



Seventh session
Agenda item 67

THE CONCILIATION COMMISSION FOR PALESTINE AND ITS WORK IN
THE LIGHT OF THE RESOLUTIONS OF THE UNITED NATIONS

Report of the Ad Hoc Political Committee

Rapporteur: Mr. Joaquin E. SALAZAR (Dominican Republic)

1. By a letter dated 12 September 1952 (A/2184), the Permanent Representatives of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen requested the Secretary-General to place on the provisional agenda of the seventh session of the General Assembly the following item: "The Conciliation Commission for Palestine and its work in the light of the resolutions of the United Nations". The explanatory memorandum accompanying the letter stated that the responsibility for the Palestine question which the United Nations had assumed in 1947 had not been fulfilled, since none of its relevant resolutions had as yet been implemented, and that the object in considering the item should be to have a broad view of the activity of the United Nations Conciliation Commission for Palestine in the light of those resolutions and the appropriate measures and machinery for giving them effect.
2. On 16 October 1952, at its 380th meeting, the General Assembly decided to include the question in its agenda as item 67 and, at its 382nd meeting on the following day, referred the item to the Ad Hoc Political Committee for consideration and report.
3. The Committee considered the item at its 25th to 39th meetings held between 25 November and 11 December.
4. At the meeting on 25 November, the Committee rejected, by 14 votes to 13, with 20 abstentions, a motion of the representative of Iraq to invite Dr. Izzat Tannous, the representative of the Arab refugees of Palestine, to sit with the Committee during the discussion of the item. On 1 December, a communication by Dr. Tannous on the question of Palestine was circulated as a Committee document (A/AC.61/L.24) at the request of the representative of Iraq.

5. On 26 November, at the 26th meeting, the Chairman of the United Nations Conciliation Commission for Palestine made a statement concerning the work of the Commission, which had previously submitted to the Secretary-General for the information of the Members of the United Nations, in accordance with paragraph 6 of resolution 512 (VI) of the General Assembly, its twelfth progress report and a supplement thereto covering the period 1 May to 24 November 1952 (A/2216 and Add.1). The report reviewed the work of the Commission, particularly in regard to the release of bank accounts held by Arab refugees and blocked in Israel and compensation to Arab refugees for property abandoned in Israel.

6. At the same meeting, the representative of Norway introduced a joint draft resolution (A/AC.61/L.23) sponsored by Canada, Denmark, Ecuador, the Netherlands, Norway and Uruguay. It was subsequently sponsored by Cuba (A/AC.61/L.23/Rev.1) and by Panama (A/AC.61/L.23/Rev.2). Under that eight-Power draft resolution the General Assembly, recalling the resolutions of the Assembly and the Security Council on Palestine, especially those calling upon the parties to achieve at an early date agreement on a final settlement of their outstanding differences, and taking note of the twelfth progress report (A/2216) of the Conciliation Commission for Palestine, would (1) call upon all the parties to desist from any further acts of hostility; (2) reaffirm the principle that the Governments concerned have the primary responsibility for reaching a settlement of their outstanding differences; and with that in view, (3) urge the Governments concerned to enter at an early date into direct negotiations for the establishment of such a settlement; and (4) request the Conciliation Commission to be available for that purpose, if so desired.

7. On 3 December, the representative of Pakistan introduced a joint draft resolution (A/AC.61/L.25) sponsored by Afghanistan, Indonesia, Iran and Pakistan. Under the four-Power draft resolution the General Assembly would (1) reaffirm resolution 512 (VI) of 26 January 1952; (2) appreciate the efforts of the Conciliation Commission for Palestine to carry out its mandate; and (3) note with regret that during the past year the progress had not come up to expectations. It would also (4) request the Commission to continue its efforts to fulfil the task entrusted to it under General Assembly resolutions; (5) decide that its headquarters should be located in Jerusalem; (6) further decide to increase its membership to five, the two additional members to be nominated by the General

Assembly; and (7) request the Commission to report at the eighth session of the General Assembly.

8. On 4 December, the following amendments to the eight-Power draft resolution (A/AC.61/L.23/Rev.2) were introduced:

(1) An amendment (A/AC.61/L.26) by Chile which would, inter alia,
(a) replace, in paragraph 1 of the operative part, the words "any further acts" by the words "any act"; and (b) add, in paragraph 3 of the operative part, after the word "settlement" the clause "it being understood that due consideration must be given in such negotiations to the fundamental principles contained in United Nations resolutions on Palestine and its problems".

(2) A joint amendment (A/AC.61/L.27) by Colombia, Costa Rica, El Salvador, Haiti and Honduras which would, in the operative part, (a) insert as paragraph 1 the following text: "Expresses its appreciation of the efforts made to date by the Conciliation Commission for Palestine in the discharge of its functions"; (b) replace paragraph 3 by the following: "Urges the States concerned that they should, in keeping with the terms of Article 33 of the United Nations Charter and within the framework of the previous General Assembly resolutions concerning Palestine, enter at an early date into direct negotiations for the establishment of a settlement, availing themselves for this purpose of the good offices of the Conciliation Commission for Palestine and of the facilities of the United Nations"; (c) replace paragraph 4 by the following paragraph: "Urges the Conciliation Commission for Palestine to continue its efforts to help the parties to reach the pacific settlement of their differences, in particular by arranging for the initiation of direct negotiations between them"; and (d) add at the end two new paragraphs which would request the Commission to render progress reports periodically and the Secretary-General to continue to provide the necessary facilities for carrying out the terms of the resolution.

(3) An amendment (A/AC.61/L.28) by Peru which would insert in operative paragraph 2, after the words "their outstanding differences", the following clause: "with due regard for the jurisdiction vested in the United Nations pursuant to the Charter, and in particular in the General Assembly and Security Council under the previous resolutions relating to the Palestine problem".

9. On 5 December, at the invitation of the Chairman and with the consent of the Committee, a statement was made in the name of the Hashemite Kingdom of Jordan by Mr. Mohamed Fadil Al-Jamali. Previously, the Chairman had read communications to the Secretary-General from the Foreign Minister of Jordan authorizing Mr. Al-Jamali to speak in that Government's name.

10. On 8 December, at the 36th meeting, the representative of Norway introduced, on behalf of the sponsors and after consultation with the representatives who had submitted amendments, a revision (A/AC.61/L.23/Rev.3) of the eight-Power draft resolution (A/AC.61/L.23/Rev.2). The revised draft took into account the various amendments. Paragraph 4 of the operative part of the revised text read as follows: "Urges the Governments concerned to enter at an early date, without prejudice to their respective rights and claims, into direct negotiations for the establishment of such a settlement, bearing in mind the principal objectives of the United Nations on the Palestine question, including the religious interests of third parties;".

11. The representatives of Chile and Peru thereupon withdrew their amendments (A/AC.61/L.26 and 28) and the representative of Costa Rica withdrew on behalf of the sponsors the joint amendment (A/AC.61/L.27) submitted by Colombia, Costa Rica, El Salvador, Haiti and Honduras.

12. On 10 December, at the 38th meeting, the representative of Canada introduced on behalf of the sponsors a further revision (A/AC.61/L.23/Rev.4) of the eight-Power draft resolution, which took into consideration a suggestion by the representative of Mexico and inserted, in paragraph 4 of the operative part, the words "the resolutions as well as" after the words "bearing in mind".

13. At the same meeting, Syria introduced a draft resolution (A/AC.61/L.33) under which the General Assembly, recognizing that the problem of the Palestine Arab refugees involved questions of law and called for legal examination of the various rights of the refugees, would request, in accordance with Article 96, paragraph 1, of the Charter of the United Nations, the advisory opinion of the International Court of Justice on the following legal questions: (1) whether Palestinian Arab refugees were entitled as of right to be repatriated to their former homes and to exercise their rights to their properties and interests; (2) whether Israel was entitled to deny the refugees the above-mentioned rights;

(3) whether the above-mentioned rights should be observed by themselves or require to be negotiated by States, the refugees being not nationals thereof; and (4) whether Member States of the United Nations were entitled in law to enter into any agreement in relation to the above-mentioned rights.

14. On 11 December, at the 39th meeting, the Committee proceeded to vote on the three draft resolutions before it in the order of their submission. The Committee rejected, by a roll-call vote of 21 to 13, with 24 abstentions, a motion by the representative of Syria to give priority in voting to the Syrian draft resolution (A/AC.61/L.33). The voting was as follows:

In favour: Afghanistan, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, Yemen.

Against: Belgium, Canada, Chile, Colombia, Cuba, Denmark, Ecuador, France, Iceland, Israel, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Sweden, Union of South Africa, Uruguay.

Abstaining: Argentina, Australia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Costa Rica, Czechoslovakia, Dominican Republic, El Salvador, Greece, Guatemala, Haiti, Honduras, Mexico, Peru, Poland, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

15. The revised eight-Power draft resolution (A/AC.61/L.23/Rev.4) was voted on first, with the following results:

The preamble and the first three paragraphs of the operative part were adopted by 34 votes to 11, with 9 abstentions.

Paragraph 4 of the operative part was adopted by a roll-call vote of 31 to 14, with 13 abstentions. The voting was as follows:

In favour: Australia, Brazil, Burma, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Guatemala, Haiti, Honduras, Iceland, Israel, Liberia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Afghanistan, China, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Thailand, Yemen.

Abstaining: Argentina, Belgium, Byelorussian Soviet Socialist Republic, Czechoslovakia, El Salvador, Greece, Luxembourg, Mexico, Peru, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Paragraphs 5, 6 and 7 were adopted by 35 votes to 16, with 3 abstentions.

The draft resolution as a whole was adopted by a roll-call vote of 32 to 13, with 13 abstentions. The voting was as follows:

In favour: Australia, Brazil, Burma, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Guatemala, Haiti, Honduras, Iceland, Israel, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Afghanistan, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Thailand, Yemen.

Abstaining: Argentina, Belgium, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, El Salvador, Greece, Mexico, Peru, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

16. The four-Power draft resolution (A/AC.61/L.25) was then rejected by 27 votes to 14, with 13 abstentions.

17. Finally, the Syrian draft resolution (A/AC.61/L.33) was rejected by 26 votes to 13, with 19 abstentions.

18. The Ad Hoc Political Committee therefore recommends to the General Assembly the adoption of the following resolution:

THE CONCILIATION COMMISSION FOR PALESTINE AND ITS WORK IN
THE LIGHT OF THE RESOLUTIONS OF THE UNITED NATIONS

The General Assembly,

Recalling that it is the primary duty of all Members of the United Nations, when involved in an international dispute, to seek the settlement of such a dispute by peaceful means, in accordance with Article 33 of the Charter,

Recalling the existing resolutions of the General Assembly and the Security Council on Palestine,

Recalling especially those resolutions which call upon the parties to achieve at an early date agreement on a final settlement of their outstanding differences,

Taking note of the twelfth progress report (A/2216) of the United Nations Conciliation Commission for Palestine in which it is suggested that "general or partial agreement could be sought through direct negotiations, with United Nations assistance or mediation",

1. Expresses its appreciation of the efforts made to date by the United Nations Conciliation Commission for Palestine in the discharge of its mandate;
2. Calls upon the parties to honour fully their undertaking to refrain from any acts of hostility against each other;
3. Reaffirms the principle that the Governments concerned have the primary responsibility for reaching a settlement of their outstanding differences, and with this in view;
4. Urges the Governments concerned to enter at an early date, without prejudice to their respective rights and claims, into direct negotiations for the establishment of such a settlement, bearing in mind the resolutions as well as the principal objectives of the United Nations on the Palestine question, including the religious interests of third parties;
5. Requests the Conciliation Commission for Palestine to continue its efforts to fulfil the tasks entrusted to it under General Assembly resolutions and to be available for assistance in the negotiations if so desired;
6. Requests the Conciliation Commission for Palestine to render progress reports periodically to the Secretary-General for transmission to the Members of the United Nations;
7. Requests the Secretary-General to continue to provide the necessary staff and facilities for carrying out the terms of the present resolution.