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Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

AGENDA ITEM 25

Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/4861; A/SPC/L.79/Rev.1, L.80, L.81 and Corr.1) (continued)

1. Mr. DIOP (Senegal) said that he thought too little time remained before the closure of the first part of the session to permit serious consideration of the problem of the refugees. Furthermore, some tension had arisen between certain Arab and African States which necessitated contacts between them with a view to reaching a solution; his delegation therefore moved that the debate on the item under discussion should be adjourned until the session resumed in mid-January.

2. The CHAIRMAN said that rule 117 of the rules of procedure was applicable. As the necessary quorum was not yet present, he suggested that Senegal's motion should be considered later.

3. Mr. ELDEM (Turkey), expressing regret that in thirteen years the problem of the refugees had only deteriorated and become more complex, stated that the Turkish people were concerned at the situation of the refugees for reasons both of historical solidarity and of the sympathy born of their own experience. It was to be hoped that no effort would be spared to assist the refugees pending a final solution in accordance with the resolutions of the United Nations.

4. After congratulating and thanking the Director of UNRWA and his staff for their dedication and for the work they had done, he noted that UNRWA, which had had to concentrate its efforts on the day-to-day aspect of its task, proposed to expand its programme of vocational training for youth, to increase the number of university scholarships and to improve elementary and secondary education programmes. His delegation fully approved that programme, which would help the refugees to become economically independent without prejudice to their rights as recognized in resolution 194 (III).

5. Noting that an increase of about \$4,600,000 in governmental contributions would be required for the execution of the Agency's three-year plan, he paid a tribute to the Governments of the United States, the United Kingdom and Canada for their financial

contributions, as also to a large number of other countries, including the host countries. His Government, though not in a position to make a contribution commensurate with its interest in the fate of the refugees, had always made its payments with regularity.

6. While the Agency had contributed indirectly to the maintenance of peace in the Middle East, it was the United Nations Conciliation Commission for Palestine which had the task of solving the Palestine problem as a whole at the political level.

7. The Commission, of which his Government was a member, had never been envisaged as an executive organ responsible for the implementation of the United Nations resolutions. Its task was to try to reconcile the points of view of the parties concerning the application of those resolutions.

8. Confronted with the failure of the Conciliation Commission's efforts to carry out its mandate, the General Assembly had in 1952 adopted resolution 512 (VI) expressing the view that the Governments concerned had the primary responsibility for reaching a settlement of their outstanding differences. The General Assembly had also considered that the Conciliation Commission should continue its efforts to secure the implementation of the resolutions of the General Assembly on Palestine and accordingly should be available to the parties to assist them in reaching agreement.

9. The Conciliation Commission, while making itself available to the parties as recommended by the General Assembly, had also carried on work of a technical nature which was essential to any eventual solution of the problem. That work had included the identification and valuation of Arab refugee property—operations which had been practically completed and covered more than 1,500,000 property titles. The Conciliation Commission had also tackled the problem of the release of bank accounts in Israel belonging to Arab refugees; so far £2,800,000 had been released.

10. In accordance with General Assembly resolutions 1456 (XIV) and 1604 (XV), which requested it to make further efforts to secure the implementation of operative paragraph 11 of resolution 194 (III), the Conciliation Commission had entrusted to a special representative, Mr. Joseph E. Johnson, the task of exploring with the Governments of the host countries and the Government of Israel practical means of seeking progress on the Palestine refugee problem. As Mr. Johnson had noted in his conclusions (A/4921/Add.1 and Corr.1), the two parties had stated that they were willing, to a certain extent, to consider the possibility of a step-by-step process leading to the gradual solution of the refugee problem without prejudice to those Governments' positions on other aspects of the question as a whole; that being the case, con-

sideration should be given to the appointment as Special Representative of a person who should have the confidence not only of the Commission but also of the States directly concerned, to serve until the autumn of 1962.

11. His delegation, while recognizing the difficulties of the problem, considered that not only the fate of more than a million human beings but also the future of the whole Middle East was at stake and that even the smallest possibility of success should not be neglected.

12. The CHAIRMAN, noting that the necessary quorum for a vote had now assembled, invited the Committee to consider the motion of Senegal to adjourn the debate on the item until the resumption of the session. He pointed out that in any case the general debate could not be resumed, since in accordance with a decision taken at the morning meeting it should be completed that day. He invited two representatives to speak in favour of and two against Senegal's motion.

13. Mr. DAOUDY (Syria) thought that it would be preferable to vote on the draft resolutions before the adjournment of the session so that Mr. Davis' return to Beirut would not be delayed. If Senegal intended to withdraw draft resolution A/SPC/L.80 his own delegation would concur, but if the Senegalese motion was aimed at putting off until January a vote on all the draft resolutions he would vote against it.

14. Mr. AKE (Ivory Coast) observed that Senegal, not being one of the sponsors of draft resolution A/SPC/L.80, could not ask for its withdrawal.

15. Mr. BLAKE (United States of America) thought that it would be preferable from the standpoint of both the delegations and Mr. Davis to conclude the debate on the draft resolutions without delay. He would therefore oppose the Senegalese motion.

The Senegalese motion was rejected by 60 votes to 1, with 10 abstentions.

16. Mr. CALDERON (Dominican Republic) thought that the Special Political Committee should note with satisfaction the work done both by UNRWA and by the Conciliation Commission, endorse the opinions expressed by those two bodies, strengthen their authority and increase their resources.

17. The Committee should also solemnly call upon the Governments concerned to undertake, with the assistance of the Conciliation Commission, direct negotiations on all outstanding questions, and first of all the problem of the refugees, on the understanding that such negotiations would in no way either invalidate the decisions taken in the past or prejudice decisions to be taken in the future by the United Nations.

18. His delegation was still convinced that the nations concerned had not lost their desire to reach a settlement of the dispute by peaceful means. Its vote on the draft resolutions would be based on those general considerations.

19. Mr. STAMBOLIEV (Bulgaria) said that there was no reason to suppose that the problem of the Palestine refugees, a problem with which the United Nations had been faced since 1948, was likely to be solved in the near future. Yet the miserable plight of more than a million people who had been expelled from their homeland was a human tragedy, and it was incumbent on the Organization to resolve the problem.

As the Director of the Agency had pointed out in his report (A/4861), it was not surprising that the refugees, condemned to live on international charity, in enforced idleness, had feelings of bitterness and demanded the implementation of operative paragraph 11 of resolution 194 (III), which offered them the choice between repatriation and compensation. By postponing a radical solution of the question, which grew more complex each year, as was indeed stated in Mr. Davis' report, the United Nations would only further aggravate the tension existing in the region. On the other hand, a prompt solution would serve both the interests of the refugees and those of Israel and would help to strengthen peace and security in the Near East—an end desired also by neighbouring countries, including Bulgaria. The road to a practical solution was indicated in the General Assembly's resolutions, and particularly in resolution 194 (III), which clearly set out Israel's obligations in the matter. However, the implementation of those resolutions had been made impossible by the defiant attitude maintained by Israel. As the representatives of a large number of States had rightly pointed out, such systematic disregard for the Assembly's decisions could only be explained by the whole-hearted support given to Israel by the Western countries. In the opinion of the Bulgarian delegation, the interests of the peoples of the Near East demanded that the United Nations should put an end to the ignoring of its resolutions, and the efforts of both the United Nations and the Conciliation Commission should be directed towards seeing that those resolutions were put into effect. To facilitate a practical solution, the Organization should, at the very least, take certain practical steps immediately. It should appoint a body to protect the property rights of the refugees and to obtain Israel's consent to the repatriation of a certain number of refugees. Such a manifestation of goodwill would create favourable conditions for a general solution. The Bulgarian delegation would support any proposal which would contribute towards the implementation of the Assembly's decisions.

20. Mr. BLAKE (United States of America) said that, at the suggestion of the Secretariat, he had altered the designation of the Director of the Agency in the revised United States draft resolution (A/SPC/L.79/Rev.1), and called him the "Director-General", in order to avoid any confusion with other officials of the Agency.

21. Mr. EL KHOLI (United Arab Republic), exercising his right of reply, said that the statements of the Israel representatives aimed at giving the impression that the massacres committed by the Zionists had for the most part been isolated incidents which could be attributed to dissident groups. Hearing their spokesmen—and in particular the Israel representative's recent speech at the 318th meeting—one was inclined to believe that they were simply using an all-purpose formula. In reality, trustworthy sources—including Count Bernadotte and the historian Arnold J. Toynbee, quoted by him in his last speech at the 314th meeting—showed irrefutably that the criminal acts committed against defenceless populations formed part of a general long-term policy which had been systematically followed long before the entry of the Arab armies into Palestine. As for the positions of the parties in the period between 1942 and 1948, the Arab States had held the view at that time that Moslems, Christians and Jews could continue to live together in co-operation, peace and prosperity in a

united Palestine. Unfortunately, the United Nations had given way to pressure from the Zionists, who had wanted partition at any price. The Israel representative, at the 318th meeting, had implied that the Gaza area had been annexed by the United Arab Republic. Nothing was further from the truth. That free section of Palestine had its own institutions and was self-governing; indeed, it governed itself admirably.

22. Turning to the proposals before the Committee, he said that draft resolution A/SPC/L.80 was entirely unacceptable to his delegation. It was clear from the detailed explanations given by the Israel representative that that draft resolution was designed to reduce the question of the inalienable rights of the Palestine people, rights which had been properly recognized by the United Nations, to a simple dispute between the Arab States and Israel. The Arab States had always enjoyed extremely good relations with the countries of Latin America, and had consulted them whenever the United Nations had been dealing with a problem concerning that region of the world. They were glad that the six Latin American countries sponsoring draft resolution A/SPC/L.80 took such a particular interest in the affairs of the Middle East, but they felt that it would have been appropriate for those countries to have approached the main parties concerned before adopting a clear-cut position on a problem as delicate as the one under consideration. The Arab States were happy, however, to note that the participation of those countries in the preparation of the draft resolution did not by any means imply that all the Latin American countries were taking a particular stand on the question. They were also conscious that the African delegations which had sponsored the draft resolution had acted in good faith, but those delegations should remember that the party which now favoured negotiations had been condemned six times by the United Nations for acts of aggression, had unilaterally denounced the mixed armistice agreements, and had not hesitated to declare only recently, in the most forthright way, that there was no chance of the Israel Government's implementing the General Assembly resolutions on the repatriation of the refugees or co-operating with United Nations organs in any measures for protecting the property of the refugees. Israel was loyal only to its colonial protectors, and the aggression against Egypt in 1956 provided clear proof of their complicity. If the United Arab Republic felt obliged to vote against a draft resolution submitted by a number of African countries it was because the resolution took into account neither the rights of the exiled people of Palestine nor the repeated resolutions in which the Assembly had recognized those rights. Nevertheless, the Arab countries would spare no effort to maintain their ties of friendship and mutual co-operation with the African States in question.

23. Mr. ROSSIDES (Cyprus) noted that, in the space of fourteen years, no progress had been made towards a solution of the problem under discussion, in spite of the repeated General Assembly resolutions—in particular resolution 194 (III)—advocating a specific solution, consistent with the spirit of the Charter and of the Declaration of Human Rights, namely a choice between repatriation and compensation for the refugees. The right to one's country and home was undoubtedly one of the fundamental rights of the human person which must be respected under all circumstances. In contrast with what was generally the case in such situations, when the refugees did not

wish to be repatriated and the only possibility was resettlement, the Palestine refugees were ready to resettle in their country. The confidence which they thereby showed in the manner in which they expected to be treated by Israel did credit to that country. Israel would therefore be well advised, even from a psychological point of view, to encourage friendly relations by adopting measures to encourage the repatriation of the refugees. He repeated a suggestion made by the Cypriot delegation at the fifteenth session,^{1/} that Israel should take a first step by repatriating a token number of refugees and paying compensation to an equal number of refugees opting for resettlement in the Arab countries. A practical measure of that kind would foster a realistic approach to the problem and would give Israel an opportunity to comply, if only to a limited extent, with the Assembly's resolutions. It would also have the advantage of freeing the human problem involved, a problem with political consequences of increasing gravity, from its present impasse, by creating a more favourable climate of mutual understanding. Similar suggestions had been made by Greece in 1956, and by Ireland and New Zealand in 1959 and 1960. The Cypriot delegation appealed to the State of Israel to take its suggestion into consideration. He had no hesitation in supporting draft resolution A/SPC/L.79/Rev.1, which was consistent with the Assembly's earlier resolutions. As for draft resolution A/SPC/L.80, while it recommended direct negotiations—a principle which the Cypriot delegation unreservedly approved—it completely ignored the previous resolutions of the Assembly. He would therefore be unable to support it.

24. In conclusion, he congratulated the Director of the Agency on the report he had submitted and on his statement at the 306th meeting of the Committee. He wished to thank both the Director and the staff of the Agency for the excellent work they had performed in difficult circumstances, and he was glad to note the unceasing co-operation of the host countries in the common task.

25. The CHAIRMAN noted that the general debate was concluded; the Committee would now hear representatives wishing to explain their votes, or their positions on the draft resolutions and amendments before the Committee.

26. Mr. COLLIER (Sierra Leone) said that, in joining the sponsors of draft resolution A/SPC/L.80, Sierra Leone, which enjoyed friendly relations with both parties to the dispute, was anxious to help create a favourable climate for negotiations. He did not regard the two draft resolutions before the Committee as mutually exclusive and he was ready to vote for draft resolution A/SPC/L.79/Rev.1. He would not attempt to refute certain allegations which had been directed against the sponsors of draft resolution A/SPC/L.80. He wished to affirm, nevertheless, that they had been guided simply by a desire to alleviate the lot of the refugees. Only peaceful methods were likely to succeed and the difficulties which had been encountered were yet a further reason for persevering in the quest for a practical solution. The delegation of Sierra Leone would support any practical measure which would improve the conditions of the refugees.

^{1/} See *Official Records of the General Assembly, Fifteenth Session (Part I), Special Political Committee*, 213th meeting.

27. Mr. ADUSEI-POKU (Ghana), referring to document A/SPC/L.81 and Corr.1, said that his country had been listed among the sponsors of that amendment owing to a misunderstanding; his delegation's attitude to that amendment, however, was not affected.

28. Mr. MAURTUA (Peru) agreed that international disputes should be settled by peaceful means, the first of which was negotiation. However, the logical inference from the first three preambular paragraphs of draft resolution A/SPC/L.80 would be that the parties themselves should be allowed to choose the most suitable method of settlement. Moreover, while it was highly desirable that peaceful relations, founded on the rule of law, should be established between Israel and the Arab States, the operative part of the draft resolution went beyond the competence of the Committee which, at the present session, was concerned only with the report of the Director of UNRWA and directly related questions. On previous occasions, the Peruvian delegation had made positive proposals which had not been taken up. In its view, the solution was to be found in the establishment of such relations between Israel and the Arab States as would enable them to enter into direct negotiations, to seek mediation or to take certain disputes to the International Court of Justice, and the Arab States should reconsider their hostile attitude to such a solution. From a legal standpoint, however, the Special Political Committee was not competent to give a decision on that aspect of the matter. In the operative part of their draft resolution, the fifteen Powers referred to "all the questions in dispute" without defining them, and the question of the Arab refugees was mentioned only in a subordinate manner, although that was the main question before the Committee.

29. He pointed out, with respect to amendment A/SPC/L.81 and Corr.1 to the United States draft resolution, that the terms of reference of the reconstituted Conciliation Commission would exceed the powers usually conferred on a conciliation body. Such a body normally acted through its moral authority, and not by exerting pressure; it adopted an objective attitude and endeavoured to reconcile views. The Peruvian delegation therefore felt that the word "take" in operative paragraph 4 should be replaced by some such word as "suggest" or "propose".

30. Mr. ABRAHAMSON (Denmark) took the view that, while draft resolutions A/SPC/L.79/Rev.1 and A/SPC/L.80 sought to meet different considerations, they were not contradictory, but rather complementary. The United States draft resolution (A/SPC/L.79/Rev.1) aimed at ensuring that efforts continued on the same lines as in the past; in particular, the Conciliation Commission was requested to intensify its efforts for the implementation of paragraph 11 of resolution 194 (III). It was also designed to ensure the continuation of UNRWA's activities. In present circumstances, where the positions of the Arab States and of Israel were still widely divergent, it was essential to improve the conditions of the refugees and to prepare a reasonable future for them, especially for the younger generations.

31. Amendment A/SPC/L.81 and Corr.1 would add two operative paragraphs to the United States draft resolution. With regard to the first of those paragraphs, it appeared natural at first sight that the Conciliation Commission's organization and working methods should be from time to time the subject of a critical review. A change in the composition of the

Commission or a revision of its terms of reference might be called for. However, such steps should be taken only after thorough study and debate. Any hasty change would not be in the interests of the parties. Nor was he in favour of giving the Conciliation Commission ambiguous instructions concerning measures to be taken in the legally very complex matter of protecting the alleged rights, property and interests left by the refugees in their former home country. His comment applied both to rights and property which the Arab refugees might own in Israel and to rights and property of the Jewish refugees who had left their homes in Arab countries. Neither party appeared willing to agree to United Nations administration or international control in a sphere governed by domestic legislation. It did not seem, therefore, that the Conciliation Commission should assume a task which could only heighten the antagonism between Israel and the Arab States and impede conciliation efforts. The Danish delegation would accordingly vote against amendment A/SPC/L.81 and Corr.1.

32. Draft resolution A/SPC/L.80 was wider in scope. It appealed to the Governments concerned to undertake direct negotiations with a view to finding an acceptable solution for all the questions in dispute between them. The events of the past thirteen years had shown that the question of the refugees was closely bound up with the general question of Palestine. The Danish delegation strongly hoped that, with or without the assistance of the Conciliation Commission, the Governments concerned would begin direct negotiations, so that peace and harmony might once more prevail among the States of the Near East. In that hope, the Danish delegation would vote in favour of draft resolution A/SPC/L.80.

33. Mr. GOMEZ ROBLEDO (Mexico) paid a tribute to the Director of UNRWA for his efforts to improve the conditions of the Palestine Arab refugees. In the view of the Mexican delegation, the sponsors of draft resolution A/SPC/L.80 had adopted a completely impartial attitude and were proposing the best of all solutions, direct negotiations. His delegation wished that all the countries concerned could have accepted the draft resolution. However, since the Arab States were not prepared to enter into negotiations unless the other party complied with certain conditions to which it would not agree, there seemed to be no point in adopting a draft resolution which would be still-born. For that reason, the Mexican delegation would abstain in the vote on draft resolution A/SPC/L.80.

34. He must endorse the United States draft resolution (A/SPC/L.79/Rev.1), designed to bring about the implementation of paragraph 11 of resolution 194 (III) on which both the Arab States and Israel placed reliance. His Government regretted, however, that it could not at present contribute to UNRWA because of the urgent needs of the Mexican people.

35. The Mexican delegation would abstain in the vote on amendment A/SPC/L.81 and Corr.1 because, while not opposed to a change in the composition of the Conciliation Commission, it felt that such a change should be one acceptable to all the parties concerned. Otherwise, the reconstituted Commission would have no greater prospects of success than the present Commission. It was also difficult to see how a conciliation commission, whose function was to contrive a "rapprochement" between the parties, could "take measures" in so delicate and complex a sphere as the rules of ownership, which were unquestionably

within the national competence of States. Moreover, the necessary distinction had not been made between Israel territory, as delimited by resolution 181 (II) of 29 November 1947, and the territory over which the State of Israel was temporarily exercising de facto sovereignty. To apply to both of those territories without distinction, as the representative of Pakistan (320th meeting) appeared to do, the legal rules relating to occupatio bellica, under which the State would not possess eminent domain over property within its territory, would not be in conformity with the generally accepted rules of international

law. If amendment A/SPC/L.81 and Corr.1 was accepted, the Mexican delegation would be unable to support the United States draft resolution.

36. Mr. DIMECHKIE (Lebanon) remarked that, although the representative of Denmark regarded the rights of the Arab refugees in Palestine as "alleged" rights, they had been recognized on several occasions by the General Assembly, particularly in its resolution 394 (V), operative paragraph 2 (c).

The meeting rose at 5.5 p.m.