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CONTENTS

	Page
<i>Agenda item 25:</i>	
<i>Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (continued)</i>	273

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/58 and Add.1) (continued)

1. Mr. PACHACHI (Iraq) said that the plight of the Palestine Arab refugees, tragic as it was, was only one aspect of the injustice that had been inflicted on the people of Palestine, who, through no fault of their own, had lost their country and been denied their birthright of freedom and independence in a land which had been theirs from time immemorial.
2. In point of fact, far from having a unique and special connexion with Palestine, the Jews had lived there only for short sporadic periods of time, and had been preceded and followed by many other peoples. The Zionists had not laid claim to an empty wasteland but to a country which had been inhabited for more than thirteen centuries by a large Arab majority who shared a common heritage with millions of other inhabitants of Asia and Africa. Moreover, it was the Arabs who had restored to the Jews the right of access to the Holy Places of Jerusalem, lost to them for 500 years.
3. That Arab majority, constituting more than 90 per cent of the population, had been asked to open its gates to an unlimited number of alien immigrants and surrender its destiny to them. It was no wonder that the people of Palestine should have decided to fight Zionism, which had sought to sacrifice the interests of the majority to the interests of an invading minority.
4. With their aggressive demands and their contempt for the rights of peoples not professing the Jewish faith, the Zionists were akin both to the anti-Semites, to the European settlers in Algeria, and to the Afrikaners in South Africa. Echoing the arguments which the South African Foreign Minister had put forward in extenuation of the racist oppression in his country, the Zionists claimed, for example, that the standard of living of Palestine Arabs had gone up because of Jewish activities in the country—which was tantamount to saying that Arabs living in servitude under Zionist rule were better off than Arabs living elsewhere. That argument was as false as it was morally indefensible; the increase in population upon which it

was based was general throughout the area and was largely due to improvements in health conditions. Like "apartheid", Zionism was founded on the pernicious doctrine of racial superiority, of which Mr. Ben-Gurion had given a further example when he had declared his determination to prevent Israel from becoming a "Levantine State".

5. The Balfour Declaration,^{1/} which the Zionists also cited to support their case, was not only illegal but contradictory, as previous speakers had already shown. It had two mutually exclusive aims; the establishment of a Jewish National home in Palestine, and the safeguarding of the rights of the non-Jewish elements which constituted 90 per cent of the population.

6. In actual fact, despite the wording of article 22 of the League of Nations Covenant, upon which the Mandates System was based and according to which the welfare of the inhabitants of the Mandated Territories was a sacred trust of civilization, the rights, aspirations and interests of the people of Palestine had been subordinated to the needs of the Jewish national home.

7. As a result, during the thirty years of the Mandate, the entire population of Palestine had resisted the surrender of their country to the alien invaders, although they had been unable to obtain a plebiscite, for the British Government had cynically refused to organize one until there was a Jewish majority in the country. He wondered how such territories as Cameroun and Togo, which had been placed under mandate at the same time as Palestine and were now independent, would have reacted to similar demands.

8. In 1936, tried to the limit, the Palestine Arabs had finally revolted against the British colonialists and the Zionists, who even at that early stage had proved their solidarity with the colonial Powers. In 1939, the Mandatory Power had promised to apply the provisions of a White Paper providing for the cessation of unlimited immigration into Palestine and the creation in the country of a bi-national State.

9. But in 1947, when the Palestine question had come before the United Nations, the Arabs, weakened by their long rebellion, and the United Kingdom, exhausted by the Second World War, had found themselves at the mercy of the United States. The United States Government, skilfully infiltrated by the Zionist pressure group, had without hesitation cast aside its traditions, its ideals and humanitarian principles, and had sacrificed a whole country and its people to Zionist greed. Through its then dominant position in the United Nations, the United States, after bringing about the defeat of a request for a plebiscite and a proposal to refer the question to the International Court of Justice, had succeeded, by exerting pressure

^{1/} Official Records of the General Assembly, Second Session, Supplement No. 11, Vol. II, annex 19.

on a number of States Members, in forcing through resolution 181 (II) on the partition of Palestine. No sooner had it been adopted than the Zionists, who had for years been storing weapons and training military groups, swung into action with the dual aim of consolidating their control over the territory allotted to the Jewish State and then occupying as much territory as they could in the areas allotted to the Arab State. For the Zionists had had no intention of respecting the partition plan, and at the first opportunity, taking advantage of the weakness of the Palestine Arabs and the inertia, if not the duplicity, of the Mandatory Power, they had occupied vast areas, including the city of Jaffa and the whole of Western Galilee.

10. The Arab States, seeing the people of Palestine threatened with annihilation and the whole of Palestine in danger of falling under Zionist occupation, had been forced to intervene. Their intervention had thus not been a military offensive, but a salvage operation of a purely defensive nature—which moreover had taken place only in the area allocated to the Arabs. The representative of Israel was on weak ground, therefore, in invoking the partition resolution 181 (II) in which the General Assembly had requested the Security Council to consider as a breach of the peace or act of aggression any attempt to alter by force the settlement envisaged in the resolution; in fact, the Zionists had been the first to alter the territorial provisions of that settlement by force, well before the entry of the Arab armies into Palestine.

11. As part of the same aggression plan, the Zionists had decided from the outset to do their utmost to drive the Arabs living in the future Jewish State from their homes, since they would have made up more than 45 per cent of the population.

12. The offer of negotiations so frequently made by Israel was part of the same plan. The idea was to treat the problem as though it was a conflict between Israel and the Arab States, thus implicitly denying the existence of a country called Palestine. But negotiations on the rights of the people of Palestine could be entered into only by the Palestine Arabs themselves. The Arab States, for their part, would refuse all negotiations with Israel. To engage in such negotiations, to them, would be tantamount to recognizing the disappearance of Palestine as such, and would be playing the game of the Zionists, who were not only making every effort to wipe out the very name of Palestine, but had not given up their dream of taking over the rest of the country and even Trans-Jordan.

13. As long as the Zionists flouted the rights of the Palestine Arabs and persisted in regarding Israel as the bridge-head of a world movement, there could be no peace or security in the Middle East. In any event, there could be no question of the United Nations General Assembly's legalizing the "fait accompli" and the victories of brute force.

14. Turning to the report before the Committee, he paid tribute to the Director of UNRWA, who had recognized in his annual report (A/4861), firstly, that after thirteen years of waiting the refugees' overwhelming desire was for repatriation, and secondly, that the right of free choice between repatriation and compensation, laid down in resolution 194 (III), had never been implemented.

15. In Mr. J. E. Johnson's report (A/4921/Add.1 and Add.1/Corr.1), on the other hand, those two

significant facts were left in the background. Mr. Johnson's honesty and personal integrity were, of course, unquestionable. But instead of calling upon him, in accordance with resolution 1604 (XV), to secure the implementation of operative paragraph 11 of resolution 194 (III), the United Nations Conciliation Commission for Palestine had given him a very vague mandate to explore with the host Governments and Israel practical means of solving the Palestine refugee problem. That role as a mediator, which had not been envisaged in the General Assembly resolution, had led Mr. Johnson to go beyond the terms of reference which the Assembly had laid down for the Conciliation Commission. Instead of inquiring, for example, into the refugees' wishes with a view to enabling them to exercise the free choice envisaged in resolution 194 (III), he had engaged in a historical survey—a somewhat inaccurate one—of the over-all problem, including the causes of the Arab exodus from Palestine. But the causes of the refugees' flight had no bearing whatever on the nature or extent of their rights, and the right of the refugees to choose between repatriation and compensation must be respected regardless of the reasons for which they had fled.

16. The failure of the Conciliation Commission was not due to outside influences but to the close relationship between two of its members and Israel. France, the ally of Israel and its principal supplier of arms, and the United States had supported that country, politically and financially, from the very beginning.

17. It would be futile to place any more faith or hope in the Commission and the time had perhaps come to abolish it and transfer its responsibilities to an international body capable of resisting outside pressures.

18. Israel's contention that the rights of ownership in the property and assets of the refugees were subject exclusively to its domestic laws was quite unfounded. General Assembly resolution 181 (II) stipulated that each of the two proposed States (Arab and Jewish) should make a declaration to the United Nations and that the stipulations contained in them would be recognized as fundamental laws of the State and no laws passed subsequently would prevail over them. Under paragraph 8 of chapter 2 of the same resolution no expropriation of land owned by an Arab in the Jewish State was to be allowed except for public purposes and in such cases compensation had to be paid before dispossession. Those provisions, taken in conjunction with the provisions of paragraph 11 of resolution 194 (III)—regarding the right of the refugees either to return to their homes or to receive compensation—and with those of other resolutions concerning the protection of the refugees' property, and the assurances given by Israel before its admission to the United Nations, showed clearly that Israel's rights in respect to Arab property were subject to well-defined limitations which Israel had accepted and was under an obligation to respect. In the areas allotted to the Arab State the property rights of Arabs were absolute and there could be no question of subjecting them to the authority of Israel. Furthermore, the clause stipulating the payment of compensation to dispossessed landowners in the area which was to become part of the Jewish State had never been observed. In those circumstances it was the duty of the United Nations to set up the necessary machinery to restore properties to their rightful owners or to compensate the latter for any properties legally expropriated. The argument of sole sove-

reignty over domestic affairs was not entirely valid in the case of Israel in view of the unique circumstances in which the country was created. Israel was, in fact, the only State which had been created by a decision of the United Nations and which was required to subordinate its domestic laws to certain provisions of a United Nations resolution or forfeit its claim to statehood. That was why the creation of machinery to deal with the refugees' property would in no way set a precedent. In addition, such a measure would enable the Assembly to make partial restitution to the refugees. His delegation hoped that a resolution covering the elements mentioned in his speech would be presented to the Committee.

19. Mr. KAPONGO (Congo, Leopoldville) said that his Government had no proof of the allegation that Israel was supplying arms to the Katangese gendarmerie. The Leopoldville Government had always maintained excellent relations with Israel which, through the United Nations, had provided the Congo with training facilities. The Government of the Congo (Leopoldville) hoped that the item under discussion, which was in the main a humanitarian question, would be solved in a spirit of conciliation, objectivity and impartiality.

20. Mr. FEKINI (Libya) said that the question of Palestine was one of the consequences of colonialism carried to the extreme. Zionist colonialism had done what traditional colonialism had shrunk from doing in the countries of Africa and Asia; it had chased the indigenous population out of a country through the use of terrorism in order to settle there its own followers, who had come from all over the world. That aggression was the cause of the tension which existed in the Near East and had frequently threatened world peace and security. Because of its responsibilities in the Palestine affair the United Nations had been faced for more than fourteen years with the grave situation of the Arab refugees from Palestine. Colonialism was on trial before the United Nations and that should give the question of the Arab refugees from Palestine its full significance: the fate of a nation and of a people was at stake.

21. The history of the question showed how deplorable was the fact that the United Nations, as a result of its initial membership and the influences exerted on it during the first years of its life, had been induced to ratify the plan for partitioning Palestine which imperialism and Zionism had long prepared. Suddenly confronted by the resultant disaster in a territory under international mandate, the United Nations, with a sudden twinge of conscience, had attempted to remedy the situation. It was then that the General Assembly had appointed Count Bernadotte as United Nations Mediator for Palestine. Because he was courageous enough to recognize facts and to place responsibility where it belonged, the Mediator had been assassinated in cowardly fashion by Zionist bands. But his reports had reached the United Nations. In them he had described the acts of terrorism which had caused the flight of the refugees and had stressed the right of the Palestine refugees to return to their homes and lands as soon as possible. As a result of the recommendations made by the United Nations Mediator, the General Assembly had adopted resolution 194 (III), operative paragraph 11 of which set forth the right of the Arab refugees from Palestine to return to their homes and the right to compensation for those who did not wish to return. Under the same resolution the General Assembly had estab-

lished the Conciliation Commission for Palestine to give effect to the principles set out in that paragraph 11 and, by resolution 212 (III), had established a special international relief fund to help the Palestine refugees. The fact that the fund had been set up for a period of nine months showed clearly that the United Nations had hoped to be able, during that short period, to put into effect the principles in paragraph 11 of resolution 194 (III). Those hopes had soon been dashed to the ground, however, because the invaders of Palestine had refused to abide by the decisions of the United Nations. The General Assembly, to meet its responsibilities, had therefore been forced to take other steps and, by resolution 302 (IV), had established UNRWA, the mandate of which had been prolonged on several occasions.

22. The representative of Libya congratulated UNRWA on its zeal in discharging its mission under delicate circumstances and despite its financial difficulties. But the Conciliation Commission had proved incapable of carrying out its task without clearly explaining the reasons for its failure. Those reasons were, in fact, to be found in Israel's refusal to allow the refugees to return to their homes, a refusal which was contrary to the provisions of the General Assembly's resolutions and of the Lausanne Protocol of 1949^{2/} which Israel had only signed for reasons of expediency. Other reasons were the composition of the Commission, the pressure to which it had been subjected, Israel's desire to settle the Palestine question outside the scope of the United Nations resolutions and the mobilization to that end of various means in a number of influential countries. That brief outline of the facts showed that the United Nations, in the many resolutions which it had adopted on the question, had established solid principles which had withstood the test of time, namely the right of the Arab refugees to repatriation, their right to compensation, their free choice of one or other of those alternatives, and their right to United Nations assistance until those principles had been fully carried out.

23. With regard to the stage at which the question of the refugees had arrived, the delegation of Libya had to make a number of observations. In his annual report (A/4861) the Director of UNRWA had made a number of proposals and recommendations which deserved to be adopted by the Committee. Assistance to refugees, however, was never anything but a palliative, and the United Nations, while meeting its moral and material obligations, had to find ways of giving effect to the principles which it had laid down for a just solution of the question. The Palestine refugees would never abandon their legitimate right to repatriation as could be seen clearly from paragraphs 2 and 9 of the annual report of the Director of UNRWA. Any attempt to solve the question by integrating the Palestine refugees in the Arab countries of the Near East was doomed to failure, since it was inconceivable that the fate of a whole nation should be settled on the basis of so-called economic considerations. Moreover, the Director of UNRWA had indicated, in paragraph 2 of his report, that "Works" projects for the purpose of direct resettlement of the refugees were in principle unacceptable to the latter, whose overwhelming desire was repatriation.

24. The question of the Palestine Arab refugees was essentially political and not economic; the time factor

^{2/} Ibid., Fourth Session, Special Political Committee, Vol. II, document A/927.

had not operated in favour of those who sought to elude the issue. The solution lay in carrying out the principles laid down in operative paragraph 11 of General Assembly resolution 194 (III) and reaffirmed in all the subsequent resolutions. The economic considerations mentioned in those texts were only applicable to the Palestine refugees, as a national entity, within their ancestral homeland, Palestine.

25. He believed that certain proposals would be conducive to a just settlement of the question. Although the United Nations assistance to the refugees was essentially provided by voluntary contributions from Member States, it was not an act of charity but rather an obligation in view of the responsibility assumed by the Organization. The Palestine refugees were citizens of a country in which they had, before the colonialist aggression, enjoyed a standard of living that was particularly high for the area. According to the report of the Conciliation Commission (A/4921, para. 13), the plots of land belonging to Arabs numbered more than 450,000. According to the most conservative estimates, the annual income from Arab property in Palestine exceeded £47.5 million sterling, which was several times the amount of the UNRWA budget. For the period 1948-1961, the income from property amounted to some £750 million sterling, not counting a rise of 35 per cent which had taken place since 1948. On being obliged to leave their country, the refugees had left behind them all their property, both movable and immovable. The United Nations should therefore establish machinery for safeguarding the property of the Palestine refugees and collecting the income from it; an arrangement of that type had operated in Libya during the few years following the accession of that country to independence. By such a method, it would be easy to finance any assistance programme for the refugees, pending a just solution of the whole question. While relieving the United Nations of a financial burden, such a solution would be in conformity with right and justice. Above all, it would respect the human dignity of the refugees, who would then be receiving no more than the aid derived from their own incomes.

26. Henceforward the main purposes of the United Nations should be the aims mentioned in operative paragraph 11 of resolution 195 (III), repatriation and payment of compensation. The refugees should be able to choose freely between those two possibilities and under such conditions that repatriation and compensation should be genuinely possible. Owing to its composition, the Conciliation Commission was not able to accomplish the mission that had been entrusted to it in that respect. It should be reconstituted, due consideration being given to the existing membership of the Organization and the need for efficiency and neutrality.

27. As an immediate practical measure, the refugees who came from regions allocated to the Arabs in the partition resolution should be repatriated without delay, as also those refugees who had been expelled from their lands after the signature of the armistice agreements. As for the refugees whose lands were situated on the other side of the armistice lines, they should be allowed the facilities necessary for farming those lands and thus providing for their own needs. Such measures would be a first step towards the settlement of the question of the Palestine refugees.

28. The Conciliation Commission, as reconstituted, or whatever body replaced it, should be given the powers necessary to pursue the aims set forth in resolution 194 (III), and should be empowered to recommend sanctions against the recalcitrant party, in accordance with the Charter. Bearing in mind the General Assembly's resolutions and their recognition of the refugees' right to repatriation, the Conciliation Commission or other body should consider the question of the mass immigration of aliens into Palestine, which was liable to turn the former majority into a minority. Furthermore, the Arab minority that lived in occupied Palestine was victimized by discriminatory and unfair treatment, and was subjected to the most arbitrary special laws. The United Nations should take appropriate steps as soon as possible to bring those violations of human rights to an end. Despite their difficulties, the Palestine refugees would never consent to forget their country or abandon their rights. It was to be hoped that the United Nations would rise to its responsibilities and respond to the appeal of justice in accordance with its own resolutions.

29. Mr. COMAY (Israel), in the exercise of his right of reply, wished to ask the representative of Iraq under what United Nations resolution the Iraqi army had been operating in May 1948, so far from the borders of Iraq. That had been the invasion of another country and not a salvage operation. If it had succeeded, there would have been no State of Israel and no Israel delegation sitting in the Committee. The representative of Iraq knew very well that the constitutional right of any State to regulate property within its territory was unquestioned, and that the United Nations had no competence in the matter. The Arab delegations were trying to suggest that Israel's statehood and sovereignty were different from those of other States. There was no basis for such an assertion. It was surprising that the Arab States, who had violently attacked resolution 181 (II) at the time of its adoption and rejected its validity, should not hesitate now to make it the basis of a contention against Israel. The declaration annexed to that resolution—mentioned by the representative of Iraq—which was to be made by each of the two States, the Jewish and the Arab, had never come into existence. The Arab State had never been established and a good deal of the land which had been intended for it had been incorporated in Jordan. The Jewish inhabitants of that area had been captured or expelled and all Jewish property had been confiscated, and no compensation had ever been offered. Israel's admission into the United Nations had not been accompanied by any limitation of sovereignty except in so far as the Charter imposed obligations on Member States. No Arab State had then suggested limitations on Israel's sovereignty. In any case, the declaration had not been meant to apply to property abandoned by persons who had left the area and never become citizens of the State of Israel. Furthermore, the vast amount of property in Iraq and other Arab States that had been left behind by Jewish refugees had been confiscated without the smallest compensation to the owners.

30. Mr. PACHACHI (Iraq), in the exercise of his right of reply, wished to ask the representative of Israel what the Haganah was doing in Palestine in May 1948. Its presence there was much less normal than that of the Iraqi army, which had come to the aid of the majority of the Arab population of Palestine to save it from complete annihilation. Most of the mem-

bers of Haganah were persons who had immigrated illegally into Palestine. The occupation by Zionist forces of a good part of Palestine, which they still held, was not justified by any United Nations resolution. The argument that national sovereignty was absolute was difficult to maintain, since international

law took precedence over domestic law. If Israel repudiated its obligations under resolution 194 (III), if it did not recognize the validity of that resolution, it was not clear what was the basis of its sovereignty.

The meeting rose at 1 p.m.