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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 (A/SPC/L.38) (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. The CHAIRMAN drew the Committee's attention to a letter he had received from the delegation of Iraq (A/SPC/40) requesting that Mr. Izzat Tannous, Director of the Palestine Arab Refugee Office in New York, should be permitted to address the Committee.

2. Mr. COMAY (Israel) said that the experience of past years had shown that no good purpose would be served by allowing Mr. Tannous to speak. There was no evidence that he was the accredited representative of the bulk of the refugees. He was a resident of New York and a member of the permanent mission of Iraq to the United Nations. Iraq was already represented in the Committee and if it were to be allowed dual representation an unfortunate precedent would be created. Mr. Tannous was also an official of the propaganda offices maintained in New York by the Arab League. His statement would be more likely to add to the emotional heat of the discussion than to throw any light on the problem. However, if the Committee wished to hear Mr. Tannous, the delegation of Israel would not make a formal objection.

3. The CHAIRMAN said that, since there had been no formal objection, Mr. Tannous would be permitted to address the Committee.

At the invitation of the Chairman, Mr. Izzat Tannous, Director of the Palestine Arab Refugee Office in New York, took a place at the Committee table.

4. Mr. TANNOUS expressed sorrow at the death of Mr. Leslie J. Carver, Deputy Director of UNRWA, and extended condolences to Mr. Carver's family and to the Director and staff of the Agency. The Palestine refugees had been much distressed by the resignation of Mr. Labouisse as Director of the Agency in 1958;

however, in Mr. Davis a worthy successor had been found. He paid a tribute to the present Director and staff of the Agency, and to the various voluntary organizations, for their services to the refugees.

5. The report of the Director of UNRWA (A/4213) differed little from the report of the previous year. Both documents made it clear that the relief given to the refugees, indispensable though it was, could not be regarded as more than a palliative. The refugees had suffered terribly, both physically and spiritually, because the treatment prescribed by the General Assembly was a mere palliative. Sunk in neglect, poverty and enforced idleness, they were beginning to ask whether the United Nations really regarded them as human beings. They were naturally bitter and confused over the technical reasons given to them in explanation of their enforced exile. They clung to the one fact they could understand: that they and their ancestors had lived in Palestine from time immemorial, and that they enjoyed a sacred human right to home and country which could not be abolished by declarations, mandates or resolutions. General Assembly resolution 194 (III), which was a United Nations pledge guaranteeing the repatriation of the Palestine refugees, was only an endorsement of that indisputable right.

6. The representative of Israel had said (150th meeting) that it could only hamper the solution of the problem to tell the refugees that the United Nations had bestowed upon them a right of return, at their own option, and had argued that paragraph 11 of resolution 194 (III) and its setting, both textual and historical, should therefore be carefully examined. If the validity of paragraph 11 was to be examined with regard to the repatriation of the Palestine refugees, the Committee should also examine the validity of the resolution on the partition of Palestine. If the refugees could not claim the right of return after an enforced absence of ten years, he wondered how the people of Israel could claim their historic right of return after the lapse of thousands of years. In point of fact, however, the right of the refugees to return had never been questioned, nor had the validity of paragraph 11 of resolution 194 (III) ever been denied by the General Assembly. In his proposals for the continuation of assistance to the refugees, the Secretary-General said that the stand taken by the General Assembly would involve integration of refugees into the productive life of Israel as well as of the Arab countries in accordance with the choice of the refugees themselves (A/4121, part I, para. 14). It was Israel alone which had prevented the implementation of resolution 194 (III) for the last eleven years.

7. Although the Palestine refugees did not need a United Nations resolution to give them the right to return to their homes, from the standpoint of the United Nations resolution 194 (III) was the key to their future. It was a definite undertaking by the General Assembly guaranteeing the return of all refu-

gees who chose to go back. Failure to implement the resolution placed Israel in a bad light and it had been trying to explain the resolution away ever since it was adopted. One argument used was that resettlement had been explicitly envisaged as an alternative to repatriation and that the choice lay with Israel and not with the refugees. However, the people of Israel knew the truth in their hearts. They offered explanations and arguments because they were determined, contrary to the principle of what Count Bernadotte had called "elemental justice", to keep the refugees out. They had deliberately used terror as a weapon to force the Arab inhabitants of Palestine to flee for their lives, and they now planned to keep them out for ever, by the use of delaying tactics which would ultimately make it physically impossible for the refugees to return, despite their sacred right and the resolutions of the United Nations.

8. Israel had been admitted to membership of the United Nations only after the General Assembly had been assured that it would implement resolution 194 (III) in its entirety. The Security Council, in recommending its admission, had said that, in its judgement, Israel was able and willing to carry out the obligations contained in the Charter.^{1/} At that time, negotiations had been in progress between the Conciliation Commission for Palestine and an Israel delegation at Lausanne, and the Security Council had been impressed by the apparent willingness of Israel to settle the refugee problem by repatriation. An agreement to that effect, known as the Protocol of Lausanne, had been signed by the Conciliation Commission and the delegate of Israel on 12 May 1949.^{2/} No sooner had Israel been admitted than it refused to honour its signature and to negotiate on the basis of the Protocol. It had been revealed later that it had signed the Protocol, not with any intention of abiding by it, but simply to pose as a peaceful nation and thus induce the General Assembly to admit it as a Member of the United Nations. The *Israel Yearbook, 1950-1951*, admitted that Israel's attitude at the Lausanne talks had aided its delegation at Lake Success in its endeavour to obtain the majority required for admission. It was quite clear that Israel had never intended to take back the refugees it had forced out.

9. Nearly all the previous speakers had recognized that the Committee was facing one of the most difficult, complex and dangerous problems of the day. That danger had been anticipated by many Members of the United Nations before Israel was recognized, and they had warned the General Assembly of what had since happened. In May 1949, during the debate in the *Ad Hoc* Political Committee on Israel's application for membership, many delegations had requested that the application should be refused until Israel had actually implemented resolutions 181 (II) and 194 (III). Finally, it had been decided to call a representative of Israel to explain his country's position on the implementation of the resolutions. The debate on that subject in the *Ad Hoc* Political Committee, as resumed in the official records of the second part of the third session of the General Assembly, made interesting reading. However, influenced by the apparently favourable course of events at

Lausanne, the ambiguous oratory of Israel's representative, Mr. Eban, and the political pressure of certain Member States, a majority had decided in favour of accepting Israel as a Member, in the belief that it intended to implement the resolutions of the United Nations. In resolution 273 (III) on the admission of Israel to membership, the General Assembly noted the declaration by the State of Israel that it "unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations". It also took note of the declarations and explanations made by the representative of the Government of Israel before the *Ad Hoc* Political Committee in respect of the implementation of the said resolutions. The acceptance of Israel as a Member of the United Nations before it had implemented the resolutions was the main reason why the Palestine Arab refugees were still in their camps, why the Committee was meeting now, and why the United Nations was faced with such a dilemma. The United Nations was reaping what it had sown in 1947 and 1949, and the Palestine Arab refugees were still suffering the consequences of its mistakes.

10. Because of Israel's veto on paragraph 11 of resolution 194 (III), the Secretary-General had suggested the reintegration of the Palestine refugees into the economic life of the Near East, without prejudice to their rights under the resolution. The Arab States and the Palestine refugees had already made their views on that suggestion known. The offer to expend up to \$2,000 million on the reintegration of the Arab refugees into the economic life of the Near East would have been an act of great benevolence if they had been without homes and a country of their own. However, rightly or wrongly, the refugees believed that such a scheme for reintegration in all lands but their own was a carefully worked-out plan to resettle them, within the next ten years, outside their own homes for ever. No amount of assurance that their right of return would not be prejudiced could induce the refugees to accept the scheme, for they had lost all hope in the United Nations. For eleven years they had held fast to their belief in their right to return. They had even refused better quarters for fear that the offer was part of a reintegration scheme. They did not wish to remain in such misery in atonement for their sins or the sins of others, but because they insisted on going home. "Palestine or death" had become their motto.

11. The events in Palestine had been brought about by an organized movement, formerly described as religious and now openly political and aggressive, to transform the Holy Land, regardless of what it meant to Christianity and to Islam, and regardless of the rights of its inhabitants, into a Zionist State. That had involved the displacement and expulsion of the indigenous Arab population and its replacement by Jews from all parts of the world. It had been accomplished by force of arms, with the assistance of some of the great Powers. It was hardly conceivable that religious discrimination of the kind that was enforced in Palestine by the Zionists should exist in the century of the Universal Declaration of Human Rights. The Palestine refugee problem was not just a simple refugee problem and it could not be compared with others in which the parties concerned had agreed on an exchange of population, as in the case of India and Pakistan and many other countries. The Palestine

^{1/} See *Official Records of the General Assembly, Third Session, Part II, Plenary Meetings, Annexes*, document A/818.

^{2/} *Ibid.*, Fourth Session, *Ad Hoc Political Committee, Annex*, vol. II, document A/927, annex B.

Arab refugee problem was the transplantation of one people of one faith to the home of another people of other faiths, by force of arms. It was a problem of religious discrimination, not even between Jew and Gentile but, more narrowly still, between Zionist and non-Zionist.

12. It was the duty of the United Nations, before it was too late, to place the Palestine problem in its proper perspective. Militant Zionism was the cause which had rendered a million innocent people homeless and destitute and produced a situation of extreme tension and danger in the Middle East. The Arab people, and to a great extent the Moslem peoples also, could no longer tolerate the discrimination exercised against their Moslem and Christian brethren by people who ought to have learnt from their own sufferings. That feeling was at its height in the refugee camps and it was shared by all Arab Moslem peoples, by all conscientious Christians, and—most significant of all—by non-Zionist Jews. If the United Nations truly sought to establish peace in the Near East and in the world, it would give the refugees back their homes.

13. Mr. COMAY (Israel) said that the suggestion that the Israel Government and the Israel delegation had given certain pledges in order to procure admission to the United Nations, and had broken them afterwards, was a complete fabrication, as representatives could confirm for themselves by consulting the official records of the proceedings.

14. Mr. SHUKAIRY (Saudi Arabia) said that certain invalid arguments had been raised during the debate, some out of ignorance and others with full knowledge but with persistent malice; in spite of the fact that they had many times in the past been proved groundless, it was his duty to refute them once again, in fairness to the truth and to the cause of the Arab refugees. The concept of a solution by agreement had been injected into the debate; in principle, and in normal circumstances, that was a sound approach to the peaceful settlement of international disputes. It could not, however, be applied to the question of the Palestine refugees or indeed to the question of Palestine in its entirety. There had been no question of a solution by agreement when Palestine was partitioned, or when the General Assembly, in resolution 181 (II), had requested the Security Council to "take the necessary measures as provided for in the plan for its implementation". Since the time of the partition the United Nations had adopted a number of resolutions on the question of Palestine, and he believed that they must either be implemented as a whole or abandoned as a whole. It was neither equitable nor consistent that certain resolutions should be put into effect and others abandoned. If the factor of agreement was excluded in the matter of Israel's existence and membership of the United Nations it could not be demanded as a prerequisite of a solution of the refugee problem.

15. Moreover, a solution by agreement could not be invoked when a matter had already been decided, and the question of the refugees was a *res judicata*, since the United Nations had endorsed the repatriation of the refugees in 1948, in resolution 194 (III), and had reaffirmed its decision at every subsequent session. To ask for a solution by agreement now was tantamount to a betrayal of the United Nations, and it would be more honourable for the delegations concerned to demand openly the cancellation of all United

Nations resolutions on the refugee question and admit their denial of the rudiments of justice. There could be no justice in a solution by agreement, since Israel would not agree to repatriation. But the refugees had the right to repatriation, which could not be denied them even by the United Nations acting in unanimity. Still less could it be subject to the agreement of Israel; those delegations speaking of a solution by agreement were vesting Israel with a right of veto against the people of Palestine, against their right to their homes and properties, and against their national existence in their homeland.

16. Attempts had been made to link the refugee problem with the agreement of Israel, and one delegation had quoted a part of resolution 512 (VI) in support of the view that the Governments concerned had "the primary responsibility for reaching a settlement of their outstanding differences". If, however, the resolution was read in its entirety those words were followed by the phrase "in conformity with the resolutions of the General Assembly on Palestine". The provisions of the resolution were the directives of the General Assembly to the Conciliation Commission for Palestine and to the parties concerned to seek agreement in order to implement resolutions of the General Assembly.

17. The concept of a solution by agreement raised the question who the parties to negotiate such an agreement would be. The United States representative had made a reference to "the parties principally concerned" and the representative of the United Kingdom had referred to what he called "the parties concerned", but in fact there was only one party concerned: the people of Palestine, the legitimate inhabitants of the country. It was significant that the Government of the United Kingdom, as Mandatory Power, had negotiated with official delegations representing the Arabs of Palestine, and after the Mandate had expired the United Nations had heard the views of the Arabs of Palestine through their accredited representatives. In fact, a number of resolutions adopted by the Security Council and the General Assembly were addressed to the Arabs of Palestine, which showed that in law and in practice the Arabs of Palestine were the first and main party to the problem, one of those peoples the drafters of the Charter had had in mind when referring to the right of self-determination. If there was to be a solution by agreement, that agreement must come from the Arabs of Palestine, who should decide their own destiny. Once the Arabs of Palestine had made their decision the Arab States would extend their support, but it was the Arabs of Palestine who had the last word on the subject, and the right to accept or reject any agreements. Therefore, if the Conciliation Commission for Palestine was reactivated it should maintain contact with the Arabs of Palestine in connexion with any matter relating to the Palestine refugees.

18. He asked those who favoured a solution by agreement who the other party to such an agreement would be. The United Nations partition resolution of 1947 had created a Jewish State for 600,000 Jews; in a decade that State had trebled its population, not through a natural process of immigration but by a mass importation of human beings enticed from their homelands by Zionism. It was in fact a wholesale ingathering of world Jewry into a State that claimed the loyalty of all Jews in every country in the world. The Arabs, it appeared, were being asked to negotiate with that

State as the "other party". Since the Arab position admitted neither the elimination of the Arabs of Palestine as a people nor the usurpation of their homeland, any "agreed" solution was quite out of the question.

19. It had been argued that Israel was a historical fact which the Arab States should recognize; but a fact did not become sacrosanct simply because it was historical. The United Nations, if it was to live up to its Charter, could sanction only lawful acts. Despite the recommendation made in 1947 by the General Assembly—because it regarded the situation in Palestine as likely to impair the general welfare and friendly relations among nations—that Israel should be created by peaceful means, the State of Israel had in fact been founded by brute force and the military occupation of part of Palestine, whose inhabitants had been dispossessed and driven into exile. The Arabs, as a sovereign people, could not recognize a historical fact that meant the usurpation of their homeland.

20. One delegation had emphasized the prime importance of security for Israel. Unlike other States, however, Israel had been established by an alien people on land to which it was not entitled; it had in fact been warned that it would not be secure in the hostile region it had chosen for itself. Israel's present insecurity was the consequence of its own action in expelling people from their rightful homeland and refusing to readmit them on the grounds that they would become a fifth column, whereas in fact Israel was the fifth column of imperialism in the Middle East. The security of a State founded by aggression should not be given precedence over world security, which had already been jeopardized by that State in 1956.

21. Turning to the position of the refugees, he pointed out that the choice offered them under paragraph 11 of resolution 194 (III) applied only to those whose homes were in the areas reserved for the Jews by

the United Nations under the partition plan. The half million refugees from the areas assigned to the Arabs had no choice to make, but should be allowed to return to their homes without question. Until that choice had been exercised, UNRWA would not know what funds were required for compensation and other purposes, but would have to continue its relief work indefinitely. The task of ascertaining the wishes of the refugees entitled to choose between repatriation and compensation should be entrusted to the Conciliation Commission for Palestine, whose functions were not confined to conciliation and negotiation. The Commission was instructed, in paragraph 2 (b) of resolution 194 (III), "to carry out the specific functions and directives given to it by the present resolution", and in paragraph 11, "to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation". Moreover, in paragraph 5 of resolution 512 (VI), the General Assembly declared that "the Conciliation Commission for Palestine should continue its efforts to secure the implementation of the resolutions of the General Assembly on Palestine".

22. He had been gratified to hear the United States representative refer to the interest of the United States Government and people in the well-being and happiness of the Palestine refugees, but he pointed out that the problem had been created by the aggressive action of the Zionist movement, which was based and financed in the United States. That movement was damaging relations between the Arabs and the United States and only if Zionism was eliminated could the refugees find happiness, instead of languishing in shabby camps and longing to return to their homes.

23. In conclusion, he appealed to the Committee to strive for a just and equitable solution to the problem.

The meeting rose at 12.55 p.m.