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

AGENDA ITEM 26

Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/4478; A/SPC/48) (continued)

At the invitation of the Chairman, Mr. John H. Davis, Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, took a place at the Committee table.

1. The CHAIRMAN drew the Committee's attention to the letter (A/SPC/48) dated 8 November 1960 addressed to him by the representatives of ten Arab countries, requesting that a Palestinian Arab delegation should be heard by the Committee when the present item was discussed. At previous sessions the Committee had heard one of the persons mentioned in the letter, Mr. Tannous, the Director of the Palestine Arab Refugee Office in Beirut and in New York. He suggested that Mr. Emile Ghory should be invited to take a place at the Committee table as spokesman for the group mentioned in the letter.

2. Mr. WILCOX (United States of America) recalled that in past years his delegation had not objected to the Special Political Committee's hearing Mr. Tannous speak as an individual Palestine refugee, on the basis that he might have relevant information to contribute to the Committee's discussions. It would therefore not object to the Committee's hearing Mr. Tannous or one of the other individuals whose views the Arab Governments had asked to be heard on the assumption that the individual who spoke was prepared to centre his remarks on the subject under discussion, that was to say the current report (A/4478) of the Director of UNRWA.

3. Mr. MILLET (France), Mr. BEELEY (United Kingdom) and Mr. SCHELTEMA (Netherlands) associated themselves with the United States representative's remarks.

4. Mr. COMAY (Israel) recalled that at previous sessions his delegation had objected to giving Mr. Tannous a hearing for reasons which it had stated at the fourteenth session at the Committee's 161st meeting. The objection applied even more strongly to the present request, in which Mr. Tannous was presented together with three more individuals who also represented no one but themselves.

5. Mr. SHUKAIRY (Saudi Arabia) remarked that, as the Director of UNRWA's Report clearly indicated, the question of the Palestine refugees was inextricably bound up with the Palestine question as a whole. Neither members of the Committee nor members of the Palestinian Arab delegation could therefore be expected to speak of one without mentioning the other. Moreover, operative paragraph 4 of resolution 1456 (XIV) was mainly concerned with the problem of repatriating the refugees. Thus the question before the Committee was not merely that of the housing and relief of the refugees.

6. The present delegation consisted of four authentic Palestinians, three of them Christian Arabs and one a Moslem Arab. One of them had already been heard on several occasions by the Security Council. The delegation was therefore perfectly qualified to speak on behalf of the refugees and of the entire people of Palestine.

7. Mr. ROSSIDES (Cyprus) also supported the request that the four representatives of the Arab peoples in Palestine should be heard.

8. Mr. COMAY (Israel) pointed out that no such person had ever been recognized by the Committee as a representative of the Palestinian people.

9. Mr. SHUKAIRY (Saudi Arabia) said that the persons in question were not four individuals but a Palestine delegation, as was clear from General Assembly resolution 105 (S-1),^{1/} entitled Hearing for the Arab Higher Committee. The people of Palestine had already been represented on several occasions before organs of the United Nations. Who represented it was another question entirely. He did not claim that the delegation asking to be heard represented the whole Palestinian people; it was merely a Palestinian Arab delegation whose request for a hearing was sponsored by ten Arab Governments. He could see no reason why the Committee should refuse to hear a delegation of a people which had been expelled by the State whose representative in the Committee was the only one opposed to granting such a hearing.

10. Mr. HOOD (Australia) hoped that the Saudi Arabian representative would not make matters difficult for the Committee by urging that the four persons requesting a hearing should be regarded as a delegation, as that would raise the question who had delegated them. It would be false to draw an analogy between the present situation and the hearing granted in 1947 to the Arab Higher Committee, since the latter had in fact been one of the parties, as had been the Jewish Agency, to a dispute that had not at that point been resolved by the General Assembly.

11. Mr. ROSSIDES (Cyprus), by way of clarifying his previous statement, said his delegation would agree

^{1/} See document A/310 (United Nations publication, Sales No.: 47.I.11), p. 6.

to the hearing of the persons in question, not as an official delegation of the Arabs of Palestine, but in the same way as Mr. Tannous had been heard by the Committee at previous sessions.

12. Mr. PACHACHI (Iraq) thought that the Committee had already agreed to hear the four persons mentioned in the request for a hearing. The Australian representative was wrong in attributing the Committee's difficulties to the Saudi Arabian representative; in fact the representative of Israel was the only one who had raised objections. The States supporting the request for a hearing had never claimed that the delegates represented all the Palestine Arab people. But no one could deny that the four members of the delegation were Palestinians whose families had lived in Palestine for many generations and who had been driven from their country by the aggression of the Israelis. With regard to the question whether they should confine their remarks to the technical aspects of the refugee problem, such a requirement was not feasible since, as the Director of UNRWA had himself mentioned in his report, the refugee problem had to be considered in the larger context of the Palestine problem itself.

13. Mr. SHUKAIRY (Saudi Arabia) explained that he had never raised the question of the Palestinian delegation's representative status and that it was not his intention to confront the Committee with a fait accompli. He therefore associated himself with what had been said by the representative of Iraq.

14. Mr. COMAY (Israel) said that he repudiated the statements made by the representatives of Saudi Arabia and Iraq. He thanked the representative of Cyprus for having clarified his position.

15. Mr. SMITH (Canada) had no objection to the Committee's hearing the group in question, provided that the persons heard kept their remarks relevant to the item under discussion, the report of the Director of UNRWA.

16. Mr. SORHEGUI (Cuba) said that the question was not whether the Palestinian Arab delegation was properly representative but whether the Committee agreed to hear it.

17. Mr. DIMECHKIE (Lebanon) stressed the fact that the refugee problem was linked to every aspect of the Palestine problem. He also pointed out that there were plenty of precedents in the annals of the United Nations to justify the hearing.

18. After a further exchange of views in which the CHAIRMAN, Mr. COMAY (Israel), Mr. PACHACHI (Iraq) and Mr. SHUKAIRY (Saudi Arabia) took part, the CHAIRMAN suggested that, in the light of the various observations that had been made and of the reservations expressed by the representative of Israel, the request for a hearing should be granted by analogy with what seemed to be the procedure in the past. He appealed to the spokesman who was about to be invited to address the Committee to confine himself strictly to facts and not to depart from the questions dealt with in the Director's report.

At the Chairman's invitation, Mr. Emile Ghory took a place at the Committee table.

19. Mr. GHORY said that the refugee problem warranted a discussion of the various aspects of the Palestine question, of which it was a by-product.

Those who looked at the problem as no more than a question of relief were either misinformed or trying to disguise the real issue: the fate of a people of 2 million, with its own country and possessions, its own élite, its Moslem and Christian sanctuaries. That people had the inalienable right to live in freedom and independence in its own country, which should be admitted as a Member of the United Nations. The illegal occupiers of a large part of that country could not remain there without violating international law and the Charter of the United Nations.

20. The CHAIRMAN asked the speaker not to depart from the question under discussion by entering upon the political aspect of the Palestine refugee problem.

21. Mr. GHORY, continuing his statement, said that the hopes of the Palestine Arabs had recently been rejuvenated. They believed that the United Nations, which had changed substantially since 1947, would no longer tolerate a situation which prevented the Palestinians from returning to their homes. The new States of Asia and Africa, in particular, undoubtedly understood the national aspirations of the Arabs of Palestine and their desire for self-determination. It could not but grieve the Palestinians to compare their lot with that of the peoples of Asia and Africa whose countries had formerly been colonies or mandated territories but which had now taken their rightful places as independent States and Members of the United Nations.

22. The present situation in Palestine was the result of the fact that a minority of immigrants, nationals of many foreign countries, had been brought into the country against the will of its inhabitants, had organized an armed insurrection in 1948 against the indigenous population which had been overwhelmingly in the majority, had committed heinous crimes against the population, and had expelled a million Arabs from their ancestral homeland. Those Arab refugees were today living to some extent on the charity of the United Nations; yet, their lands and properties, confiscated by the usurpers, produced an annual income of about \$140 million, approximately four times the amount requested for the annual budget of UNRWA to provide relief. The Arabs of Palestine would welcome the appointment of an administrator by the United Nations to take legal possession of the Arab lands and properties in the occupied area, administer them and pay the income to the rightful owners pending their repatriation.

23. In order to appreciate the justice of the Palestine refugees' cause, it was important to review the historical background of the question. The Arab race had lived in Palestine since the seventh century, had impressed the entire population, whether Christian or Moslem, with its character. Later when they had become Ottoman subjects, the Arabs of Palestine had none the less continued to have their own local government and had sent representatives to the Parliament in Constantinople. In the nineteenth century, they had been pioneers in the movement to free the Arab countries from the Ottoman Empire. On the strength of the promises which Great Britain had made to them during the First World War, the Arabs of Palestine had believed that the end of that conflict would bring them freedom. However, instead of obtaining independence, they had been placed under British Mandate and had been enraged to learn that Great Britain had, without any right, promised the

world Zionist movement a "Jewish National Home" in Palestine. According to official British statistics, the population of the country had then been estimated at 700,000 Arabs and 57,000 Jews. Moreover, in violation of the principles laid down in the Covenant of the League of Nations, the Balfour Declaration of 1917 had been illegally incorporated in the Mandate. The wishes of the population, which had, from the outset, vehemently protested against the Balfour Declaration and the Mandate itself, had never been heeded. It was true that, in a White Paper issued in 1922, the British Government had said that it had at no time contemplated the disappearance or the subordination of the Arab population, language or culture. The Mandatory Power had asserted then that it did not want to convert Palestine as a whole into a Jewish National Home, but simply to found such a Home in Palestine. In fact the Mandatory Power, which had an obligation to lead Palestine to independence, had ruled the country as a Crown Colony and had facilitated Jewish immigration to the country by legislative means. On the other hand it had enacted harsh laws to suppress the Arab majority and to subdue Arab resistance to Anglo-Zionist policy. While preventing the Arabs from preparing for their defence, Great Britain had permitted the Jews alone to arm themselves and to establish para-military organizations, and had even lent them officers expert in guerilla warfare. As a result of that policy, the number of Jews in Palestine had increased to approximately 600,000 in 1947, while the percentage of the total land area in their possession had risen from 2.5 per cent in 1918 to approximately 6.5 per cent in 1947.

24. Throughout the thirty years of the British Mandate, the Arabs of Palestine had many times organized resistance movements to secure respect for their right to self-determination. However, when the Mandatory Power had seemed willing to grant the Arabs a certain measure of self-government, its plans had been frustrated by the Zionist organizations. In May 1939, the British Government had issued another White Paper, in which it had stated that its objective was the establishment within ten years of an independent Palestine State in which Arabs and Jews would share in government in such a way as to ensure that the essential interests of each community would be safeguarded. But the outbreak of the Second World War and Zionist pressure had supplied Great Britain with an excuse for not putting that plan into effect.

25. The Jewish Agency had then organized a wave of terrorism to force Great Britain to allow unlimited Jewish immigration to Palestine. Jewish terrorism in the Holy Land had been condemned by world public opinion. In April 1947 the United Kingdom, as the Mandatory Power, had referred the question of Palestine to the second session of the General Assembly of the United Nations and had requested it to make recommendations under Article 10 of the Charter concerning the future government of Palestine. The Governments of Egypt, Iraq, Syria, Lebanon and Saudi Arabia had requested the inclusion of an additional item in the agenda relating to the termination of the Mandate over Palestine and the declaration of its independence. The United Nations Special Committee on Palestine appointed by General Assembly resolution 106 (S-1), meeting in special session, had then submitted two plans. The majority had proposed that

Palestine be partitioned into an Arab State, a Jewish State and an international city (Jerusalem), while the minority had preferred the establishment of an independent federal State of Palestine, which would have consisted of an Arab State and a Jewish State, with Jerusalem as capital.

26. During the second regular session of the General Assembly, the Ad Hoc Committee on the Palestinian Question had appointed two sub-committees^{2/} to draw up detailed plans in accordance with the majority and minority plans, respectively. The first of the three resolutions submitted by Sub-Committee 2 to the Ad Hoc Committee had provided that the International Court of Justice be requested to give an advisory opinion, under Article 96 of the Charter, on several legal questions pertaining to the Palestine problem. After that resolution had been rejected^{3/} by a small number of votes, and with many abstentions, a plan for partition with economic union, proposed by Sub-Committee 1, had been adopted by 25 votes to 13, with 17 abstentions.^{4/}

27. The CHAIRMAN reminded the speaker that, under rule 111 of the rules of procedure, the Chairman might call a speaker to order if his remarks were not relevant to the subject under discussion. He drew the speaker's attention to the fact that he was dealing with matters that were not germane to the item under discussion.

28. Mr. DIMECHKIE (Lebanon), speaking on a point of order, recalled that he had said at the beginning of the meeting that, in his view, every aspect of the Palestine problem was connected with the refugee problem. The discussion was not being held in the Third Committee but in the Special Political Committee, which, as its title indicated, should consider all the political aspects of the item before it.

29. The CHAIRMAN said that observance of the rules of procedure took precedence over all other considerations.

30. Mr. GHORY reminded the Committee of the causes which had led hundreds of thousands of Palestinians to flee their homes in 1948, as the Director of UNRWA had said in paragraph 1 of his report (A/4478). The ultimate objective of Zionism had been, and still was, the transformation of Palestine into an entirely Jewish country. The attainment of that objective had involved the expulsion of large numbers of Arabs and, under the protection of British forces, the perpetration of atrocities against defenceless Arab communities. Nevertheless, in March 1948 the strong resistance of the Arabs had succeeded in rendering the position of the Zionists very precarious, despite the assistance the Zionists had received from many foreign sources. The delegation of the United States of America to the United Nations had then suggested placing Palestine under United Nations trusteeship pending a permanent solution of the problem. In the meantime the United Kingdom authorities had handed the administration of certain towns and of the port of Tel Aviv over to the Zionists. Profiting from those advantages, the Zionists had made vicious attacks, culminating in the massacre of the inhabi-

^{2/} See Official Records of the General Assembly, Second Session, Ad Hoc Committee on the Palestinian Question, 19th meeting, p. 137.

^{3/} See ibid., annex 25, chap. IV.

^{4/} See ibid., 34th meeting.

tants of Deir Yasin and other neighbouring villages in 1948. It had been those acts of terror, accompanied by wholesale depredations, which had caused the exodus of the Palestinian Arabs. Count Folke Bernadotte, the United Nations Mediator on Palestine, had drawn attention to that sequence of events at the time.

31. Those events had moved the Security Council to adopt, on 1 April 1948, a resolution (S/714, I) ^{5/} calling upon the Arab and Jewish armed groups to cease acts of violence immediately and calling upon the Jewish Agency for Palestine and the Arab Higher Committee to make representatives available to the Security Council for the purpose of arranging a truce between the Arab and Jewish communities of Palestine. Sixteen days later the Security Council in another resolution (S/723) ^{6/} had reminded the Mandatory Power that it was responsible for the maintenance of peace and order in Palestine and had called in particular upon the Arab Higher Committee and the Jewish Agency to cease all activities of a military or para-military nature as well as acts of violence, terrorism and sabotage.

32. That had been the moment chosen by the Zionist leaders to launch military attacks against Arab civilians in order to expel the greatest possible number of them from Palestine. In Tiberius and Haifa, for example, those attacks had taken place with the connivance of the British, whose troops had prevented the arrival of Arab reinforcements and had thus compelled the defenceless population to flee, leaving a clear field to the Haganah. The same story had been repeated in other Palestinian towns. Those atrocities had all been committed at a time when the Mandatory Power had still been responsible for keeping law and order. Not only had the British done nothing to protect Arab lives and property, but through their collusion with the Zionists they had helped to implement the plan for expelling the Arabs from Palestine. The Jewish minority had gone still further in defying the decisions of the United Nations and had proclaimed a Jewish State, thus usurping the right to decide unilaterally the issue of Palestine's future government—a question already under consideration by the General Assembly—and acting in violation of the Charter and of the principles of international law.

33. The Palestinian question had been frequently discussed at the United Nations since 1947, but no serious attempt seemed to have been made to determine one of the most important aspects of the problem, the legal aspect. However, the fact that in 1947 a resolution requesting the General Assembly to seek an opinion from the International Court of Justice had been defeated by only a narrow majority showed that a great many delegations were anxious that the principles of international law and justice should be followed, as required by the Charter. Those cardinal principles had been ignored. None the less they were essentials to any fair decision and the discussion of the legal aspects of the problem would shed new light upon it. There were four legal points to be considered. First, had the United Kingdom been entitled to issue the Balfour Declaration and to grant certain rights

in Palestine to Jewish citizens of foreign countries? And could the League of Nations endorse such a promise? Under international law a Power occupying a territory exercised only a temporary right of administration and had no right to dispose of that territory to the advantage of anyone. The United Kingdom had therefore not been competent to make the promise contained in the Balfour Declaration, which was thus null and void. Moreover, the League of Nations, under Article 22 of its Covenant, could neither endorse the Balfour Declaration, which had been contrary to the rights and well-being of the inhabitants of Palestine, nor incorporate it in the Mandate. Lastly, the immigration of foreign Jews into Palestine had been illegal in that it had been imposed by force in spite of constant opposition on the part of the inhabitants; those foreign Jews could not therefore have had any civil and political rights. Secondly, the Jews of Palestinian nationality, who represented only 16 per cent of the whole population, had had no right to expel the great majority of Arab citizens. If the law afforded protection for minorities, it was only right that the same protection should be given to the majority. Under international law, aliens, receiving permission to immigrate into a State, had to comply with the stipulated conditions. In the case of Palestine, however, it had been the aliens who had claimed full rights, and the inhabitants of the country who had been denied them. Thirdly, occupation by means of force did not give the occupant any title to the territory. The Jewish minority, aided by Jewish alien immigrants and by the Mandatory Power, had occupied a great part of Palestine by an armed insurrection. According to the principles of international law, that occupation was undeniably illegal, and even if it was a *de facto* occupation, it was only temporary. Therefore, all actions taken against the inhabitants of the country, relating to the nationality of the inhabitants, to the establishment of a State or to the expulsion of the Arabs, were illegal. Fourth, the aggressor should not profit from the use of force, which was forbidden by the United Nations Charter. The independence of Palestine had been recognized by Article 22 of the Covenant of the League of Nations; the use of force by the Zionists had, therefore, been directed against the territorial integrity and political independence of the country, and also against the political independence of its Arab inhabitants. In addition, one of the purposes of the United Nations was to bring about by peaceful means adjustment or settlement of international disputes. The question of the future government of Palestine had been the subject of a dispute, which had been on the agenda of the United Nations. At the very time when the United Nations had been seeking to find a solution in conformity with the principles of justice and international law, the Jewish minority had resorted to force in order to present the world with the fact of the *de facto* occupation of Palestine, accomplished illegally by the expulsion of a part of the inhabitants and the seizure of their property.

34. The Arabs of Palestine had suffered a gross injustice and were the victims of continuous aggression. It was the duty of the United Nations to act immediately to assure the victory of right and justice. As the report of the Director of UNRWA indicated, there was an urgent need to arrive at a solution of the question, for the refugees meant to regain their homeland and their property; they would never acqui-

^{5/} See Official Records of the General Assembly, Third Session, Supplement No. 2, document A/620, chap. 6, section E.

^{6/} See *ibid.*, chap. 6, section F.

esce in the status quo or accept resettlement in another country. The report acknowledged that a solution would have to be brought about largely by forces outside UNRWA. Those forces could no longer postpone the solution of the problem; in seeking a solution, the United Nations must honour its Charter, the principle of self-determination and the Universal Declaration of Human Rights. The Palestine problem was a glaring example of an illegal occupation by a minority which had obtained sovereignty by force, expelling the overwhelming majority of the inhabitants of the country and depriving them of their legal rights. It was a well-known fact that the unlawful occupants of Palestine had definite plans for expansion and were only waiting for the right moment to put them into effect. Any support given to them would not only perpetuate an illegal situation but would also encourage further aggression and disturbance of the peace. The United Nations seemed to have washed its

hands of the problem other than the question of refugees. It was impossible to believe that the United Nations accepted the fait accompli, recognized the right of conquest, and approved the illegal claims and crimes committed by a minority. If the United Nations did so, its action would constitute a violation of the principles of the Charter, a violation of justice, and a real threat to peace. Peace must be based on justice. If the United Nations was unable to reach a just solution, the Arabs of Palestine would have no choice but to liberate their country themselves. They were prepared to resort to all the means at their disposal to defend their sacred rights, in the knowledge that they would be supported in their struggle by all countries which stood for freedom, the Charter of the United Nations and international law and justice.

The meeting rose at 1 p.m.