the negotiations that had taken place, and the refugee problem had always been on the agenda of those negotiations. If the Security Council and General Assembly resolutions of 1948 and 1949 were examined closely, it would be found that the General Armistice Agreements were regarded as one stage in the process of pacification, the next stage being negotiations between the five Governments

that had signed the General Armistice Agreements, with the help of the Conciliation Committee and under the auspices of the General Assembly. How had the Conciliation Commission interpreted the mandate given it by resolution 194 (III)? The representative of Iraq had tried to show at the 410th meeting that the Commission had accepted the view that paragraph 11 lay outside the scope of the general negotiations between the Governments called for by paragraph 5 of that resolution. But the sentence from the Conciliation Commission's first progress report<sup>2/</sup>, which he had quoted to support his argument had been taken out of context. The opposite was the case: the Conciliation Commission had always regarded the refugee problem as an integral part of the outstanding issues and of an over-all settlement, as was clear from the subsequent paragraphs of that same progress report and from paragraph 18 of the second progress report,<sup>10/</sup> according to which the Arab States, except Iraq, had no longer insisted on the settlement of the refugee problem before conversations on other outstanding questions could take place. It should also be remembered that in 1949 and 1950 Egypt, Jordan, Syria, Lebanon and Israel had taken part in a series of talks held at Lausanne, Geneva and Paris under the auspices of the Conciliation Commission in which the refugee problem had occupied a prominent place and the declared objective of which had been an over-all settlement. In its tenth progress report<sup>11/</sup> the Commission had explained its position on resolution 194 (III) and the relationship between the various paragraphs. On that basis, the Commission had then put forward detailed proposals on the problem as a whole. Thus, past resolutions and the history of the negotiations established clearly: first, that the General Armistice Agreements had been concluded between Israel and each of the four neighbouring Arab States; secondly, that the parties to the Armistice Agreements had been called upon to negotiate a final settlement of all outstanding differences between them; thirdly, that one of those outstanding differences to be resolved by negotiation between the Governments concerned had been the refugee problem; and fourthly, that, in the view of the Conciliation Commission, that problem was bound up with the other issues in dispute and could not be dealt with in isolation.

31. Since 1959, when the General Assembly had requested the Conciliation Commission to intensify its efforts for the implementation of paragraph 11 of resolution 194 (III), the Commission had dealt exclusively with the same five Governments as before, namely, Jordan, Lebanon, Syria, the United Arab Republic and his own country. Resolution 1725 (XVI) explicitly urged the Arab host Governments and Israel to co-operate with the Commission in that regard. Lastly, the twenty-first progress report of the Conciliation Commission (A/5545) referred to a series of quiet talks with the parties concerned—Israel, Jordan, Lebanon, Syria and the United Arab Republic—which the United States might initiate. Draft resolution A/SPC/L.100 and Add.1 was thus in exact conformity with past resolutions and practices concerning the two points on which it had been attacked, namely, that the refugee problem must be negotiated and that the parties to that negotiation were the Government of Israel on the one hand and the Governments of the

<sup>2/</sup> *Ibid.*, Fourth Session, Ad Hoc Political Committee, Annex, vol. II, document A/819.

<sup>10/</sup> *Ibid.*, document A/838.

<sup>11/</sup> *Ibid.*, Sixth Session, Supplement No. 18.



four Arab host countries on the other. No other negotiating party had ever been recognized in the matter by any United Nations organ. The draft resolution departed from those submitted at the sixteenth and seventeenth sessions in that it confined itself to the refugee problem since that was the only issue between Israel and the Arabs on the agenda of the present session. In agreeing to negotiate directly with the Arab Governments concerned in the matter of the refugees, as the Minister for Foreign Affairs of Israel had announced (410th meeting), in agreeing to support an appeal restricted in that way, the Israel delegation and its Government were making a far-reaching concession. However, if the Arab States refused to negotiate, if they insisted that they were not a party to the question, the Government of Israel was not a party to it either. It was the duty of the Arab States to negotiate, not only because the United Nations had asked them to do so, but also for practical reasons, namely, the integration of hundreds of thousands of persons in the region and the settlement of compensation claims. The Arab States were parties to the dispute whether they liked it or not, for they had made themselves parties by continuing to conduct themselves towards Israel as belligerents, by arming their people for the purpose of eliminating Israel from the map of the Middle East, by subjecting Israel to boycott and blockade, by refusing any accommodation and rejecting every suggestion that the refugees should be absorbed in a peaceful manner. It followed that the Arab leaders of the Middle East bore a heavy responsibility, and that the question of peace was in their hands: if they had no aggressive intentions against Israel, if they were willing to seek peaceful solutions, some quiet talking between the host countries and Israel would be in the obvious interests of the Arab refugees. That was the letter and the spirit of draft resolution A/SPC/L.100 and Add.1 which the nineteen Powers had had the courage and the sense of international responsibility to put before the Committee.

32. Mr. TINE (France) said that while his delegation had felt it wiser not to take part in the general debate, it had nevertheless followed the discussion closely and had tried to maintain a spirit of impartiality. As a member of the United Nations Conciliation Commission for Palestine, France had every reason to desire the settlement of a problem which was so important from both the humanitarian and the political point of view. He sincerely regretted the forthcoming departure of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); he wished to congratulate the Commissioner-General on the constructive work he was leaving behind, in particular on what he had done for the vocational training of young refugees. The work done in that field was one achievement which justified the demands made upon contributing States. The unanimous praise which had been addressed to the Commissioner-General was a source of satisfaction to the contributors and should encourage all countries to join in the common effort. For its part, the French Government had decided, in response to the appeal in operative paragraph 5 of General Assembly resolution 1856 (XVII), to increase its annual contribution by 282,000 francs, or more than 25 per cent, beginning in 1964. It had also decided to establish an audio-visual centre for the teaching of French at the Ecole normale of Siblino, in Lebanon. Since, irrespective of the amount of financial assistance available, it was to be feared that funds for education could be increased only by

reducing other expenditure and since refugee feeding unquestionably had to be maintained at the present level, it seemed more necessary than ever that relief should be stopped for those who were not, or were no longer, in need of it. The French delegation had in the past urged the host countries to co-operate in revising the relief rolls, and it fully supported the remarks of the representative of New Zealand (406th meeting) regarding paragraph 16 of the Commissioner-General's report (A/5513).

33. His delegation would not be able to support draft resolution A/SPC/L.99. The Conciliation Commission felt that it had acted prudently and impartially. As a member of that body, France could not but protest against the frivolous accusation that the Commission had exceeded its terms of reference. France was still willing to carry out its task in the Commission, which, it should be borne in mind, had no authority other than that freely conceded by the parties. In its task, France would be guided by considerations reflecting its friendship for the countries concerned and its very strong feeling that it was urgently necessary to put an end to a dangerous situation. Moreover, France could not accept the provision in the operative part which directed the Conciliation Commission along a path that might lead to measures deemed by one of the parties to the dispute to be incompatible with its sovereignty.

34. While his delegation understood the intentions of the sponsors of draft resolution A/SPC/L.100 and Add. 1, which suggested direct negotiations between the States concerned, it felt that rather than attempt to enact resolutions which, under existing circumstances, would not have the desired effects, the Committee should choose a solution like that in the United States draft resolution (A/SPC/L.98/Rev.1) which while more modest was also more realistic. If that draft resolution was criticized as being scarcely different from resolution 1856 (XVII), the reply was that nothing new had occurred in the meantime. So long as there was no basic change in the political context of the refugee problem, all Member States would have to join in continuing their patient effort and to contribute to the work of UNRWA, while each of the parties concerned would have to co-operate with the Conciliation Commission. It was to be hoped that draft resolution A/SPC/L.98/Rev.1 would be adopted by a heavy vote, for that would have the effect of counteracting the harmful effects of a debate that had sometimes taken on an unfortunate tone. The violence of some of the remarks, even if it underlined the emotional side of the problem, was not really excusable and served only to damage the speakers' cause, as did the threats of force heard during the debate. However, those regrettable manifestations had not affected the policy of the French delegation, which remained confident that ultimately moderate and realistic views would prevail.

35. Mr. Mahmoud RIAD (United Arab Republic) recalled that during the general debate he had mentioned the new tactics of the Israel spokesmen, who for years had been advocating direct negotiations with the Arab countries for the settlement of the refugee problem. He had pointed out that such appeals for negotiations, apart from the fact that they were neither sincere nor constructive, sought only to perpetuate aggression, legalize a crime, undermine the fundamental rights of the Arab people of Palestine and sabotage the mandate of the United Nations with

regard to those rights. It was to be hoped that the Committee would reject the Israel thesis.

36. He felt it his duty to explain the implications of draft resolution A/SPC/L.100 and Add.1. He was speaking, in particular, to the sponsoring delegations, who did not seem to be fully aware of its implications for the fundamental rights of the Arab people of Palestine.

37. First, draft resolution A/SPC/L.100 and Add.1 ignored the existence of the Arab people of Palestine and its right to be considered as the principal party to the problem. However, there was no power which could deny the existence of that people or its national identity. Consequently, the draft resolution automatically fell within the design of Israel, which was to do away with the Arab people of Palestine in one manner or another.

38. Secondly, the right of the Palestine refugees to return to their homes and recover their property was so basic that it was not negotiable. It was an inalienable right of every Palestinian and similar to the right of everyone to be free. In neither case could there ever be any question of negotiations or bargaining. In that connexion he recalled the statement made by Mr. Ahmed Shukairy at the 407th meeting that a people's homeland did not admit of negotiation or compromise.

39. He would like to dispel some of the confusion: draft resolution A/SPC/L.100 and Add.1 was evidently an attempt to tailor the principle of peaceful settlement of international disputes to Israel's designs. Needless to say, the United Arab Republic had always upheld that great principle, which was laid down in the United Nations Charter. It had reaffirmed it in particular at the Conference of African and Asian States, held in Bandung in 1955; the Conference of the Heads of State or Government of the Non-aligned Countries, held in Belgrade in 1961, and the Summit Conference of Independent African States, held at Addis Ababa in 1963, and he personally adhered fully to what he had said in the Security Council in 1962, when the Council was considering the dangerous situation in the Caribbean. However, the peaceful settlement of international disputes was one thing; to use it as a means of denying to a people any of its sacred rights was another. Moreover, it was obvious that what was under consideration was not a dispute between the Arab States and Israel but a situation brought about by the Israel authorities who were defying the United Nations, which had repeatedly recognized in its resolutions the inalienable rights of the Palestinian refugees. The responsibility of the Organization was the greater for the fact that the United Nations had been used as a vehicle in bringing about the plight of the Arab people of Palestine.

40. Thirdly, the General Assembly had declared, at session after session and in terms that were unequivocal, that the Arab refugees of Palestine were entitled to return to their homes. Instead of calling upon the Israel authorities to respect those resolutions, the sponsors of draft resolution A/SPC/L.100 and Add.1 called for negotiations. That could only serve Israel's purpose, which was to render the resolutions ineffective. He submitted that the draft resolution in question was inconsistent with United Nations resolutions.

41. He wondered whether the delegations which had sponsored the draft resolution were aware that by undermining United Nations resolutions they would leave the Arabs of Palestine without any hope in the

United Nations. Could not the Arab people of Palestine then be expected to look for other means, outside the United Nations, of regaining their rights, means that might jeopardize peace and security in the Middle East?

42. He also wondered whether those delegations knew that the General Armistice Agreements had been concluded between four Arab countries and the Israel authorities in accordance with a Security Council resolution, but that only a few years after the conclusion of the Egyptian-Israeli Armistice Agreement, the Israel Government had considered itself no longer bound by it and had declared it to be dead. If the sponsors realized that the General Armistice Agreements constituted an important element of peace in the Middle East, would they be equally enthusiastic about putting forward a draft resolution calling upon Israel to respect the General Armistice Agreements? If they recognized that the Arabs of Palestine had political and human rights, would they understand that it was not by sponsoring a resolution of the kind in document A/SPC/L.100 and Add.1 that they would be able to ensure the implementation of those rights, but only by exerting pressure on Israel?

43. In fact, draft resolution A/SPC/L.100 and Add.1 sought to convince the Committee that there was no solution to the problem of the Palestine refugees. That was why it renewed an appeal to the Governments concerned to undertake direct negotiations with a view to reaching agreement. Yet for fifteen years the General Assembly had reaffirmed the position it had taken in paragraph 11 of resolution 194 (III): that the Palestine Arabs should be enabled to return to their homeland. That was the solution, but some people refused to see it. It was astonishing to see among the co-sponsors of draft resolution A/SPC/L.100 and Add.1 delegations which had initially endorsed paragraph 11 of resolution 194 (III) and had consistently reaffirmed it ever since.

44. During the debate on the apartheid policy of the Government of the Republic of South Africa, the Minister for Foreign Affairs of Denmark had suggested (1215th plenary meeting) various measures for bringing pressure to bear on the South African Government to make it comply with the resolutions of the United Nations. He had welcomed that lead, which in his view would have helped to open a new chapter in the relations between Europe and Africa. He was therefore surprised to see Denmark as a co-sponsor of draft resolution A/SPC/L.100 and Add.1, and regretted that inconsistency in the attitude of the Danish delegation, particularly since it concerned political and basic human rights.

45. He therefore urged the Committee to vote against draft resolution A/SPC/L.100 and Add.1. The amendment just submitted by the United States representative to his own draft resolution and the explanations he had made needed a careful study by the delegation of the United Arab Republic and perhaps private consultations, especially with the Palestine Arab delegation. He himself would therefore refrain from commenting on the other draft resolutions for the time being.

46. Mr. NAVIA (Colombia) said that ever since 1948 the General Assembly had been adopting resolutions on the matter which reflected its good faith and its explicit desire to protect and satisfy the various conflicting interests in that human tragedy while respect-

ing fully the principles laid down in Article 1 of the Charter.

47. The bitterness of the actors in that drama and its spectators was understandable and even justifiable. Yet those capable of analysing the problem must not be content to act as impartial observers but must help to bring about an understanding between the two parties to the dispute.

48. He paid tribute both to the Arab civilization and to that of the people of Israel. At the Second Ecumenical Council the Catholic Church had considered the Jews not as a race or a nation but as the chosen people of the Old Testament. That attitude could in no way be called political.

49. It was impossible to believe that quarrels between peoples must be fed daily on hatred and vengeance; that mentality was contrary to the Christian concept of society. The United Nations, which had been born from the ruins of the Second World War, had tried in many ways to bring about peace. In the case of the Palestine refugees its co-operation had profound humanitarian significance, and Mr. Davis, the Commissioner-General of UNRWA, acting on its behalf, deserved the gratitude of the whole world for his devotion. The Conciliation Commission also deserved praise for its efforts and should be encouraged to continue its work. Indeed, the criticisms made during the discussion, which were based more on passion than on reason, were unjust and contrary to the rightful interests of the parties.

50. It was essential to stop aggressive talk about the refugee problem and obstinate arguments which could lead to no practical results. The problem must be simplified to avoid creating new situations which might degenerate into conflict. The hard political facts surrounding the creation of the State of Israel could not be reversed. All continents had recognized the existence of Israel and its personality as a sovereign and independent State with which they must maintain diplomatic relations under international law. New ways of promoting reconciliation must therefore be found. It was not the first time in history that a problem of that nature had arisen, but it could only be solved by a policy based on the brotherhood of mankind.

51. It was deplorable that some representatives should have passionately raised a number of secondary questions not directly related to the facts of the problem. There had been discussions on precedence in the submission of draft resolutions and on the credentials of a representative, and the Committee had lost itself in subtle interpretations of the rules of procedure. Unfortunately none of that helped to tone down dissension or improve the disastrous lot of the refugees.

52. On the whole the three draft resolutions had a number of points in common, since they were in line with the logical attitude towards the problem adopted by the United Nations; but there were also essential differences between them. The United States draft resolution (A/SPC/L.98/Rev.1) followed the same lines as General Assembly resolution 1856 (XVII). The draft resolution submitted by Afghanistan, Indonesia, and Pakistan (A/SPC/L.99) said nothing about

payment for the assistance which must still be given to the refugees. Moreover, operative paragraph 3 as presently worded might violate Article 2, paragraph 7, of the Charter.

53. Draft resolutions A/SPC/L.98/Rev.1 and A/SPC/L.99 both mentioned paragraph 11 of resolution 194 (III) relating to the choice between repatriation and compensation. Yet under the latter resolution a Conciliation Commission had been established with instructions "to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them". Draft resolution A/SPC/L.100 and Add.1 renewed an appeal to the Governments concerned to undertake direct negotiations—with the assistance of the Conciliation Commission for Palestine, if they so desired—with a view to finding an agreed solution for the question of the Arab refugees. It was thus in line with the ideas expressed in the United States draft (A/SPC/L.98/Rev.1). The resolutions adopted by the General Assembly, all of which arose out of resolution 194 (III) and were reaffirmed in the United States draft, offered a satisfactory way of solving the refugee problem. The goal of the General Assembly should therefore be to co-operate with the Conciliation Commission and, if necessary, to prolong its life. There should be an end to unfair criticism of the Commission; instead the hope should be expressed that its good offices would be crowned with success. The most important contribution which Member States could make was, of course, to show good will and understanding—an attitude particularly needed among those States in which the tragedy had occurred.

54. In his statement at the 398th meeting the Commissioner-General of UNRWA had recalled certain fundamental facts which had to be taken into account if the problem of the refugees was to be solved. Mr. Davis's statements should have great influence on those who wanted to find a speedy and satisfactory solution. What was needed in the meantime, however, was international solidarity and material, moral and financial assistance in alleviating, if not eliminating, the plight of the refugees. Mr. Davis could see no way of meeting that need except to maintain UNRWA as long as necessary.

55. Colombia had always supported all measures for improving the fate of the refugees, and its stand had always been dictated by its desire for peace. It had always respected the feelings of the Middle Eastern countries, with which it had maintained and developed diplomatic and commercial relations.

56. Conscious of its responsibilities as a Member of the United Nations, Colombia considered that draft resolution A/SPC/L.98/Rev.1 and draft resolution A/SPC/L.100 and Add.1 contained constructive elements which might enable a solution to be found for the problem of the refugees. The Colombian delegation would therefore vote for those two draft resolutions. It would, however, abstain from voting on draft resolution A/SPC/L.99 because of the contents of operative paragraph 3 and the reservations concerning the Conciliation Commission.

The meeting rose at 1.35 p.m.