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*Chairman: Mr. Carlet R. AUGUSTE (Haiti).*

AGENDA ITEM 35

Reports of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (continued) (A/5813, A/6013; A/SPC/103 to 106, A/SPC/L.112/Rev.1)

1. Mr. PACHACHI (Iraq) congratulated the Commissioner-General on his report and his statement to the Committee. Although the Iraqi delegation disagreed with some of his conclusions, it had complete confidence in him and greatly appreciated the vital work that he and UNRWA were doing to help the Palestine refugees. The Commissioner-General had said that unless an early solution was found to the Palestine refugee problem, which continued to threaten the peace and stability of the region, the refugees would probably need the support of the international community for an indefinite period. The refugees still felt that they had been deprived of their birth-right, and longed to return to their homes. They held the United Nations responsible for their loss and for extending assistance to them until a solution could be found to their problems.

2. Taking those considerations into account, the Commissioner-General had stated that it would be necessary for the General Assembly, at its twentieth session, to decide whether it wished UNRWA to continue the present strictly limited programme of assistance to the refugees, and to determine whether Governments were prepared to provide the Agency with sufficient funds for that purpose. If the Assembly believed that sufficient funds would not be obtainable, it would have to propose general guide-lines for the Commissioner-General to follow in order to prevent the collapse of UNRWA. The Iraqi delegation supported the renewal of UNRWA's mandate and strongly urged that the Agency should be given sufficient funds to enable it to continue and if necessary expand its services to meet the refugees' pressing needs.

3. The Commissioner-General had also drawn attention to certain specific questions relating to the actual operations of UNRWA, such as eligibility, the rectification of ration rolls, the adjustment of activities and

the reductions which had been made or were planned as a result of the Agency's financial difficulties. The Iraqi delegation's views on those questions were identical with those of the host Governments, given in document A/SPC/106, and it endorsed the conclusions summed up in paragraph 72. It was strongly opposed to the establishment of rigid or restrictive criteria for eligibility, and urged the Assembly to reject the Israel representative's heartless attempts to belittle the refugees' needs. The Israel representative was opposed to the provision of assistance for "economic refugees", who had lost their livelihood when Israel took their homes and lands. He had tried to confuse the issue by arguing that both sides had suffered serious economic losses as a result of the hostilities, and that since Israel had rehabilitated the Jews without UNRWA's help, the Arab States should do the same for the Arabs. He had implied that an equal number of Jews and Arabs had been affected, whereas in fact only a handful of Jews had suffered, as compared to thousands of Palestine Arabs. The main reason why Israel opposed the inclusion of the "economic refugees" in the refugee rolls was its desire to minimize the enormity of the refugee problem by sowing doubts as to the real number of refugees. That was clear from the Israel representative's deliberately misleading statement that "a large number of those who had left the area of the fighting in 1948 and moved into the surrounding territories had actually been returning to their permanent homes".

4. Furthermore, the Israel representative wished to restore certain unreasonable restrictions on eligibility, such as the exclusion of those who had not been living in Palestine during the two years preceding 1948, thus denying assistance to thousands of Palestine Arabs who had happened to be outside their country before or during that period. He had also referred to the question of the eligibility of third generation refugees. If Israel had not disregarded the repeated resolutions of the General Assembly, that problem would not exist. It would be a travesty of justice and common sense if it should be arbitrarily decided that those unfortunate children should be denied assistance.

5. Finally, the Israel representative had questioned the right of some nomadic and semi-nomadic tribes to receive assistance, on the grounds that they did not need help because of their peculiar way of life. In that connexion, it was to be noted that the Commissioner-General had stated that the condition of the Azazmeh tribe of Bedouin was "particularly critical" and that their tragic plight "must surely weigh heavily on the conscience of mankind".

6. Israel's attempt to curtail assistance to the refugees was motivated solely by its desire to liquidate the refugee problem and remove it forever from the agenda of the United Nations, so that the last traces of the great crime that had been committed against the Palestine Arabs would be obliterated.

7. The Assembly, however, should not restrict its attention to the practical aspects of the problem, important and urgent though they were. It was its imperative duty to go into the causes of the problem and take the necessary measures to ensure the implementation of the fifteen resolutions it had adopted reaffirming the refugees' right to be repatriated to their homes if they so wished. Those resolutions had so far remained a dead letter because Israel had consistently refused to implement them. Israel's thesis was based on two contentions: first, that implementation of paragraph 11 of General Assembly resolution 194 (III) concerning repatriation and compensation of the refugees was contingent upon the conclusion of peace with the Arab States, and that in any case that paragraph was obsolete and had, in the Israel representative's words, "long been left behind by the course of events"; and secondly, that Israel was not responsible for the refugee problem because the Arabs had fled from their homes, either voluntarily or at the instigation of their leaders, as a result of the Arab States' attack on Israel.

8. With regard to the first contention, he recalled that at the 334th meeting of the Security Council in July 1948, Count Bernadotte, the Mediator, replying to questions put by Mr. Fawzi of Egypt, had stated "My opinion is that if we obtain an armistice, all those Arabs who want to return should have the right to do so . . . There should be no conditions whatsoever attached to the return of the Arab refugees to their homes". He had reiterated that opinion in a telegram to the Secretary-General in August 1948 and in his report to the Security Council.<sup>1/</sup> On 16 September 1948, one day before his murder for which the Israel Government bore a major responsibility, Count Bernadotte, in his report to the General Assembly, had stated "The exodus of Palestinian Arabs resulted from panic created by fighting in their communities, by rumours concerning real or alleged acts of terrorism, or expulsion. It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries" (A/648, chapter V, para. 6).

9. In his letter of transmittal accompanying the report, Count Bernadotte had asked that the question of the refugees be discussed separately from the question of peace negotiations. When the report was discussed in the First Committee, the United Kingdom representative had submitted a draft resolution including a paragraph which with very slight modifications had become paragraph 11 of General Assembly resolution 194 (III), based on the Mediator's report and the statements of the Acting Mediator, Mr. Bunche,

who had declared before the First Committee on 25 November 1948 (213th meeting) that "the right of the refugees to repatriation and compensation should be affirmed. In introducing the draft resolution, the United Kingdom representative had said that to defer the return of the refugees until peace negotiations were undertaken would be to indulge in "lazy optimism". That view had been fully endorsed by the United States representative. The Guatemalan representative had proposed an amendment providing that repatriation should follow and be contingent upon the proclamation of peace not only between the Jews and the Arabs of Palestine but between Israel and the Arab States. That amendment had been strongly rejected by the United Kingdom and United States representatives and had been defeated by 37 votes to 7, thus showing that the contention that repatriation should be contingent upon the conclusion of peace was rejected by an overwhelming majority of the Members of the United Nations.

10. With regard to the Israel representative's second contention, he would attempt to show that the destruction of the Arab community in Palestine with the consequent creation of the refugee problem was not the accidental outcome of the war, but the culmination of a long process and a deeply-rooted ideological and strategic approach to the Palestinian Arabs that went back to the earliest days of Zionism. From the very beginning, the Zionists had had to face the dilemma of the existence of a sizable Arab population in Palestine, and had had to solve the problem of what to do with the Arab inhabitants when the time came for the complete occupation of the country. As a prerequisite for the eventual forcible expulsion of the Arab inhabitants, the Zionists had had to prevent at all costs the establishment of an independent Arab State in Palestine; and appropriate plans had been drawn up and put into effect soon after the Mandate. Numerous Jewish settlements, ostensibly devoted to agriculture, were strategically established in the midst of predominantly Arab areas, forming formidable defensive and offensive bastions which in 1947 and 1948 played an important role in preventing the Arabs of Palestine from establishing themselves in a continuous and unified area and in helping the Zionist offensive of April 1948 to dislodge the Arabs from the territories allotted to them under the Partition Plan. Thirty-three such Jewish settlements were located in the area that was to form part of the Arab State under partition, and as early as October 1947, i.e., while the Partition Plan was still being debated in the Assembly, the Haganah High Command had decided to hold on to them. The implication of that decision was that the Zionists had decided before hand, and while the outcome of the debate on the Partition Plan was still in doubt, to prevent the creation of an Arab State in Palestine by holding on to those settlements. That necessitated large-scale conquests of territories in the Arab area, which was accomplished in a period of six weeks during April and early May 1948, before the entry of the Arab forces into Palestine. The fact that the refugees were driven out of their homes in Israel-occupied territory before the end of the Mandate and before the entry of the Arab armies into Palestine had been corroborated by Abba Eban —now Deputy Prime Minister of Israel—in his state-

<sup>1/</sup> Official Records of the Security Council, Third Year, Supplement for August 1948, document S/948.

ment to the 301st meeting of the Security Council. That statement, read in conjunction with the Mediator's report, which said that several thousand refugees had left their homes in the area allotted to the Jewish State under the Partition Plan before 15 May 1948, showed conclusively that the entry of the Arab armies into Palestine on 15 May 1948 had had nothing to do with the flight of the refugees from Israel-occupied areas. If Arab military intervention was not responsible for the refugees' flight, then what was? The usual Israel claim was that the refugees were incited by their leaders to leave their homes. The truth was the exact opposite: the instigation came from the Israel side, as was proved by statements by the Zionist commander, Yigal Allon. The Zionists were therefore responsible for the flight of the refugees, in accordance with a deliberate plan calculated to get rid of as many Arabs as possible before the new Jewish State was firmly established.

11. Two points thus emerged very clearly: the first was that Israel was responsible for the creation of the refugee problem and the second, that in resolution 194 (III) the question of repatriation of the refugees had deliberately been separated from and was not contingent upon the conclusion of a peace treaty and, indeed, was not and could not be a subject of negotiation. Israel claimed that time had nullified the effect of that resolution. The implications of that argument were that whenever a State did not like a resolution, all it had to do was to refuse to implement it, let a few years pass, and then take the position that the resolution had been left behind by the course of events. The United Nations had three courses open to it: first, it could accept Israel's contention that Israel was not responsible for the expulsion of the refugees, that paragraph 11 of resolution 194 (III) was not binding on it, and that in any case that provision could no longer be implemented; secondly, it could reaffirm the resolution but do nothing to secure its implementation; thirdly, it could place the responsibility where it belonged and take action at long last to secure the implementation of paragraph 11. He hoped that that was the course which the Assembly would adopt at its current session.

12. Recalling Mr. Tannous' account (437th meeting) of the Balfour Declaration and its inherent contradictions, he quoted from a statement by Lord Balfour himself in 1922 admitting the incompatibility of the Declaration with the Covenant of the League of Nations under which Palestine was being administered as a Mandated Territory. Lord Balfour had stated that in Palestine it was not intended even to go through the formality of consulting the wishes of the inhabitants of the country, for the Allies were committed to Zionism and Zionism was of far profounder import than "the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land". Lord Balfour had gone on to express the opinion that that stand was right, although acknowledging that he did not see how it could be harmonized with the Covenant, and to say that as far as Palestine was concerned the Powers had made no declaration of policy which they had not always intended to violate. Winston Churchill, in his capacity as Secretary of State for the Colonies, had told Parliament in 1921 that the promise to establish a National Home for Jews in Palestine conflicted with

the United Kingdom's regular policy of consulting the wishes of the people in the Mandated Territories. Earl Grey, the wartime British Foreign Secretary, had said in the House of Lords in 1923 that a Zionist home meant or implied a Zionist government over the district in which that home would be established and that if 93 per cent of the population of Palestine consisted of Arabs he did not see how it would be possible to establish a non-Arab Government without prejudice to their civil rights. Thus it could be seen that the legal basis of the Zionist claim to Palestine was devoid of any moral validity and that it violated the right of self-determination and freedom—a right systematically denied to the people of Palestine even though they had been placed under the Mandate System in accordance with the concept of the "sacred trust of civilization". During the thirty years in which they had lived in the shadow of that "sacred trust" the Palestine Arabs had seen the character of their country transformed beyond recognition and their existence as a separate and distinct community threatened by an overwhelming tide of alien immigrants. Now living in exile, they were sustained by their unshakable faith in the justice of their cause and an unwavering determination to return to Palestine. For the realization of that objective, they looked to the United Nations, whose responsibility for their plight could neither be questioned nor overestimated.

13. When the Palestine question had been brought before the United Nations in 1947, a proposal had been submitted to the effect that the matter should be referred to the International Court of Justice for an advisory opinion as to whether the partitioning of a country against the will of its people was compatible with the United Nations Charter and the Covenant of the League of Nations. That proposal had been turned down, thanks to the efforts of those who never ceased to talk about the sanctity of the rule of law in international affairs. Still more shocking was the rejection, under Zionist pressure, of a humanitarian proposal that the Jewish refugees should be taken back and rehabilitated by their countries of origin and that those who could not be so repatriated should be absorbed in the territories of United Nations Member States. It could scarcely be doubted that the Jewish refugees would have been only too happy to settle in such countries as the United States, Canada or Australia, yet that proposal had been rejected because it was incompatible with the Zionist intention that Palestine alone should be the refuge for the Jews.

14. It must be asked how the United Nations could survive if it continually surrendered to expediency and allowed itself to become an instrument for the consolidation of aggression, as it had in the case of the Partition Plan. The Zionists had confronted the world with a *fait accompli* in 1948 by occupying large parts of the area allotted to the Arabs and, following the war between Israel and the Arab States and the establishment of the truce, by conquering large areas of Palestine outside the confines of the Jewish State as envisaged in the Partition Plan. The most notorious example of that technique of conquest by violation of truce obligations and reliance on acceptance of a *fait accompli* was the seizure of Beersheba and other parts of the Negev which had been allotted to the

Arabs. The Security Council had adopted three resolutions in the last three months of 1948 calling upon Israel to withdraw from the areas in question but they had been disregarded, and Israel had thus been permitted to retain its conquests. The fact that those resolutions had been adopted in conformity with Chapter VII of the Charter, with its elaborate coercive and punitive procedures, was an indication of the influence which that one small State exercised in the United Nations. When Israel spoke of its territorial integrity, its sovereignty and the sanctity of its frontiers, it should be remembered how those frontiers had been established.

15. The first fact which emerged from Mr. Pachachi's analysis was that the dispute was essentially between Israel and the people of Palestine. In treating the whole problem as though it was a conflict between Israel and the Arab States, Israel hoped to obliterate the Palestinian entity, for it had never given up its dream of taking over the rest of Palestine and the whole of Jordan, which it claimed had formed part of the Jewish National Home as envisaged in the Balfour Declaration and the Mandate. What Israel was asking was that the General Assembly should sanction its invasion of Palestine and legalize the fait accompli which it had brought about by deceit, treachery and brute force.

16. There were two distinct concepts of the role which the United Nations should assume in seeking a solution to the refugee problem. The first was that each question should be examined objectively on its own merits and decided in accordance with the principles of equity and justice. The second was that expediency should be the deciding factor, even to the extent of condoning and perpetuating an injustice. That concept was based on what Hector McNeil, of the United Kingdom had called "lazy optimism"—optimism that the passage of time would make any crime and any injustice more palatable. In effect, it granted licence to any State to take the law into its own hands, defy resolutions with impunity and dictate its own terms for the solution of problems. As far as the Palestine refugee problem was concerned, his delegation not only would insist on the full and unconditional implementation of paragraph 11 of resolution 194 (III) but would also urge the Assembly to take effective measures to guarantee the refugees' inviolable right of free choice, as reaffirmed annually since 1948. It was to be hoped that the General Assembly would at last rise to that challenge.

17. Mr. COMAY (Israel) said that the Iraqi representative was following the objectionable practice of attributing to the Israel delegation statements which it had never made and then proceeding to demolish them. For example, his delegation had never stated or implied that the number of persons on both sides who had suffered serious economic losses as a result of the hostilities between Israel and the Arab States was equal. Similarly, his own statement that the Arabs in Palestine at the time of the fighting had included large numbers who had come from the surrounding territories and were thus returning to their homes when they left Israel had been interpreted by the Iraqi representative to mean that the Israel delegation claimed there had never

been an Arab refugee problem. Equally inaccurate was the attribution to the speaker of the statement that certain nomadic tribes did not need help "because of their peculiar way of life".

18. Far more serious, however, was the Iraqi representative's statement that the Zionists had decided to uproot the Arab inhabitants. The Zionist leadership had never held or advocated such views. As for the statement that the Jews had conquered Beersheba and parts of the Negev, the map attached to the Partition Plan (resolution 181 (II)) would show that both Beersheba and the Negev had been allotted to the Jewish State. The shocking statement that the Government of Israel bore a major responsibility for the murder of Count Bernadotte was a complete falsehood. The Iraqi representative had made a lengthy analysis of paragraph 11 of General Assembly resolution 194 (III). What had actually been under discussion in the First Committee in 1948 had been the question whether the possible repatriation of refugees should be tied in with a formal proclamation of peace or simply with the restoration of peaceful conditions. That was the background of the Guatemalan resolution to which the Iraqi representative had referred, for no one had contemplated that Israel would be expected to open its gates to an influx of persons regarding themselves as hostile at the request of countries which openly declared that they were at war with Israel, which met in summit conferences to plan the prosecution of that war and which organized "liberation" movements to put their plans into effect. That was surely not what Members understood by implementation of resolution 194 (III), paragraph 11. Finally, there was not a shred of truth in the statement that Israel wanted to conquer Jordan. Jordan had nothing to fear from Israel, but it had a great deal to fear from certain other countries in the area. Israel respected Jordan's right under the Charter to political independence and territorial integrity, just as it wanted other States to respect that right in its own case. Israel would not have the slightest objection if the United Nations or any other body should extend to the Kingdom of Jordan any kind of guarantee against such alleged expansionist designs. All it asked was that Israel too should be able to feel secure.

19. Mr. PACHACHI (Iraq) said that while he was pleased to note that the Israel delegate now acknowledged that there was no comparison between the number of Arab and Jewish "economic refugees", he could not accept the claim that no such implication had been intended. The Israel statement had clearly implied that both sides had suffered the same losses and that the problems created should be dealt with in the same way.

20. He was equally pleased to note that the Israel statement that a large number of the Arabs who had left the area of fighting in 1948 had been returning home did not imply that Israel denied the existence of an Arab refugee problem. But why had no precise figure been given? The implication was clearly that a large number of the refugees were not refugees at all, and that the whole problem had been inflated. That was not true. In fact, an insignificant number of the persons concerned were actually returning home.

21. The Israel delegate had quoted from United Nations reports in an attempt to show that it was part of the traditional way of life of Bedouin tribes to go to centres where food could be obtained. The implication was that such tribes were not eligible for assistance.

22. After reserving his right to return to the question of the Israel conquest of Beersheba, he recalled that in the autumn of 1948 the Israel army had seized large portions of the Negev, which had been allocated to the Arabs under the Partition Plan. The Security Council had subsequently ordered the Israel forces to withdraw from the conquered areas, but they had refused to do so.

23. With regard to the murder of Count Bernadotte, he recalled that Mr. Bunche had himself said that the provisional Israel Government could not escape all responsibility for the crime. He would like the Israel representative to say where the murderers were now. Were they regarded as criminals or as honoured citizens of Israel?

24. The Israel contention that repatriation was contingent on the restoration, not the proclamation, of peace was a quibble. The Mediator's report had called for repatriation as soon as an armistice could be arranged. That had been done in 1949, and repatriation had still not taken place.

25. As for Zionist designs on Jordan, he recalled that in 1947 representatives of the Jewish Agency for Palestine had stated that they had been promised the whole territory of Palestine and Transjordan. A complaint had been made that the Jews had been given only one-eighth of what had been promised under the Balfour Declaration. It was difficult to believe that those ambitions had now been dropped. Ben-Gurion himself had said that Israel was only part of the Jewish national home.

26. He might wish to make a fuller statement at a later stage.

27. Mr. TOMEH (Syria) recalled that in resolution 57 (1948) dated 18 September 1948 the Security Council had expressed deep shock at the assassination of Count Bernadotte. In resolution 59 (1948) dated 19 October 1948 the Council had noted that the Provisional Government of Israel had failed to submit a report on its investigation into the crime and reminded it that all its obligations must be fully discharged. Those facts spoke for themselves.

28. The Israel representative had claimed that Zionish spokesmen had never advocated territorial expansion. In his book The Jewish State—the basis of political Zionism—Theodore Herzl had called upon the Sultan to give Palestine to the Jews so that they could create an outpost of civilization against barbarism. Obviously that meant the establishment of a Jewish State in Palestine, which was then inhabited by approximately 500,000 Arabs and 20,000 Jews. In order to establish a Jewish State, the Arabs would clearly have to be dislodged. As for the accusation of barbarism, it would be recalled that the Greeks had applied that term to persons not speaking the Greek language and not accepting the democratic rule of the majority. It was the Zionists, who wished

to impose minority rule upon a majority, who were guilty of barbarism. Furthermore, at the time of the Balfour negotiations, a pioneer of Zionism had protested against the extreme form of boycott practised by the Jews on the Arab labour force.

29. Further evidence of Zionist expansionist aims could be found in a document submitted to the Paris Peace Conference by Zionist representatives. They had called upon the Peace Conference to recognize the historic title of the Jews to Palestine, and had proposed boundaries running from the Mediterranean in the west to the Red Sea and Egypt in the south. The same document had also stated that the fertile plains east of the Jordan river were historically linked to the land west of the Jordan. Part of that plan had now been carried out and a million Arab refugees had been expelled from their historic homeland.

30. Mr. COMAY (Israel) said that the episode of the assassination of Count Bernadotte was a painful one for the Israel people and Government. When the Security Council had expressed its shock at the cowardly act by criminal terrorists, the Israel Government had shared that view and joined in condemning the crime. Its position on that subject had still not changed. After the assassination, the Israel Government had taken very rigorous internal action to crush terrorist groups and to ensure that a similar act could never happen again. The statement by the representative of Iraq was highly provocative. It suggested that the Israel Government had been implicated in the assassination, whereas Mr. Bunche had merely expressed the view that greater security precautions could perhaps have been taken. He hoped the representative of Iraq would refrain from opening up old wounds for political purposes, and he reserved his right to return to the subject at a later stage.

31. The suggestion that the State of Israel had aggressive designs on neighbouring countries was untrue. It was an unworthy statement and not a shred of evidence could be produced to support it. All the so-called evidence brought forward was references to Zionist spokesmen in the past, who had been referring to the general area in which it was hoped to locate the Jewish home. That area had at first included Jordan, but during the Mandate it had been agreed that it should not extend beyond the Jordan river. The statement that the Jews had received only one-eighth of what had been promised was a legitimate expression of disappointment, from which it was impossible to infer that one United Nations Member State now intended to conquer another.

32. Mr. PACHACHI (Iraq) pointed out that the map of the Partition area clearly showed that the town of Beersheba lay in the area allocated to the Arab States.

33. Mr. COMAY (Israel) said that the town lay on the borderline at a point where one could pass from one portion to the other. With regard to the fighting in the Negev, the Security Council had indeed called for the withdrawal of Israel forces, and Mr. Bunche had later stated that its request had been complied with.

34. Mr. PACHACHI (Iraq) said that under the Partition Plan Beersheba lay in the Arab State and was specifically excluded from the Jewish State. At the time of the fighting in the Negev, the Security Council had called upon the Israel forces to withdraw to the lines they had occupied before the fighting began. Since Israel still occupied the area in question, Mr. Bunche could not have said that the Security Council's request had been complied with.

35. Mr. COMAY (Israel) said that if the Chairman considered it relevant, the whole question of the 1948 campaign could be discussed in detail. He would personally prefer to consider the agenda item now before the Committee.

36. Mr. PACHACHI (Iraq) said he was ready to review the sequence of events in 1948.

The meeting rose at 5.10 p.m.