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Chairman: Mr. Humberto LOPEZ VILLAMIL
(Honduras).

Welcome to the representative of Southern Yemen

1. The CHAIRMAN, speaking on behalf of the whole Committee, congratulated the Representative of the People's Republic of Southern Yemen on its admission to the United Nations, and welcomed its delegation to the Committee's work.

AGENDA ITEM 34

Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (concluded) (A/6713, A/6723 and Corr.1, A/6723/Add.1 and Corr.1, A/6787 and Corr.1, A/SPC/L.155, A/SPC/L.156 and Add.1, A/SPC/L.157)

2. Mr. COMAY (Israel) said that the five-Power draft resolution (A/SPC/L.157) should be decisively rejected. Proposals for the appointment of a custodian to protect and administer Arab property in Israel had been withdrawn at the seventeenth session^{1/} and rejected by the Committee at the twentieth^{2/} and twenty-first^{3/} sessions. In the present circumstances, the proposal was far more mischievous and irresponsible than it had been in previous years. Property claims were an integral part of the refugee problem, and that in turn was an integral part of the general Middle East problem which was the subject of Security Council resolution 242 (1967). At the very moment when the Special Representative to the Middle East was visiting the capitals of the Middle East States concerned, the sponsors of the draft resolution were asking the General Assembly to take a most provocative step which could only complicate and sabotage the peace-making efforts.

^{1/} See Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 31, document A/5387, para. 15.

^{2/} Ibid., Twentieth Session, Annexes, agenda item 35, document A/6115, para. 15.

^{3/} Ibid., Twenty-first Session, Annexes, agenda item 32, document A/6506, para. 16.

3. Apart from being untimely, the draft resolution was legally unacceptable. The General Assembly had no competence to intervene in the regulation of property matters in any sovereign Member State, and had never attempted to do so. No Member State would ever accept a custodian appointed by the United Nations to administer public or private property. His own Government would certainly not accept such an arrangement, and the representatives of the Arab countries had not suggested that a United Nations custodian should be appointed to take over Jewish property in Iraq, Jordan and Egypt. There were many examples of individual States which had taken over private property for various reasons, with or without compensation, but there had never been a case of an international property custodian imposed upon a sovereign State. It was quite wrong to suggest that Israel's sovereignty and statehood was limited or restricted by some provision which did not apply to the other 122 Member States, since Article 2, paragraph 1 of the Charter stated categorically that the Organization was based on the principle of the sovereign equality of all its Members.

4. The first preambular paragraph of the draft resolution would amount to a legal judgement by the General Assembly setting aside the relevant domestic legislation of a Member State. The Committee had already been informed that derelict and abandoned lands and properties in Israel had been taken over many years previously for the purpose of bringing them into productive use. The take-over had been effected by due process of law and subject to an offer of compensation. If the General Assembly were now to declare that legislation to be invalid, the implication would be that the property legislation of each Member State was subject to the approval or veto of the other 122 Member States.

5. In General Assembly resolution 394 (V), to which reference was made in the second preambular paragraph of the draft resolution, the United Nations Conciliation Commission for Palestine had been directed, not to prescribe measures for the protection of the refugees' rights, but to continue consultations with the parties concerned regarding measures for the protection of those rights. As a good-offices body, the Conciliation Commission had no powers to prescribe measures. The sponsors of the draft resolution had intentionally distorted the sense of Assembly resolution 394 (V), in order to suggest that the Conciliation Commission had some special powers.

6. Later in their text, however, the sponsors of the draft resolution seemed to acknowledge that the Conciliation Commission had no special authority in the matter, since in operative paragraph 1 the Secretary-

General, and not the Commission, was requested to take all appropriate steps to have a custodian appointed, and under operative paragraph 3 the custodian was to report not to the Commission but to the General Assembly. However, if the Conciliation Commission under its terms of reference was not empowered to appoint a custodian, neither was the Secretary-General or even the General Assembly itself. In short, the proposal was purely polemical and not humanitarian at all.

7. Having no valid grounds for their proposal, the sponsors had tried to appeal to sentiment. In that connexion, he would point out that the half million Jewish refugees from Arab countries who had been resettled in Israel had also lost most of their property in the countries they had left, but the Governments of those countries had never made a compensation offer, similar to that which the Israel Government had made in respect of property abandoned by Arab refugees. The Israel Government had paid out \$11 million in foreign currency to Arab refugees who had had blocked bank accounts in Israel, but no Government had paid a cent to Jewish refugees from Arab countries in compensation for funds they had left behind in bank accounts. The Israel Government, through the Conciliation Commission, had handed over many securities and valuables left in safe-deposit boxes, but there had been no reciprocal release by the Arab Government.

8. In the debate at the third session of the General Assembly, at the 226th meeting of the First Committee, on paragraph 11 of resolution 194 (III), the Prime Minister of New Zealand, Mr. Fraser, had asked the representative of the sponsor of the resolution whether in his view compensation should be paid to Jewish as well as Arab refugees. He had been assured that Jewish refugees would also be eligible for compensation. The sponsors of the five-Power draft resolution referred in the first preambular paragraph to the principles of justice and equity. He could see no difference in justice and equity between the claims of Arab and Jewish property-owners; yet in Jordan some Jewish refugee property had been handed over to the Jordanian Army, some had been sold, and some had been retained by a so-called Custodian of Enemy Property, and similar steps had been taken by the Egyptian authorities regarding Jewish property in the Gaza Strip. In neither case had there been any suggestion that compensation might be paid, or that the property in question should be administered by a United Nations custodian.

9. His delegation was puzzled by the suggestion that the income derived from Arab property in Israel should be paid to UNRWA (see A/6713, para. 9). On previous occasions, it had explained that there was no net income from the property in question. The State of Israel had spent hundreds of millions of dollars on salvaging, rehabilitating and developing land and property, while the cash income from them was negligible. In any case, without prejudice to compensation claims, the previous title to the property no longer existed in law. Even assuming that there was money in Israel belonging to any individual Arab refugee, he wondered on what grounds it could be seized by the United Nations and paid to a United

Nations agency. The proposal was not a serious one, and he was surprised that the Commissioner-General should have referred to it in his report.

10. Mr. KAMARA (Mauritania) felt that the Palestine refugee problem should be considered from the political, as well as the humanitarian standpoint. Gratitude was due to the countries which had made generous contributions to help meet the refugees' immediate needs, but international charity was only a makeshift solution. The General Assembly should once again acknowledge the refugees' right to the property which they had been forced to abandon in Israel, and should take effective measures to restore it to them.

11. For that reason, his delegation welcomed the five-Power draft resolution (A/SPC/L.157) proposing the appointment of a United Nations custodian to receive the income from Arab property in Israel on behalf of its rightful owners. The nineteen-Power draft resolution (A/SPC/L.156 and Add.1) should also be adopted unanimously, so that the Commissioner-General could receive the financial resources which he had requested in his report (A/6713). His delegation had no objection to the draft resolution submitted by the United States (A/SPC/L.155), operative paragraph 1 of which reaffirmed the need for repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III).

12. Mr. LOPEZ (Philippines) recalled that, in his statement to the General Assembly at its current session (1566th plenary meeting), the Secretary for Foreign Affairs of the Philippines had pledged his Government's support for United Nations efforts to solve the Palestine refugee problem. The five-Power draft resolution (A/SPC/L.157) represented one such effort to right the wrongs done to the refugees, and his delegation would vote for it. The argument that the provisions of the draft resolution would infringe the sovereignty of a Member State was quite groundless, since the Secretary-General was requested not simply to appoint a custodian, but "to take all appropriate steps" to have a custodian appointed, and his good judgement and responsibility could be counted on. In any case, many delegations would surely agree that political and constitutional considerations were irrelevant to the question of rendering elementary justice to the refugees.

13. Mr. FINGER (United States of America) said that his country would vote in favour of the nineteen-Power draft resolution (A/SPC/L.156 and Add.1) which quite rightly reaffirmed the resolution adopted in July 1967 by the General Assembly at its fifth emergency special session (2252 (ES-V)). That resolution called upon the Government of Israel to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities. It endorsed the efforts of the Commissioner-General to provide emergency humanitarian assistance and appealed to all Governments, organizations and individuals to make special contributions for that purpose.

14. The United States would also of course support the draft resolution (A/SPC/L.155) which it had introduced at the 588th meeting. It believed that the

adoption of those two draft resolutions would represent a constructive and commendable result for the Committee's work on the UNRWA item.

15. His delegation was strongly opposed to the five-Power draft resolution (A/SPC/L.157). It had been introduced at a very late hour and seemed even less appropriate than the same proposal rejected by the Committee the previous year.^{4/} In the first place, the appointment of a property custodian would neither facilitate the task of UNRWA nor improve the prospects for a realistic permanent solution of the Palestine refugee problem. On the contrary, it would seriously jeopardize the long-term possibilities of a successful solution, and would constitute a very substantial obstacle to the current mission of the Special Representative to the Middle East. Secondly, the United Nations had no right under the Charter or existing international law to appoint a custodian to administer properties within any sovereign State against the will of that State, much less to appropriate income from the properties. The General Assembly had already given the Secretary-General enough tasks which were extremely difficult to carry out, and it should not burden him with another that it was impossible to implement. Thirdly, proposals regarding income from Arab properties in Israel should be considered within the framework of the general question of compensation. If the host Governments, acting on behalf of the Palestine claimants, wished to enter into discussions on the question, they should make their position known. Over a number of years the United Nations Conciliation Commission for Palestine had done a great deal of work on the question of compensation, and had compiled an extensive list of property assets which could be made available to the parties in any negotiations. The Commission has also invited discussion of the property assets of the Palestine Arab refugees.

16. For all those reasons, his delegation urged the Committee to reaffirm the wise decision it had taken at the twenty-first session and to reject any proposal to appoint a property custodian.

17. Mr. DOSUMU-JOHNSON (Liberia) said that the problems of the Middle East could be solved only by negotiations under Article 33 of the Charter; that was the only alternative to war. As it was the United Nations itself which had established the independent and sovereign State of Israel, it would be quite wrong for the Organization to give the Arabs the impression that they could enter Israel after nineteen years and take whatever they wanted. His delegation was distressed to see a small country like Israel harassed by the entire Arab world, together with India, Pakistan and the Eastern European States. If only the various parties to the Middle East conflict would agree to negotiations, paragraph 11 of General Assembly resolution 194 (III) and all the other proposals for solving the Palestine refugee problem could be implemented forthwith.

18. His delegation would vote for the United States draft resolution (A/SPC/L.155) and the nineteen-Power draft resolution (A/SPC/L.156 and Add.1), both of which were designed to ensure that UNRWA

would in future be able to meet the requirements of the old and new refugees alike, but it was strongly opposed to the five-Power resolution (A/SPC/L.157), which would only create a dangerous precedent and was extremely inopportune in the present circumstances. When the Security Council had requested the Special Representative of the Secretary-General to study all aspects of the situation in the Middle East, it would be wrong for the General Assembly to establish a new institution to deal specifically with the refugee problem. Furthermore, no Member State would ever allow the United Nations to infringe on its sovereign rights. There were many refugees in Africa and elsewhere, and the appointment of a United Nations custodian for Arab property in Palestine would set a precedent for similar action in many other countries. Accordingly, he urged the sponsors of draft resolution A/SPC/L.157 to withdraw it; if they did not, it was the duty of the small States in particular, to vote against it in order to protect their national sovereignty and integrity.

19. Mr. DAUDY (Syria) said that the first preambular paragraph of draft resolution A/SPC/L.157 was a statement of fact confirming the inalienable rights of the Palestine refugees as recognized by the General Assembly. The refugees had been living on international charity for some nineteen years because those who had usurped their property withheld all income from it. The Commissioner-General of UNRWA had frequently referred to the difficulty of meeting the basic needs of the refugees, but the income from refugee property held by Israel was five times the annual budget of the Agency. The second preambular paragraph recalled General Assembly resolution 394 (V), in which the Assembly had shown a legitimate concern to protect the refugees' rights, property and interests, pending implementation of paragraph 11 of its resolution 194 (III). Israel was directly responsible for the failure to implement that paragraph.

20. Operative paragraph 1 provided for the appointment of a custodian for Arab property in Israel—a measure which his delegation considered of paramount importance as a matter of principle and as a way of solving UNRWA's financial difficulties. A custodian was necessary because the Zionists, since their occupation of Palestine, had systematically behaved as if such property had no owners. Between 1948 and 1949 Israel had enacted legislation such as the Absentee Property Emergency Regulations of 1948, which had empowered the Government to declare a conquered, surrendered or deserted area to be an abandoned area and had conferred emergency powers on the Minister of Agriculture and the newly created Custodian of Absentees' Property. In chapter VIII of his book *Israel and the Palestine Arabs*,^{5/} Don Peretz had written that every Arab in Palestine who had left his town or village after 29 November 1947, even for one day, had been liable to be classified as an absentee under the regulations. In 1950, the Israel Government had taken a further step towards establishing a firm constitutional basis for the seizure of refugee property by enacting the Absentee Property Law, which had confirmed most of the Custodian's powers under previous regulations and, in addition, had empowered

^{4/} See note 3, p. 307.

^{5/} Washington, D. C., The Middle East Institute, 1958.

him to sell absentee property. Representatives of Israel had consistently tried to minimize the importance of the Arab property concerned. However, Don Peretz had stated that abandoned property had been one of the greatest contributions towards making Israel a viable State, adding that the fact that most of the regions along the border consisted of absentee property had made it strategically significant. He noted that in 1954 more than one third of Israel's Jewish population had been living on absentee property and nearly a third of the new immigrants had settled in urban areas abandoned by Arabs, who had left 388 towns and villages containing nearly a quarter of all the buildings in Israel, and that in 1951 nearly 10 per cent of the country's foreign currency earnings from exports had come from fruit produced on former Arab citrus holdings.

21. Having confiscated the refugees' property, Israel had turned its attention to the property of Arabs remaining in the country. Despite the provisions of General Assembly resolution 181 (II), part I of the Partition Plan with Economic Union, section C, chapter 2, paragraph 8, the Land Acquisition Law had been passed in 1953. That Law had confirmed previous acquisitions of land by the Development Authority against the wishes of the Arab owners and had empowered the Authority to acquire additional property. The Law had been denounced in the strongest terms, even by Jews inside territory occupied by Israel; a Tel Aviv newspaper had described it as "a law of robbery with a legal coating".

22. The Israel representative had said that there was no precedent for the measures envisaged in draft resolution A/SPC/L.157. In that connexion, it was useful to review the legislation adopted in Europe to safeguard the rights of refugees, with particular reference to Jewish property, in areas formerly under Nazi occupation. The General Claims Law of 10 August 1949, applicable in the United States Zone of Germany, had provided that persons who had been persecuted because of political convictions or on racial, religious or ideological grounds under the National Socialist dictatorship and who had therefore suffered damage to property or economic advancement should be entitled to restitution. Similar legislation had been enacted in the British Zone of Germany, and there was also the Final Act of the Paris Conference on Reparation of 21 December 1945, and the Agreement signed in Paris on 14 June 1946, concerning reparation to victims of German action. As a result of the Israel legislation, however, Zionists had traded Arab property and used the proceeds for the settlement of Jewish immigrants.

23. The representative of Liberia had referred to Israel as small country confronted by the Arab States, India, Pakistan and the socialist countries. He would point out that Israel had the whole-hearted support of the United States.

24. His delegation would vote in favour of draft resolution A/SPC/L.157, and hoped that the Committee would adopt it. It was aimed at alleviating the hardships of the refugees and ending the present system of international charity which sustained them. The appointment of a United Nations custodian was not

only highly important and appropriate; it was in keeping with the normal standards of justice.

25. Mr. SAYEGH (Kuwait) said that the Near East conflict was not between Arabs and Jews, but between Arabs on the one hand and the Zionists and the State of Israel on the other. As to the Liberian representative's comments (see para. 17 above), he observed that neither India nor Pakistan were part of the Arab world.

26. His delegation would support draft resolution A/SPC/L.155, notwithstanding the fact that it was a minimal resolution, because it betokened the international community's refusal to abandon its obligations to the Palestinian people. The first preambular paragraph was not routine, but was a reaffirmation of those obligations to the refugees as individuals and as a collective national entity.

27. He hoped that draft resolution A/SPC/L.156 and Add.1 would command the same overwhelming support as its predecessor, General Assembly resolution 2252 (ES-V). Even though the text did not explicitly state the Organization's verdict with regard to Israel, that verdict was implicit in the reaffirmation of the earlier resolution.

28. Draft resolution A/SPC/L.157 was a humanitarian proposal which his delegation welcomed. The first preambular paragraph was based on the provisions of paragraph 11 of General Assembly resolution 194 (III). The representatives of Israel, the United States and Liberia had attempted to misconstrue the text and to raise extraneous issues, such as the question of the sovereignty of States vis-à-vis international organizations. In fact, the draft resolution did not add one iota to the obligations already accepted by Israel. His Government recognized the right of every State to sovereignty, political independence and territorial integrity, but it recognized no such rights in the case of a State which existed on the land of another people whose rights it had usurped. However, even assuming that Israel did exist legally, draft resolution A/SPC/L.157 in no way encroached upon its sovereignty.

29. Whether or not General Assembly resolution 181 (II) was binding upon other States, it was certainly binding for Israel, since acceptance of its provisions had been basic to Israel's own proclamation of independence. Part I of the Partition Plan with Economic Union, section B, paragraph 10 of that resolution provided that the constitutions of the proposed Arab and Jewish States should embody chapters 1 and 2 of the Declaration provided for in section C of the resolution. The stipulations contained in the Declaration were to be recognized as fundamental laws of the States and no law, regulation or official action should conflict or interfere with them or prevail over them. Chapter 4 of the Declaration placed the provisions of chapters 1 and 2 under the guarantee of the United Nations and provided that no modifications should be made in them without the assent of the General Assembly of the United Nations. Chapter 2, paragraph 8 laid down that no expropriation of land owned by an Arab in the Jewish State or by a Jew in the Arab State should be allowed except for public purposes,

in which case full compensation should be paid previous to dispossession.

30. All those obligations, and Israel's acceptance of them, had been reaffirmed upon Israel's admission to the United Nations. The representatives of Israel, the United States and Liberia had suggested that no other State would accept such obligations, but no other State resembled Israel with regard to its birth and its admission to the Organization. A study undertaken by the Hebrew University had noted that Israel had been admitted to the United Nations as a *sui generis* State, as was quite clear from General Assembly resolution 273 (III). Draft resolution A/SPC/L.157 was merely a reaffirmation of obligations freely accepted by Israel and, as such, was no encroachment on the latter's sovereignty; yet delegations had been urged to vote against it on the ground that it might endanger current attempts to achieve a settlement in the Middle East. The assumption that the reaffirmation of existing resolutions and of the international obligations assumed by Israel would hinder a settlement could only be valid if those making the assumption had prior knowledge that Israel would reject its obligations. In that case, it was Israel's rejection of its obligations, not the reaffirmation of the existing resolutions, which prevented a settlement.

31. Mr. AZOUNI (Saudi Arabia) proposed that Mr. Nakhleh, a member of the Palestine Arab delegation, should be allowed to express his views on the draft resolutions before the Committee.

32. Mr. COMAY (Israel) said that the Committee had decided to devote the current meeting to explanations of votes. It would be out of order to hear a statement from someone without voting rights. However, he did not formally object to the hearing.

33. The CHAIRMAN stated that there had been a consensus that at the current meeting the Committee would hear explanations of vote and at the same time comments on draft resolutions. It was for the Committee to decide whether to hear Mr. Nakhleh, and if there were no objections he would take it that the Committee accepted the Saudi Arabian proposal.

It was so decided.

34. Mr. NAKHLEH (speaking as one of the persons constituting the Palestine Arab delegation, in accordance with the decision taken by the Committee at its 585th meeting, which did not imply that the Committee recognized that delegation) said that draft resolution A/SPC/L.157 was humanitarian. It was a reaffirmation of Security Council and General Assembly resolutions stating the urgent need to spare the civil populations in the Middle East additional sufferings and calling for respect for their human rights. Despite those resolutions, the Jewish authorities in the occupied areas were daily committing genocide and war crimes against his people. The people of Palestine urged the Secretary-General, whose moral courage they greatly respected, to denounce those crimes. The Israel authorities were destroying villages, murdering, looting and humiliating his people, violating the Universal Declaration of Human Rights and defying the United Nations.

35. The United States representative had objected to the draft resolution (see paras. 15 and 16 above) on political grounds although, in other parts of the world, the United States Government advocated respect for private property. The draft resolution did no more than affirm the right of refugees with property in Palestine to enjoy the income from it. Even if Israel was entitled to sovereignty—an assertion which his people rejected—the draft resolution would not encroach upon that sovereignty. Article 17 of the Universal Declaration of Human Rights explicitly stated that no one should be arbitrarily deprived of his property, and he urged delegations to support the draft resolution as a matter of conscience and principle.

36. The United Nations Conciliation Commission for Palestine had compiled a register of the title-deeds of Arab properties in Israel-held Palestine, which had been deposited in the archives of the United Nations. It was clear, therefore, that General Assembly resolution 394 (V) had given the Commission a mandate to protect those properties, and the draft resolution rightly recalled that fact in its second preambular paragraph. His people would never accept that invaders should be allowed to enrich themselves at their expense. The draft resolution was nothing if not just and humanitarian.

37. Mrs. GAVRILOVA (Bulgaria) said that, although she still considered draft resolution A/SPC/L.155 unsatisfactory, both as an analysis of the general situation in the Near East and as an attempt to solve the refugee problem, she would support it, in view of the emphasis it laid on the implementation of paragraph 11 of General Assembly resolution 194 (III).

38. Mr. MUNYANSHONGORE (Rwanda) congratulated the sponsors of draft resolutions A/SPC/L.155 and A/SPC/L.156 and Add.1, both of which were humanitarian in purpose and provided a realistic approach to the refugee problem. However, his delegation had some reservations concerning draft resolution A/SPC/L.157, since the appointment of a custodian might complicate the task of the Special Representative to the Middle East recently designated by the Secretary-General in accordance with Security Council resolution 242 (1967) and might lead to duplication of work. The creation of such an office might also set a dangerous precedent which could affect all countries with refugee problems.

39. Mrs. BARRIOS (Dominican Republic) said that draft resolution A/SPC/L.157 was completely unacceptable to her delegation, both because of its legal implications and because it could create a dangerous precedent. Her delegation would support the other two draft resolutions (A/SPC/L.155 and A/SPC/L.156 and Add.1) because they were realistic and humanitarian and were in accordance with the Charter, with General Assembly and Security Council resolutions on the subject and with universally accepted norms.

40. Mr. NGUZA (Democratic Republic of the Congo) said that he had refrained from speaking during the general debate on the item because his delegation's position regarding Palestine refugees was well known. His delegation wished to thank the Commissioner-General and his staff for their humanitarian work on

behalf of the refugees and to congratulate them on their report (A/6713) which was very complete and lucid. It would have no difficulty in supporting draft resolution A/SPC/L.156 and Add.1, but would be unable to support draft resolutions A/SPC/L.155 and A/SPC/L.157, which concerned the substance of the problem, and it would therefore not participate in the vote on either of them. Draft resolution A/SPC/L.157, in particular, suggested a new solution of a problem on which the Security Council had already come to a decision, and he thought that the appointment of a custodian would prejudice the negotiations being carried on by the Special Representative to the Middle East designated by the Secretary-General in accordance with Security Council resolution 242 (1967).

41. The CHAIRMAN invited the Committee to vote on draft resolution A/SPC/L.155.

At the request of the Iraqi representative, the vote was taken by roll-call.

Bolivia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Costa Rica, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Southern Yemen, Spain, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium.

Against: None.

Abstaining: Congo (Brazzaville), Israel.

The draft resolution was adopted by 99 votes to none, with 2 abstentions.

42. The CHAIRMAN invited the Committee to vote on draft resolution A/SPC/L.156 and Add.1.

The draft resolution was adopted by 102 votes to none, with 1 abstention.

43. The CHAIRMAN invited the Committee to vote on draft resolution A/SPC/L.157.

At the request of the Syrian representative, the vote was taken by roll-call.

Togo, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United

Arab Republic, Yemen, Yugoslavia, Afghanistan, Algeria, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Ceylon, China, Congo (Brazzaville), Cuba, Czechoslovakia, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Maldives Islands, Mali, Mauritania, Mongolia, Morocco, Pakistan, Philippines, Poland, Saudi Arabia, Somalia, Southern Yemen, Spain, Sudan, Syria.

Against: Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Dahomey, Denmark, Dominican Republic, Finland, France, Gambia, Haiti, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Netherlands, New Zealand, Nicaragua, Niger, Norway, Rwanda, Sweden.

Abstaining: Turkey, Uganda, United Republic of Tanzania, Venezuela, Zambia, Central African Republic, Chad, Chile, Ecuador, Ethiopia, Gabon, Greece, Guatemala, Guyana, Honduras, Japan, Kenya, Mexico, Nigeria, Panama, Romania, Senegal, Sierra Leone, Thailand.

The draft resolution was adopted by 42 votes to 38, with 24 abstentions.

44. Mr. McGOUGH (Argentina) explained that he had voted against draft resolution A/SPC/L.157 because the problem of the Palestine refugees was already in the hands of the Special Representative to the Middle East who had been designated by the Secretary-General in accordance with resolution 242 (1967), unanimously adopted by the Security Council on 22 November 1967, and the appointment of a custodian might lead to duplication of work. He had voted in favour of draft resolutions A/SPC/L.155 and A/SPC/L.156 and Add.1 because they dealt with the humanitarian aspect of the refugee problem.

45. Mr. BOUQUIN (France) said that, at the current session of the General Assembly, his delegation had adopted the same position as in past years concerning draft resolutions which were practically identical with ones previously submitted. He had, however, had an additional reason for voting against draft resolution A/SPC/L.157; his delegation, like many others, considered that the appointment of a custodian would prejudice the efforts of the Special Representative to the Middle East to reach a valid solution of the problem of the Palestine refugees as an integral part of the whole situation in that area.

46. Mr. KUTAKOV (Union of Soviet Socialist Republics) said that the problem of the Palestine refugees was primarily political and must be considered in the light of the general situation in the Near East created by the Israel aggression. Any real solution of the problem was dependent on the withdrawal of the Israelis to the positions occupied on 5 June 1967 and on the implementation of General Assembly resolution 194 (III). His delegation reaffirmed its position on UNRWA which it had stated on previous occasions.

47. Mr. SIDOR (Poland) said that he had voted in favour of the three draft resolutions, although his

delegation was unable to support operative paragraph 7 of draft resolution A/SPC/L.155.

48. Mr. KLU (Togo) explained that, although he strongly supported the implementation of paragraph 11 of General Assembly resolution 194 (III) calling for repatriation or compensation of the Palestine refugees, he had voted against draft resolution A/SPC/L.157 because he thought that the appointment of a custodian to protect and administer Arab property in Israel precisely when the Special Representative to the Middle East was attempting to find a permanent solution of the whole Middle East problem might adversely affect the successful outcome of his negotiations.

49. Mr. HOPE (United Kingdom) said that he had voted against draft resolution A/SPC/L.157 because he considered that the delicate task of finding some generally acceptable solution of the problem which had been entrusted to the Special Representative to the Middle East called for restraint on both sides and that any measure likely to create acrimony should be avoided. The United Nations Conciliation Commission for Palestine had done much useful preparatory work in identifying and valuing Arab property in Israel which could be used in the event of a final settlement of the question.

50. Mr. MICHELMORE (Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East), thanked the members of the Committee, on behalf of all the staff of UNRWA, for their appreciative remarks about its work and for their interest in the refugee question. He hoped that

all Governments would study the matter during the ensuing year, with a view to further discussion at the twenty-third session of the General Assembly. The adoption of draft resolutions A/SPC/L.155 and A/SPC/L.156 and Add.1 would enable UNRWA to continue its programmes for the old refugees and to give as much help as possible to those who had left their homes as a consequence of the recent hostilities. UNRWA would continue to expand its education and training programmes for the refugees, and he hoped that adequate funds would be provided to carry out all the projects. If such funds were not forthcoming, the consequences would be too cruel to be contemplated.

51. Mr. SHERIFIS (Cyprus) said that he had been unavoidably absent during the voting on draft resolution A/SPC/L.157. If he had been present, he would have voted in favour of it.

52. The CHAIRMAN expressed satisfaction at the spirit of solidarity shown by the Committee with regard to the problem of the Palestine refugees who, through no fault of their own, were living in deplorable conditions, contrary to all the principles of human rights. The adoption of the three draft resolutions represented a small step towards the alleviation of their suffering, but much remained to be done.

Completion of the Committee's work

53. After an exchange of courtesies, the CHAIRMAN declared the session of the Special Political Committee closed.

The meeting rose at 1.45 p.m.