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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/58 and Add.1; A/SPC/L.79 and Corr.1 and 2, L.80) (continued)

1. Mr. ATALLAH (Jordan) said that he would confine his remarks to the nineteenth report of the United Nations Conciliation Commission for Palestine (A/4921) and its addendum (A/4921/Add.1 and Corr.1), since his delegation had already dealt with the other aspects of the question at the 312th meeting. The Conciliation Commission had made no progress during the first ten years of its existence, a matter which had led the General Assembly to express some anxiety about the fate of the refugees and to request the Commission to make further efforts to secure the application of paragraph 11 of resolution 194 (III). A clause to that effect had been included in resolutions 1456 (XIV) and 1604 (XV). It was advisable therefore to examine the last two reports of the Conciliation Commission in order to ascertain whether the Commission had complied with the repeated instructions of the Assembly. In its eighteenth report,^{1/} the Commission simply said that it had been seeking means by which it might contribute to the application of the principles set out in paragraph 11 of resolution 194 (III), without specifying the nature or the form of its search. In fact, the only step taken by the Commission had been to ask the Secretariat to prepare working papers on the questions of repatriation and compensation. Since it was the Commission itself which had been entrusted with the task of ensuring the repatriation and compensation of the refugees, and since all the relevant information was in its possession, the need for those working papers was not apparent.

2. A whole year had thus been lost. During the period from 12 November 1960 to 13 October 1961, which was covered by the nineteenth report of the Commission (A/4921), the only action taken had been the appointment of a Special Representative to explore with the host Governments and the Government of Israel practical means of arriving at a solution of the refugee problem; yet the Commission had had

eleven years for exploring those possibilities, and its task had not been to explore, but to ensure the application of paragraph 11 of resolution 194 (III). Moreover, after giving an account of the mission of its Special Representative, Mr. J. E. Johnson, the Commission had stated that it had not yet been possible to submit firm conclusions but that it hoped, in the light of Mr. Johnson's report, to be able to make suggestions in the near future. Nevertheless, Mr. Johnson had informed the Commission that high officials of the host countries and Israel had expressed the view that it might be possible to take practical steps with regard to the refugee question without prejudice to the positions of the Governments on other aspects of the "Palestine question", but his report (A/4921/Add.1 and Corr.1) contained no suggestions. Instead, Mr. Johnson had observed, in paragraph 56 of his report, that the appointment of a special representative was a new method not yet sufficiently tested and he had not yet had the time to ascertain whether it would expedite the application of paragraph 11 of resolution 194 (III) but that it should be possible to do so within a year. He had therefore recommended that careful consideration should be given to the appointment of a special representative to serve until the autumn of 1962. The Commission, wisely refraining from passing judgement on the historical section of the Special Representative's report, had none the less warmly endorsed Mr. Johnson's conclusions. It had thus to be realized that once again the Commission had made no progress. On the contrary it was asking for a further delay of one year solely for the purpose of exploring, by means of a special representative, the possibility of making progress in the Palestine Arab refugee question.

3. In the opinion of his delegation, the main reason for the failure of the Conciliation Commission was that it had misinterpreted paragraph 11 of resolution 194 (III) and thus had misconstrued its task. Paragraph 11 had recognized, firstly, the right of the refugees to repatriation and, secondly, the right to compensation of those who did not wish to return to their homes. In its eighth periodic report,^{2/} the Conciliation Commission had clearly set out the position of the Arab States, which was that, for humanitarian as well as political reasons—considerations of security, for example—it was essential to give absolute priority to the refugee question, and that the solution of the Palestine situation as a whole must be contingent upon the acceptance by Israel of the principle established in paragraph 11 of resolution 194 (III). While recognizing the validity of the Arab position, the Conciliation Commission had none the less linked the implementation of paragraph 11 with the settlement of the refugees in the Arab countries, and thus reversed the process. That was not only a contradiction but also a violation of the express terms of

^{1/} Official Records of the General Assembly, Fifteenth Session, Annexes (vol. I), agenda item 26, document A/4573.

^{2/} Ibid., Fifth Session, Supplement No. 18.

the General Assembly resolution. In fact, while conceding the validity of the Arab position, the Conciliation Commission had accepted without reservation the Israel position. It had thus, in September 1949, established the United Nations Economic Survey Mission for the Middle East^{3/} to make recommendations with regard to the economic development of the area, with special emphasis on the settlement and integration of the refugees in the Arab countries. In doing so, it had exceeded the mandate conferred upon it by the General Assembly in resolution 194 (III). Paragraph 10 of that resolution had merely authorized the Conciliation Commission to seek arrangements among the authorities and Governments concerned which would facilitate the economic development of the area, specially arrangements for access to ports and airfields; obviously such arrangements could only be concluded between Governments of the Arab countries and the Israel authorities, as part of the final solution of the Palestine question. Consequently, the Arab States and the Arab refugees had disapproved the report of the mission, and the dispatch of that mission had thus been a failure.

4. Having failed in its first attempt, the Conciliation Commission had then attempted, through the appointment of a special representative, to revive its cherished scheme for resettlement of the refugees in the Arab countries, in spite of resolutions 1456 (XIV) and 1604 (XV) of the General Assembly; the latter had confirmed paragraph 11 and requested that it should be put into effect as a separate and distinct provision, in accordance with the Arab position that the refugee question was an urgent matter to be settled without awaiting a general solution of the Palestine question. Paragraph 11 of resolution 194 (III) consisted of two parts; the first set forth the resolution proper, and the second contained the Assembly's instructions to the Conciliation Commission. In the resolution proper, the Assembly had indicated only two means for the settlement of the refugee question, namely repatriation and payment of compensation. When the Assembly had issued its instructions to the Conciliation Commission, in the second part, "to facilitate the repatriation, resettlement, and economic and social rehabilitation of the refugees and the payment of compensation", the resettlement and economic and social rehabilitation had obviously referred to the refugees who might choose repatriation, and not to those who might choose compensation. It had been rightly considered that it would not be enough to repatriate the refugees and then leave them in a state of destitution. The United Nations mediator had also clearly indicated the same thing, in one of his conclusions,^{4/} which had been cited by the Special Representative in paragraph 16 of his report (A/4921/Add.1 and Corr.1). The fact that the Conciliation Commission had persisted in its erroneous interpretation of paragraph 11 of resolution 194 (III), after the General Assembly had adopted its resolutions 1456 (XIV) and 1604 (XV), showed in no uncertain fashion that the Commission was not impartial. It had sought only to uphold the view of the Israel Government, and that had been the reason for its failure. For thirteen years, the Commission had shown that it did not regard itself as a subsidiary organ of the United Nations, bound to observe the resolutions of

the General Assembly, but rather, either as an independent body with full powers and authority, or, alternatively, as a body whose members received their instructions from their own Governments, while acting under the guise and mantle of the United Nations. His delegation had serious doubts whether any useful purpose could be served by continuing the Conciliation Commission, at least in its actual form and constitution.

5. Having examined the report of the Conciliation Commission's Special Representative, his delegation was compelled to state that it did not subscribe to the findings and conclusions nor to the so-called factual information contained in that report. It did wish, however, to commend the integrity and good intentions of Mr. Johnson and to make it clear that it was unable to approve the report because the Conciliation Commission had no authority to delegate its powers to a representative, and because it had conferred powers on its special representative which were broader than those the Commission itself possessed under the terms of paragraph 11 of resolution 194 (III). The Commission had in fact instructed its Special Representative, in very broad terms, to explore practical means of seeking a solution of the refugee problem, as though the solution of that problem by means of repatriation or payment of compensation, as provided in paragraph 11, were not a practical solution, so that other means than those contemplated by the Assembly had to be found. As a matter of fact, it had been the duty of the Conciliation Commission to establish contact with the Israel Government to determine whether that Government was willing to abide by paragraph 11 of resolution 194 (III). If it had found that Government unwilling to do so, it would have been very clearly the duty of the Commission to report that fact to the General Assembly, so that the General Assembly might study the situation arising from such refusal and take appropriate measures, whether by sanctions or otherwise, to enforce the application of that paragraph. If, on the other hand, the Israel authorities had been willing to put paragraph 11 of resolution 194 (III) into effect, then the matter would have been practically solved, and there would no longer have been any obstacle that could not be easily overcome by the Commission. The difficulty did not, in substance and effect, reside in the practical means of implementing paragraph 11, but in the refusal of the Israel Government to accept those provisions. The mission of the Special Representative had thus been *per se* an error, and his terms of reference, by virtue of their provisions, had been contrary to the instructions of the General Assembly. It was therefore not surprising to find that the Special Representative had been led, in derogation of the provisions of paragraph 11, to explore practical measures other than those contemplated by the General Assembly.

6. Mr. Johnson was right in his surmise that the Governments of the Arab countries would not regard his historical account of the question as adequate or impartial. That account favoured Israel since, in utter disregard of the truth, it described Israel and the Arab States as being equally obdurate in their resistance to the implementation of paragraph 11.

7. He was compelled to refer to the most important inaccuracies in Mr. Johnson's version of events.

8. In paragraph 13 of his report, Mr. Johnson ignored the most important cause of the exodus of the Palestine Arabs. The latter had fled not on the instructions

^{3/} *Ibid.*, Fourth Session, Special Political Committee, Annex, vol. II, document A/992.

^{4/} *Ibid.*, Third Session, Supplement No. 11, first part, sect. VIII, conclusions, paras. 2 to 4.

of their leaders but because of the outrages and brutalities inflicted on them by Jewish troops and terrorist gangs both before and after the termination of the Mandate.

9. In paragraph 17, the Special Representative stated that the General Assembly had not fully accepted all the Mediator's recommendations with respect to the refugees. The Mediator had stressed, firstly, the right of the refugees to repatriation, resettlement and economic and social rehabilitation, and secondly, the right of those choosing not to return to the payment of adequate compensation for their property; and both those points had been incorporated in operative paragraph 11 of General Assembly resolution 194 (III).

10. In paragraph 19, Mr. Johnson stated that the Protocol of Lausanne^{5/} had become a subject of contention. He did not elaborate on that point, but it would be recalled that after having signed the Protocol on 12 May 1949 and declared to the Ad Hoc Political Committee that it was ready to apply all United Nations resolutions on the question of Palestine, Israel, once admitted to the United Nations, had hastened to repudiate the Protocol. The affair had thus been nothing but a subterfuge, of which, later on, the Israel leaders had been the first to boast.

11. In paragraph 33, Mr. Johnson referred to General Assembly resolution 393 (V), which provided for the reintegration of the refugees into the economic life of the Near East. It had to be pointed out that that resolution had been adopted without prejudice to the provisions of paragraph 11 of resolution 194 (III). It had been intended to complement the paragraph in question, in the sense that refugees who did not choose to return to their homes could be absorbed into the Near East following the economic development of that area. There had been no suggestion of making the implementation of paragraph 11 dependent—as Israel had claimed—on the prior economic development of the Near East, so that most refugees, if not all of them, could be settled in the Arab countries. Furthermore, as the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East had explained in his latest report (A/4861), the host States themselves were confronted with serious economic problems of their own. Their economic development was hardly keeping pace with the natural increase of their population. Consequently that was an erroneous approach to the problem, which would not lead anywhere. That remark applied with equal force to Secretary-General Dag Hammarskjöld's report^{6/} on assistance to refugees in Palestine, reference to which was made in paragraph 36 of Mr. Johnson's report.

12. In paragraph 43, Mr. Johnson quoted a premise enunciated by the Secretary-General in the Introduction to his last Annual Report (A/4800/Add.1), to the effect that the organs of the United Nations had consistently maintained that the use of force could not be permitted to yield results which could be accepted by the Organization as valid and as establishing new rights. Yet Israel had been the first to violate that premise, by occupying by force of arms areas which had not been allotted to it.

13. As for the desire for peace referred to in paragraph 45, Israel did not want peace except on the basis of the status quo and provided that it could retain the fruits of its armed aggression.

14. In paragraph 47, the Special Representative spoke of the mutual mistrust and fears which had to be taken into account. While the Arabs had good reason to fear both continued Jewish immigration into Palestine and Zionist expansionist designs, Israel's bogus fears were but a myth and a mere pretext for resisting the implementation of operative paragraph 11 of General Assembly resolution 194 (III). The Arab minority which had been living in the Israel-occupied zone since 1948 had never shown the slightest sign of subversion or revolt, despite the fact that it was denied the most fundamental rights and subjected to acts of terrorism and brutality, and even to massacres. If Israel genuinely feared that the return of the refugees might endanger the security of the country, it had but to withdraw within the frontiers allotted to the Jewish State by the United Nations.

15. In paragraph 48, Mr. Johnson stated that the parties tended to view the refugee problem as an inextricable part of the Palestine question as a whole. That did not apply to the Arab States; they merely held the view that for urgent humanitarian reasons priority had to be given to the implementation of paragraph 11 of resolution 194 (III).

16. With regard to the step-by-step process referred to by Mr. Johnson in paragraph 49, the Jordanian Government would for its part find it too slow. As for Israel, its good will could be assessed at its proper value merely by recalling, firstly, Mr. Ben-Gurion's statement in the Knesset on 11 October 1961, denying the right of the refugees to return to their homes or receive compensation, secondly, the resolution adopted by the Knesset to the effect that the sole solution to the problem of the refugees was their resettlement in the Arab countries, and, thirdly, the statement made on the same occasion by Mrs. Meir, Israel's Minister for Foreign Affairs, to the effect that the Government's position was to accept not a single refugee.

17. In paragraph 50, Mr. Johnson stated that responsible Ministers and Government officials inevitably started from a premise based upon a conception of the national interest and upon governmental policies. That assertion echoed the accusation, often levelled at the Arab Governments, that they exploited the refugee question for political ends.

18. To refute that accusation of indifference, he could do no better than point out that, as could be seen from the report of the Mediator and the reports submitted by the Directors of the Agency since 1950, the Arab States had always spent on the refugees, in services and relief, sums which were very large in proportion to their resources.

19. On the other hand Israel, which had occupied the lands of the refugees by force, refused to repatriate them on the pretext that there was no room for them, despite the fact that it was planning to bring in an additional 2 million immigrants within the next ten years and that the majority of the refugees could not be accommodated in the economy of the Arab host countries. In those circumstances, it was hard to believe that Zionist propaganda would succeed in making out the Arab countries to be war-mongers and Israel to be a peaceful State.

^{5/} Ibid., Fourth Session, Special Political Committee, Annex, vol. II, document A/927, annexes A. and B.

^{6/} Ibid., Fourteenth Session, Annexes, agenda item 27, document A/4121.

20. In paragraph 59, Mr. Johnson concluded that the reintegration of the Palestine Arab refugees into a useful life in the Near East, whether by repatriation, resettlement or both, and with compensation where appropriate, would depend upon the rate of economic growth of the area. That conclusion was a basic derogation from the Conciliation Commission's terms of reference, and consequently from Mr. Johnson's own terms of reference. Paragraph 11 of resolution 194 (III) provided only two specific means for the settlement of the refugee problem: the repatriation, resettlement and rehabilitation of those who wished to return to their homes, and compensation for those who did not choose to return, which would enable them to settle somewhere outside the Israel-controlled area and, where appropriate, to benefit from a development programme in the Arab countries. But to make repatriation and compensation dependent upon such developments would be tantamount to obstructing the implementation of paragraph 11.

21. Finally, Mr. Johnson put forward in his report two specific proposals which the Jordanian delegation considered unacceptable because they would make the problem still harder to solve. The appointment of a special representative would delay the solution of the refugee problem for another year, which the Israel Government would use for the further settlement of Jewish immigrants. Moreover that proposal avoided the real issue, namely Israel's refusal to implement paragraph 11 of resolution 194 (III). As for reintegration through an accelerated economic development of the Middle East, that proposal violated both the letter and the spirit of paragraph 11 and prevented a realistic approach to the problem. The Arab States had urged the appointment of a custodian to protect the refugees' property. If specific steps were not taken to conserve that property for its rightful owners when they returned, paragraph 11 would remain a dead letter.

22. At the 311th meeting, the United States representative, while reaffirming his support for the provisions of resolution 194 (III), paragraph 11, had expressed his approval of the course of action recommended by Mr. Johnson and the Conciliation Commission. But the effect of those recommendations would be to repeal all former decisions with regard to repatriation, to imply that the solution of the problem did not lie in the implementation of paragraph 11 and to legalize Israel's aggression and violation of international law. In those circumstances, it might well be asked whether the position of the United States showed a sincere desire to implement paragraph 11. Eminent American statesmen had on numerous occasions proclaimed themselves champions of peace based on law and justice, and not peace at any price. Could those lofty principles be reconciled with the stand taken by the United States on the Palestine Arab refugee problem?

23. There was a regrettable tendency in certain quarters to regard the refugee problem as a purely material problem and to ignore the human element involved. That tendency was due to the timidity of Member States with regard to their obligation to secure compliance with United Nations resolutions, even if that involved the use of sanctions or force. Such a tendency to pursue the line of least resistance and to yield to *de facto* situations brought about by aggression endangered the very foundations of the United Nations. It was absurd and revolting to equate the problem of the Palestine Arab refugees with that

of German refugees who had been settled in Western Germany: such a proposition did not take into account either the guilt of the Nazis or the innocence of the Arab refugees. The problem of Palestine was a problem of elemental human rights that transcended all material considerations. If the General Assembly wished to be faithful to the principles of the Charter, it should ensure the immediate return of the refugees and the establishment of adequate machinery to protect their properties and to ensure compensation. That equitable decision would also remove any source of danger to the security of the Middle East.

24. Mrs. MEIR (Israel), exercising her right of reply, pointed out that Israel had been admitted to the United Nations on 11 May 1949, and that the Security Council had decided to recommend its admission in March of that year.^{2/} Thus, whatever the Jordanian representative might say, Israel had already been a Member of the United Nations at the time when it had signed the Lausanne Protocol. With regard to policy on the repatriation of refugees, the statement she had made in the Knesset had been exactly the opposite of what had just been quoted by the representative of Jordan.

25. Mr. ATALLAH (Jordan), exercising his right of reply, said that the quotation of Mrs. Meir's statement had been taken from The Jerusalem Post. He would return to the question of the dates after he had verified them.

26. Mr. DIMECHKIE (Lebanon) exercising his right of reply, said that according to a recent statement by the Prime Minister of Israel, the policy of the Israel Government was not to admit the refugees back into Israel; and that position had been backed by the Knesset in a resolution adopted last month. Was the Committee to understand that there were two policies in Israel: one as set forth by the Foreign Minister of Israel and the other as pronounced by the Knesset?

27. Mrs. MEIR (Israel) remarked that the Committee was not at present discussing the Israel Prime Minister's statement. Israel's position on the whole question would be explained to the Committee in good time.

28. Mr. DUNCAN (Panama) observed that the problem of the Palestine refugees, the discussion of which seemed to reach the same deadlock every year, was basically a human problem. Instead of trying to determine everyone's responsibilities, the important thing was to seek specific and reasonable means to relieve the plight of the refugees. Their well-being was entrusted to the Agency, which, thanks to Mr. Davis's capable leadership, had done magnificent work, as could be seen from the report. Nor was the work done by the Conciliation Commission any less important. The Panamanian delegation did not underestimate the seriousness of the problems facing the refugees; but those were complex matters that could not be quickly resolved. The rightful aspirations of the refugees would have to be satisfied without thereby ignoring the legitimate rights of Israel. No good purpose was served by dwelling on the past, and the only result achieved by passionate and politically charged debates was to embitter the atmosphere and to waste the Committee's time by diverting its attention from the central element of the problem, namely the refugees themselves. The right course was to

^{2/} Official Records of the Security Council, Fourth Year, Supplement for March 1949, document S/1277.

apply the resolutions of the General Assembly and the Security Council, which called upon Israel and the Arab States to reach a final settlement of all the outstanding points that separated them, jeopardizing not only the future of the refugees but also the maintenance of peace in the Middle East. The chances of success would be increased if the parties concerned put bitter memories and unrealistic aspira-

tions behind them and entered into direct negotiations. It was to be hoped that the draft resolutions before the Committee (A/SPC/L.79 and Corr.1 and 2, A/SPC/L.80), which were couched in conciliatory terms and which advocated constructive measures, would be favourably received.

The meeting rose at 12.45 p.m.