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*Chairman: Mr. Carlet R. AUGUSTE (Haiti).*

AGENDA ITEM 35

Reports of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (continued) (A/5813, A/6013; A/SPC/103-106, A/SPC/L.112/Rev.1)

1. Mr. FOLCHI (Italy) pointed out that the Commissioner-General's report contained two main requests: first, that the Agency's operations should be extended for a reasonable period of time, and secondly, that its activities should be expanded by the inclusion of new categories of Palestinians as beneficiaries of its assistance. With regard to the first point, he recognized the validity of the reasons put forward for not limiting the new mandate to a period of twelve months. However, if full advantage was to be taken of an extension of its mandate, the Agency must make an effort of imagination and planning and strive to reach an understanding of the exact nature and size of the problem. It would therefore be desirable, before taking any decision on the second request—that welfare activities should be expanded and new categories of beneficiaries designated—to attempt first of all to eliminate any uncertainties which still remained as to the categories of persons who were at present entitled to receive assistance. At the 432nd meeting, the Commissioner-General, introducing his report (A/6013), had said that difficulties had arisen from the outset because of the inscription of ineligible persons on the ration lists without verification, the registration of some persons more than once, perhaps at different registration centres, and other false or fictitious registrations. He had added that the rectification of the ration lists would not in the end result in any savings, since a large number of people were awaiting consideration for rations, so that names removed from the lists would be replaced by others.

2. His delegation shared the view of the Commissioner-General, and considered that there should be no attempt to make savings in the Agency's budget at all costs. Italy was indeed considering an increase in its own future contribution, subject to certain conditions; and in that connexion he wished to say that it could not help but notice the contrast between the

tone, sometimes highly emotional, of the statements made by certain countries in the Committee and the fact that they had as yet made no practical effort to help the refugees.

3. Thus his delegation believed it was justified in asking that a new attempt be made, through a careful revision of the lists, to eliminate one of the obstacles to an extension of assistance, particularly to the thousands of children who were now excluded from it—the more so since the difficulties, as the Commissioner-General had said, did not concern the principle of revision itself but only the choice of methods for carrying it out.

4. He had expressed the above view all the more frankly because his Government was not unaware of the arguments in favour of an expansion of assistance activities. It merely considered that a number of conditions must be met before embarking on that expansion: a systematic revision of the lists of current beneficiaries, although it might well not be reflected in economies for reasons which his delegation could quite well appreciate, nonetheless constituted one of the necessary conditions which must be met if a decision to extend the Agency's assistance to other categories of Palestinians was to be taken in full awareness of the financial consequences. Otherwise, even those who, like the Italian Government, were actively sympathetic to the work of the Agency, would have difficulty in responding to the Commissioner-General's appeal for additional effort. His delegation would be grateful if in his next report the Commissioner-General would take steps to reassure the member Governments on the first point and enlighten them on the second, so that they had a satisfactory basis on which to consider the matter.

5. It was scarcely necessary to observe that in the last analysis peace and security could only be ensured by an equitable settlement of the whole complex of issues, due consideration being given to the legitimate interests of all the parties concerned. That meant that without the political concurrence of those parties no programme of the Agency, however extensive could solve the tragic problem of the refugees.

6. Mr. AL-RASHID (Kuwait), while thanking the Commissioner-General for his excellent work, said that he had certain reservations to make on some of the conclusions of the report, especially those relating to the reduction in the number of recipients for rations and the proposed criteria for eligibility. In that regard, he supported the observations made by the host countries.

7. There was no doubt that the Agency should continue its humanitarian task, which was one of the

primary responsibilities of the United Nations. In fact, the humanitarian aspect of the Palestine problem was only an offshoot of the larger political question which the United Nations had helped to create. His delegation supported a five-year extension of the Agency's mandate. International assistance to the needy should not be limited by budgetary restrictions with political overtones.

8. The problem of Palestine, arising from the intrusion of outside elements in that country, had been a subject of concern to the United Nations for more than seventeen years, and it was disappointing to note that no progress whatsoever had been made towards its solution and that no attempt had been made to deal with the fundamental issues involved. In fact, the present situation was a consequence of the categorical opposition of the Zionist authorities to an equitable solution. At the 433rd meeting, the Israel representative had affirmed that in 1948 Palestine had ceased to exist as a territorial entity on the map.

9. That attitude was not new, but such unilateral declarations would never, either now or in the future, remove a country from the map of the world. Israel's admission to the United Nations had been the result of a scandalous international conspiracy. That was why the Arab people of Palestine had legitimately continued to refuse to recognize the sovereignty of the State of Israel, which had been illegally proclaimed. Consequently, the people of Palestine had the right to use every means at their disposal to restore their national identity. Neither Israel nor the United Nations could contest that fundamental right of the people of Palestine or dismiss their case by any unilateral or collective action. The right of self-determination of the people of Palestine was guaranteed to them by the Charter of the United Nations, and no power could prevent them from exercising their right to re-establish themselves in their homeland.

10. It was quite apparent that the United Nations Conciliation Commission for Palestine had failed in the task entrusted to it by the Assembly. However, the failure of the Commission and the inability of the United Nations to implement its own resolutions did not in any way nullify those resolutions or the rights recognized in them. Nor was the United Nations absolved from its obligation to implement the resolutions, whether through the Conciliation Commission or through some other United Nations agency. Neither a unilateral declaration by one of the parties directly involved, nor the passage of time, nor the failure to implement the resolutions could in any way render them invalid.

11. His delegation regretted to see that certain Member States had expressed an intention to reduce their contributions to UNRWA, when those same States were responsible, as was the United Nations as a whole, for that human tragedy. The Arab States, especially the host countries, had made substantial contributions towards the welfare of the refugees, as the Commissioner-General had acknowledged, but the degrading living conditions of those unfortunate people, whose daily rations cost less than 4 cents per person, clearly showed the inadequacy of the services pro-

vided by the Agency. It had to be noted that, as the representative of Yemen had said at the 444th meeting, the value of the property which the Arabs of Palestine had had to leave behind was considerable and that the income from it would be sufficient to provide the rightful owners with the standard of living to which they had been accustomed in their own country. His delegation therefore called for the immediate appointment of United Nations custodian to protect the rights, interests and property of the Palestinians pending their repatriation.

12. It had frequently been stated that the only realistic solution to the Palestine problem was the resettlement of the Arab refugees in the Arab world. That was a mistaken point of view; any solution must be in keeping with the wishes and interests of the people of Palestine, who had repeatedly affirmed their desire to return to their homeland, a fact confirmed by the present Commissioner-General, Mr. Michelmore and the former Commissioner-General, Mr. Davis, who had concluded that it was not economically feasible to resettle the Arab refugees in the Arab countries.

13. The Israel delegation had spoken of the immigration into Israel of Jews residing in Arab countries, and had suggested the idea of an exchange of populations. But no real analogy could be drawn between the Jews from Arab countries, who were few in number and who had left the Arab countries of their own free will, and the Arab refugees from Palestine, who represented an entire nation and who had been driven from their own land by the Zionist terrorist gangs.

14. The representative of Israel and the Zionist authorities had attempted to contest the validity of General Assembly resolution 194 (III) or distort the meaning of its text. Paragraph 11 of that resolution read:

"Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date . . .".

Those words were perfectly clear and were not open to distortion.

15. Several delegations had said that the problem of Palestine should be solved through direct negotiations. His delegation wished to point out, however, that a homeland could never be the object of negotiations, and that a solution that did not take into consideration the fundamental rights of the Arab people of Palestine to their homeland and national sovereignty could never be accepted. Furthermore, a solution could only be obtained with the consent of the people of Palestine through their legitimate representative, the Palestine Liberation Organization. Despite the cynical attitude adopted by some Member States towards the struggle of smaller nations for their independence, the Arabs of Palestine, who had waited in vain for the restoration of their rights by peaceful means, now believed that national duty made it an obligation for them to defend their integrity and sovereignty by any means at their disposal.

16. Zionist aggression continued to pose a grave threat to the stability of the area and to international

peace in general. The Government of Israel, to further its expansionist designs, was pursuing a policy of immigration which Count Bernadotte had foreseen in 1948, as could be seen from paragraph 26 of his report to the Security Council.<sup>1/</sup> It was that same policy that Mr. Ben Gurion had been advocating when he spoke of Israel's "historical mission". Israel's expansionist designs had for the past seventeen years put a considerable strain on the resources of the developing Arab countries, which were obliged to defend themselves against eventual aggression by Israel and thus had to waste resources that could have been used for the economic development of the region, thereby affording a better standard of living for the people.

17. Mr. Tannous, a member of the delegation of the Palestine Liberation Organization, had spoken (437th meeting) of the ties that bound the Arabs of Palestine into a community of over 2 million persons. It was to be hoped that the restitution of the lawful rights of those people would be achieved by peaceful means, through the United Nations, rather than through the use of force, which would cause great suffering and sacrifice and would be a severe defeat for the United Nations. Any solution that was not based on right and justice was bound to fail. The Organization must act according to its moral obligations.

18. The CHAIRMAN, in pursuance of a decision taken by the Committee at its 440th meeting, invited Mr. Nakhleh to address the Committee.

*Mr. Nakhleh took a place at the Committee table.*

19. Mr. NAKHLEH (speaking as a member of the Arab Higher Committee for Palestine in accordance with the decision taken by the Special Political Committee on 27 October 1965, such decision not implying recognition of the Arab Higher Committee) said that the Palestine Arabs must be viewed as people with human dignity, feelings and national aspirations who were entitled to something more than a few cents of charity per person per day. The Palestine Arabs were a nation; they had an ancestral homeland, and owned more than 94 per cent of the land of Palestine. They were the descendants of the people who had clung tenaciously to the Holy Land for more than 4,000 years. Before the First World War, Palestine had been part of the vilayet of Beirut; its population had had six representatives in the Ottoman Chamber of Deputies and had enjoyed self-government. In 1919, Palestine had been recognized by article 22 of the Covenant of the League of Nations as a provisionally independent nation, subject to the rendering of administrative advice and assistance by a mandatory until such time as it was able to stand alone. Numerous other Asian and African countries had also been placed under class A or class B mandates at the same time; all had obtained independence and freedom, and had become Members of the United Nations.

20. The people of Palestine were no less qualified to exercise their right to self-determination than any nation in Asia, Africa, Latin America and many countries in Europe. The Palestine Arabs numbered 2.25 million—a figure higher than the population of

twenty-five States Members of the United Nations. There was no reason why the principle of self-determination, the human rights and the fundamental freedoms guaranteed by Article 1 and 73 of the United Nations Charter, General Assembly resolution 637 (VII) and the draft International Covenants adopted by the Third Committee in 1955 should not apply to Palestine.

21. When the British Mandate had come to an end on 14 May 1948, sovereignty in Palestine had reverted to its lawful citizens, who, by virtue of the principle of self-determination and the other principles of the Charter, were entitled to accede to independence and to membership in the United Nations. They had been unable to exercise that right because the Zionists, resorting to aggression and massacre, had violated the territorial integrity of Palestine, expelled the Arabs and usurped their property.

22. The Zionists had in 1948 adopted two courses of action: political means and aggression. The political course had been the so-called proclamation of independence made on 14 May 1948 by Zionists—most of whom were not Palestine citizens—at the very moment when the United Nations General Assembly was meeting in an attempt to find a solution to the problem. That proclamation was contrary to the resolution (46 (1948)) by which the Security Council, twenty-eight days previously, on 17 April 1948, had called upon all Arabs and Jews to refrain, pending further consideration of the future government of Palestine, from any political activity that might prejudice the rights, claims or positions of either community. It thus had no validity under international law, and the Palestine Arabs had lost none of their rights by that illegal action.

23. Nor, from the point of view of the rules of international law relating to occupation and conquest, could any validity be attributed to the régime which the Zionists had imposed on Palestine. All authorities on international law had recognized that military occupation did not extinguish a nation, that conquest was not a source of sovereignty, that an occupant had no right to change the constitution or internal administration of an occupied territory or to establish a new State, and that an occupant was forbidden to violate the rights of the inhabitants of an occupied territory or to order transfers or deportations of the inhabitants.

24. Reviewing the events that had led to the expulsion of the Palestine Arabs from twelve towns and 800 villages, he said that, from November 1947 until March 1948 the Arabs had been in full control of 82 per cent of Palestine. At the end of March 1948, the Zionists, defeated on all fronts and desperate, had exerted pressure on the British Government to prevent the supply of arms and ammunition to the Arabs, and had secured British consent to the execution of their "Plan D", which was an offensive aimed at occupying Palestine, expelling its Arab inhabitants, and facing the United Nations with a fait accompli.

25. One of the operations in that offensive had been the massacre of Deir Yassin, which had been perpetrated in cold blood in order to terrorize the civilian population. By 12 April 1948, with the as-

<sup>1/</sup> Official Records of the Security Council, Third Year, Supplement for July 1948, document S/888.

sistance and thanks to the manoeuvres of the British armed forces, the Zionists had been able to expel 15,000 Arabs by terrorism. On 13 April they launched another operation aimed at expelling the Arabs from another area. Meanwhile, the Security Council had been convened, and on 17 April it adopted a resolution calling upon all organizations in Palestine to cease all activities of a military or para-military nature and to refrain from any political activity that might prejudice the rights, claims or positions of either community. On the following day, however, the Zionists invaded the city of Tiberias, and 4,500 Christians and Moslems, as well as 14,000 Arabs from neighbouring villages, were driven from their homes. That took place at the very moment when, in the General Assembly, the United States was submitting its proposals for the establishment of a trusteeship in Palestine. While delegation after delegation appealed for peace, the Zionists continued their plan: on 21 April they attacked Haifa, expelling its 60,000 Christian and Moslem Arab inhabitants, and the British forces, which had prevented the arrival of Arab reinforcements, supported the attack on the town and helped to evacuate its Arab inhabitants.

26. Encouraged by their success, by the support of the British forces and by the indifference of the United Nations, the Zionists intensified their operations with the object of expelling as many Arabs as possible before 14 May 1948, the date set for the expiration of the Mandate and the withdrawal of the British forces—which, it should be remembered, were still responsible for the maintenance of law and order and the protection of life and property.

27. Between 27 April and 15 May 1948, the date of the British withdrawal, the Zionists had made several attacks on towns and villages. On 27 April, 35,000 Arabs had been expelled, while in the villages loudspeakers had incited the inhabitants to flee by repeating "Remember Deir Yassin!". Other attacks had taken place on 28 April and on 3, 5 and 6 May, accompanied by massacres similar to that of Deir Yassin. On 7 May, 25,000 Arabs had been expelled from Safad and the surrounding villages. On 11 May the British forces had facilitated the occupation of Jaffa by withdrawing from the city and preventing the arrival of Arab reinforcements; 67,000 persons had been expelled from Jaffa and 15,000 from Beisan and its surrounding villages. Other attacks had taken place on 12, 13 and 14 May, resulting in the expulsion of 55,000 Arabs. On 14 May, the British forces had completed their withdrawal from Jerusalem, but before doing so had arranged that Zionist forces should occupy the neighbouring areas; there, too, loudspeakers had recalled Deir Yassin and 15,000 Arabs had left the area.

28. The Zionists had used other tactics to expel the Arabs from the occupied zone, such as spreading rumours among the Arabs that Jewish elements were going to burn their villages, a fact reported by Mr. Yigal Allon, one of the heads of the Haganah, in volume 2 of the book *Sefer Ha Palmach*.

29. With those conquests the Zionists had completed the first stage of their offensive. Before the expiry of the Mandate, the United Kingdom had seen to it that the Zionists were not only in control of the area

allotted for a so-called Jewish State but in occupation of many other Arab areas and the New City of Jerusalem. That Zionist offensive had been responsible for the expulsion of more than 300,000 Arabs from the occupied area.

30. Under pressure from the big Powers, the United Nations Security Council had closed its eyes to that atrocious Anglo-Zionist conspiracy. It had awoken from its slumber only when the League of Arab States had decided, as a regional organization, to send forces into Palestine. Between 17 April and 22 May 1948, when the Zionists had completed their plans, the Security Council had not adopted a single resolution. As the period of the truce had ended without the Security Council taking any effective steps to check Zionist aggression, fighting had resumed on 9 July 1948 and more than 150,000 Arabs had been expelled from the districts of Ramleh and Lydda. The offensives launched by the Zionists between 9 and 20 July had constituted the second phase of the conquest and expulsion.

31. Finally, during a third phase, beginning on 15 October 1948 and ending on 24 February 1949, over 200,000 more Arabs had been driven out.

32. All those acts had been carried out by an army composed of transplanted aliens, including 2,400 mercenaries recruited in the United Kingdom, France, South Africa, the United States and Canada, and more than 50,000 recruits trained in refugee camps in Europe and transplanted into Palestine before and after the end of the Mandate. Those forces had been equipped with tanks, aircraft and the most modern weapons obtained from the United Kingdom, the United States and other countries. There was thus every justification for speaking of foreign invasion and a war of aggression. Furthermore, that invasion and conquest had been carried out mainly under the British mandate, for the Zionists had occupied the greater part of the country before the expiration of the Mandate. The British forces had disarmed the Arabs, obstructed their movements and sabotaged their military effort. The facts showed that the occupation régime had been established by war and aggression. The Zionists had had no right to proclaim the birth of a new State against the will of the indigenous Arab majority.

33. The cause of the Palestine Arabs also rested on the doctrine of non-recognition. Under the principles of international law, the United Nations and its Member States would not recognize the Zionist régime, which was the fruit of aggression and conquest, and consequently could not admit the said régime to the Organization. According to the doctrine of non-recognition, territorial acquisition by means of war or the menace of war in the presence of an armed force was null and void. That was the meaning of the Briand-Kellogg Pact, and what had been known as the "Stimson doctrine", confirmed by the League of Nations in its resolution of 11 March 1962 and subsequently, in August 1932 and in 1933, within the framework of relations between the American countries. More recently the same principles—that illegality could not be a source of legal right—had been invoked by Dag Hammarskjöld, who had written: "... the organs of the United Nations have consistently

maintained that the use of force, contrary to the Charter as interpreted by those organs, cannot be permitted to yield results which can be accepted as valid by the Organization and as establishing new rights".<sup>2/</sup>

34. The inevitable conclusion, therefore, was, first, that the so-called Israel was not a State but the name given to an illegal occupation, and, secondly, that the régime established as a result of that occupation had no place in the United Nations. It might be wondered whether, if the Turkish minority in Cyprus were to expel the Greek majority, or if the European minority in Southern Rhodesia were to expel the African majority, the United Nations would recognize the States thus created. Of course it would not. By no standard could the Zionists possibly qualify as a peace-loving nation, after the war crimes they had committed.

35. The CHAIRMAN pointed out that there were still several speakers on the list for the present meeting. He asked Mr. Nakhleh to get to the point as soon as possible.

36. Mr. Nakhleh, continuing, said that the admission of the Zionist régime to the United Nations must be regarded as null and void. The records of the United Nations of 1948-1949 clearly revealed the pressure exercised at that time by certain big Powers to obtain the required majority for such an admission.

37. He drew attention also to article 17 of the Universal Declaration of Human Rights, which stated that no one could be arbitrarily deprived of his property. The laws of occupation themselves prescribed that private property must be respected and that confiscated property must be restored to its rightful owners. The principle of restitution had been upheld by the United Nations in the territories of the former Axis Powers and it was recognized by special legislation in many countries. Furthermore, respect for private property had been confirmed by the Charter of the Nürnberg Tribunal and the judgments of the military tribunals after the Second World War. Reference might also be made to various resolutions adopted by the United Nations in 1946, 1947 and 1950, and to paragraph 3 of article 1 of the Draft international covenants on human rights.

38. All that did not prevent the Zionists from stating shamelessly that they had confiscated Arab property and integrated it into the economy of the country. What they had in fact done was to consolidate the results of their pillage. They were not the only culprits, however, for their guilt was shared by those Powers which had consistently aided the Zionist régime and used their influence in the United Nations to prevent the appointment of a United Nations custodian for Arab property in occupied Palestine pending a solution of the Palestine problem.

39. The Arabs of Palestine owned 94 per cent of the land of Palestine, as was shown by United Nations records. The appointment of a United Nations custodian would not only be legal and just; it would have a humanitarian aspect, too, for that provisional solution would help to alleviate the sufferings of the refugees.

40. The General Assembly, meeting recently at San Francisco, had proclaimed that mankind's greatest hope lay in an orderly world community under the rule of law. Must it be understood that those words did not apply to Palestine and its people, or that they were meaningless? If they were not empty words, it was the imperative duty of the United Nations to intervene to rectify the injustice in Palestine, put an end to the alien Zionist illegal occupation and neo-colonialism, and enable the indigenous population of Palestine peacefully to exercise their right of self-determination. The whole world would judge the United Nations by the outcome of the situation in Palestine. That situation was the result of the use the great Powers had made of the Organization, which by reason of the pressure brought to bear on it had been led to condone aggression and to recognize the fruits of war and conquest. It must not be forgotten that the League of Nations had collapsed because its members had condoned lawlessness and aggression, and that it was thus that the world had been plunged into a second world war.

41. The Arabs of Palestine, as a nation with a homeland, were determined to make all sacrifices for the liberation of the occupied part of that homeland. The Arab Higher Committee for Palestine, which was carrying on the national struggle and resistance of the Palestine Arabs, solemnly declared that the Palestine Arab people rejected any solution which did not totally vindicate the Palestine Arab national rights and was not intended to restore the national sovereignty which they constituted. No State or group of States had the right to speak on behalf of the Arabs of Palestine, to negotiate or accept on their behalf any solution or compromise whatever, or to impose representatives on them.

42. The Arab Higher Committee for Palestine considered that the Palestine problem could be easily resolved if the Western Powers wished to abide by the rule of law in international affairs. The United Nations could play an important role in bringing peace, freedom and happiness to the Holy Land if it would be guided by its Charter. It should also heed the counsel of His Holiness Pope Paul VI, who had stated (1347th plenary meeting) that the Organization gave sanction to the great principle that the relations between peoples should be regulated by justice and not by force. If that was the case, it must be so in Palestine too. The United Kingdom and the United States, in particular, in whose hands lay the key to a peaceful and just solution, must atone for the crime they had assisted in committing against Palestine and its people and endeavour to establish peace in the country, peace that could not exist without law and justice.

43. Mr. KARASIMEONOV (Bulgaria) said that the first conclusion to be drawn from the Commissioner-General's report and from the discussion was that the situation of the refugees was continuing to worsen in spite of the relief and assistance provided for them. To the existing difficulties were added new difficulties linked to the natural increase of a people that deserved the admiration of the entire world for its fierce determination to survive at all costs. The statement by Mr. Tannous (437th meeting) and the memorandum of the host countries (A/SPC/106), which was worthy

<sup>2/</sup> Official Records of the General Assembly, Sixteenth Session, Supplement No. 1A.

of special attention, provided additional information on the increasingly severe ordeals of the refugees.

44. The Bulgarian delegation agreed with the Commissioner-General's finding that the problem of the Palestine refugees had not become any less complex. Indeed, after seventeen years no solution was in sight, although UNRWA assistance had been regarded only as a kind of first aid which was to enable refugees to cope with a temporary situation. His delegation was therefore certain that the Commissioner-General faithfully interpreted the refugees' feelings when he wrote, in paragraph 6 of his report (A/6013), that their longing to return to their homes remained unabated. Such a firm position should be taken into serious consideration, and the Commissioner-General's annual reports should dispel the illusion, cherished in certain quarters, that time would bring a remedy for the crisis and that General Assembly resolution 194 (III) was a dead letter.

45. The Bulgarian delegation considered, on the contrary, that the resolution had lost none of its immediacy. It was wrong to try to interpret paragraph 11 of that resolution as making its provisions dependent on any pre-conditions. The time had come to reconsider the policy of non-application of the resolution, a policy which had made it impossible to reach a solution of the refugee problem and which constituted a menace to the peace not only of the Middle East but of the entire world. For that reason, all concerned should show their realism by accepting, as did the refugees themselves and the majority of Member States resolution 194 (III), in particular paragraph 11, as a basis for the solution of the Palestine refugee problem.

46. The CHAIRMAN requested the representative who wished to speak in exercise of the right of reply to confine their remarks, if possible, to five minutes each.

47. Mr. NEKROUF (Morocco), speaking in exercise of the right of reply, said that the representative of the authorities occupying Palestine had accused Morocco of maintaining a myth with regard to the expenditure of 10 cents per refugee and with regard to the parallel to be drawn between the Palestine refugees and a flow of Jewish refugees to present-day Israel.

48. After investigation, he was compelled to maintain that the amount spent on each refugee was 10 cents, in fact no more than 9 cents, per day. That was also stated by the host countries in paragraph 35 of their memorandum (A/SPC/106).

49. It was Israel that was trying to maintain a myth in speaking of Jews who were supposedly persecuted in their countries of origin and were migrating to Israel. Reviewing the history of Jewish immigration, he recalled the role of Herzl and Nathan Birnbaum at the first Basle Congress, in 1897, which they had persuaded to adopt the idea of a large-scale "Jewish colonization"—the term was Herzl's—of Israel, the idea of a recognition of that colonization by the world and the idea of forming an organization to bring about that immigration. As early as 1914 Mr. Weizmann had said that a million Jews could be established in Israel within twenty or thirty years.

In 1917, when the adoption of the Balfour Declaration had been secured, emphasis had again been placed on the establishment of a home in Israel. In 1919, in the memorandum they had submitted to the Peace Conference, the Zionists had raised the question of the Jews' historic title to Palestine. They had gone so far as to ask the League of Nations to promote Jewish colonization of Palestine. The White paper of 1939<sup>3/</sup> had halted the excesses of the Zionists but they had continued to bear the responsibility for the migration of Jews to Palestine.

50. The CHAIRMAN requested the Moroccan representative to be good enough to conclude his remarks in order that two other speakers could make their statements despite the lateness of the hour.

51. Mr. NEKROUF (Morocco) said that, unfortunately, he was obliged to quote numerous references in order to refute his opponent, who had attacked his country. He wished to show that it was not the Arabs among whom the Jews had lived who had prompted any Jewish migration to Palestine, since, as Mr. Ben-Gurion had said in 1955, "the State of Israel does not exist in itself but only as an instrument for the implementation of the Zionist ideal". The Jewish Agency had set up a "United Rescue Committee", which had worked with Nazis, and a "Committee for Illegal Immigration". He reviewed the stages of that illegal immigration, which had increased the Jewish population of Palestine to 650,000 persons just before May 1948; that figure had been given by Mr. Ben-Gurion in The people and the State of Israel and confirmed by Mr. André Falk in his article entitled "The perils of Israel". That migration had posed dramatic problems and had, again as Mr. Ben-Gurion had written, greatly stimulated generosity in the United States, although establishment on Israel soil had required an individual commitment which the new immigrants had refused to make.

52. The CHAIRMAN said that, to his regret, he must request the Moroccan representative to be good enough to conclude his remarks.

53. After an exchange of views between Mr. NEKROUF (Morocco), the CHAIRMAN and Mr. PACHACHI (Iraq), Mr. NEKROUF (Morocco) reserved the right to continue his statement at a later meeting.

54. Mrs. ROUSSEAU (Mali) said that the passing of time merely made the problem of Palestine more disturbing, the injustice more flagrant and the danger to international peace and security more menacing. After seventeen years, the question was still the test of the ability of the United Nations to ensure that the Charter was respected. It was right for the Committee to concern itself with the humanitarian aspect of the problem, which had been movingly described by Mr. Tannous, representing the refugees, especially since the natural growth in their numbers and the need to provide them with facilities for education and technical training, and with employment, created greater and greater difficulties, but it must not be forgotten that the problem was first and foremost a political one. A radical solution to the question before the Committee could scarcely be expected as long as

<sup>3/</sup> Palestine: Statement of Policy, London, H.M. Stationery Office, 1939 (Cmd. 6019).

the need for a final solution to the political problem had not been recognized, the activities of the Agency being no more than a palliative. As the Commissioner-General had said, injustice still festered in the minds of the refugees and their longing to return to their homes remained unabated.

55. The problem had its origin in the Balfour Declaration of 1917, which had violated all the rules of international law. General Assembly resolution 181 (II) concerning the partition plan for Palestine had been adopted only because certain influences had been brought to bear in the United Nations and because the small- and medium-sized States had not been sufficiently numerous at that time to ensure that law and justice prevailed. Those States regarded the events in Palestine as a violation of the right of self-determination. Although the General Assembly had acquiesced in the partition of Palestine, it had recognized in resolution 194 (III), and particularly in paragraph 11, the right of refugees to repatriation or compensation and had confirmed that right in no less than nineteen resolutions. It could not be repeated often enough that whole generations could not live on international charity and, as Mr. Coulibaly, the Permanent Representative of Mali, had said at the eighteenth session (405st meeting), it was unthinkable that the Palestine Arabs could agree to abandon their homeland for good.

56. Peace could not be restored in the Middle East until the refugee problem had been settled in accordance with the principles of law and justice. The failure of the United Nations to ensure compliance with its resolutions undermined confidence in their value and was liable as a result to weaken its position in the world.

57. Her delegation greatly appreciated the Commissioner-General's efforts to assist the refugees and supported his proposal that the Agency's Mandate should be extended for a period of five years.

58. Mr. COMAY (Israel), speaking in exercise of the right of reply, said that he wished to explain his delegation's position on the question of property abandoned by Arab refugees in Israel, which had been repeatedly raised in the course of the discussion, in particular by the representative of Cyprus at the previous meeting.

59. Various proposals concerning refugee property had been put forward at the last four sessions of the General Assembly, ranging from the safeguarding of the refugees' rights to the appointment of a custodian, and each time they had been withdrawn or rejected. In every case, the same question had arisen, namely, whether the United Nations could intervene directly with regard to private claims to property within the territory of a sovereign Member State. The answer could only be negative. First, property rights within the borders of any sovereign State were subject exclusively to the domestic laws of that State and the right of the State to regulate and dispose of property within its territory was beyond question. Secondly, the United Nations had no competence, under the Charter or otherwise, to intervene in the regulation of property rights as fixed by the legislation of any State. Thirdly, the situation was not altered by the

fact that the claimants were refugees, whether or not they received assistance from the United Nations.

60. The factual situation was the following: the properties abandoned by the Arabs had been taken over by the State many years previously, under special legislation, and had been vested in the Israel authorities, subject to Israel's voluntary offer to pay compensation for them. He referred to the statement made in the Committee on 15 December 1961 (318th meeting) by the Minister for Foreign Affairs of Israel, who had said, among other things, that when in March 1950 it had become clear that the Arab States were unwilling to make peace with Israel and that no large-scale repatriation of refugees was possible, the Knesset had enacted the Absentees' Property Law, which had vested the abandoned property in a State custodian. In 1953, those properties had been transferred to the Israel Development Authority so that they could be used for the purposes of national development.

61. There were many examples of States which had taken over private property for various reasons, with or without an offer of compensation, but no international body had ever claimed the right to intervene against the will of the State concerned and there had never yet been an international property custodian. If the position were otherwise, the United Nations would find itself in an impossible situation, since it would be faced with a multitude of private claims for compensation, involving a large number of countries, including, in particular, those which had raised the question.

62. It should be made clear that the Arab spokesmen's claim that 94 per cent of the land had been Arab-owned was highly exaggerated, since about 70 per cent of the area of Israel had been State Domain or Crown Land under the mandatory régime and thus had *ipso facto* become vested in the Israel Government. It was also a false assertion that Israel collected vast revenues from Arab refugee properties. On the contrary, as Mrs. Golda Meir had said, large sums had been spent on the property without any profit in the strict sense of the word, although the investment could be justified from the point of view of the national economy. There had been considerable co-operation between the Government of Israel and the United Nations Conciliation Commission for Palestine on the question of refugee property. The Government of Israel was always ready to participate in a comprehensive solution of the refugee problem by paying compensation for the property left in Israel, but it would want that solution to cover also Jewish property confiscated in the areas of mandated Palestine that were now occupied by Arab States and in other Arab countries from which some 600,000 Jews had departed.

63. In short, the Government of Israel continued to press for an honourable settlement of the refugee problem, with compensation for all rightful claimants. It was convinced that third countries would support any progress in that direction. It therefore invited them to reject once more any proposal that was incompatible with the sovereignty of States, which it could not itself accept and which would ultimately harm the interests of the refugees themselves.

The meeting rose at 1.35 p.m.