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Chairman: Mr. Charles T. O. KING (Liberia).

AGENDA ITEM 27

United Nations Relief and Works Agency for Palestine Refugees in the Near East (continued):

- (a) Report of the Director of the Agency (A/4213);
- (b) Proposals for the continuation of United Nations assistance to Palestine refugees: document submitted by the Secretary-General (A/4121)

1. Mr. COMAY (Israel), exercising his right of reply, said that he would not go into detail in answering the statement made by the representative of Saudi Arabia at the 149th meeting. He recalled that the Saudi Arabian representative had made known on many occasions his desire to see Israel destroyed; that was hardly a fruitful basis for discussion. He would confine himself instead to clarification of a subject which had been consistently misrepresented: the nature of the United Nations resolutions on the so-called Palestine question—in particular on the refugee problem—and the demand that they be "implemented" against Israel.

2. Of all the resolutions dealing with the subject, the most fundamental was resolution 181 (II), adopted by the General Assembly on 29 November 1947, which approved a scheme for partition with economic union. The Arab spokesmen, and the Arab Higher Committee in particular, had opposed that resolution from the outset, as would be seen from the reports of the United Nations Palestine Commission. On the termination of the British Mandate, the armies of the Arab States had invaded Palestine. Had the Arabs not taken up arms to defeat the Assembly resolution and to wipe out the infant State of Israel, there would never have been an Arab refugee problem. It was that same resolution which Arab spokesmen now asked the United Nations to implement.

3. The history of the resolutions dealing with the refugee problem, which more directly concerned the Committee, could be divided into two phases. From 1948 until the summer of 1949 it had been hoped that peaceful conditions would quickly be restored and that in that context—and only in that context—a large

number of refugees could simply be returned to their recently vacated homes. If the Arab States had then been able to "resign themselves to the presence of the Jewish State"—as the Mediator, Count Bernadotte, had said in his report (A/648)^{1/} and make their peace with it, the whole history of the refugees might have been entirely different. However, by the summer of 1949, the hopes of a rapid restoration of normal and peaceful conditions had faded and with them the prospects of a large-scale return of the refugees to their former homes. The emphasis had then shifted to a different and more long-range approach—the integration of the refugees into the economic life of the area as a whole. It was against that historical background that resolution 194 (III)—and in particular paragraph 11 of that resolution—as well as the subsequent resolutions, had to be interpreted. Any suggestion that paragraph 11 bestowed on the refugees an absolute "right of return" at their own option could only hamper the solution of the problem, as it would give them the impression that they could return to a past which no longer existed.

4. The phrase "right of return" although used by the Mediator, did not appear in the oft-quoted paragraph 11 of resolution 194 (III), which stated 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...". Obviously, they could be "permitted" to do so only by the Government of the country concerned, since the Assembly had no competence to confer on any person the right to enter the territory of any sovereign State at will. In considering whether to permit any refugees to return, Israel would obviously have to consider the situation as a whole: its relations with its Arab neighbours, the attitude of the refugees themselves towards it, security considerations and social and economic factors. Paragraph 11 did not bestow on the refugees an absolute "right of return", as the Arabs alleged, but laid down specific criteria—the criterion of peace and the criterion of practicability. Incidentally, the phrase "as soon as practicable" had been interpreted in 1948 by the Lebanese representative in the First Committee, without dissent from any other Arab representative, as meaning "when normal conditions had been restored".^{2/} The United States representative in the First Committee had expressed a similar view.^{2/} At no time since 1948 had the objective circumstances made it possible to meet those criteria and it had never become feasible to contemplate the return of a substantial number of refugees to Israel. The organic relationship between a return of refugees and the restoration of peace became clear when resolution 194 (III) was read as a whole, as it had to be. The preamble and all the paragraphs of that resolution demonstrated that its basic objective was the

^{1/} Official Records of the General Assembly, Third Session, Supplement No. 11.

^{2/} *Ibid.*, Third Session, Part I, First Committee, 226th meeting.

liquidation of the whole Israel-Arab conflict. That was the real reason why the resolution adopted by the General Assembly a few weeks earlier, on 19 November 1948 (resolution 212 (III)), had regarded assistance for the refugees as a purely temporary relief operation, for a period of nine months only.

5. Following the breakdown of the Lausanne meetings in 1949, as a result of the refusal of the Arab States to negotiate a final settlement, the Conciliation Commission for Palestine had initiated a more long-range policy based on a regional economic approach. One of the tasks of the United Nations Economic Survey Mission for the Middle East, which it had appointed, had been to draw up plans which would facilitate the integration of the refugees in the economic life of the region as soon as possible. That Mission had recommended the initiation of public works and development projects in the host countries which would create productive work for the refugees and so take them off the relief rolls. The terms of reference given to the United Nations Relief and Works Agency established in December 1949 under resolution 302 (IV) were *inter alia* "To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available". The renewed emphasis given to that basic approach in the Secretary-General's recent proposals was therefore not a new departure but a restatement of the fundamental and long-established United Nations position.

6. The central feature of resolution 194 (III) of 11 December 1948 and, in fact, of all the United Nations resolutions dealing with the question, had been the need for a negotiated agreement between the parties themselves—Israel and the Arab States. That was not surprising when one considered what the Assembly could and could not do under the Charter. In February 1947, Palestine had been a Territory administered under a League of Nations Mandate, and Great Britain, the Mandatory Government, had decided to lay before the United Nations the problem of determining the future of that Territory. It was in that context that the United Nations Special Committee on Palestine had been set up, by resolution 106 (S-1), to study the problem and that resolution 181 (II) of 29 November 1947 had been adopted. From May 1948, however, the role of the United Nations had altered fundamentally. There no longer existed a Mandate whose future had to be settled, but a dispute between existing States. The role of the United Nations had been transformed into one of conciliation between those States and that fact had been reflected in General Assembly resolution 194 (III) of 11 December 1948.

7. In spite of that change in the role of the United Nations, the representative of Saudi Arabia, speaking in the Assembly's general debate (808th meeting), had put forward a preposterous plan for settling the refugee problem in three years by dumping a million refugees during that time in different areas of the State of Israel. He wondered whether the Saudi Arabian representative imagined that the United Nations was going to take charge of the territory of a Member State, push populations into it, or pull populations out of it. Mr. Shukairy's advice was to proceed as if Israel did not exist at all and as if nothing had happened during the last dozen years. However, the United Nations could not live in a world of wish fantasies; it lived in the real world of today.

8. The Security Council had adopted an attitude similar to that of the General Assembly. The armistice agreements concluded by direct negotiations between the Government of Israel and the Governments of its four Arab neighbours, with the assistance of the Acting Mediator, Mr. Bunche, stipulated that they were to be regarded as a transition to an early peace. On 11 August 1949 the Security Council had adopted a resolution (S/1376, II)^{3/} expressing the hope that the parties would, by negotiations, achieve agreement at an early date on the final settlement of all questions outstanding between them. The fact that the conflict had not yet been resolved in accordance with those resolutions was due solely to the refusal of the Arab States to negotiate a settlement.

9. The suggestion made at the previous meeting that the Conciliation Commission for Palestine should implement the resolutions, as a substitute for a negotiated settlement, was not a new one, and the Assembly's previous experience in the matter had been discouraging. A group of Arab countries had placed on the agenda of the seventh session an item entitled, "The Conciliation Commission for Palestine and its work in the light of the resolutions of the United Nations." The objectives cited in the explanatory memorandum^{4/} had been the same as those which Mr. Shukairy had stated at the current session. The majority of the members of the *Ad Hoc* Political Committee had found no merit in the Arab proposal; on the contrary, the general feeling had been in favour of direct negotiations. The Arab delegations had then tried to have withdrawn from the agenda the item they themselves had proposed. The Committee had opposed that and had adopted a draft resolution^{5/} which recalled that it was the primary duty of all Member States involved in an international dispute to seek the settlement of such a dispute by peaceful means in accordance with Article 33 of the Charter, and once again urged the Governments concerned to enter into direct negotiations. However, the Arab delegations had succeeded, at the 406th plenary meeting, in blocking a two-thirds majority for the resolution.

10. Israel sought nothing from its neighbours but the chance to live in peace with them for the common good of the region as a whole. To that end, it was willing to meet with representatives of the Arab States, publicly or privately, and without any prior conditions whatsoever. Despite the discouraging precedents, the Israel Government still favoured that solution, which was the only possible one. He wondered whether the more relaxed atmosphere prevailing in the world, which had already given a favourable turn not only to the solution of general problems but also to the settlement of local conflicts such as the problem of Cyprus, might not perhaps hold out the prospect of some thaw in Israel-Arab relations as well.

11. He hoped that the Committee's debate on what was essentially a human problem could proceed in a constructive spirit. For the refugees, victims of a misbegotten war for whom none could feel anything but compassion, there could be only one real solution: they should be helped to build new lives for themselves amongst their brethren in the Arab countries. That course had been adopted for the refugee problem elsewhere in the world. His Government would do

^{3/} Same text as S/1367; see *Official Records of the Security Council, Fourth Year, No. 37*, pp. 2-3.

^{4/} *Ibid.*, Seventh Session, Annexes, agenda item 67, document A/2184.

^{5/} *Ibid.*, document A/2310, draft resolution.

everything in its power to contribute to that constructive solution in accordance with realities and with United Nations policy.

12. The CHAIRMAN said that the Saudi Arabian representative had asked to exercise the right of reply. He wished to point out that, while the right of reply did exist, it should not be used in such a way as to prolong the discussion. It would be anomalous to accord it after every statement made. However, since the right of reply had been granted to the Israel representative, he would call upon the Saudi Arabian representative, on the understanding that it was done as an exceptional measure.

13. Mr. SHUKAIRY (Saudi Arabia) said that the circumstances, too, were exceptional and that the only reason he wished to take up the Committee's time was to refute the erroneous statements made by the Israel representative. It would be unfair to all those who had been exiled to allow Israel to continue to present distorted and incorrect information which, in his view, was an insult to the intelligence of the members of the Committee. It would be for the Committee to judge whether or not the statement he had made at the previous meeting was based on undeniable facts. In that statement, he had confined himself to quoting from the reports of the Director of the Agency and from General Assembly resolutions confirming the right of the refugees to repatriation. If the Assembly resolutions misrepresented the facts, he wondered where the true facts were to be found. The whole position of Israel, however, rested on misrepresentation of the facts. The Israel representative had distorted statements by the Saudi Arabian representative, by Azzam Pasha, and by the Arab Higher Committee, and the quotations he had given had been mutilated and isolated from their true context. In his book *Seven Fallen Pillars*,^{6/} Mr. John Kimche, a British journalist of Jewish faith, had had no hesitation in stating that no information coming from Zionist headquarters could be accepted as exact unless confirmed by an independent source.

14. At the preceding meeting, he had confined himself to explaining the refugee problem, which continued to exist because of the repeated violation of Assembly resolutions by Israel. In his statement, the Israel representative had been at pains to avoid the main issue—namely, the right of the refugees to repatriation. That right could not be disputed; it had been confirmed by the United Nations not only eleven years ago but also in all the resolutions which had been adopted since. Those resolutions explicitly referred to paragraph 11 of resolution 194 (III) of 1948, the provisions of which remained valid whatever the Israel representative might say.

15. Israel was once again bringing up the question of the responsibility for the war in 1948, whereas the Committee was concerned with the responsibility for repatriation. It was clear that every war automatically produced a refugee problem and even supposing that the Arab States had started the war, which was not the case, that would not in any way diminish the right of the refugees to repatriation. In point of fact, the armed intervention of the Arab States had been undertaken for the sole purpose of defending the Arab population and the Holy Places; had it not been for that intervention, the entire Arab population would have been

massacred, the Holy Places destroyed and the whole of Palestine occupied by the Israelis. From 1939 to 1948 the Zionist forces had waged war on all fronts. They had conducted terrorist operations in Palestine, organized the large-scale infiltration of immigrants, and carried on a political offensive of unparalleled intensity in the Western world. Mr. Ben Gurion had openly proclaimed, at the time, that the Zionists intended to fight. In 1942, at the Zionist congress in New York, it had been decided under the Biltmore Programme that the whole of Palestine would be constituted as a Jewish State. Organizations such as the Haganah, the Irgun and the Stern Group had been equipped and trained three or four years before the Arab intervention, while the Mandatory Power had still been in control. The Committee of Inquiry sent to Palestine in 1946 by the United Kingdom and the United States had stated in its official report^{7/} that even then Palestine was a veritable armed camp. According to that report, the Haganah alone had consisted of more than 60,000 men.

16. The Israel representative had weakened his case by referring to the persecution which the Jews had suffered in Nazi Germany, because they had inflicted the same sort of persecution on the Arabs. The great historian Arnold Toynbee had drawn that parallel in quoting the example of the village of Deir Yasin,^{8/} whose entire population had been massacred in April 1948, one month before the Arab intervention. Sir Winston Churchill himself, staunch supporter of Zionism though he was, had said at that time that he feared it might be necessary to reconsider his attitude, in view of the acts of terrorism committed by the Zionists.

17. It was, in fact, Israel which had begun the war, and that was readily understandable in the light of the policy followed by that country. The population of the Jewish State envisaged by the General Assembly resolution on partition (resolution 181 (II) of 29 November 1947) would have been mostly Arab, and it had not been possible to establish Israel except by using force, by expelling the population and expropriating its property. The 1947 resolution had been based on a preliminary assumption: a state of peace between Israel and its Arab neighbours. The United States representative had also made that assumption when, at the second session of the General Assembly, he had expressed the hope (124th plenary meeting) that the same calm would exist along the boundaries between Israel and the Arab States as along the frontier between the United States and Canada. But the armistice demarcation lines had been violated by Israel on countless occasions in the course of the last eleven years. Moreover, he wondered what sense of international courtesy could be expected from a State which had just recently commemorated the anniversary of the aggression which it had committed against Egypt three years before.

18. Israel had resorted to force to implement the 1947 resolution and the proof had been supplied by Israel itself. A memorandum submitted by the Haganah to the Anglo-American Committee of Inquiry in 1946 had affirmed the superiority of the organization, equipment and training of the Jewish forces. Thus, under cover of the British Mandate, the Zionists had had a well organized illegal army at their command. In the same memorandum the Haganah had implied

^{7/} Cmnd. 6808 (London, H.M. Stationery Office, 1946).

^{8/} Arnold J. Toynbee, *A Study of History*, vol. VIII (London, Oxford University Press, 1954), p. 290.

^{6/} Jon Kimche, *Seven Fallen Pillars* (London, Secker and Warburg, 1950).

that they undertook to enforce the Zionist solution if the Committee of Inquiry accepted it. That solution, of course, had been the creation of a Jewish State to include the whole of Palestine. At the time when the future of Palestine was being discussed at the United Nations, the Arab population of Haifa was being put to the sword. Mr. Ben Gurion, addressing the Central Committee of the Israeli Workers Party in January 1948, had said that force of arms, not formal resolutions, would determine the issue. Even Mr. Weizmann, who was considered to be a moderate man, had said that the only chance for the Zionists was to present the world with a "fait accompli". There was no doubt that, in speaking of a "fait accompli", he had meant the de facto existence of Israel, founded by force of arms.

19. Mr. COMAY (Israel), speaking on a point of order, protested against the slur cast on the memory of a former President of Israel. Mr. Weizmann had never advocated recourse to arms; he had been speaking at the time in question about the agricultural settlement of the country.

20. Mr. SHUKAIRY (Saudi Arabia) said that he had not intended to cast any slur on the memory of Mr. Weizmann.

21. Continuing his statement, he wished to emphasize that it had been the Zionist terrorism and the threatening warnings of the Haganah that had caused the refugees to flee from their country long before the armed intervention of the Arab States.

22. The Israel representative had also distorted the facts with regard to the right of refugees to repatriation. According to him, paragraph 11 of resolution 194 (III) of 11 December 1948 had become out of date and now constituted an obstacle to the solution of the problem of the refugees. It was a fact that only Israel could allow the refugees to return to their homes; but it refused to allow them to do so, allegedly for reasons of security. He knew of no other State which gave such reasons for opposing the entry into its territory of the inhabitants of the country. Israel had recognized the legitimate right of the refugees to

return to their homes and the validity of paragraph 11 of the 1948 resolution by signing the Protocol of the Conciliation Commission for Palestine at Lausanne on 12 May 1949.^{2/} It now claimed to exercise a right of veto on the return of the refugees. It was forgetting that its sovereignty was limited by resolution 181 (II) of 29 November 1947 and that the partition plan imposed certain obligations upon it—among them, the obligation to respect the rights of the Palestine Arabs.

23. The Israel representative had said that his country was ready to begin direct negotiations with the Arab countries. In that connexion, he (Mr. Shukairy) stressed that, under resolution 512 (VI), any agreement reached by the Governments concerned in settlement of their differences should be in conformity with the resolutions of the General Assembly on Palestine. When Israel stated that it was ready to accept such a solution, the Arab States would be ready to negotiate.

24. Lastly, the Israel representative had once again distorted the facts when he had spoken of reintegration. As he (Mr. Shukairy) had said at the previous meeting, reintegration was a procedure which must involve both repatriation and resettlement. Furthermore, that conception of reintegration was shared by the Conciliation Commission for Palestine.

25. The continuing tragedy of the Palestine refugees, and the resulting obligation of the United Nations to continue assisting them, were the consequences of the misrepresentation of the facts and the distortion of the truth by Israel.

26. Mr. COMAY (Israel) requested that the record of the meeting should contain his delegation's explicit reservations regarding the accuracy of the statements and intentions attributed by the Saudi Arabian representative to Israel sources and to the Israel Government.

The meeting rose at 12.55 p.m.

^{2/} Official Records of the General Assembly, Fourth Session, Ad Hoc, Political Committee, Annex, vol. II, document A/927, annex B.