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Chairman: Mr. Charles T. O. KING (Liberia).

AGENDA ITEM 27

United Nations Relief and Works Agency for Palestine Refugees in the Near East (continued):

- (a) Report of the Director of the Agency (A/4213);
- (b) Proposals for the continuation of United Nations assistance to Palestine refugees: document submitted by the Secretary-General (A/4121)

1. Mr. DIMECHKIE (Lebanon) said that in the ten years of its existence the United Nations Relief and Works Agency for Palestine Refugees had proved itself indispensable not only for the relief and welfare of the refugees but also for the preservation of peace in the Near East. It had been fortunate in having an almost uninterrupted succession of able Directors, including Mr. Leslie J. Carver, who had maintained the high standards of the Agency in the difficult interim period before the appointment of the present Director, Mr. John H. Davis, whose humane and dedicated nature had already earned him the esteem of all.

2. His delegation was hopeful that in spite of the deadlock that seemed to have been reached in regard to the refugee problem, the current year might be a decisive one for the future of UNRWA. The Director, in his annual report (A/4213), reminded the Assembly that the Agency's mandate would expire on 30 June 1960. A footnote on page 1 of that report gave a long list of pertinent reports and resolutions of the General Assembly, which, unfortunately, could never promote a solution of the refugee problem unless an effort were made to enforce compliance with their directives by the one Member State now disregarding them. His delegation regretted that the great Powers which had supported General Assembly resolution 181 (II) of 29 November 1947, providing for the partition of Palestine, had not shown the same zeal in forcing the new Jewish State to comply with the General Assembly resolutions for the settlement of the Palestine refugee problem. He would like to stress certain aspects of that problem which, as the Director of UNRWA had stated in paragraph 11 of his report, affected every aspect of life and human endeavour in the Near East.

3. The Palestine partition resolution, in formulating safeguards for the Arab population and their property rights, had only confirmed already existing natural rights, which were recognized in section C of part I of that resolution as fundamental laws of the State over which no subsequent official action could prevail. Therefore, as the representative of Saudi Arabia had said (150th meeting), Israel's sovereignty, unlike that of other States, was limited by the very instrument that created it. There were, moreover, certain circumstances which he felt obliged to mention that were relevant to the problem under discussion. The Israel delegate had stated (150th meeting) that if the Arabs had not taken up arms to wipe out the infant State of Israel there would be no Arab refugee problem; but the reason why the Arab armies had entered Palestine on 15 May 1948, at the end of the six months between the date of the partition resolution and of the British withdrawal from the country, was to put an end to the series of massacres and depredations which had terrorized the Arab population.

4. Count Bernadotte, the United Nations Mediator, had expressed doubts as to the eventual policy of Israel in his last report (A/648)^{1/} when he said that it would be an offence against the principles of elemental justice if the Arab refugees, innocent victims of the conflict between Arabs and Jews, were denied the right to return to their homes while Jewish immigrants were flowing into Palestine. The Zionist terrorists could not tolerate his view that the Government of Israel had a clear liability to restore private property to its Arab owners and to indemnify those owners for property wantonly destroyed. Fortunately, before his tragic assassination, Count Bernadotte had had time to convey his suggestions to the General Assembly, which had incorporated them in resolution 194 (III) of 11 December 1948.

5. He pointed out, furthermore, that when Israel had applied, in November 1948, for admission to the United Nations, the application had been rejected in the first instance because—as the *Israel Yearbook, 1950-1951*, stated—some Members of the United Nations had wished to test Israel's intentions with regard to the refugees, boundaries and general issues before admitting it to membership. Israel had then proceeded to give the impression that it was willing to abide by the 1947 and 1948 resolutions, and had actually signed, on 12 May 1949, the Protocol drafted by the Conciliation Commission for Palestine at Lausanne.^{2/} When the General Assembly admitted Israel as a Member of the United Nations, its membership was predicated on the assumption that it would implement the 1947 and 1948 resolutions; indeed, the preamble of the pertinent resolution (General Assembly resolu-

^{1/} *Official Records of the General Assembly, Third Session, Supplement No. 11.*

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

tion 273 (III) contained the words "Recalling its resolutions of 29 November 1947 and 11 December 1948 and taking note of the declarations and explanations made by the representative of the Government of Israel before the Ad Hoc Political Committee in respect of the implementation of the said resolutions". But once admitted, Israel had repudiated the Lausanne Protocol and shifted to a course of defiance.

6. According to the Israel representative, Israel feared no scrutiny of its record on United Nations resolutions, but certain features of that record were not exactly creditable. Israel had defied General Assembly resolution 181 (II) by annexing 21 per cent of the territory which was intended to be an Arab State, and continued to defy resolution 194 (III). It had not only defied resolution 303 (IV) relating to the internationalization of Jerusalem, but had transferred its Government departments from Tel Aviv to Jerusalem. The Security Council had adopted no less than six different resolutions condemning Israel on various grounds, including its failure to submit a report in connexion with the murder of Count Bernadotte, its attacks on Syria and Egypt and the massacre at Qibya. Not once had the Security Council found it necessary to condemn an Arab State for an act of aggression.

7. The representative of Israel had stated that there was a question of emphasis in paragraph 11 of resolution 194 (III) since the General Assembly resolved that refugees should be "permitted" to return to their homes and did not state that they had a right to do so, implying that Israel could grant that permission or withhold it. That was certainly not the case. The alternative was that compensation should be paid for the property of those choosing not to return, but it was the refugees who were to exercise the choice, and not Israel. There was not the slightest indication in the resolution that the right of the refugees to return to their homes if they so wished was subject to Israel's permission.

8. In any discussion of the future of UNRWA or the solution of the refugee problem the attitude of the refugees themselves was the most important consideration, and it was clear that their determination to return to their homeland and regain control over their property had not in any way diminished over the past eleven or twelve years. The reports made by Directors of UNRWA all proved that the main hope of the refugees was still the implementation of paragraph 11 of resolution 194 (III), and one of the former Directors, Mr. Henry R. Labouisse, a man of well-known integrity and impartiality, had said that even old and illiterate refugees knew of the existence of that resolution. Mr. Labouisse had summed up his views on the solution of the refugee problem by saying that in his opinion there could be no real beginning of a solution unless the State of Israel gave to the refugees the choice between repatriation and compensation called for in resolution 194 (III), and that in the meantime the community of nations should provide them with the basic essentials of life and with opportunities to prepare their children, through education and training, for productive lives.

9. The Lebanese delegation felt that the Committee's and the Assembly's choice was between implementing the many resolutions on the problem or accepting the fact of Israel's non-compliance. However, until the resolutions guaranteeing the rights of the Palestine Arabs were implemented, UNRWA should con-

tinue its humane mission. One distressing feature of the present situation was the plight of the 7,000 members of the Azazma Bedouin tribe expelled by the Israel authorities across the demarcation line in 1950. They were denied UNRWA aid and rations, although they were reported by the Director of UNRWA to be "living close to starvation" (A/4213, para. 32). One matter not mentioned in the annual report, but already the subject of a decision by the Egyptian-Israel Mixed Armistice Commission in which Israel was condemned, was the further expulsion by Israel of 354 members of that same tribe into the United Arab Republic's territory in September 1959. His delegation felt that in the circumstances UNRWA should be authorized to maintain a special reserve fund in order to be able to meet such contingencies in the future. In addition, thousands of inhabitants of the frontier villages and the Gaza Strip were in the same state of need, and he hoped that the Director's appeal for relief of the continued distress of such people (A/4213, paras. 29-33) would be fully heeded.

10. It seemed unreasonable to his delegation that the refugees, who were the legal owners of more than 90 per cent of the territory occupied by Israel, should remain dependent on international relief and uncertain contributions, and he would like once more to make the proposal that the Conciliation Commission for Palestine be authorized to collect from the Israel Government all the moneys due to the refugees in rent and compensation for the use of their properties, thus relieving the Agency of much of its financial burden. Since it was the United Nations that had decided to partition Palestine and had voted to admit Israel to membership, the responsibility for the refugees, their property and their future, was a sacred trust of the United Nations which it could not abdicate without resigning its role as the guarantor of world peace and the champion of justice and human rights.

11. Mr. COMAY (Israel) could not accept the Lebanese representative's version of developments in Palestine between the adoption on 29 November 1947 of General Assembly resolution 181 (II) on the partition of Palestine, and the termination of the British Mandate on 14 May 1948. He had hoped that the discussion could be held to the present and future aspects of the Palestine refugee problem, but since other speakers had insisted on going into past history, he felt justified in quoting from a number of contemporary documents in order to illustrate the actions and the attitude of the members of the Arab League during that period. He read extracts from reports of the United Nations Palestine Commission to the Security Council and the General Assembly respectively, and followed them with a number of quotations from Arab sources, to the effect that the Palestine Arabs had been encouraged by certain Arab leaders to leave the country, on the assumption that they would be able to return soon. He also quoted an eye-witness account by British residents of events in Haifa in April 1948 corroborating those statements and stating that the Jewish authorities had urged the Arabs to stay in the country. In further illustration of the Jewish attitude he quoted from a report by the British police forces in Haifa to British police headquarters at Jerusalem shortly before the end of the Mandate, and from the Proclamation of Independence of the State of Israel on 14 May 1948, which called upon the Arab inhabitants of Israel to return to the ways of peace and play their part in the development of the State with full and equal citizen-

ship. The Lebanese representative's description was thus contradicted by the official United Nations records of the time, by contemporary reports and by the reproaches which the Arab refugees themselves had subsequently directed against those who had persuaded them into flight.

12. Mr. SHUKAIRY (Saudi Arabia) said that the question of responsibility for the war in Palestine was entirely irrelevant to the point at issue, which was the right of the refugees to repatriation. Israel was seeking to side-track the Committee because it could not justify its refusal to comply with the Assembly's resolutions on the right of the refugees to return to their homes. The representative of Lebanon had referred to past events only in order to correct misstatements made earlier in the debate. All the arguments put forward now by Israel had been tendered in 1948, but the Assembly had overruled them and had adopted resolution 194 (III) setting forth the right of the Palestine refugees to repatriation. The Committee should concentrate upon that right and ignore all attempts to divert its attention to the question of responsibility for the war, which was in any case the province of the Security Council. In that connexion, it was noteworthy that the Security Council had not on any occasion condemned as aggression the armed intervention to which the Arab States had been forced to resort in order to save innocent Palestinians from

Zionist terrorism. The Committee was examining the annual report of the Director of UNRWA and proposals for the continuation of United Nations assistance to Palestine refugees. It was Israel's defiance over the past eleven years which made it necessary to continue that assistance.

13. Mr. COMAY (Israel) said that the events of 1948 had been brought up by the representatives of Saudi Arabia and Lebanon. His delegation would have preferred to concentrate on the present problem. In reply to the representative of Saudi Arabia, he noted that at its 338th meeting on 15 July 1948, the Security Council had adopted a resolution^{3/} clearly assigning responsibility for the renewal of hostilities in Palestine to the Arab League. Although Israel had agreed to a prolongation of the truce in Palestine, the States members of the Arab League had rejected the successive appeals of the United Nations Mediator and of the Security Council.

14. Mr. SHUKAIRY (Saudi Arabia) said that the Security Council resolution in question did not condemn the Arab armies for acts of aggression, but merely noted the resumption of hostilities.

The meeting rose at 12.10 p.m.

^{3/} Official Records of the Security Council, Third Year, Supplement for July 1948, document S/902.