

United Nations GENERAL ASSEMBLY

SEVENTEENTH SESSION

Official Records

SPECIAL POLITICAL COMMITTEE, 374th
MEETING



Monday, 17 December 1962,
at 3.25 p.m.

NEW YORK

CONTENTS

	Page
<i>Agenda item 31:</i>	
<i>Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (continued)</i>	265

Chairman: Mr. Leopoldo BENITES (Ecuador).

AGENDA ITEM 31

Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/5136, A/5214, A/5337; A/SPC/74; A/SPC/L.89 and Add.1, A/SPC/L.90, L.91) (continued)

1. Mr. SOSROWARDOJO (Indonesia) said that he had no doubt that the sponsors of draft resolution A/SPC/L.89 and Add.1 were sincere in asking for negotiations to bring about a rapprochement between the parties to the dispute. As a principle, negotiations were excellent. Since the United Nations had been established, a large number of international conflicts had been settled thus through the intermediary of the Organization. But for that purpose, the dispute must be ready for negotiation, and that was not the case. Fourteen years after the adoption of resolution 194 (III), by which the Assembly had given the refugees a choice between repatriation and compensation, Israel was still refusing to comply with it. The wretched lot of the refugees had not changed, and it must be asked how much longer those who had supported resolution 181 (II) on partition, which was the cause of all the current evils, would be able to stifle their consciences. The Committee should realize that the condition of the refugees was only one element of the main situation, that of the instability prevailing in the Near East. In view of Israel's continuing attitude of defiance with regard to all the United Nations resolutions, it would be unrealistic to call for negotiations. A climate favourable to negotiation could be expected only when those who were primarily responsible for the present situation demonstrated goodwill. That was the answer to the observations made at the preceding meeting by the representative of Israel.

2. The operative paragraph of resolution A/SPC/L.89 and Add.1 referred to a solution which would be acceptable to all the parties concerned. His delegation fully shared the view of the Iraq delegation and all the representatives who had emphasized, at the current session as at earlier sessions, that those parties were Israel of the one part and the Arab nation of Palestine of the other.

3. The least that the United Nations could do at the present juncture was to take positive steps to ameliorate

the condition of the refugees. It was in that spirit that his delegation had joined in sponsoring draft resolution A/SPC/L.90, which recommended the appointment of a custodian for the administration and protection of Arab property in Israel. Such a measure, which would be in conformity with the standards of justice and international morality, would to a certain extent redress the moral wrong which the refugees had suffered and would lighten the financial burden of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Moreover, effective co-operation between the United Nations custodian and UNRWA would open the way to other constructive efforts.

4. In regard to draft resolution A/SPC/L.91, his delegation would support its operative paragraph 4, which would extend the Agency's mandate.

5. As far as the United Nations Conciliation Commission for Palestine was concerned, his delegation considered, as in the past, that its composition should be altered so that it would be more truly representative of the United Nations. If it was given a new life it would be able to discharge its task more effectively. The vote of his delegation would be in accordance with those considerations.

6. Mr. MILLET (France) said that the situation of the Palestine refugees had for years been receiving the attention of the French Government, which was linked by traditional ties of friendship to all the countries of the Near East, ties remaining unbroken despite the vicissitudes of contemporary events. France understood the matter perhaps better than any other country, for, situated at the crossroads of Western Europe, it had experienced and was continuing to experience the drama of those whom fate had uprooted from their homes. At that very hour, for example, the French Government had to cope with the difficulties caused by the return of hundreds of thousands of Frenchmen, who were being accepted in the metropolitan country without discussion.

7. Despite the financial difficulties which it had experienced since the war, France had been one of the major contributors to the Agency. For France that was not an act of charity but an act of faith in the future of the countries and peoples of the Near East.

8. His delegation had been alarmed by the tone of the debate, which became more ardent every year. The French Government, he wished to state, once again, would continue to support the efforts of the Conciliation Commission.

9. If the Conciliation Commission's twenty-first progress report (A/5337) had made only brief mention of the mission entrusted to its Special Representative Mr. Johnson, it was not because the Commission was indifferent to that mission, nor because the Special Representative had been inactive; on the contrary, Mr. Johnson had shown great perseverance and an

exceptional understanding of the different sides of the question. His efforts would not have been in vain but the Commission had had to recognize that in the circumstances and in view of the reservations of the parties directly concerned, discretion would better serve the purposes of its mission of conciliation. That did not mean that it was any the less determined to continue seeking every means likely to lead to a settlement.

10. It was because his delegation wished to be impartial and realistic that it had refrained from participating in the general debate and had concentrated solely on the various solutions proposed. Before turning to the three draft resolutions, he wished, on behalf of his Government, to congratulate the Commissioner-General of UNRWA and all of his staff on their endeavours and the progress which they had made, particularly in education and vocational training for the refugees.

11. He noted that relations between Israel and the Arab States were not, as the general debate might suggest, the subject which the Commission was studying; the item before it was the report of the Commissioner-General (A/5214), and the Committee was considering the Agency's mandate and its financial situation. That was why his delegation, although it understood the considerations which had inspired the sponsors of draft resolution A/SPC/L.89 and Add.1, could not vote in favour of that text, which did not fall within the scope of the agenda item. France, furthermore, which was a member of the Conciliation Commission to which the sponsors referred in their draft, did not share their anxiety and would continue its efforts to seek a solution of the Arab refugee question which would meet with the agreement of all the parties concerned.

12. Since France was a member of the Conciliation Commission, and also for juridical reasons, his delegation could not take sides with respect to draft resolution A/SPC/L.90. It would therefore abstain in the voting on that text as well.

13. It would, on the other hand, support draft resolution A/SPC/L.91, submitted by the United States, because it was a realistic proposal. Some would doubtless be of the opinion that the text contributed nothing new, but it did not neglect any aspect of the various difficulties to which the situation of the refugees gave rise. His delegation did not take a stand with regard to the other draft resolutions, for it could not ignore the political considerations in which the exodus of the refugees and their exile had had their origin.

14. Mr. CROWE (United Kingdom) said that his delegation had not taken part in the general debate because it had felt that it would be preferable to limit the discussion to the study of the draft resolutions before the Committee.

15. During the debate a number of charges had been levelled against the United Kingdom Government and the acts of the British forces in Palestine. He would not reply to them; they were all unfounded; furthermore, they were outside the scope of the topic under discussion, which was the report of the Commissioner-General of UNRWA.

16. He wished to pay a tribute to the spirit of dedication shown by Mr. Davis and his staff. The Commissioner-General's report was clear and his delegation commended in particular the section deal-

ing with the progress achieved in vocational and teacher training. He congratulated Mr. Davis on the efforts that he had made to raise funds for that purpose.

17. That was the most constructive way to approach the tragic condition of the refugees. It was imperative to continue in that direction if it was desired to give the refugee youth an opportunity to develop their skills.

18. His delegation accordingly favoured the two-year extension of the Agency's mandate as proposed in draft resolution A/SPC/L.91. He was sure that throughout that period Mr. Davis and his staff would try to conduct the work of the Agency with a minimum of expenditure and a maximum of efficiency.

19. His delegation was gratified at the progress made by the Conciliation Commission in the identification and evaluation of Arab property and in the release of the bank accounts of Arab refugees. It praised the Commission for its perseverance and hoped that it would continue the work it had undertaken.

20. With regard to the draft resolutions presented to the Committee, the United Kingdom delegation believed it would serve no useful purpose to seek to adopt resolutions which everyone knew would be neither accepted nor applied by either of the parties at the present stage and would only add to the bitterness and resentment. It believed the Committee should stay within the realm of the possible and limit itself to trying to move forward, however small the progress might be. The two draft resolutions A/SPC/L.89 and Add.1 and A/SPC/L.90 were very similar to those made at the previous session. His delegation's position regarding them remained unchanged and it hoped that the sponsors of the two draft resolutions would not insist on their being put to the vote.

21. On the other hand, his delegation unreservedly supported draft resolution A/SPC/L.91, for it favoured the continuation of the Agency and considered that it adopted a practical approach to the matter. The Conciliation Commission should be encouraged to persevere in its difficult task, for it was only by realizing what could not be done and by moving step by step towards possible goals that there could be any hope of solving the complex refugee situation.

22. Mr. ATAULLAH (Pakistan) wished to reply to certain allegations made by the representative of Israel. At the 373rd meeting, he had accused the sponsors of draft resolution A/SPC/L.90 of siding with the country's adversaries. Pakistan freely admitted that it supported the cause and the claims of the Arab people of Palestine, which were just and in accordance with the principles of the Charter and the Universal Declaration of Human Rights. The State of Israel had been created by force with the help of an international conspiracy and against the wishes of the overwhelming majority of the lawful inhabitants of the country. Pakistan therefore had no reason for recognizing such a State. Whatever Pakistan's attitude might be, however, the sponsors of draft resolution A/SPC/L.90 had presented it in good faith; their intentions were pure, and his delegation hoped that the members of the Committee would judge the solution which they recommended on its own merits.

23. The Israel representative had claimed that the sponsors of that draft had tried to distort the meaning of previous Assembly resolutions. All those resolu-

tions sought to protect the property and assets of the refugees, and that was precisely what draft resolution A/SPC/L.90 proposed, pending the final solution of the problem.

24. The argument of the absolute sovereignty of the State of Israel was not new; a number of delegations, including his own, had already refuted it. The protection of Arab property in Palestine by a custodian would in no way constitute interference in Israel's domestic affairs. The United Nations had the right and the duty to intervene whenever it was faced with a denial of human rights. Israel's aggression against the Palestine Arabs was as strongly to be condemned as the policy of apartheid.

25. His delegation would be unable to vote in favour of draft resolution A/SPC/L.80 and Add.1. In view of Israel's attitude, any negotiation was doomed to certain failure. Questions couched in very clear terms had been put to the Israel delegation. It had been asked whether it accepted the resolutions of the Assembly and the Security Council, and the Israel delegation had not replied. Its silence might help the Ivory Coast representative to see what was hidden behind Israel's allegedly peaceful intentions.

26. Mr. DIMECHKIE (Lebanon) considered that in view of Israel's campaign to absolve itself of its crimes and to justify them by proclaiming its peaceful intentions and its desire to negotiate, it would be useful to know the past record of those with whom the Arab States were asked to negotiate. A glance at Israel's record with regard to the Protocol of Lausanne,^{1/} the General Armistice Agreements^{2/} and the United Nations resolutions would show that Israel had wholly disregarded all those instruments. It had used them only to try to legalize its past aggression and to prepare for future aggression. Consequently, an agreement concluded with Israel would be a Munich agreement, and that was precisely the purpose of draft resolution A/SPC/L.89 and Add.1. If the sponsors of that draft really desired an early solution to the problem they would have mentioned the previous resolutions, particularly operative paragraph 11 of resolution 194 (II), instead of referring only to the part of that resolution which could serve the interests of Israel.

27. It was difficult to see what could be negotiated with Israel. Did not Israel refuse any territorial arrangement? Was it prepared to accept internationalization of the city of Jerusalem for which resolution 181 (II) of 1947 provided and which would partially solve the refugee problem? Israel had already replied by making Jerusalem its capital. Was Israel prepared to accept the principles set out in paragraph 11 of resolution 194 (III)? The Knesset had already replied that there was no place in Israel for the refugees and that they would have to be re-settled elsewhere. Moreover, it should not be forgotten that the parties to the dispute were Israel and the Palestine Arabs, and not Israel and the Arab States. The question on the agenda was the question of the Arab refugees of Palestine, whose inalienable rights the United Nations had repeatedly guaranteed and confirmed. Until the rights of the refugees were restored the Arab States would have nothing to discuss with Israel. Furthermore,

the question of peace between Israel and the Arab States was not on the Assembly's agenda. For that reason his delegation urged all friendly countries to vote against that draft resolution inspired by Israel.

28. He considered that draft resolution A/SPC/L.90 was consonant with previous resolutions on that question; all who felt sympathy for the refugees were in duty bound to vote for it.

29. With regard to draft resolution A/SPC/L.91 presented by the United States of America, his delegation fully shared the ideas which the Jordanian delegation had expressed on that subject at the previous meeting.

30. The explanation provided by the Israel representative at the 373rd meeting concerning the case of Brother Daniel did not answer the question of the Iraqi representative.

31. What was important was that the Israel courts had by their decision confirmed the view, maintained by the Arab countries, that there was no Jewish nation. If the Zionists were really convinced of the existence of a Jewish nation Brother Daniel would have been regarded as a Jew, since he was born a Jew. No nation could be based solely on religion.

32. Whatever the Israel representative might say, the sovereignty of his country was subject to certain limitations, since it had become a Member of the United Nations as a result of resolution 181 (II) of 1947 on partition. Furthermore, all contractual provisions, such as the Charter, limited State sovereignty in some degree.

33. Mr. LUQMAN (Mauritania) said that he would avoid controversy and would merely state the truth. The Israel representative, at the 373rd meeting, had accused the sponsors of draft resolution A/SPC/L.90 of siding with the Arabs. It had also been said that Mauritania favoured those countries. In fact, Mauritania would always defend right and justice, whichever side they were on, and would never compromise with the truth. It was not because the Jews had once lived in Palestine that they now had rights in that country. If that reasoning was followed the Moslems could just as well claim Saudi Arabia, the cradle of Islam.

34. Turning to draft resolution A/SPC/L.89 and Add.1, he pointed out that the relations between the Arab States and Israel were not a part of the agenda item, which was the question of the refugees. It should not be forgotten that the parties to the dispute were the Israel authorities and the Arab nation of Palestine.

35. He urged all the delegations to vote against draft resolution A/SPC/L.89 and Add.1, which relegated the refugee situation to the background.

36. With regard to draft resolution A/SPC/L.91, his delegation considered that the Conciliation Commission had done nothing for a settlement of the refugee question. The results of its efforts should therefore be described in more moderate terms. His delegation was opposed to operative paragraphs 2 and 3 of that draft and reserved its position should they be adopted.

37. As to the criticism of draft resolution A/SPC/L.90, of which his delegation was one of the sponsors, he did not consider any of it justified. The representative of Israel had objected that its sponsors did not have diplomatic relations with Israel. He would like to ask the representative of Israel, through the Chairman, whether there was any provision in the

^{1/} Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, vol. II, document A/927, annexes A and B.

^{2/} Official Records of the Security Council, Fourth Year, Special Supplements Nos. 1 to 4.

Charter which prevented a Member State from tabling a draft resolution affecting a country with which it had no diplomatic relations. His country had no diplomatic relations with the majority of the Arab countries; the support it was giving to the cause of the Palestine refugees was based solely on humanitarian and legal considerations. The Universal Declaration of Human Rights specifically provided that no one should be arbitrarily deprived of his property. The rights of the Jews had been restored, and it was only fair that those of the Arabs should be protected. Restitution laws had been enacted in Europe in favour of the victims of Nazism. The Jewish beneficiaries of those laws should be the first to wish to undo the injustice suffered by the Arabs of Palestine. Indeed, many decent Jews understood the extent of their responsibilities towards the Arab refugees. He had hoped that the representative of Israel would follow their example but had been disappointed to see him once again take cover behind the smokescreen of the alleged absolute sovereignty of the State of Israel. That argument did not hold water because the United Nations, which had created the State of Israel, also had responsibilities towards the Arab refugees.

38. The representative of Mauretania had also been disappointed to hear the United States representative say, at the 365th meeting, that he was opposed to draft resolution A/SPC/L.90 because the measures recommended therein would undermine the State of Israel. However, the United States, whose feelings for justice were well known, had played a large part in the adoption of the European restitution laws. The countries that had adopted those laws had repaired an injustice without their sovereignty having thereby been diminished. A State which based its existence on the confiscation of land for racial, religious or political reasons was not worthy of the name of a sovereign State. His delegation took the liberty of recalling that on one occasion Chile had complained against the Soviet Union because the latter had refused a thousand of its nationals married to foreigners permission to join their spouses.^{3/} Chile had drawn the General Assembly's attention to Article 14 of the Charter, and the United States had supported a relevant draft resolution of the Sixth Committee.^{4/} It had been a question relating to respect for human rights, just like the question of the protection of Palestine Arab property.

39. Moreover, action by the United Nations with regard to countries in which violations of human rights were committed had never infringed the sovereignty of those countries. South Africa was a case in point.

40. The representative of Israel had alleged that the sponsors of draft resolution A/SPC/L.90 had distorted the text of earlier General Assembly resolutions. The fact was, however, that their proposal conformed to the letter and spirit of all United Nations resolutions recognizing and confirming the rights of the Arab refugees. Draft resolution A/SPC/L.90 recommended measures which were fair, positive and specific, and he invited all countries to support it.

41. Mr. GOMEZ ROBLEDO (Mexico) said that he had no objection to the substance of draft resolution A/SPC/L.89 and Add.1, but thought it lacked realism. Since the Arab countries had unanimously declared that the provisions of paragraph 11 of General As-

sembly resolution 194 (III) were not negotiable, there could be no hope of their agreeing in the near future to direct negotiations with Israel. Draft resolution A/SPC/L.89 and Add.1 could therefore not be applied even if adopted.

42. The Mexican delegation wished to maintain its impartiality and not blame one of the parties for faults shared by both, and would therefore abstain from the vote on that draft resolution.

43. Draft resolution A/SPC/L.90 raised very complex questions, and the Mexican delegation did not have enough information to throw any light on the legal basis on which the text was alleged to be based.

44. Interference by an alien in the administration of a property system freely chosen by a country would infringe the sovereignty of that country and impair the principle of international law under which the land in a country was, in the final analysis, subject to the jurisdiction of the Government of that country. Israel, however, was a sovereign State, as its membership in the United Nations showed.

45. The Arab States argued, of course, that from its very creation as a State, the sovereignty of Israel had been limited by the United Nations under the provisions of resolution 181 (II) on partition, which prohibited any expropriation except for reasons of public interest and subject to compensation.

46. The representatives of Israel replied that in the matter of expropriation resolution 181 (II) had aimed at establishing reciprocal guarantees between a Jewish and an Arab State in Palestine. The fact that the Arab State had never been created, it was argued, made both the principle of reciprocity and the guarantees null and void. Moreover, since the Arabs had declared the resolution to be wholly illegal, they had no right to invoke one of its provisions against Israel. Those arguments seemed valid to the Mexican delegation, although it would be difficult, without the guidance of higher legal authority, to decide whether the non-establishment of the Arab State rendered the whole of resolution 181 (II) null and void—thereby casting doubt on the physical and legal existence of the State of Israel—or, if not, which parts of the resolution were no longer valid.

47. On the other hand, in claiming to apply to the expropriations ordered by the State of Israel the provisions of international law concerning occupatio bellica, the Arab representatives forgot to make the necessary distinction between territory over which the State of Israel still had only de facto jurisdiction and territory lawfully assigned to it by the partition resolution.

48. Finally, the protection of Arab property, assets and property rights in Israel appeared to be duly ensured by the United Nations Conciliation Commission for Palestine, whose twentieth progress report (A/5337) listed the steps that had been taken for that purpose. If those steps appeared to be inadequate, the Commission's terms of reference should be broadened, but they should not be replaced by an international official whose appointment and functions would raise serious difficulties.

49. For all those reasons, the Mexican delegation would also abstain from the vote on draft resolution A/SPC/L.90.

50. Draft resolution A/SPC/L.91 appeared to be the most impartial of the three proposals: it did not take

^{3/} See Official Records of the General Assembly, Third Session, Part I, Annexes, document A/560.

^{4/} Ibid., Part II, Annexes, document A/787, para. 6.

sides and aimed only at the application of the relevant General Assembly resolutions through the Conciliation Commission and UNRWA. His delegation also approved the proposal to extend the mandate of UNRWA until 1965. Accordingly, although it regretted that the United States had not included a provision, as it had done the year before,^{5/} deploring the absence of any repatriation or compensation, the Mexican delegation would vote for that draft resolution.

51. Mr. VASQUEZ (Colombia) said that his country, a stranger to racial conflict and friendly to both of the parties concerned, would not try to decide between the opposing arguments; their extreme opposition combined with the intolerance of those who advanced them threatened to make the refugee question insoluble.

52. Although it was not against the principle of direct negotiations, his delegation felt that the negotiations suggested by the sponsors of draft resolution A/SPC/L.89 and Add.1 could not be recommended without first determining which parties would participate, and whether the representatives of the Palestinian people could be represented.

53. The measures proposed by draft resolution A/SPC/L.90 might not only impair the sovereignty of a State Member of the United Nations but also jeopardize the efforts of the Conciliation Commission; the settlement of the question of compensation depended on those efforts. If necessary, the question might be submitted to an international legal body and be decided according to the rules for compensation established by many international arbitration tribunals.

54. In any case, both draft resolutions departed from the real topic of discussion. The Colombian delegation would therefore abstain, when they were put to the vote.

55. Draft resolution A/SPC/L.91, on the other hand, dealt with the matter in an objective, impartial and reasonable manner. His delegation would vote for that draft resolution, although it had some reservations concerning operative paragraph 5.

56. The Colombian delegation could not enter into any immediate financial undertakings, for in Colombia such decisions were within the exclusive competence of the legislature.

57. Mr. GALLIN-DOUATHE (Central African Republic) thanked the sponsors of the draft resolutions for their efforts and co-operation. He recognized the need to extend the Agency's mandate and increase its effectiveness through an increase in contributions as stated in resolution A/SPC/L.91 introduced by the United States. His Government was drawing up its budget and was not yet able to announce its contribution to the Agency; his delegation, therefore, regretted that it would be unable to support all the provisions of operative paragraph 5 and would call for a separate vote on that paragraph, particularly the words: "non-contributing Governments to contribute, and contributing Governments ...".

58. Draft resolution A/SPC/L.90 recalled, in its preamble, that resolution 394 (V) had directed the Conciliation Commission to take measures for the protection of the rights, property and interests of the

Palestine Arab refugees. His delegation had gathered that that was the purpose of resolution 393 (V); moreover, operative paragraph 2 of resolution 394 (V) directed that an office should be established which, under the direction of the Conciliation Commission, would continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees. It appeared, therefore, that both those resolutions had been misinterpreted.

59. The proposal contained in document A/SPC/L.90 would, in his view, give rise to difficulties. It did seem, in fact, that the Israel Government had offered to co-operate in the proposed consultations with the Conciliation Commission, when the Commission had undertaken the task of identifying and evaluating the real property belonging to the Arab refugees, releasing all blocked accounts and returning to their owners many valuable objects which the refugees had abandoned. The State of Israel had taken those steps in the exercise of its sovereignty, and would not fail therefore to call into question the competence of an international official in its territory. What was more, there had never been any international custodian, and to appoint one would establish an undesirable precedent of which the first victims would be the Arab States and then the United Nations. In fact, the Jews who had left Iraq, Jordan, Egypt and other countries to seek refuge in Israel could themselves invoke such a precedent. As for the United Nations, it would find itself embroiled in private lawsuits brought by tens of thousands of refugees in different countries. In addition, the Organization would be in an awkward position because judgements had already been delivered in a number of countries which recognized that the State had the right to dispose of property situated within its borders. A case in point was the decision given by the Queen's Bench Division in 1954 and the Pakistan order to appoint a custodian of property abandoned by refugees, which the Supreme Court at Delhi had upheld. Besides, the validity of Israel law with regard to the property abandoned by the Arab refugees had been recognized in the decision delivered by the House of Lords in the Arab Bank case. Consequently, the appointment of a custodian would at the very least constitute an unjust exception detrimental to Israel.

60. Moreover, the proposal was indefensible from the legal standpoint. In the first place, property rights in the territory of any sovereign State were regulated exclusively by that State's municipal laws. The right to dispose of property and assets in its territory could therefore not be questioned. Secondly, no provision of the Charter authorized the United Nations to interfere in the law governing property rights in any State. Lastly, the fact that the complainants were refugees in receipt of assistance from the United Nations did not alter the situation in any way. In other words, the proposed measures were purely and simply a denial of the sovereignty of a State Member of the United Nations, unjustified according to the Charter and unprecedented in international law. Besides, those measures would conflict with the steps already taken by Israel in entrusting the abandoned Arab property to an Israel custodian and in offering to compensate its owners.

61. His delegation regretted its inability to support the draft resolution, which was illegal and unrealizable

^{5/} *Ibid.*, Sixteenth Session, Annexes, agenda item 25, document A/SPC/L.79.

and could only delay indefinitely the solution of the grave situation of the Palestine refugees.

62. On the other hand, direct negotiations between the contending parties would be highly desirable. Constructive talks would lead to a satisfactory settlement in the interests of the refugees, who had placed all their hopes in the United Nations. His delegation was firmly convinced that draft resolution A/SPC/L.89 and Add.1, of which it was one of the sponsors, pointed the way to wisdom.

63. Mr. BADRA (Tunisia) said that his delegation was aware of its responsibilities in supporting draft resolution A/SPC/L.90. The text of that draft was based on resolution 394 (V), which had directed the Conciliation Commission to undertake measures for the protection of the rights, property and interests of the Palestine refugees. The Conciliation Commission had proceeded to draw up an inventory of the property, but that action had to be supported by ensuring that the property was preserved, without any prejudice to the settlement of the Palestine problem.

64. The appointment of a United Nations custodian was not in any way a threat to the sovereignty of Israel. Quite the contrary, it was in keeping with the principle of the inviolability of private property. In fact, the proposal contained in draft resolution A/SPC/L.90 offered the only positive means of promoting the return to a normal life in Palestine, and perhaps the only hope of restoring peace. That was why his delegation supported it.

65. To the African States which had introduced draft resolution A/SPC/L.89 and Add.1 calling for direct negotiations, he would say that Tunisia, a peace-loving African country, was convinced that the sponsors entertained only feelings of generosity and friendship towards the Arabs and the Jews. Peaceful mediation, however, necessitated an inquiry into the views of the parties concerned. The principal parties, Israel and the Palestine Arab refugees, had to be consulted. No effort had ever been made, however, to ascertain the views of the Palestine Arabs.

66. Furthermore, negotiations presupposed certain conditions and reciprocal concessions which hardly seemed forthcoming in view of Israel's animosity. A common denominator had to be found, in order that peace might be achieved. Draft resolution A/SPC/L.89 and Add.1, however, contained nothing concrete in that regard. It was true that negotiations had had to be held at Melun and then later at Evian in order to put an end to the Algerian war, but the situation under consideration was quite different.

67. If draft resolution A/SPC/L.89 and Add.1 were adopted, a most dangerous precedent would be set. Indeed, if an accomplished fact were recognized by permitting a "Zionist redoubt" in Palestine, then the Pretoria Government, for example, would be free to legitimize a "white redoubt" in South Africa. If that were the case, the same could happen in Rhodesia, Angola or Mozambique. But, Tunisia had condemned once and for all the policy of apartheid and racialism.

68. Some of the States which recommended peace were undeniably acting in good faith. But, the peace which they proposed was not a real peace. The Arabs would never stoop to sign such a peace, which would be a humiliation.

69. Mr. USHER (Ivory Coast) said that his delegation accepted the preamble of draft resolution A/SPC/

L.91 because it recalled the resolutions already adopted. It also supported the operative paragraphs, which expressed thanks to the Commissioner-General and the Staff of the Agency, and to the Conciliation Commission. The Commission was admittedly beset with many difficulties, but the fact that it had released the refugees' blocked funds was in itself a step forward. The other operative paragraphs were aimed at placing ampler means at the disposal of the Conciliation Commission. His delegation would therefore vote in favour of draft resolution A/SPC/L.91.

70. Before turning to draft resolution A/SPC/L.90, he wished to point out that his words had been somewhat distorted. He wished to make clear that what he had asked at the 368th meeting was that all the Member States should accept the resolutions in their entirety. He had not said that the Ivory Coast would alter its position if Israel accepted all the resolutions. The representative of Saudi Arabia had said at the 371st meeting that he accepted all the resolutions, and the Ivory Coast representative had then asked him whether he accepted the 1947 resolution (181 (II)).

71. The text of draft resolution A/SPC/L.90 might appear logical if certain points were admitted at the outset. If the Arab States considered that the 1947 resolution was infamous and unjust, the draft resolution was logical. But all Member States did not share that idea. As regards the appointment of a custodian, it would certainly be preferable to entrust the safekeeping of Arab refugee property to such an officer. But even for that, it would be necessary to work out a procedure compatible with the laws of Israel, a sovereign State. The fact that the Conciliation Commission had prepared a report on the evaluation of the property showed that it was already, in fact, being protected. Furthermore, it would not be possible to appoint a custodian who would be able to carry out his task until after negotiations with Israel. Any other procedure would be tantamount to psychological warfare. His delegation therefore considered that draft resolution A/SPC/L.90 was inapplicable, and would not support it.

72. With regard to draft resolution A/SPC/L.89 and Add.1, of which his delegation was one of the sponsors, he deplored that the Committee had been urged to vote against it. He was convinced that the Arab States, with which his country enjoyed excellent relations, recognized the same principles as did his Government. His delegation had joined the sponsors of the draft resolution because it believed that a negotiated peace was preferable to war.

73. Mr. GARCIA DEL SOLAR (Argentina) said that, however understandable it might be, the impassioned atmosphere in which the debate had been conducted was a sign that great prudence was called for in the choice of a possible solution.

74. Draft resolution A/SPC/L.89 and Add.1 contained an appeal to the Governments concerned to undertake direct negotiations with a view to finding a solution acceptable to all the parties concerned for all the questions in dispute between them, particularly the question of the Arab refugees. But however closely connected the situation of the refugees was to the political issues involved in the relations between Israel and the Arab States, it was dangerous to compare them lest the controversy should become still

more acute. His delegation was in favour of the peaceful settlement of international disputes as a matter of principle; but certain preliminary conditions were essential and their absence had been revealed by the very atmosphere of the general discussion. The sponsors of draft resolution A/SPC/L.89 and Add.1, whose motives were irreproachable, had thus shown a certain lack of realism, and his delegation would abstain in the vote on that text.

75. As regards draft resolution A/SPC/L.90, his delegation, conscious of the United Nations obligation to protect the property rights and the property of the Palestine refugees, would be willing to support any resolution to ensure the protection of such rights and property; it was nevertheless resolved not to infringe the sovereign rights of the States in which that property was situated, specially as in its opinion those two aims were in no way incompatible. Moreover, resolution 394 (V), which dealt with measures of conservation, could scarcely be invoked to authorize a custodian to take administrative measures in respect of property situated in Israel. His delegation would therefore also abstain in the vote on that text.

76. Draft resolution A/SPC/L.91 did not give sufficient importance to the execution of paragraph 11 of resolution 194 (III). Nor did it offer any solution to the situation as a whole. It had, however, the merit of giving an example of moderation which should be followed by all States not directly concerned in the matter, and of helping thereby to promote a favourable climate for a solution. It would have the support of his delegation.

77. He recalled that in his country there was a large Jewish minority, and also a considerable number of persons of Syrian and Lebanese origin. Those two groups coexisted in an atmosphere of mutual tolerance from which their Eastern brothers might well draw inspiration.

78. Mr. TARAZI (Syria) said that he would vote against draft resolution A/SPC/L.89 and Add.1. Not only did it evade the real issue—which was not that of Israel-Arabian relations—but it recognized neither the Arab population of Palestine nor its inalienable rights to self-determination. He advised other delegations to take into account, when voting, the silence with which Israel had replied to the specific and pertinent questions put by the Saudi Arabian delegation (372nd meeting).

79. His delegation would vote, on the other hand, in favour of draft resolution A/SPC/L.90; it was indeed necessary to appoint a United Nations custodian, in order to prevent the misappropriation of Arab property by Israel. In his attack on that draft resolution, the representative of Israel had argued his country's sovereignty (373rd meeting). That argument would be valid in the case of other countries whose sovereignty had undoubtedly been confirmed by admission to the United Nations, but which had already existed beforehand as separate, recognized entities, with a population already *in situ*. The so-called Zionist nationalist movement, on the contrary, had been developed abroad and imposed from abroad by a minority on the indigenous majority. He observed that in resolution 273 (III), by which Israel had been admitted to membership in the United Nations, the General Assembly had not used the traditional formula—as, for example, in the case of Rwanda (resolution 1748 (XVII))—but had recalled its previous resolutions

181 (II) and 194 (III). By so acting, it had implicitly subordinated the sovereignty of Israel to the fulfilment of certain conditions. Israel had neither respected the frontiers established by resolution 181 (II) nor applied the provisions of paragraph 11 of resolution 194 (III); it was therefore not entitled to plead its sovereignty. Nor could it shirk its obligations by denying that the General Assembly's resolutions were enforceable, for that would be to undermine the bases of its own existence. The motion of sovereignty was not an absolute: If the United Nations was empowered to vote a resolution concerning the régime of apartheid, it was also empowered to appoint a custodian of Arab property in Israel. His delegation would vote in favour of draft resolution A/SPC/L.90.

80. With regard to draft resolution A/SPC/L.91, the ideas of his delegation coincided exactly with those expressed by the delegation of Jordan (373rd meeting).

81. Mr. SAHNOUN (Algeria) said that draft resolution A/SPC/L.89 and Add.1 was quite inadequate. It would appear, in fact, to be merely an attempt at diversion. His delegation regretted that friendly countries should have thought fit to join the sponsors of that text; in order not to be obliged to oppose those countries, to which it was bound by geographical ties and by common traditions and aspirations, it would again urge the withdrawal of that draft resolution.

82. His delegation would on the other hand support draft resolution A/SPC/L.90. The appointment of a United Nations custodian, a just and lawful gesture, would give material and, above all, psychological satisfaction to a people greatly in need of it.

83. It was regrettable that resolution A/SPC/L.91 did not take note, as did the previous year's text,^{6/} of the general anxiety over the absence of any repatriation of refugees under paragraph 11 of resolution 194 (III). Moreover, the praise addressed to the Conciliation Commission appeared to have little justification; the Commission had in fact shown a complete lack of vitality, and should be changed. If the draft resolution were adjusted in that sense, his delegation would be more disposed to consider it favourably.

84. Mr. SUGAIR (Saudi Arabia) first wished to remind the representative of the Ivory Coast, who had just referred to the exchange of questions between the Saudi Arabian and Israel delegations, that the Israel delegation had not replied to the question put to it by the Saudi Arabian representative.

85. It was his view that draft resolution A/SPC/L.89 and Add.1 had been inspired, fabricated and imposed by Israel. It constituted a veritable act of aggression against the refugees and the whole Arab people. That attempt was doomed to failure.

86. The appeal to negotiation was deceptive and groundless; it did not in fact recognize the principal party to the dispute, namely, the representatives of the Palestine refugees. Nor was the subject of negotiation specified. There was indeed nothing to negotiate: neither the unconditional right of the refugees to return forthwith to their homeland, nor the internationalization of Jerusalem, nor the settlement of the territorial question could be the subject of nego-

^{6/} Ibid.

tiation. Those problems had to be settled in conformity with resolutions 181 (II) of 1947 and 194 (III) of 1948. Only then could negotiation be recommended. His delegation would vote against the draft resolution, which disregarded both the nature of the dispute and the parties thereto.

87. Draft resolution A/SPC/L.91 was too brief to give due importance to every aspect of the matter. Furthermore, it bestowed praise on the Conciliation Commission which was far from warranted. His delegation would therefore abstain in the vote.

88. Draft resolution A/SPC/L.90 was straightforward and fair, and served a noble cause. It ensured a minimum of protection for the essential rights of the refugees. His delegation would vote for that text, and urged other delegations to do likewise.

89. Mr. COMAY (Israel) rejected the Syrian representative's theory that by recalling two previous resolutions in its resolution 273 (III), admitting Israel to membership in the United Nations, the General Assembly had to a certain degree limited Israel's sovereignty. He read resolution 273 (III), which in his opinion established that Israel's status as a Member State was in no way different from that of other Members.

90. Mr. USHER (Ivory Coast) deplored the tone of the Saudi Arabian representative who had apparently

misunderstood his remarks. He wished to make it clear that he had not been referring to the exchange of questions between Saudi Arabia and Israel, but had been recalling that the Saudi Arabian delegation had on several occasions affirmed that it respected all the United Nations resolutions concerning Palestine. He had then asked whether that affirmation should also be understood to apply to the 1947 resolution (181 (II)), creating the State of Israel.

91. Mr. PACHACHI (Iraq), replying to the representative of Israel, read General Assembly resolution 1623 (XVI) admitting Sierra Leone to membership in the United Nations, and called attention to its brevity. In the case of Israel, on the contrary, the General Assembly had made a point of recalling two previous resolutions, thus making Israel's admission dependent upon their application.

92. Mr. UZAMUGURA (Rwanda) said, as one of the sponsors of draft resolution A/SPC/L.89 and Add.1 that if certain resolutions had not been complied with, it was important to know the reason why. That was precisely one of the points which might be elucidated in the course of conversations. His country was in favour of the peaceful settlement of all disputes. Peace served the interests of all, and all countries must together seek a peaceful solution.

The meeting rose at 6.55 p.m.