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Chairman: Mr. Leopoldo BENITES (Ecuador).

AGENDA ITEM 31

Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/5136, A/5214, A/5337; A/SPC/74, A/SPC/L.89 and Add.1, A/SPC/L.90) (continued)

1. Mr. COMAY (Israel), in the exercise of his right of reply, said that, contrary to the Syrian representative's allegation at the 366th meeting, Israel had supported the admission of Tunisia to the United Nations.
2. Mr. TARAZI (Syria) said that the point that he had made at the previous meeting was that during the discussion of Tunisia's independence, Israel had opposed that independence and had voted in favour of France and its supporters. At that time, therefore, Israel had not been among the liberal countries.
3. He noted that, in the report contained in a United Nations press release of the debate in the Special Political Committee on the question of the Palestine refugees, Israel was singled out for special mention and the Israel statement was recorded at some length, although six other speakers, including Arab representatives, whose views had not been reported, had also taken part in the debate. The Office of Public Information of the United Nations should not indulge in that kind of discriminatory reporting. He trusted that it would not be allowed to occur again.
4. The CHAIRMAN said that he would convey the views of the representative of Syria to the appropriate administrative quarters.
5. Mr. GASSOU (Togo) regretted that there was still no just and equitable solution in sight to the Palestine refugee situation. In paragraph 5 of his report (A/5214), the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) painted a striking picture of the physical and psychological privations suffered by the Palestine refugees for the past fourteen years. Paragraphs 8, 9, 10 and 11 of the report described how, as the years passed, new generations attained adulthood within the refugee community, without skills, unemployed and virtually unemployable, and thus without prospects for the future. Per-

haps the most sombre aspect of the whole refugee tragedy was that future generations would have to suffer for the present situation.

6. The Commissioner-General was to be congratulated on his clear and forthright report and upon the activities of the Agency. The Togolese delegation hoped that the Agency would continue to function as long as it was needed, and that those States which were able to do so would increase their contributions, so that work on behalf of the refugees could be expanded.

7. The Togolese delegation also hoped that through mutual understanding among the parties concerned, and the assistance of the United Nations Conciliation Commission for Palestine, a speedy solution would be found at last to the situation of the refugees.

8. The CHAIRMAN, in accordance with the decision taken by the Committee at its 358th meeting in respect of the letter dated 2 November 1962 (A/SPC/74), invited Mr. Issa Nakhleh to make a statement.

At the invitation of the Chairman, Mr. Issa Nakhleh took a seat at the Committee table.

9. Mr. NAKHLEH said that the rights, property and interests of the Palestine Arab refugees were among the most important elements of the Palestine issue. It was unfortunate that in twelve years, the Conciliation Commission, which had been instructed by the General Assembly in its resolution 394 (V) to take steps for their protection, should have done no more than appoint a Committee to go to occupied Palestine for the identification of Arab properties. He wished, therefore, to place before the Committee the relevant points of law and fact which would establish the right of the United Nations to intervene and to appoint a United Nations custodian for the administration and protection of Arab property in Palestine.

10. Looked at without the irrelevant issues injected by Zionist propaganda, the Palestine question was very simple. The Arabs of Palestine were the descendants of the indigenous population of the Holy Land who had lived in that country for 2,000 years. Great Britain, without any justification, had promised the Jews of the world a National Home in their country. In 1919, there had been 57,000 Jews in Palestine. After Great Britain took over the Mandate, the gates of Palestine had been opened to Jewish immigration and by 1947 511,000 Jewish immigrants, mainly from Eastern Europe, had immigrated into Palestine without the consent of its people. In 1948, the Jews had constituted 30 per cent of the population and had owned less than 6 per cent of the land. That alien immigrant minority had forcibly expelled 1 million Palestinians from their homes, looted their property and occupied their lands.

11. The expulsion of the Palestinians and the occupation of their homeland had been effected through the

invasion of Arab Palestine by the armed forces of alien Jewish immigrants, together with more than 2,400 mercenaries of great military experience, mainly from Great Britain, France, South Africa and the United States, and more than 50,000 foreign recruits who had been trained in refugee camps in Europe and brought into Palestine before and after the end of the Mandate. Those forces had been equipped with tanks, aeroplanes and all kinds of modern weapons obtained from the Mandatory Power, Great Britain, and other foreign countries. All those facts could be confirmed from Zionist sources, among them a book *The Edge of the Sword*^{1/} by Lieutenant-Colonel Netanel Lorch who had been a member of the Haganah Command and was at present on the staff of the Israel Minister for Foreign Affairs. Mr. Lorch described the capture and occupation of Arab villages and cities and the way in which the British forces, instead of protecting the inhabitants, encouraged them to evacuate their homes and themselves withdrew. He also described the important role played in the war by recruits and volunteers from European countries. Thus, the Zionists had succeeded in occupying 80 per cent of Palestine by aggression and foreign invasion.

12. The Committee had before it draft resolution A/SPC/L.90, asking for the appointment of a United Nations custodian for the administration and protection of Arab property, assets and property rights in Israel. In order to determine whether the Committee could adopt such a resolution, certain issues must be decided, namely, whether a Jewish minority of alien immigrants was entitled to expel 1 million indigenous inhabitants and occupy and loot their property, whether the Jewish authorities in occupied Palestine were entitled to claim sovereignty and the right to expropriate and dispose of Arab properties as they wished, whether there was any international law which protected Arab rights and whether the United Nations could intervene in order to ensure such protection. The question of Palestine contained various elements. The situation could be regarded as subject to the resolutions of the General Assembly, the Security Council and the Trusteeship Council and, therefore, to the United Nations Charter and the principles of international law. Or, it could be regarded as the result of an invasion of Arab towns and villages by Jewish armed forces, assisted by volunteers and recruits from many foreign countries and by the international Zionist movement with the aid and connivance of the British armed forces. In that case, the situation in Palestine was the result of an illegal war of foreign invasion and aggression. Thirdly, it could be held that the situation in Palestine was the result of an armed conflict between the Jews and Arabs, and that the occupation by the Jews of 80 per cent of the area of Palestine was a belligerent occupation, subject to the law of war. The legal consequences of those different views had a bearing on the question of Arab private and public property and assets in the Jewish-occupied area of Palestine.

13. If the situation in Palestine was governed by United Nations resolutions, there was ample provision for the protection, preservation and restoration of Arab private and public property and assets. The United Nations resolutions bringing about the armistice in Palestine had frozen the situation so that no advantage could be obtained by either party without

prejudice to the rights, claims and position of the other. The Jewish authorities in Palestine were not warranted in dealing with Arab private property even more high-handedly than the forces which had occupied Europe in the Second World War. The Jews were precluded by the resolutions of the General Assembly and the Security Council and by the General Armistice Agreements from denying Arab rights in Palestine and from confiscating or appropriating Arab property and preventing its owners from enjoying the income from it. Moreover, under those resolutions, the United Nations was legally and morally responsible for seeing to it that the Jewish authorities were prevented from taking action against Arab property.

14. If the occupation of Arab towns and villages in Palestine was regarded as having been brought about by planned aggression by Jewish forces and volunteers from abroad, it was clearly the result of an unlawful resort to armed force in violation of international law and of the Charter, since the use of armed force was allowable only in cases of individual or collective self-defence. The purpose of the Jewish invasion of Arab towns and villages had been to control the Arab area, evict its inhabitants and establish a Jewish State for alien Jews in an Arab country. The Zionist war against the Palestine Arabs was an illegal war of aggression for which the Jewish authorities were liable to prosecution under international law. It was an established legal principle that illegal acts could not become the source of new legal rights to the benefit of the wrongdoer. The Jewish authorities in occupied Palestine could not, through their illegal aggression, acquire belligerent status which gave a belligerent occupant the right to administer a country as a temporary trustee, subject to the limitations of the law governing belligerent occupation.

15. The third view was that if the situation in Palestine was the result of an armed conflict between the Jews and the Arabs, the occupation by the Jews of 80 per cent of the area was a belligerent occupation subject under international law to the law of war. It was clear from the Abandoned Areas Ordinance of June 1948 that the Jewish authorities based themselves on conquest and occupation. In that Ordinance an abandoned area was defined as any area or place which had been conquered by Jewish armed forces, had surrendered to Jewish armed forces or had been deserted by its inhabitants. Thus the Jewish occupants would be entitled only to the rights attributable to a temporary belligerent occupation pending the settlement of the dispute by peaceful means and subject to the law of war regarding the belligerent occupation. He would like to quote from the writings of recognized authorities on that branch of international law. The American jurist Gerhard von Glahn in his book *Occupation of Enemy Territory*,^{2/} stated that the occupant did not in any way acquire sovereign rights in the occupied territory but exercised a temporary right of administration on a trustee basis, the sovereignty of the legitimate Government merely having been suspended during the period of the belligerent occupation. In the case under consideration that sovereignty resided in the native inhabitants of Palestine, who had constituted the majority and who had been prevented from exercising sovereignty by the Mandatory régime. The Mandate having been terminated, the people of Palestine, whose forebears

^{1/} New York, G. P. Putnam's Sons, 1961.

^{2/} Minneapolis, Minnesota University Press, 1957.

had inhabited the country for 2,000 years, had been entitled to exercise sovereignty and enjoy independence in their own country. Sir Arnold D. McNair, in his Legal Effects of War,^{3/} stated that occupation did not displace or transfer sovereignty. As recognized by both the Manual of Military Law,^{4/} issued by the United Kingdom War Office, and von Glahn, it would be unlawful to change the constitution or form of government of the occupied territory, to replace the existing language, to change the nationality of the inhabitants or to establish a new State. Those principles of international law established beyond any doubt that the occupation of 80 per cent of Palestine by a minority of Jewish immigrants was illegal. Surely the Committee was bound by the principles of international law, for the Charter was based on those principles.

16. Another relevant branch of international law was the economic law of belligerent occupation, which protected the private and public property of the inhabitants of an occupied country. Similarly, L. Oppenheim, in International Law (vol. II),^{5/} had written that immovable enemy private property should not be appropriated by an invading belligerent in any circumstances, and that private personal property, which did not consist of war material or means of transport serviceable for military operation, might not as a rule be seized; he had cited articles 46 and 47 of The Hague Convention of 1907^{6/} in support. Thomas J. Lawrence in his The Principles of International Law^{7/} had stated that immovable properties in occupied districts were held to be incapable of appropriation by an invader and that the profits arising from them were free from confiscation and the owners were to be protected in all lawful uses of them. Acts of encroachment on private and public property in disregard of international law were incapable of creating or transferring title, as indicated by Lauterpacht in his statement that if the occupant had sold immovable property such property might afterwards be claimed from the purchaser without compensation. Thus such property was bound to be restored to the rightful owner when it was identifiable and capable of restitution. The doctrine of the inviolability of private property and certain principles and methods covering the restitution of property had been adopted by the United Nations and all the European Powers. A notable example of their application was that of the reparations which had been made to the victims of the Nazis, particularly the Jews.

17. During the Second World War the Governments-in-Exile had all issued declarations relating to violations of property rights during the Axis occupation. As those declarations were similar he would cite only the Belgian declaration, which stated that measures taken by the occupying authority were to be regarded as repealed *ipso facto* as soon as the territory became liberated. The declaration provided that all acts to dispose of or encumber movable and immovable property done by the enemy after 10 May

1940, by confiscation, seizure, forced sales or other measures in violation of private property, were null and void. In January 1943 the Allies, including the United States, had issued a declaration^{8/} stating that they reserved all rights to declare invalid any transfers of or dealings with property rights and interests which were or had been situated in the territories which had come under the occupation or control of the Governments with which they were at war. He would like to put it on record that the Arabs of Palestine would never recognize any seizure of or any dealings with their private or public property in Palestine and that when justice triumphed they would follow the same procedures as those which had been applied by the European Powers after the Second World War.

18. The Latin American countries had endorsed the same principle in a resolution adopted by the Inter-American Conference on Problems of War and Peace held at Mexico City in February and March 1945, recommending measures for the restitution of property, of which the enemy had obtained control by dispossession, looting, violence, fraud, intimidation and other like acts. Every word in that resolution, in the declaration of an international conference of jurists and in the declarations of the Allied Governments during the War applied to the case of Palestine. Consequently, the rights and properties of the Palestine Arabs must be protected and returned to them, and the United Nations had the moral and legal duty to act in accordance with the principles established by international law in that regard.

19. After the Second World War the European Governments had adopted legislation giving effect to the wartime declarations to which he had referred. The spokesman for the Palestine Arabs cited passages from the laws issued by the Austrian, Bulgarian and French Governments concerning the restitution of property seized by the Nazis, the beneficiaries of which laws had included many Jews. The Supreme Restitution Court set up after the war had enabled many Jews to regain even property which they had sold during the Nazi era so that they could emigrate; they claimed that they had sold such property under duress, it was held therefore that they were entitled to restitution.

20. The Peace Treaties of 1947 contained detailed provisions regarding the restitution of property. The question of the violation of property had been raised before the International Military Tribunal at Nürnberg, which had held that such violation constituted a war crime.

21. Having dealt with the principles of international law which entitled the Arabs to the restitution and preservation of their private and public properties in Palestine, the spokesman for the Palestine Arabs would like to recall the action taken by the Jews in respect of that property. They had looted all kinds of personal property and movables found in Arab homes, commercial and industrial establishments and religious edifices in nine Arab towns, in the Arab quarters of four towns with mixed populations and in 800 villages. Count Bernadotte had referred to those acts of pillage in his last progress report.^{9/} In over 200 Arab villages Jewish forces had destroyed all build-

^{3/} Cambridge University Press, 1948.

^{4/} London, Her Majesty's Stationery Office, 1956.

^{5/} As edited by Sir Hersch Lauterpacht, Disputes, War and Neutrality, seventh edition (London, New York and Toronto, Longmans, Green and Co., 1952), p. 405.

^{6/} See James Brown Scott, The Hague Peace Conferences of 1899 and 1907, vol. II: Convention respecting the Laws and Customs of War on Land, p. 397.

^{7/} Boston, New York and Chicago, D. C. Heath and Co., 1923.

^{8/} See The Department of State Bulletin, vol. VIII: Nos. 184-209 (Washington, United States Government Printing Office, 1943), p. 21.

^{9/} Official Records of the General Assembly, Third Session, Supplement II.

ings with the object of discouraging the return of the former Arab inhabitants. An article by Arnold J. Toynbee in the *Britannica Book of the Year, 1959*, refuted the argument that the Arabs had forfeited their rights to their property by not remaining in their homes during the hostilities in 1948 and pointed out that the same argument could be used to justify the Nazi seizure of property left behind by Jews fleeing Germany.

22. The considerations which the spokesman for the Palestine Arabs had put before the Committee could thus be summarized in the following eight points: (1) The Jewish authorities had no sovereignty in the occupied area of Palestine and no rights other than those of temporary belligerent occupation and administration, subject to the law of war; (2) international law upheld the principle that private property was inviolable and that all encroachments on such property constituted a war crime; (3) the Jewish authorities had committed and had been accessories in the commission of acts against Arab private and public property and assets which constituted war crimes as recognized by international law and confirmed by the United Nations; (4) the Jewish authorities could not reap advantage from their unlawful acts and could not deny the rights of the Arabs to the possession and enjoyment of such property and assets; (5) the United Nations was legally and morally obliged to recognize and act in conformity with the principles of justice and international law and was accordingly bound to take action with regard to the Palestine question in general and to the protection and restitution of Arab private property in particular; (6) the United Nations, having taken measures for the imposition of a cease-fire and truce and having frozen the military situation without prejudice to the rights of the parties, was bound, pending a final solution, to take effective steps to stop the acts committed by the Jewish authorities against Arab property, in other words, to provide machinery for the protection, preservation and restitution of such property; (7) as the United Nations had recognized the principle that deprivation of property in disregard of international law was invalid and as the European Powers had enacted laws for the restitution of all identifiable property to the victims of Nazi persecution, it was incumbent on the United Nations to recognize and apply the same principle to the property of those who had been made the victims of the Nazis' victims; (8) as a practical step towards the realization of the above aims the United Nations should appoint a custodian or administrator to take the necessary steps for the protection of Arab rights and interests.

23. The Jewish authorities in Palestine objected to the appointment of a custodian on the ground that the United Nations had no competence to intervene in matters relating to the internal property legislation of any country, in that particular instance the country which they called the sovereign State of Israel. Yet, apart from the fact that the Jewish authorities in occupied Palestine had no rights of sovereignty in that country, the whole question of sovereignty was irrelevant. The Committee had for years been considering the question of the protection of the non-white inhabitants of South Africa and had not felt that in doing so it was encroaching upon the sovereignty of that State. The Jewish authorities, basing themselves on the plea of sovereignty, took the position that they had the right to dispose of Arab property in Palestine as they saw fit. Hitler Germany, acting in

accordance with what it had considered its rights as a sovereign State, had confiscated Jewish property and assets. All civilized nations had enacted laws to annul those confiscations and restore the property in question to its original owners, yet the Jewish authorities were now asking the United Nations not to intervene in a situation resulting from pillage and confiscation carried out on a larger scale than in any other instance in modern times.

24. The situation in Palestine had been of such concern to the United Nations that it had been the subject of thirty resolutions by the General Assembly, thirty-one by the Security Council and five by the Trusteeship Council, yet the Zionists were trying to convince the Committee that the United Nations had no right to intervene for the protection of the property rights and interests of the Palestine Arabs.

25. There was no need to quote the provisions of Article 2, paragraph 7, of the Charter, for all delegations were familiar with them. He therefore wished only to remind the Committee that according to commentaries by specialists in international law and on the basis of precedents in the United Nations a matter could not be considered essentially within the domestic jurisdiction of a State in any of the following circumstances: if the Security Council determined that it was covered by Article 39 of the Charter; if it was regulated by an international treaty; if it was or became the subject of an international obligation; if it had become the subject of an international dispute; if it had given rise to a dispute which was likely to impair the general welfare or friendly relations among nations; if it was the result of a violation of Articles 1 or 2 of the Charter, more particularly, if it violated the principle of equal rights and self-determination of peoples or human rights and fundamental freedoms; if it arose from a violation of the principles of international law and justice. It would be difficult to recall another case to which all of those considerations were so applicable as in Palestine. For example, it had been decided in 1948^{10/} that the matter fell within the scope of Article 39 of the Charter. Resolutions had been adopted confirming that the protection of the rights and property of the Arabs was an obligation of the United Nations. The confiscation and looting of their property by the Jewish authorities impaired the general welfare and friendly relations among nations and violated human rights and fundamental freedoms, the provisions of The Hague Conventions and the general principles of international law. The General Assembly had, indeed, taken action to remedy those violations when it had adopted resolution 394 (V) instructing the Conciliation Commission to continue consultations regarding measures for the protection of the rights, property and interests of the refugees. The spokesman for the Palestine Arabs appealed to the representatives not to have two scales of justice, one for the Jews and another for the Arabs of Palestine, for in so doing they would be accessories to a crime which, under international law and the decisions of the United Nations, constituted a war crime and a crime against humanity.

26. Mrs. FEKINI (Libya) remarked that in the present historic decade, in which the United Nations had undertaken to complete liquidation of colonialism, the situation of the Palestine refugees should now be

^{10/} See *Official Records of the Security Council, Third Year, Supplement for July 1948*, document S/902.

nearing a solution. It was lamentable that, after fifteen consecutive sessions, the tragic fate of a whole nation should still hang in the balance. For the plight of the homeless Arab refugees, as depicted in the present report of the Commissioner-General, was a living testimony of Zionist colonial aggression against a peace-loving people. The evidence showed that the Palestine affair was a typical colonial issue—with the sole difference that, whereas typical colonialism attempted the subjugation of the indigenous population, Zionist colonialism had gone to the length of expelling the indigenous population "en masse" and forcibly replacing it by usurpers.

27. The crux of the whole matter, therefore, was that, as a result of a colonial plot, the world was faced with a refugee situation that was unique in history. And, if the world Organization had been unable to find an equitable solution, it was simply because it had evaded the issue and refused to recognize its true nature. Now, however, that the disease had been diagnosed, the remedy should be prescribed and it was clearly to be found in the Assembly's Declaration on the granting of independence to colonial countries and peoples, contained in resolution 1514 (XV) of the General Assembly. With that in mind, the situation should be carefully studied with due consideration of its origin, development and attendant paradoxes—not the least of which was the sudden reversal of circumstances whereby a majority of over 600,000 Arabs had been replaced by 2 million Jewish settlers in Palestine. Reflection on the problem would surely show that, but for the colonial conspiracy engineered by the Zionists, the people of Palestine would now be an independent nation, enjoying fundamental rights and freedoms and occupying their rightful place in the United Nations. Instead, their representatives had to come to the Organization to plead the cause of the "displaced Palestinian Arabs" while their oppressors continued to enjoy membership in the Organization and to live in the very homes that those Arabs had built by their own toil. The Committee was to be commended for allowing the Palestine Arabs to present their case at the outset of the present discussion. It should, in fact, be borne in mind that any solution of the Palestine question would be useless unless it took proper account of the existence of the Palestinian nation and the need to consider its aspirations and rights. For, in reality, the problem was not one of refugees in the technical sense of the word, but rather of "displaced persons" and the cause at stake was a national cause, brought to a critical phase by colonial aggression.

28. Tracing the history of the events showed that, as in the case of many other victims of colonial aggression, Palestine's destiny had been arbitrarily decided by the stroke of a pen in order to buy the favour of certain influential Zionists. That infamous transaction, concluded between Lord Balfour and Baron de Rothschild had been tantamount to asking the Palestinian nation to relinquish its identity in order to make room for alien cohorts. One was entitled to ask what right Great Britain had had to dispose of a Mandated territory against the wishes of its own population. The claims of the Zionists to Palestine rested on the far-fetched assertion that their forefathers had originally settled in part of that country—although there had been no direct link between the Jews and that country for the past two thousand years. The fact-finding commissions despatched by the United Kingdom had, in fact, only

shown the overwhelming Arab character of Palestine. However, a combination of international events, as well as the persecution of the Jews in Europe, had been used as a trump card by the Zionists to secure the unlawful occupation of Palestine. The formidable forces of international Zionist propaganda had succeeded in misleading international opinion, while the voices of the Palestinian Arabs had hardly echoed beyond their own boundaries.

29. The succeeding stage in the execution of the Zionist conspiracy was characterized by even greater villainy than the first. The artificial establishment of the Zionist State had been carried out by bands of terrorists who had resorted to wholesale massacre to expel the defenceless indigenous population. Those brutalities needed no further recounting since they had been vehemently denounced by international opinion and by people of all faiths. At that point it should be emphasized that any comparisons that had been made between Zionist acts in Palestine and those of the Nazis in Germany had not come from Arab sources. The equation of the two had been the verdict of impartial observers of recognized integrity such as Arnold J. Toynbee,^{11/} the eminent British historian.

30. As the inevitable result of the arbitrary partitioning of Palestine more than a million Palestinian Arabs, Christians and Moslems had found themselves homeless. Concerned at their plight, the world Organization had attempted to remedy the situation. The calamity had naturally weighed heavily upon the conscience of the world, for the crimes committed by the Zionists were against all the principles of the Charter and the Universal Declaration of Human Rights. Therefore, in order to save the reputation of the world Organization, Count Bernadotte had been despatched to Palestine as United Nations Mediator. Unfortunately, he had had the honesty to report truthfully on the situation and had been assassinated by Zionist bandits. Nevertheless, his report^{12/} had reached the international Organization, revealing to the world that the mass flight of the Arab refugees had been the result of banditry and terrorism. He had also emphasized that the refugees had the inalienable right to return to their homes.

31. In December 1948, the General Assembly had adopted resolution 194 (III) reaffirming the rights of the Palestine refugees. Operative paragraph 11 of that resolution upheld the right of the refugees to repatriation or compensation with a free choice as to the alternative. The Assembly had been aware of its direct moral responsibility towards the refugees, and had adopted resolution 212 (III), establishing an international assistance fund for a period of nine months. The fact that such a short period had been stipulated testified to the Assembly's certainty that the provisions of paragraph 11 of resolution 194 (III) would have been carried out in the meantime. Unfortunately that had not been the case, and the Assembly had been obliged to establish UNRWA under resolution 302 (IV). Thanks to its valuable work, the Agency had earned universal esteem, and the Commissioner-General was to be commended on the manner in which UNRWA had carried out its task. As for the Conciliation Commission, the reports of that body had consistently shown its failure to put into

^{11/} *A Study of History*, vol. VIII (London, Oxford University Press, 1954), p. 290.

^{12/} See foot-note 9.

effect the provisions of paragraph 11 of resolution 194 (III). It would have been better if the Commission, instead of wasting valuable time, had explained the real cause of the failure to achieve any progress. That failure was due to the intransigence of the Zionists, who refused to allow the refugees to return and continued to torpedo efforts at their repatriation.

32. Reviewing the events of the past year, the Committee was thus bound to note that no progress had been made towards a settlement. Indeed, instead of attempting to carry out the Assembly's resolution 1725 (XVI), the Zionist authorities in Palestine had opened their gates, through the "law of return", to a new influx of Jewish settlers from all parts of the world. The United Nations had thus been faced with a fait accompli barring the return of the hapless refugees. The element of fanatical racialism and religious intolerance embodied in that law had already been commented on in the Committee. It was certainly ironical that those who had posed as champions against racial discrimination and religious intolerance were among the worst offenders in that respect. The contempt for United Nations resolutions shown by the Zionist Government in occupied Palestine dealt a serious blow to the world Organization's prestige. In fact, Israel's record of having flouted fifteen successive Assembly resolutions as well as incurring six condemnations, was rivalled only by one other Government, that of South Africa. It was therefore high time for the United Nations to prove its efficacy and enforce the decisions it had taken concerning the repatriation of the Palestine refugees. If it met with further obstructions, recourse to sanctions should be seriously considered as in the case of South Africa, including the application of Article 6 of the Charter regarding expulsion.

33. It was not uncommon for peace offers and suggestions for negotiations to be made by the Zionists. But history had all too often proved those overtures to be nothing more than propaganda slogans designed to delude world opinion. The refugees themselves well knew that they concealed plans for further aggression or expansion, as had happened in 1948, when peaceful offers of that kind had been quickly followed by murderous onslaughts on defenceless Arab villages. The members of the Committee might well reflect on the words of Mr. William Zukerman writing in the *Jewish Newsletter* of 28 November 1960—a Jewish source, it would be noted—describing the Israel Government's so-called "peace" as the "cliché of the century". In the light of those considerations the Libyan delegation was therefore entirely opposed to draft resolution A/SPC/L.89 and Add.1.

34. Despite ceaseless attempts to distort the truth and to represent the Palestine issue as a dispute between the Zionist State and the Arab States, it should be clear that it was no ordinary dispute to be settled by agreement between belligerents. Although, out of solidarity and love of justice, the Arab countries had come to the aid of the distressed Palestine people, that step had only come about after they had seen thousands of their kinsfolk massacred and other thousands bereaved and rendered homeless. The Arab peoples had identified themselves with the struggle of the Palestine people because it was a struggle against colonialism in its ugliest form. They were also concerned to see elementary justice done; but they had no axe to grind and the issue was essentially

between the usurpers and the dispossessed, the colonizers and their victims. Any settlement arrived at should take full account of their wishes and aspirations within the context of their political and national cause. Only thus could a just and valid solution be achieved. In that respect, the United Nations had established a set of principles that could never be altered by the passage of time. Those principles were, in essence, repatriation, compensation, free choice, and assistance.

35. In the first place, the United Nations was bound to extend the mandate of UNRWA so that it could continue to perform the humanitarian task entrusted to it. It was therefore to be hoped that the Special Political Committee would give unreserved support to the proposals made by the Commissioner-General and adopt the necessary recommendations. But the task of the United Nations did not end with assistance and relief. While fulfilling its moral and material obligations towards the refugees, the Organization should strive with greater determination for the application of the principles formulated in paragraph 11 of resolution 194 (III). The refugees would never renounce their legitimate rights to return to their homeland or forget that the United Nations had declared itself the custodian of those rights.

36. It would be noted that attempts were made, at various intervals, to deal with the matter on an "economic" basis, through the integration of the Palestine refugees into Arab countries. Needless to say, those attempts had always been doomed to fail because economic considerations could not be regarded as the touchstone for national aspirations and integration was no substitute for the right of self-determination. Those points had been fully recognized by the Commissioner-General himself in paragraph 12 of his report (A/5214). The question of the Palestine refugees could not be viewed from an economic standpoint since it was a national cause "par excellence", which should be seen together with its political realities and national character. The Palestine refugees were not homeless, landless and penniless exiles. On the contrary, they had once been well-to-do citizens of a country with a flourishing economy. The total revenue from Arab properties in occupied Palestine during the period 1948 to 1961 had amounted to some £750 million sterling, in fact. In the interests of justice and equity, therefore, the United Nations was bound to establish the necessary machinery to safeguard the property of the Palestine refugees and the income derived from it. The appointment of a United Nations custodian, as envisaged in draft resolution A/SPC/L.90, would, in the view of the Libyan delegation, be adequate to meet the requirements of the situation. Such a measure would make it possible to finance a programme of assistance to the refugees pending a just solution to the entire Palestine issue. At the same time, it would relieve the United Nations of supporting the refugees through voluntary contributions. It would, moreover, be in conformity with the norms of international justice and morality and restore human dignity to the refugees. It would remedy the psychological harm to the refugees which the Commissioner-General had described so well in paragraph 5 of his report.

37. At the same time, the United Nations certainly had a duty to take decisive measures to ensure the implementation of paragraph 11 of resolution 194 (III). In a series of resolutions, the Organization had

recognized the right of the Palestine refugees to repatriation or compensation, and the refugees had themselves made clear their determination to avail themselves of those rights. The right to return to their homes, indeed, constituted the only real hope for those unfortunate individuals—their very *raison d'être*. But it was essential that, in exercising their choice between repatriation or compensation, the refugees should be guaranteed absolute freedom of expression, without compulsion or coercion of any kind.

38. Since the Conciliation Commission had been unable to carry out the task entrusted to it, it was incumbent upon the Organization itself to take decisive steps for the reorganization of the body responsible for applying resolution 194 (III). In doing so, due regard should be paid to the present structure of the

world Organization and the need to ensure impartiality in carrying out the Assembly's directives.

39. Finally, in an effort to make a useful contribution, the Libyan delegation proposed certain initial measures that the Organization could undertake: the right of repatriation should be granted without delay to refugees from areas allocated to the Arabs under the Plan of Partition; it should also be granted immediately to refugees who had been forced to leave their lands after the signing of the General Armistice Agreements and to refugees belonging to the Holy City of Jerusalem; lastly, refugees whose lands were on the other side of the demarcation lines should be allowed to work on their fields, so that they might become self-supporting.

The meeting rose at 6.55 p.m.