

United Nations
GENERAL
ASSEMBLY

EIGHTEENTH SESSION

Official Records

SPECIAL POLITICAL COMMITTEE, 415th
MEETING

Wednesday, 20 November 1963,
at 3.35 p.m.



NEW YORK

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Chairman: Mr. Mihail HASEGANU (Romania).

AGENDA ITEM 32

Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/5513, A/SPC/89, A/SPC/90, A/SPC/91, A/SPC/92, A/SPC/93, A/SPC/L.98/Rev.1, A/SPC/L.99, A/SPC/L.100 and Add.1) (continued)

1. Mr. RIFA'I (Jordan), speaking in exercise of the right of reply, said that at the 414th meeting the representative of Israel had tried to gloss over the statement by the Foreign Minister of Jordan (411th meeting) that under international law Israel had no sovereignty over the area it occupied, and to treat the statement as a pleasantry. In fact, it had been made in all seriousness, and the Israel representative's treatment of it showed that he had no grounds for challenging it. The Jordanian delegation would be glad to see the question of Israel's sovereignty referred to the International Court of Justice, which might be consulted as to whether the appropriation of Arab property in Palestine constituted a violation of international law and of the Hague regulations; the Committee would then have before it the opinion of the highest authority on international law. There were still Members of the United Nations that had not accorded recognition to Israel, and some that did recognize it had made reservations as to its boundaries. The fact that Israel had signed the General Armistice Agreements,^{1/} all of which stipulated that the demarcation lines were temporary and did not affect the final territorial settlement, was in itself an admission by Israel that it occupied the territory purely as a military occupant.

2. As to the fact that the Kingdom of Jordan had entered the United Nations after Israel, Jordan had enjoyed independent statehood long before Israel had come into existence. Unlike Israel, which had been condemned by the Organization that had accorded it membership, Jordan had entered by the normal and peaceful door and had never violated any principle of the Charter, defied any resolution or led any aggression.

3. In view of the misinterpretation of paragraph 11 of General Assembly resolution 194 (III) by the Israel

representative, he stressed that the Arab refugees derived their right to return to their homes primarily from the inalienable right of every human being, enshrined in the Universal Declaration of Human Rights, to live in his home in dignity and peace. Secondly, the United Nations had always viewed the question of the refugees as an urgent human question demanding an early solution that would precede the final settlement of political and territorial matters; it had not been in any way contingent upon such a settlement. The fact that the General Assembly had in the last four years instructed the United Nations Conciliation Commission for Palestine to implement paragraph 11 of the resolution and not others was proof of that. Thirdly, it was clear that the word "practicable" in paragraph 11 had not referred to the prior or concurrent settlement of the question of Palestine, but to the necessary physical preparations for resettlement of the refugees in their homeland. Fourthly, the right of the refugees to return to their homes was "chose jugée" and therefore no longer negotiable. Fifthly, the Israel representative had referred (414th meeting) to the right exercised by certain sovereign States to nationalize private property. The position of Israel was different, however, for it was a military occupant. Finally, Israel's tactics in suggesting that the problem of the refugees should be referred to negotiations between the Arab Governments and Israel were transparently obvious; it wanted a solution calculated to nullify paragraph 11, in defiance of the legitimate rights of the refugees recognized therein. The United Nations must therefore apply sanctions to enforce its will, particularly since the Israel representative had said (414th meeting) that his Government was not prepared to accept paragraph 11 as a basis for discussion. In the circumstances, it was pertinent to ask what was the use of calling for negotiations, as suggested in draft resolution A/SPC/L.100 and Add.1.

4. Mr. HASAN (Pakistan) first of all drew attention to the Israel representative's contention that operative paragraph 1 of draft resolution A/SPC/L.99 should read "repatriation or compensation" instead of "repatriation and compensation". The representative of Israel had suggested that there was a sinister motive behind the use of the word "and", and that it was a distortion of paragraph 11 of resolution 194 (III). Reference to that paragraph, however, showed that in both its sub-paragraphs the word "and" occurred while the word "or" did not.

5. The delegation of Pakistan stood by the views it had expressed at previous sessions on the question of the Palestine Arab refugees. It believed that the creation of the State of Israel and the way in which it had been created had been wrong. A country had been voted out of existence by brute majority in the General Assembly and seized by brute force. The only parallel was the carving up of Africa and the establishment of European colonies by forcibly dispossessing the Africans of their lands. The point might well be pon-

^{1/} Official Records of the Security Council, Fourth Year, Special Supplements Nos. 1-4.

dered by the sponsors of draft resolution A/SPC/L.100 and Add.1.

6. The present situation of the refugees would not have arisen if the resolutions of the United Nations, in particular resolution 194 (III), had been put into effect. Defiance of United Nations resolutions meant much wasted time and effort, created tensions in the regions concerned, damaged the moral fabric of the Organization, and furnished encouragement for further defiance. It had been argued that the situation must be faced where a resolution became impossible to enforce because of changed circumstances. That was a time-honoured pretext of defaulting parties. When the recalcitrant party, in the present case Israel, was responsible for the change, it could not be allowed to take advantage of it. If the consideration of established facts were to be accepted as a rule of civilized conduct, there would be no doctrine of specific performance, restitution or retrocession. There would be no need for law, for the enforcement procedures under the Charter, or indeed for the United Nations. If, as was proposed in draft resolution A/SPC/L.100 and Add.1, the General Assembly departed from its past stand on the rights of the Palestine refugees, it would be aiming a blow at its own prestige and causing distress not only to the refugees but also to other peoples who looked to the United Nations for their redemption. His delegation would therefore not support that draft resolution. He stood by the draft resolution co-sponsored by his delegation. With regard to the revised United States draft resolution (A/SPC/L.98/Rev.1), his delegation was prepared to consider it.

7. Mr. PACHACHI (Iraq), referring to draft resolution A/SPC/L.100 and Add.1, recalled the Israel representative's statement at the 414th meeting that his Government was not prepared to accept paragraph 11 of General Assembly resolution 194 (III) as a basis for discussion and his query as to how progress could be made when it was not possible to agree even on what the subject of agreement should be. In view of that attitude the sponsors of the draft resolution in question should have realized that there was no basis on which the matter could be discussed by the Arab States and Israel. The Israel representative had spoken at length about the origin of paragraph 11 of resolution 194 (III). In order to refresh the Committee's memory he would like to recall some of the relevant statements made at the time when the resolution had been under consideration. The idea of repatriating the refugees had first been proposed by Count Bernadotte, the Mediator, who had said in his report^{2/} that the refugees' right to return to their homes at the earliest possible date should be affirmed by the United Nations and that their repatriation, resettlement and economic and social rehabilitation, and payment of adequate compensation for the property of those choosing not to return, should be supervised and assisted by the Conciliation Commission. Mr. Bunche, Count Bernadotte's successor, had stated in the First Committee that in his opinion the General Assembly should affirm the right of the refugees to return to their homes if they chose to do so, with just compensation for those who could not or would not return or whose homes had been destroyed.^{3/} Mr. Jessup, the United States representative, had expressed his Government's view that those who wished to do so should be returned to their homes and that

adequate compensation should be arranged for the property of those who did not, adding that paragraph 11 of what had subsequently become resolution 194 (III) endorsed a generally recognized principle.^{4/} Mr. McNeil, the United Kingdom representative, had said that his Government could not agree that the General Assembly should abandon its direct responsibility and rely primarily upon the possibility of agreement between the parties concerned.^{5/} Perhaps the most important statement had been that of Mr. Rusk, now United States Secretary of State, who had told the First Committee that his delegation could not agree that the proclamation of peace was a prerequisite for the return of the refugees and that the latter should not be made pawns in negotiations for a final settlement. The late Mr. Dulles, who had also been a member of the United States delegation at that time, had said that the draft resolution in question could be reduced to three very important propositions, namely, the appeal for a peaceful settlement, the protection of the Holy Places, and the repatriation and resettlement of the refugees;^{6/} and he had not in any way linked the third of those propositions with the first. Finally, the late Mr. Schuman, who had headed the French delegation, had said that it was intolerable that the atrocities inflicted during the war upon Jews in Europe should subsequently be inflicted upon the Arab population of Palestine.^{7/} In the light of all those statements it was difficult to entertain Israel's contention that when resolution 194 (III) was adopted the rights of the refugees as set forth therein had somehow been linked to the possibility of negotiations. The Israel representative had said that the United Kingdom delegation had changed the words "as soon as possible" to "at the earliest practicable date" at the request of the Israel delegation. The understanding had been, however, that once the armistice agreements had been concluded it would become practicable for the refugees to return, for the Security Council had only two weeks earlier adopted its resolution^{8/} calling for the transformation of the temporary truce into armistice agreements and the Israel request had been made in anticipation of the conclusion of those agreements. As was clearly demonstrated by the statements of the United Kingdom and United States representatives to which he had referred, there had been no intention that the return of the refugees should be effected only after the conclusion of a comprehensive peace agreement between the Arab States and Israel. Mr. Beeley, the United Kingdom representative in the First Committee, had stated specifically that the reference was to the possible conclusion of armistice agreements, not of a comprehensive peace agreement. The Israel delegation had agreed in the past to discuss the question of the Holy Places and Jerusalem, which was the subject of a directive to the Conciliation Commission under resolution 194 (III), without tying it to the conclusion of a peace agreement. Why, then, was it not possible for Israel to discuss with the Conciliation Commission the implementation of that part of the resolution relating to the refugees? It was an accepted rule of law that specific provisions in a legal instrument took precedence over any general provisions which it might contain. Thus the specific directives to the Conciliation Commission to facilitate the repatria-

^{4/} *Ibid.*, 205th meeting.

^{5/} *Ibid.*, 203rd meeting.

^{6/} *Ibid.*, Third Session, Part I, Plenary Meetings, 184th meeting.

^{7/} *Ibid.*

^{8/} *Official Records of the Security Council, Third Year, Supplement for November 1948, document S/1080.*

^{2/} *Official Records of the General Assembly, Third Session, Supplement No. 11.*

^{3/} *Ibid.*, Third Session, Part I, First Committee, 213th meeting.

tion of the refugees took precedence over the general provision in the same resolution concerning a final settlement.

8. At the General Assembly's fifth session^{2/} the representative of Denmark had agreed that the United Nations bore the main responsibility for the situation of the refugees and that it was for the individual refugees themselves to decide whether they wished to return to their homes. It was hard to reconcile that position with Denmark's sponsorship of the draft resolution now before the Committee appealing for settlement of the matter through direct negotiations between Israel and the Arab States.

9. The appeal had been addressed to the wrong party, for the Arab States could not accept responsibility for the refugees; that responsibility belonged to the refugees themselves, as paragraph 11 of resolution 194 (III) in effect recognized. At the 414th meeting Israel had expressed the hope that if agreement was reached between the Arab States and Israel the matter would no longer appear on the agenda of the United Nations and the question of the refugees would be settled once and for all. Obviously Israel hoped that it would be settled on the basis of the fait accompli which it had brought about, in other words that all the refugees would be integrated into the Arab lands and none would be repatriated. That would be tantamount to the nullification of the Assembly's previous resolutions, the sacrifice of the rights of the refugees and recognition by them of that fait accompli. If that was what the sponsors of draft resolution A/SPC/L.100 and Add.1 wanted, they should not claim that they had the friendliest feelings for the Arab people in general and the refugees in particular and that all they were seeking was a peaceful settlement. When a similar proposal had been submitted two years earlier the Arab delegations had thought that it could perhaps be attributed to lack of knowledge of the intricacies and subtleties of the Palestine question. Since then, however, all aspects of the question had been debated at length and in detail. Draft resolution A/SPC/L.100 and Add.1 must be viewed in relation to the fact that the destruction of the Arab community in Palestine had been a fundamental objective of Zionism from its early days. Thus Dr. Elder, Acting Chairman of the Zionist Commission, in his report to the commission of inquiry investigating the causes of the riot of May 1921, had stated in his official capacity that there was to be no equality in the partnership between Jews and Arabs but a Jewish predominance as soon as the number of Jews in Palestine had sufficiently increased. Similarly, it had been brought out in the conferences between the King-Crane Commission and Jewish representatives that the Zionists had looked forward to the almost total dispossession of the non-Jewish inhabitants of Palestine.

10. If in the light of all those circumstances a draft resolution was submitted which could be described by some New York newspapers as a decisive propaganda victory for Israel, it could only be concluded that the text in question was aimed against the Arab States and served the propaganda interests of Israel.

11. His delegation would be prepared to vote in favour of draft resolution A/SPC/L.99. It was difficult to see how anyone could quarrel with the expression of regret in operative paragraph 1 that repatriation and compensation of the refugees had not been effected. The

Israel representative had noted that the paragraph did not refer to operative paragraph 2 of resolution 513 (VI), which had been mentioned in the resolutions adopted on the item at previous sessions. But there was nothing in resolution 513 (VI) which in any way minimized or affected the primary responsibility of the United Nations under operative paragraph 11 of resolution 194 (III). In fact, the paragraph to which the Israel representative thought a reference should be made specifically included the words "without prejudice to the provisions of paragraph 11 of resolution 194 (III)". There was accordingly no basis for the implication that the omission of a reference to resolution 513 (VI) was a deliberate attempt to nullify a previous resolution of the Assembly. The expression of regret in paragraph 2 of the draft that the United Nations Conciliation Commission for Palestine had not made progress in carrying out its tasks under paragraph 4 of resolution 1456 (XIV) was simply a statement of the truth, for although the Commission had been given a fresh mandate in 1959 it had done nothing so far to further the possibility of implementing paragraph 11 of resolution 194 (III). Paragraph 3 of the draft was derived from resolution 394 (V), which had called on the Conciliation Commission to continue consultation with the parties concerned. He saw no contradiction between that resolution and paragraph 3 of the current draft, for any effort that the Conciliation Commission might make regarding the protection of the property rights of the refugees would have to be made through contact with the Government which controlled the property. Indeed, he had expressly stated at the 410th meeting that he hoped the Conciliation Commission would make contact with and vigorous representations to Israel with respect to that property. If the paragraph in question had reproduced the exact wording of the relevant paragraph in resolution 394 (V) he would still have found it acceptable.

12. Draft resolution A/SPC/L.98/Rev.1 was a great improvement on the original text, although it was not sufficiently strong and decisive in upholding the absolute necessity of implementing paragraph 11 of resolution 194 (III). Also it should have included a reference to the property rights of the refugees, in conformity with resolution 394 (V). Nevertheless he could vote in favour of it, even though he considered draft resolution A/SPC/L.99 more realistic and more closely in conformity with earlier resolutions.

13. Mr. QUAISON-SACKEY (Ghana) expressed his delegation's respect and admiration for the way in which Mr. Davis, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), had handled his difficult assignment and wished him well in his new duties.

14. The Government of Ghana believed that paragraph 11 of resolution 194 (III) must be implemented and that any resolution adopted by the Committee must place the interests of the Palestine refugees first. It was from that viewpoint, and with due regard to the views of the parties directly concerned and to the realities of the situation, that his delegation had studied the three draft resolutions now before the Committee.

15. Draft resolutions A/SPC/L.98/Rev.1 and A/SPC/L.99 were comprehensive and basically complementary. Both recognized the importance of paragraph 11 of resolution 194 (III) with regard to the repatriation or compensation of refugees, which was a primary factor in the solution of the problem, and both paid

^{2/} Official Records of the General Assembly, Fifth Session, Ad Hoc Political Committee, 64th meeting.

tributes to the staff of UNRWA for its efforts on behalf of the refugees. The United States draft resolution (A/SPC/L.98/Rev.1) went even further by urging all Governments to contribute to the budget of UNRWA so that it could carry out its essential programme, a proposal which the Ghanaian delegation heartily endorsed. While there was some divergence of opinion in the two draft resolutions regarding the work done during the past year by the United Nations Conciliation Commission for Palestine, both were agreed on the Commission's future programme of work with regard to the implementation of paragraph 11 of resolution 194 (III). In general, therefore, the Ghanaian delegation would have no difficulty in voting for both draft resolutions.

16. At the same time the United Nations and the parties concerned would do well to give consideration to the suggestions frequently put forward by President Nkrumah, who had proposed the creation of a State for the Arab refugees and the limitation of the boundaries of Israel, with each State respecting the other's sovereignty, and the stoppage of the arms race in the Middle East as a means of bringing peace and security to the area. Ghana recognized the State of Israel and was on friendly terms with the Arab States and wished to see a peaceful and secure Middle East.

17. Draft resolution A/SPC/L.100 and Add.1 was broadly in line with the views of the Government of Ghana, which for five years had emphasized the need for negotiations between the parties concerned. While the question of the refugees as such was not negotiable, the ways and means of approaching a solution were a proper subject for negotiation. However, since the Palestine refugees were one of the interested parties, his delegation would suggest that the co-sponsors should replace the word "Governments" by "parties". It would also be as well to mention the need for implementing paragraph 11 of resolution 194 (III), since any direct negotiations between the parties concerned should be essentially for the purpose of finding ways and means of implementing that resolution. A supreme effort must be made to solve the problem of the Palestine refugees and the delegation of Ghana was ready to support all endeavours to that end.

18. Mr. MENDEZ (Argentina) paid a tribute to the work carried out by UNRWA and its Commissioner-General, whose departure was a matter of sincere regret.

19. The Committee's debate on the Commissioner-General's report (A/5513) unfortunately tended to stray from its primary objective, which was the fate of more than a million refugees, to the more general problem of relations between the Arab States and Israel. While the reasons for that were understandable, it was the duty of those members of the Committee who were not directly involved in the issue to try to promote the kind of climate in which constructive solutions would be easier to find. Proposals which included unduly controversial political elements should therefore be avoided. The Argentine delegation had studied the three draft resolutions before the Committee in that light. While draft resolution A/SPC/L.100 and Add.1 was based on principles that no one would wish to disavow—the peaceful settlement of international disputes through direct negotiation—it seemed to be somewhat unrealistic in the light of existing circumstances. It also appeared to skirt the real problem, which was the position of the refugees themselves. For those reasons his delegation would have to abstain when the draft resolution was put to the vote.

20. With regard to the other two draft resolutions (A/SPC/L.98/Rev.1 and A/SPC/L.99), the Argentine delegation was convinced of the need for measures to protect the rights and property of the Palestine refugees. It was therefore prepared to support any proposal which provided for such measures, so long as it also safeguarded the sovereign rights of both the States within whose frontiers the property was located. The rights of the refugees and the sovereignty of those States deserved equal attention and it should not be impossible to harmonize the two points without damage to either side.

21. Those goals seemed to be covered most satisfactorily in the United States draft resolution (A/SPC/L.98/Rev.1), in which the situation of the Palestine refugees was kept within the prudent limits which were necessary if viable solutions to the complicated issue were to be found. The Argentine delegation would therefore support that draft, which did not claim to provide an immediate remedy but did show the way to a constructive final solution of the problem.

22. Mr. RODRIGUEZ CAMUSSO (Uruguay), after congratulating the Commissioner-General and staff of UNRWA on the way in which they had carried out the difficult task entrusted to them, said that his delegation would vote in favour of draft resolution A/SPC/L.98/Rev.1. It reaffirmed the applicability of resolution 194 (III) which was basic to any consideration of the Palestine refugee problem, and it reaffirmed the mandate assigned to the Conciliation Commission under paragraphs 4 and 5 of that resolution, which specified the need for agreement by direct negotiation or negotiations conducted through the Commission. It also recognized the valuable efforts made by the United Nations to relieve the tragic situation of the refugees and the need to continue and expand that contribution, and called for solutions based on the strict application of paragraph 11 of resolution 194 (III).

23. While favouring direct negotiations between the parties, Uruguay could not support draft resolution A/SPC/L.100 and Add.1 because such direct negotiations were only possible when all parties agreed to them; and that was not the case at present. For the moment all the Committee could do was to reaffirm once again the validity of the various resolutions already adopted by the General Assembly. In that connexion, Uruguay would continue to support fully the existence of the State of Israel, if that were called into question. It desired a peaceful settlement of the problem of the Near East based on the peaceful coexistence of the Arab States and Israel, with all of which Uruguay maintained close ties of friendship. It would therefore continue to support the work of the Conciliation Commission and the application of paragraph 11 of General Assembly resolution 194 (III).

24. Mr. HAKIM (Lebanon) said that draft resolution A/SPC/L.100 and Add.1 was a strange document. The absence of a preamble was significant, for it meant that the co-sponsors wished to ignore all the decisions of the United Nations during the past fifteen years, as well as the report of the Commissioner-General of UNRWA, which was the item before the Committee, and the views of the Arab States and the Palestine refugees.

25. The call for a renewed appeal to the Governments concerned to undertake direct negotiations was misleading, for at no time in the past had the General Assembly appealed for such direct negotiations for a solution of the question of the Arab refugees. If the

co-sponsors were thinking of General Assembly resolution 194 (III), they should note that the only provision relating to Arab refugees was in paragraph 11.

26. The representatives of the Central African Republic, Denmark and Dahomey, in introducing the draft resolution at the 413th meeting, had said they had been motivated by humanitarian considerations and by the interests of the refugees, as well as by their desire to advance the cause of peace in the Middle East and the world. In fact, however, the proposal ignored the interests and rights of the refugees and the cause of justice and disregarded the decisions of the United Nations, and was therefore harmful to the interests of peace and humanitarianism. It was noticeable that the eighteen co-sponsors included no States from the Middle East or from Asia, in other words from among those most familiar with the problem of the refugees and the situation in the Middle East. It was also significant that the co-sponsors had completely disregarded the unequivocal statements by the Arab States that they would not enter into negotiations with Israel on the question. It was obvious that the proposal was not based on any thorough study of the Arab refugee question or of the important problems related to it.

27. The principal party concerned in the question of the refugees was the Arab people of Palestine and it was their vital interests and inalienable rights which were at stake. Neither the Government of Lebanon nor those of the other Arab States were entitled to negotiate with anybody on those interests and rights; indeed, Mr. Ahmed Shukairy had told the Committee that the Palestine refugees would not agree to anyone negotiating on their behalf.

28. The rights of the refugees were already recognized by the United Nations and were clearly defined in paragraph 11 of resolution 194 (III), which itself was based on the report^{10/} submitted to the General Assembly in 1948 by Count Bernadotte. Throughout his report Count Bernadotte had insisted on the right of the refugees to return to their homes at the earliest possible date and on their unconditional right to make a free choice. That right had been recognized in resolution 194 (III); the words "should be permitted to do so" in the resolution imposed an obligation on all States, and particularly Israel, to allow the refugees to return to their homes. No Arab State could negotiate over that right of repatriation; only the refugees were entitled to choose between exercising it or not.

29. Draft resolution A/SPC/L.100 and Add.1 defined the purpose of the direct negotiations for which it appealed as the "finding of an agreed solution for the question of the Arab refugees". But that solution had already been agreed upon by the General Assembly in paragraph 11 of resolution 194 (III) and the only obstacle to its implementation was the obstinate defiance of Israel. The draft resolution acquiesced in that defiance and encouraged Israel in its refusal to implement the decisions of the United Nations. The Lebanese delegation therefore rejected draft resolution A/SPC/L.100 and Add.1 in the interests of the refugees, of justice and of peace in the Middle East and the world as a whole.

30. Mr. SIDI BABA (Morocco) said that draft resolution A/SPC/L.98/Rev.1 was an improvement over the original draft and that his delegation saw no difficulty in voting for it. It would also vote for draft resolution

A/SPC/L.99, which was based on justice and an understanding of a most complex problem. Draft resolution A/SPC/L.100 and Add.1, however, had been drafted in a most odd manner. Against all precedent, there was only one paragraph and no preamble. The reason why such a short resolution had been submitted appeared to be that there was very little to say as far as it was concerned. His delegation believed that a resolution must refer to other General Assembly resolutions and have a preamble. In any case, the wording did not correspond to the true state of affairs. As far as he knew, the United Nations had never appealed to the Governments concerned to undertake direct negotiations, and it would not be appropriate to renew an appeal that had never been made. Further, the appeal should be addressed only to the parties concerned, the Zionist State of Israel and the Arab people of Palestine. Other States had adopted their positions merely because they opposed the flagrant injustice done. The Palestine refugees alone outnumbered the populations of at least ten countries represented in the United Nations. It was a curious coincidence that most of those countries were among the sponsors of the draft resolution. It did not seem appropriate that those countries should presume to decide the fate of the people of Palestine without taking its views into account. It had a right to be heard and must participate in any negotiations.

31. The co-sponsors also included a number of countries with which his own had ties of friendship and co-operation in all fields. He therefore appealed to them not to insist on putting to the vote a draft resolution giving Israel a psychological or political victory which would complicate rather than solve the problem.

32. Mr. BACH BAOUAD (Tunisia) said that draft resolution A/SPC/L.100 and Add.1 was noble in intention in that it appealed to the principle of negotiation. His delegation, however, shared the misgivings of the Jordanian delegation, since the draft resolution reduced the problem to a confrontation between Israel and the Arab States, leaving aside the people of Palestine. His delegation would have supported the draft if it had stated that the basis for negotiation should be the implementation of resolution 194 (III) and had specified that the people of Palestine and Israel should be the parties to the negotiations. After fifteen years, Israel had introduced no new element into the discussion but had reverted to its usual propaganda. At the 410th meeting the Minister for Foreign Affairs of Israel had drawn arguments from the Bible and archaeological research to justify the Zionist occupation of the Holy Land and had defended Zionism; and she had advanced a free interpretation of resolution 194 (III) to support her point of view. She had also revealed a determination to deprive the refugees of repatriation rights, stating that her Government was not prepared to open its borders to people who wished to enter the country only to destroy it from within. Israel continued to maintain that the best way of settling the dispute was through direct negotiation. Its attitude in opposing any application of resolution 194 (III) was designed only to gain time and was calculated to lead to a further deterioration of the situation. The people of Palestine, however, after having exhausted peaceful means of settlement, might soon turn towards the only course remaining to them to liberate their national territory. His delegation would therefore be happy if the co-sponsors of the draft resolution would agree to withdraw it.

^{10/} Ibid., Third Session, Supplement No. 11.

33. Draft resolution A/SPC/L.99 had the merit of being clear and simple; it tried once again to define the mandate of the Conciliation Commission, referred to resolutions adopted at previous sessions, and made it a duty for Israel as a Member State to facilitate the application of paragraph 11 of resolution 194 (III).

34. After consultation with the representatives of the Palestine Arabs, his delegation would support the revised United States draft resolution, since the new operative paragraph 4 underlined the fundamental right of the Palestine refugees.

35. Mr. BARUNI (Libya) said that Mr. Shukairy had made it clear that the Palestine refugees would not accept any negotiation on their rights. Draft resolution A/SPC/L.100 and Add.1 suggested, by the use of the words "Renews its appeal", that there had been a previous resolution along the same lines, which was not the case; a similar draft resolution submitted at the seventeenth session had been withdrawn.^{11/} The draft resolution echoed the words of Mrs. Meir when she had spoken of direct negotiations with the Governments concerned. Those Governments were not the Arab Governments—the sole party concerned was the Arab people of Palestine. The draft resolution also spoke of "finding an agreed solution", though the refugees had stated that the only solution was their repatriation, which had already been decided in resolution 194 (III).

36. Draft resolution A/SPC/L.98/Rev.1 was an improvement on the resolution adopted at the seventeenth session, and in the absence of any other text his delegation would vote for it. He hoped that the Conciliation Commission, with international support, would stand by its mandate; in the past fifteen years it had failed to repatriate one single Palestine Arab, entirely because of Israel's constant defiance of United Nations resolutions. Finally, his delegation wholeheartedly supported draft resolution A/SPC/L.99, which offered a definite contribution towards solving the tragic problem of the refugees.

37. Mr. CHANDERLI (Algeria) said that draft resolution A/SPC/L.99 was an equitable text which his delegation would support, as it would also support the revised United States draft resolution, which now referred to the rights of the Palestine refugees to repatriation.

38. With regard to draft resolution A/SPC/L.100 and Add.1, he realized that it might have had some appeal because of its simple presentation and its mention of negotiations with a view to finding a solution. He would therefore like to ask the co-sponsors from Europe, which had undergone periods of occupation and destruction, from Iceland and from Latin America, with their innate sense of justice, if they would abandon their own sovereignty, and if the denial to the people of Palestine of the right to speak for themselves was consistent with justice. He was surprised to find African countries among the co-sponsors of a draft resolution unacceptable both to the Palestine Arabs and to the Arab States which for years had defended their cause in the United Nations. What would have been the attitude of those States if Uganda had been chosen as the Jewish national homeland and the people of Uganda, driven out as refugees, had subsequently demanded the right to return to their homes? The recently created Organization of African Unity was a symbol of peace-loving and humanitarian ideals on the African continent. Fraternal

ties linked together all the African countries some of which were also Arab States; about one-fifth of the population of Africa was Arab. The Arab countries did not ask all Africans to agree with them, but if they could not give their support they might at least abstain from such manifestations as the present draft resolution. The Israel authorities had said that they would hold discussions only with the Arab States. That was tantamount to denying the authority of the United Nations, which had rightly allowed the representatives of the refugees to speak in the Committee.

39. There appeared to be a majority in favour of resolution A/SPC/L.99 and the revised United States draft (A/SPC/L.98/Rev.1). Draft resolution A/SPC/L.100 and Add.1 suffered from the desire to obtain peace without justice, and was likely to achieve neither. Its effect would be to drive the Arab people of Palestine to despair, so that the only way left open to them would be to take justice into their own hands. There was still time to find a peaceful solution without that happening. He therefore appealed to the co-sponsors to take into account the climate in the Committee, the statements made and the interests of all the parties concerned by withdrawing their draft resolution.

40. Mr. TARAZI (Syria) supported the Algerian representative's appeal to the sponsors of draft resolution A/SPC/L.100 and Add.1. His delegation was unable to consider it for a number of reasons. In two respects it was defective in form. First, it lacked a preamble and thus conveyed the impression that its sponsors were calling for a summary settlement, as though the Committee were a military tribunal. The second drafting defect was the use of the words "Renews its appeal", for the appeal in question had not been made in the past. The idea of such an appeal had been raised for the first time at the sixteenth session but the draft resolution embodying it had been rejected by the plenary Assembly. A similar proposal had been submitted at the seventeenth session but had subsequently been withdrawn. As far as the substance of the draft was concerned, his delegation could not agree to consider it because the only parties to the dispute were Israel and the Arab people of Palestine. Mr. Shukairy, speaking on behalf of the Palestine Arabs, had said that any resolution calling for negotiations between Israel and the Arab States would be of no avail, for those States were not entitled to negotiate the rights of the people of Palestine.

41. The Israel representative had spoken of coexistence. The Syrian Government had always accepted the principle of coexistence. But the Arab States were being asked to accept an imposed settlement. The Agreement concerning the Sudeten German Territory, signed at Munich on 29 September 1938, and the war that had followed it were a warning of what could happen when a nation was sacrificed on the pretext of preserving peace.

42. He also wished to support the United Arab Republic representative's statement at the 414th meeting concerning the General Armistice Agreements. Israel and Syria had signed a General Armistice Agreement^{12/} which had established a demilitarized zone and a Mixed Armistice Commission composed of representatives of the two parties. Since 1951, however, Israel had refused to appear before that Commission when it dealt with questions concerning the demili-

^{11/} Ibid., Seventeenth Session, Annexes, agenda item 31, document A/5387, paras. 7 and 13.

^{12/} Official Records of the Security Council, Fourth Year, Special Supplement No. 2.

tarized zone. At the 1002nd meeting of the Security Council the Israel representative had said that if Syria would not insist on the Mixed Armistice Commission's dealing with matters relating to the demilitarized zone there would be no obstacle to Israel's full participation in the work of that Commission. Israel's argument had been that the Commission was not competent to deal with matters concerning the demilitarized zone, a position which was not in conformity with the terms of the armistice agreement.

43. As far as the other two draft resolutions were concerned, his delegation had hoped that the text in document A/SPC/L.99 would win the unanimous support of the Committee, but as the United States had revised its text (A/SPC/L.98/Rev.1) his delegation would vote in favour of the latter.

44. Mr. PLIMPTON (United States of America), speaking on a point of order, moved that the Committee should vote first on his delegation's revised draft resolution.

It was so decided.

At the request of the Iraqi representative, a vote was taken by roll call on operative paragraph 4 of draft resolution A/SPC/L.98/Rev.1.

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

In favour: Mauritania, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Poland, Romania, Saudi Arabia, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Trinidad and Tobago, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Lebanon, Liberia, Libya, Malaysia, Mali.

Against: Israel.

Abstaining: Nepal, Niger, Nigeria, Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Togo, Upper Volta, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Guatemala, Haiti, Ivory Coast, Madagascar.

Operative paragraph 4 of draft resolution A/SPC/L.98/Rev.1 was approved by 75 votes to 1, with 20 abstentions.

Draft resolution A/SPC/L.98/Rev.1 as a whole was approved by 83 votes to 1, with 12 abstentions.

45. Mr. GASPARINI (Italy) appealed to the sponsors of draft resolutions A/SPC/L.99 and A/SPC/L.100 and Add.1 not to press them to the vote. The United States resolution just adopted, while putting some of the elements of draft resolution A/SPC/L.99 in a better perspective took into account the present state of affairs which did not permit a broader and more comprehensive approach. As for draft resolution A/SPC/L.100 and Add.1, his delegation fully supported the method of direct negotiations between the parties for the solution of controversies among States, but he felt that in the case under consideration the necessary

pre-conditions for its implementation were lacking: direct negotiations were not possible at present, since one of the parties did not recognize the existence of the other, and even the definition of the "parties concerned" was a matter of controversy.

46. The Committee's recommendations would carry greater weight and would enable the Conciliation Commission to carry out its mandate with greater efficacy if the support for them was as broad and undivided as possible. The prospect of securing such undivided support would be greatly enhanced if the Committee were to transmit only one draft resolution—the resolution just approved—to the General Assembly.

47. Mr. TABIBI (Afghanistan) proposed that the meeting should be suspended for five minutes in order to enable the sponsors of draft resolution A/SPC/L.99 to consult together regarding the appeal of the Italian representative.

48. Mr. DOSUMU-JOHNSON (Liberia) wished to add the name of his delegation to the co-sponsors of draft resolution A/SPC/L.100 and Add.1.

49. The CHAIRMAN said that, if there were no objections, the meeting would be suspended for five minutes.

It was so agreed.

The meeting was suspended at 7.5 p.m. and resumed at 7.15 p.m.

50. Mr. TABIBI (Afghanistan) announced that the co-sponsors of draft resolution A/SPC/L.99 had agreed not to insist on putting it to the vote. In doing so they had been influenced by the statement of the United States representative at the 414th meeting that his draft resolution (A/SPC/L.98/Rev.1) was in no way meant to undermine the importance and validity of paragraph 11 of resolution 194 (III). Moreover, paragraph 4 of that draft resolution covered the basic intentions of paragraphs 2 and 3 of draft resolution A/SPC/L.99. However, the delegations of Afghanistan, Indonesia and Pakistan requested that the text of their draft resolution be recorded fully in the Committee's records so that, if deemed necessary in the future, it could be reintroduced. They were particularly concerned for the property rights of the refugees as a recognized right under international law and, in their draft resolution, had specifically repeated the directive contained in General Assembly resolution 394 (V) that the Conciliation Commission should continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees. It was to be hoped that, through the adoption of the United States resolution, the Conciliation Commission, which had so far failed, would fulfil its task under General Assembly resolution 1456 (XIV) and paragraph 11 of resolution 194 (III).

51. Mr. CHANDERLI (Algeria) appealed to the sponsors of draft resolution A/SPC/L.100 and Add.1 not to press it to the vote.

52. Mr. GALLIN-DOUATHE (Central African Republic) said that in response to the appeals made by the representatives of Algeria, Italy and Morocco and in view of the wide support obtained by the United States draft resolution, the sponsors of draft resolution A/SPC/L.100 and Add.1 had decided to withdraw their own text. He would like to add, however, that his own delegation remained deeply convinced of the merits of direct negotiations.

53. Mr. GASPARINI (Italy) thanked the delegations of the two groups of sponsors for agreeing not to press

their draft resolutions to a vote, so making a last but decisive contribution to the successful conclusion of the Committee's work on the item. He thanked in particular the representatives of Afghanistan and the Central African Republic who had eloquently interpreted his delegation's feelings. The great merit of the resolution just adopted was that it dealt with present conditions, and its sponsor, the United States delegation, also deserved the Committee's deep appreciation.

54. Mr. COMAY (Israel) explained that his delegation had voted against operative paragraph 4 of draft resolution A/SPC/L.98/Rev.1 and against the resolutions as a whole because it had wished its vote to reflect the firm position it had taken regarding paragraph 11 of resolution 194 (III) in its statements during the debate. Similarly, it would have voted against the first part of the third preambular paragraph, beginning with the

words "Noting with deep regret . . ." and referring to the above paragraph 11, if there had been a separate vote on it.

55. His delegation completely rejected the interpretation put on paragraph 11 by Arab spokesmen, as also the allegation that Israel had failed to act in accordance with United Nations resolutions on the Arab refugee problem. Nevertheless, it had become convinced that paragraph 11 was now so contentious that it did not provide a basis for progress on the problem. His delegation supported and sympathized with those portions of the United States resolution which referred to the activities of UNRWA and to financial support for it. Its vote on the resolution did not imply any sense of reservation in respect of those paragraphs.

The meeting rose at 7.40 p.m.