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Chairman: Mr. Mihail HASEGANU (Romania).

AGENDA ITEM 32

Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/5513, A/SPC/89, A/SPC/90, A/SPC/91, A/SPC/L.98, A/SPC/L.99, A/SPC/L.100) (continued)

1. Mr. ATALLA (Jordan) was gratified to see that the Palestine Arabs were for the first time fully represented before the Committee, by a group of outstanding personalities representing all sections of Palestinian Arabs everywhere, whether refugees or not. It was right that it should be so, for after all, the Arab Palestinians, and not the Arab Governments, were the principal party concerned, though the latter had nevertheless espoused their cause.

2. In entrusting to its Minister for Foreign Affairs, himself a Palestine Arab refugee, the task of leading the Jordan delegation during the present discussion, and in supporting the delegation of the Palestine Arabs composed of six representatives of Palestinians living in Jordan, the Jordan Government was demonstrating the vital importance it attached to the Palestine question and the question of the Palestine Arab refugees.

3. Jordan's concern in the matter was due to the presence within its borders of more than 1.2 million Palestinians, over 650,000 of them refugees, and constituting more than 35 per cent of the population of the country. The condition of most of them was pathetic and presented serious social and economic problems with which the Government of Jordan with its limited resources was unable to cope. At the opening of the current session of the Jordanian Parliament, King Hussein had stated that Palestine was the cornerstone of Jordanian policy both in the internal sector and in Jordan's Arab and external relations. On more than one occasion His Majesty had stated that nothing short of the full restoration of the natural and lawful rights of the Palestine Arabs would satisfy Jordan. In a White Paper published in 1962, the Jordan Government had declared that in relation to Jordan, Palestine was not merely a political question or a matter of principles and rights, but a matter of life and death. Jordan had borne the brunt of the Palestine calamity with its far-reaching consequences, but at the same time it had inherited the hopes and aspirations of an

entire people exiled from their homeland and fully determined to regain their rights. Jordan was determined therefore to make every effort to stop the aggression and undo the injustice inflicted upon the Palestinians and to take action by all and every means to restore all their rights.

4. The feelings of the refugees were well expressed in a recent article in *Falastin*, a newspaper published in Jerusalem. It stated that the refugees were in full agreement with what Mr. Ahmed Shukairy had said in the United Nations. Although Jordan had received them with gracious hospitality, they had not lost hope of returning to their homeland. The article went on to say that if the stalemate continued, the refugees would have no alternative but to teach their children and grandchildren that they would have to depend entirely upon themselves for their revenge. The relief doled out by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) would not divert them from their course.

5. The Jordanians resented equally strongly the enormity of the injustice that had befallen their brethren, and were no less determined to undo it. Any suggestion that Jordan was willing to negotiate a compromise was therefore without any foundation whatever. He wished, in particular, to deny the allegation made by the United Nations Conciliation Commission for Palestine that the Government of Jordan would be willing to negotiate without any preliminary conditions as to the nature of the solution of the refugee situation, or to negotiate any solution other than under operative paragraph 11 of General Assembly resolution 194 (III).

6. On the general issue, he called attention to paragraph 40 of the Commissioner-General's report (A/5513), and he fully supported the statements made by the representatives of the other Arab countries, in particular what had been said by the Chairman of the Palestine Arab delegation (399th and 407th meetings). It was the duty of the Committee to espouse the cause of an innocent people driven from their homeland by force to make room for an alien people, in violation of the rules of international law, the United Nations Charter, and the Universal Declaration of Human Rights, and of the principles of morality and justice. The United Nations was called upon to redress the wrongs of the victims of brutal aggression.

7. With regard to the report of the Commissioner-General of UNRWA, he thanked Mr. Davis and his associates for their splendid efforts to alleviate the lot of the refugees. In spite of their efforts, however, the physical condition of the refugees had not improved; indeed it appeared to have deteriorated. In paragraph 4 of the report, the Commissioner-General stated that the expenditure on services in feeding, shelter, health and welfare had remained at a level critically low for those wholly dependent on those services for their existence. The Jordan Government

urged all parties concerned to do all they could to alleviate the plight of the refugees.

8. In paragraph 3 of the report, the Commissioner-General pointed to the fact that the economic and social conditions of the refugees remained unchanged, and the same was true of their state of mind. The refugees were deeply embittered by the conviction that a grave injustice had been done to them through the loss of their homes and homeland, and they continued to demand the right to return. He also pointed out that still nothing had been done to carry out paragraph 11 of resolution 194 (III) adopted in 1948 and reaffirmed by the General Assembly in each of its fourteen succeeding sessions. At the seventeenth session, the Conciliation Commission had been instructed by the General Assembly (resolution 1856 (XVII)) to redouble its efforts for the application of the paragraph. Yet not one single refugee had been repatriated during 1962. The Israel authorities continued to defy the authority of the United Nations and refused to give effect to paragraph 11, while the Conciliation Commission, according to its own version, had abdicated its mandate to the United States. In its twenty-first progress report (A/5545) it made reference to so-called United States talks undertaken on its behalf in the spring and summer of 1963 with Arab and Israel leaders, without any preliminary conditions as to the nature of the eventual solution of the problem, and cite the United States view that the talks had been useful and that all sides had shown goodwill and a desire to continue the talks. But the Conciliation Commission had no authority to delegate its powers. The representatives of the Arab Governments had already asserted publicly (A/SPC/91) that those statements were incorrect and that their Governments were only prepared to discuss the execution of paragraph 11 of resolution 194 (III). Thus the Conciliation Commission had once again failed in its duty to arrange for the repatriation of the refugees to Palestine or for the payment of compensation to them.

9. In the statement he had made as Jordanian Minister for Foreign Affairs in the Special Political Committee at the sixteenth session (315th meeting), he had charged the Commission with connivance with Israel to defeat the application of paragraph 11 of resolution 194 (III). He had also accused it of never having been willing to discharge its functions within the scope and limits of its mandate or within the letter and spirit of paragraph 11; and he had questioned whether the Commission, which had acted as an independent body taking its instructions from the Governments of its members while wearing the mantle of the United Nations, was serving any useful purpose in its present form. And the delegation of Jordan still wondered whether it would not be better to end the term of office of the present members of the Commission and appoint in their place new members dedicated to the cause of the United Nations, with faith in the sanctity of its resolutions and the imperative need to carry them out in the interests of world peace and of mankind. A body of that character would undoubtedly be better placed to give effect to paragraph 11 and carry out the wishes of the United Nations, and thus help to safeguard the dignity and prestige of the Organization.

10. The Israelis continued to defy the United Nations. Unfortunately, they had obtained the support of certain Members which for reasons of their own desired to water down paragraph 11. Those Members would like

to give the Conciliation Commission a new mandate—to seek a solution to the refugee problem by means other than the strict application of paragraph 11—or more precisely, by settling the Palestine Arab refugees in the Arab countries, in accordance with the wishes of the Israelis and world Zionism. That was the purpose of the United States draft resolution (A/SPC/L.98). If it were adopted, it would make a laughing-stock of the United Nations and shake the confidence of nations in the integrity and efficacy of the Organization. The Jordanian Government was convinced that far from contributing to the stability and security of the area, the United States draft resolution might well provoke an open conflict. If an open conflict had not broken out so far, it was because the United Nations by its repeated affirmation of paragraph 11 had held out to the refugees the prospect of a return to their homes. It would therefore be naive to believe that the refugee problem could be solved in the manner contemplated by the United States draft resolution.

11. As long ago as the sixteenth session, he had made critical remarks regarding the attitude of the United States towards Israel on the refugee question. His criticism was equally valid today. The United States, contrary to the letter and spirit of paragraph 11 and to what it outwardly professed, was like Israel in seeking to solve the refugee problem by settling the refugees in the Arab countries. It was a terrible sacrifice to ask of the Palestinian Arabs—to surrender their homeland. Neither the Arab Governments nor the Arab peoples would ever agree to such a sacrifice, and the United States had no right to demand it of any people or nation, however small it might be. If the United States still upheld the noble principles it professed as a basis for the conduct of international relations, it must first withdraw its draft resolution, support that sponsored by the delegations of Afghanistan, Indonesia and Pakistan (A/SPC/L.99), and use all its influence to induce Israel to honour paragraph 11 of resolution 194 (III). Was it too much to ask in the interests of peace in that area, and hence in the world as a whole? The support given to Israel by the United States and other delegations could only lead to war sooner or later. If that was to be avoided, firmness was necessary, even if it meant condemning Israel and applying sanctions.

12. It was also necessary to put an end to the confiscation of the lands of the Arab refugees and the transfer of the Arab populations of whole villages. Emergency measures were needed to protect those lands until such time as their owners could take them over again; if not, Israel would seize the remainder and thereby make it much more difficult to carry out paragraph 11. In his first statement (398th meeting) the representative of Israel had said that his country was anxious to contribute to a solution of the problem to the fullest possible extent compatible with its sovereignty, security and resources. But was Israel helping to solve the question and to ensure stability in the region by seizing Arab lands and displacing entire villages of Arabs? In fact, nothing did more to increase the tension, nothing disclosed better the aggressive designs of Israel and world Zionism, and nothing belied more strongly Israel's profession of peaceful intentions. The pillaging of the lands was being carried out systematically in violation of paragraph 2 (c) of General Assembly resolution 394 (V), which provided for the protection of the rights, property and interests of the refugees, and in vio-

lation of the rules of international law and the relevant Hague Convention.

13. At the fifteenth session the representatives of the Arab States had proposed the establishment of a United Nations body to protect the properties of the refugees. A draft resolution<sup>1/</sup> to that effect had been adopted by the Committee but had failed to get the required two-thirds majority in the General Assembly. Israel and those States which supported it had opposed the draft resolution at the time on the pretext of Israel's sovereignty, and Mrs. Meir had resorted to that pretext once again. He wished to refute that contention once and for all. Israel had no sovereignty over any part of Palestine which it now occupied. Its status was that of a military occupant which had invaded by force a territory that did not belong to it. A state of war still existed between Israel and the Arabs; it had been suspended only by the General Armistice Agreements,<sup>2/</sup> which specified clearly that the armistice demarcation lines were of purely military significance and had been agreed upon by the parties without prejudice to the future settlement of boundary lines or to the relative claims of either party.

14. In paragraph 166 of volume II of his book International Law,<sup>3/</sup> L. Oppenheim, the leading authority on international law, said that it had taken the whole of the nineteenth century to develop the rules regarding occupation. Those rules, which were universally recognized, were based on the principle that, although the occupant in no wise acquired sovereignty over a territory through the mere fact of having occupied it, he exercised for the time being military authority over it and he must use that authority for the ultimate benefit of the inhabitants.

15. It was thus clear that Israel had no sovereignty over the area it occupied in Palestine and that its position there was simply and purely that of a military occupant. As such it was not entitled to oppose such action as the United Nations might take to protect the properties of the refugees.

16. Although some might contend that Israel at least had sovereignty within the borders allotted to it by the General Assembly under the Partition Plan, that was not so under the rules of international law. Israel had acquired no sovereignty whatever over the territory it now occupied, because the legitimate owners had not ceded that territory to it and because the United Nations itself did not possess the power to cede the territory of one people to another or to transfer sovereignty over it. Now did recognition of one States by any number of Member or non-member States confer sovereignty on it under international law. Israel could acquire sovereignty only if the territory which it occupied was ceded to it by the legitimate sovereign, namely the Arabs of Palestine.

17. In paragraph 169 of his work Oppenheim made clear the obligations and duties of a military occupant. Because he exercised authority the occupant acquired the temporary right of administration over the territory and its inhabitants. But, since that right covered administration only, the occupant could neither annex the territory while the war continued, nor set it up as an independent State, nor divide it into adminis-

trative districts for political purposes. Moreover, the administrative powers of the occupant were solely military. In exercising his administrative rights the occupant did not have to take into account the constitution or rules of the territory, since occupation was an aim of warfare. But, not being the sovereign of the territory, he could not make changes in the laws, or in the administration, except those temporarily necessitated by the maintenance and safety of his army and the realization of his military aims. On the contrary, he had the duty of administering the country according to the existing laws and rules of administration; he must ensure public order and safety, and respect family honour and rights, individual lives, private property, religious convictions and liberty. It was clear that the occupant could not avoid those obligations by annexing prematurely the occupied territory, as Germany had done during the Second World War. The courts had treated as a war crime the compulsory drafting into its army by Germany of the population of these parts of Poland, Belgium and France which it had annexed.

18. With regard to public immovable property, Oppenheim wrote, in paragraphs 134 and 135 of his book, that the appropriation of such property was illegal so long as the territory on which it was found had not become the property of the occupant through annexation. He had added that article 55 of The Hague Regulations expressly enacted that a belligerent occupying enemy territory should only be regarded as administrator and usufructuary of the public property of the hostile State. Only the produce of public immovables belonging to the hostile State itself could be appropriated, not the produce of those belonging to municipalities or of those which were set aside for religious, charitable or cultural purposes. Article 56 of The Hague Regulations expressly enacted that the latter property had to be treated as private property and could not be confiscated.

19. The Israelis had violated all those rules of international law. For fifteen years they had confiscated and appropriated vast areas of land belonging to the refugees and to the Arab inhabitants of the country, and they often transferred whole Arab communities in order to make room for new Jewish immigrants. In so doing they had also violated the provisions of United Nations resolutions, in particular paragraph 8 of chapter 2 of the Partition Plan (resolution 181 (II)) and paragraph 2 (c) of resolution 394 (V). International law considered such confiscations as pillage, which was one of the war crimes of which the German leaders had been convicted at the Nürnberg trials.

20. It was impossible to over-emphasize the importance to the refugees of the protection of their immovable property. If it really desired to protect that property, the United Nations must adopt a resolution calling upon Israel to stop the pillage of which it was guilty. If Israel persisted in its defiance, then the United Nations had the right to condemn it and to apply economic, or even military sanctions. That was the least which it could do. The Organization had the competence and power to take such action and had used them in a number of cases. Israel was nothing but the belligerent occupant of a territory over which it had no sovereignty. The Organization must use every means at its disposal to implement its resolutions. Unless it did so its existence as a world organization for the preservation of peace and security and as a champion of human rights would be at stake. In the case at issue there was a violation of

<sup>1/</sup> Official Records of the General Assembly, Fifteenth Session, Annexes, agenda item 26, document A/4734, para. 19.

<sup>2/</sup> Official Records of the Security Council, Fourth Year, Special Supplements Nos. 1-4.

<sup>3/</sup> London, Longmans Green and Co., 1952.

both international law and the Universal Declaration of Human Rights. It was an illusion to believe that peace could prevail in the Middle East if the law was not respected. Any attempt to solve the refugee problem by palliatives alone, like the United States draft resolution (A/SPC/L.98), would only increase tension and the risk of conflict. Without a very early settlement of the refugee question in accordance with the terms of paragraph 11 of resolution 194 (III), the peace and security of the Middle East and the world at large would be at stake and hostilities could erupt at any moment. Israel must therefore be called upon to stop immediately the confiscation and appropriation of the immovable property of the refugees; that was a prerequisite for any final settlement. So far the United Nations had consistently held out to the refugees the prospect of a free choice between returning to their homes or receiving compensation. If, at the present stage, the United Nations hesitated to implement its many resolutions, it would not only arouse bitter disappointment but would also contribute to a very grave situation fraught with dangers to peace.

21. There was another grave danger to the security of the area, namely Israel's proclaimed intention to divert the waters of the Jordan to the Negev. Israel contended that those waters belonged to it, but the Arab Governments recognized no such right. Under international law a river formed part of the territory of all the States through which it flowed and, if one riparian State deprived another riparian State of its rights in that matter, it became guilty of a violation of international law and of an act of aggression. Moreover, according to Ottoman civil law, which was still applicable in all the countries concerned, the riparian owners of the lands at the northern end of the Dead Sea had prior rights over the riparian owners of the lands situated upstream. If the Israel authorities had the right to divert all or a part of the waters of the Jordan, the upstream Arab States had the right to do the same in regard to the two tributaries of the Jordan which passed through their territories.

22. He now proposed to exercise his right of reply in respect of some of the allegations made by Mrs. Meir at the 410th meeting of the Committee. It was true that the Zionist movement was remarkable, but it was remarkable in the strange character of its conception, aims and methods. It was a movement that exploited biblical beliefs in order to attain political and racist ends. Its object had been and still was to deprive an innocent people of their lands and property in order to make room for Zionist Jews. To call the movement a liberation movement, as Mrs. Meir had done, was absurd, for no movement in recent times—with the possible exception of the Nazi movement—had had such sinister designs or resorted to more revolting means to rob a people of its ancestral lands. The worst of it was that, thanks to its propaganda and organization, it had succeeded in getting some people to regard it as a peaceful movement, whereas in fact it was an imperialistic movement of the first order, serving neo-colonial interests. One need only recall the invasion of the Sinai peninsula and Israel's refusal to leave the area until the United Nations intervened. The tension now prevailing in the Middle East was due to the Israelis' repeated violations of the General Armistice Agreements and to the fact that they had begun the arms race, pretending that it was in self-defence. Israel could prove its peaceful intentions, for example, by withdrawing from the areas beyond the boundary lines

allotted by the Partition Plan which its armies had overrun, thus making room for the refugees who wished to return to their homes. That would be a definite contribution to the settlement of the refugee problem and it could open prospects for peace.

23. Mrs. Meir had contributed nothing new or constructive in her statement. She had denied the right of the refugees to return to their homes and their country; and she had endeavoured to justify the pillage of their lands on the ground that the latter had been abandoned and had to be used for economic development. Paragraph 11 of resolution 194 (III) specifically recognized the right of the refugees to return to their homes; it stated that they "should" be permitted to return to their homes, not that they "might" be permitted to do so, as Mrs. Meir claimed. Mrs. Meir had said also that only those who were willing to live in peace with their neighbours should be allowed to return. That was of course a prior condition, but it could not depend on whether or not Israel liked this or that refugee; if a refugee asserted that he wished to live in peace with his neighbours, that should be enough. That was the meaning of paragraph 11. In that connexion, he recalled that in his statement at the 315th meeting of the Special Political Committee on 12 December 1961, he had said that there was not the slightest doubt that those of the refugees who chose to return to their homes would live in peace with their neighbours, provided that their neighbours would allow them to do so. He had added that the security reasons invoked by Israel were a myth and that the Arab minority living in the Israel-controlled area since 1948 had lived in peace with its neighbours, although the Israel authorities enforced regulations against it which were a denial of its fundamental rights. The refugees derived their right to return to their homes not only from paragraph 11 of resolution 194 (III), but also from the supreme, natural and inalienable right of every individual to live in his own home and homeland.

24. Mrs. Meir had also said that Israel was one of the few islands of stability in the Middle East. He wished to remind her that the Middle East had been a haven of peace until the Balfour Declaration, that troubles had commenced only after the Declaration, and that they had been intensified by the birth of Israel. But for Israel's violation of the General Armistice Agreements and subsequent invasion of the Sinai peninsula with the aid of other Powers, the Arab countries would be one of the most tranquil and happy areas in the world. A country had no justification for bragging about democracy when it was threatening the peace of a whole area.

25. Mrs. Meir had mentioned the historical and spiritual links of the Israelis with Palestine; but what about the more recent links between the country and the people that had tilled it, built their churches and their mosques there, and fought gloriously in its defence? Were those people's rights to be trodden under foot?

26. Mrs. Meir had claimed that more than 70 per cent of the land occupied by Israel had formerly been State domain. That was not in accordance with the statistics published by the Palestine Government in 1947. The total area belonging to the Arabs in Palestine, excluding the sub-district of Beer Sheva, had been a little over 80 per cent; on the other hand, the Jews had owned 10.5 per cent of the total, and that belonging to the Government and others had formed

the remaining 9.5 per cent. In the Beer Sheva sub-district, the land had been divided as follows: nearly 48 per cent had belonged to the Arabs, less than 6 per cent to the Jews, and a little over 47 per cent had been State domain. The Jews had thus owned less than 7 per cent of the total area of Palestine. In the Negev, the Jewish population had been less than 1 per cent in 1947, compared with an Arab population of 99 per cent. Despite that fact, the whole of that area had been allotted to the Jews.

27. Mrs. Meir had said that even before the adoption of resolution 181 (II), the Arab spokesmen had put on record their determination to destroy Israel by all possible means. The representative of Iraq (410th meeting) had reminded her that long before the Arab armies had marched into the Arab area of Palestine, Israel had occupied areas which had not been allotted to it. Moreover, no Arab army had penetrated into the area allotted to the Jews until long after the Israelis had marched into the Arab areas of Jaffa, Acre and Western Galilee and into other Arab regions. At the very beginning of the Mandate, Mr. Weizmann had declared that the Zionists wanted Palestine to be as Jewish as England was English. Thus, it was easy to see who had started the aggression. The Arab armies had never entered the area allotted to the Israelis, and they had entered the Arab areas only at the request of the inhabitants.

28. Mrs. Meir had appealed for peace. It was for the Committee to determine whether that appeal was sincere or simply, as the Jordanian delegation believed, a device to evade paragraph 11 of resolution 194 (III), which made the return of the refugees a precondition for a final settlement. Israel's appeal for peace was intended only to obtain recognition for the accomplished fact. Those who had introduced or supported the draft resolution appealing to the parties concerned to undertake direct negotiations should consider all its implications. First, the draft resolution was based on the premise that the United Nations had abandoned the position defined in paragraph 11 of resolution 194 (III); but the refugees and the Arab peoples were determined to accept nothing less than the strict application of paragraph 11. To adopt such a draft resolution would be tantamount to calling on the refugees and the Arab people as a whole to take the matter into their own hands. No Arab Government, in his opinion, could withstand the pressure. Although he was convinced that the draft resolution was unacceptable to the Committee, and that it had been born dead, he wished to state that it was fraught with danger for the peace and security of the area and the world at large. The Committee was faced with two alternatives: to give way under the pressure of Israel and the Member States that supported it and reverse its past resolutions, or, on the contrary, to uphold those resolutions, which were in accordance with the Universal Declaration of Human Rights, justice and international law.

29. Mr. ASIROGLU (Turkey) observed that the report of the Commissioner-General of UNRWA illustrated the competence and dedication with which he and his colleagues had carried out their task. They had been able to achieve satisfactory results despite the limited resources at their disposal. In particular, the education and vocational training programme was proceeding successfully. His delegation supported UNRWA's plans to raise the level of the teaching staff and to improve the curricula. It noted with pleasure, that

public health was still benefiting from the work of UNRWA.

30. It was satisfactory that according to UNRWA's report it maintained cordial relations with the Governments of the host States and co-operated fruitfully with the specialized agencies and other United Nations organs. His delegation wished to express its gratitude to the host countries and to all the organizations and agencies which collaborated with UNRWA.

31. His delegation greatly regretted the impending departure of the Commissioner-General. As a member of the Advisory Commission of UNRWA, his Government had co-operated closely with Mr. Davis and wished to pay tribute to the courage, integrity and sense of duty he had always shown.

32. The question of the Palestine refugees was one of the most distressing and complex that the United Nations had had to deal with. It also presented a serious political issue, which jeopardized the stability of the Middle East. Driven from their lands and their homes, the refugees led a precarious existence. The Commissioner-General had rightly stressed in his report that the refugee problem was an obstacle to the economic, social and cultural development of the Middle East and impaired its relations with the rest of the world. His delegation considered that such a tragic situation could not continue indefinitely. The United Nations must employ every means at its disposal to settle the matter in a legal and equitable manner. Turkey was doing its best to help in a solution. The Conciliation Commission, of which it was a member, had been trying ever since it had been created to discharge its mandate. In exercising its functions on the Commission, Turkey always took into account the responsibilities entrusted to it and all the resolutions of the General Assembly, without any exception. Turkey considered that the refugee problem was a cause of political and economic instability in the Middle East and was gravely concerned at the dangerous consequences which might result from a deterioration in the situation. It considered that the Conciliation Commission had no executive powers and had never been designed as an instrument of arbitration. The Commission's task was to reconcile the views of the parties concerned and it did not have the power to impose the will of one on the other. It was at the disposal of the parties for the purposes of a just and equitable settlement. Turkey would spare no effort to bring about such a settlement.

33. Mr. TARAZI (Syria) thought that Mr. Shukairy's two statements (399th and 407th meetings) must have dissipated the doubts which certain representatives might still have, but it was his duty, in order to answer the statements made by Mrs. Meir and Mr. Comay and by certain other representatives who, in the belief that they were guided by praiseworthy motives, had served the cause of Israel, to return to the following points: first, had Palestine been delivered body and soul to the Zionist movement?; secondly, the nature sui generis of the Palestine problem; thirdly, the urgent necessity of repatriating the refugees.

34. Mrs. Meir had tried to make the Committee believe that the Jews were the legitimate holders of the land of Palestine. She had pretended to have forgotten that the Zionist movement established by Herzl had first tried to sound out the Turkish Government and had then approached the Central Powers before the First World War. The War had led to a schism in the Zionist movement and it was the group led by

Weizmann and Sokolov, which had favoured the United Kingdom, that had won. Thus the Balfour Declaration had been made and the United Kingdom had received the mandate over Palestine. The Zionists had not rested until the Jewish minority, swollen by an influx from abroad, had become master of Palestine and driven the Arabs out, thanks to the United States support it had enjoyed after the Second World War. So the Zionist movement could not be described as a national movement; it was based solely on religion and the ambitions of imperialism. In support of that thesis and for the benefit of certain African representatives who championed the Israel cause as a movement of national emancipation, he quoted several passages from a book by Mr. Leonard Stein called The Balfour Declaration.<sup>4/</sup> Many reasonable parties—such as the Central Conference of American Rabbis, Jacob Schiff, leader of the United States Jewish community, the Association of German Rabbis, the Central Union of German Citizens of Jewish Faith, and Herman Adler, Chief Rabbi of the United Kingdom—had publicly dissociated themselves from Zionism. When the Jewish Bund had been established at Vilna in 1897, it had been opposed by Lenin, who had seen in it signs of deviationism. Stalin, in Marxism and the National and Colonial Question,<sup>5/</sup> had expressed the view that the Jews could not claim to be a national entity.

35. That brief recapitulation provided irrefutable evidence of the artificial nature of Jewish nationalism. It was thus only right to speak out against Zionism, which had joined with imperialism to despoil the Palestine Arabs of their lands.

36. The Balfour Declaration had been adopted with the support of the United States, but United States diplomacy had been very careful about revealing it to the Arabs until the day when President Truman had decided, against the advice of the United States Department of State, to support the creation of a Jewish State in Palestine and to recognize it immediately. The so-called State of Israel was thus only a projection of colonialism into the heart of the Arab world. He urged the representatives of Liberia and the Central African Republic to reconsider their position in the light of that of the Arab States, which regarded the expulsion of the Arab population by a minority coming from the outside as the most hateful crime of the century.

37. As the Algerian representative had pointed out, resolution 194 (III) had been adopted in quite a different context from that which prevailed today. The pressures which had been brought to bear at that time were proof that the question had not been quite as normal as people had been led to believe. Despite Anglo-American support, the Zionist movement had not succeeded in wiping Palestine off the map of the world, and it was reassuring to see a Palestine delegation sitting in the Committee today.

38. With regard to the nature *sui generis* of the Palestine question, he rejected the idea of direct negotiation recommended by Mrs. Meir and certain representatives, in particular those of Liberia (409th meeting) and the Central African Republic (410th meeting). He could see a considerable similarity between the question of Palestine and that of South West Africa: both countries had been the subject of a League of Nations Mandate; in both cases there had been a

violation of obligations, under the Covenant of the League of Nations and the Charter of the United Nations. Syria was therefore surprised that African States should have adopted an attitude so contrary to justice and the right to self-determination. Recalling in that connexion his statement at the 1233rd plenary meeting of the General Assembly on 8 October 1963, he said that the Arabs regarded the Palestine question as essential for them, and those who did not wish to examine the well-founded nature of that question could not be considered to be their friends. To those who spoke of direct negotiation, he would say: first, the problem under discussion was not that of Arab-Israel relations, but rather that of Palestine; secondly, the future of a people could not be settled by negotiations; thirdly, the Palestine question was a typically colonial issue, since Palestine was for the time deprived of its personality as a result of the actions of Zionism allied to imperialism, and the true representatives of Palestine were those who were denied the right to sit officially in the United Nations; fourthly, it followed that it was not for the Arab countries to settle the question of Palestine, for only the people of Palestine had the right to do so; fifthly, it was none the less true that the Arab nations continued to feel the injustice meted out to the people of Palestine, as Mr. Davis had affirmed; lastly, it was clear from the foregoing that the question was not subject to negotiation, unlike other territorial issues of the modern world, such as Korea, Germany and Viet-Nam. In the case of Palestine, a minority introduced unlawfully from the outside had usurped authority with the aid of imperialism; in its role of "gendarme", it was seeking to protect an outdated order which imperialism wished to maintain at all costs, by pressure or by the use of force, as had been proved by the attack on Egypt in 1956.

39. Under those conditions, there could be no question of negotiating. The invitation which Mrs. Meir had been bold enough to extend to the Arab States was, of course, rejected by them out of hand. It was strange to see Mrs. Meir invite the Arabs and yet refuse to allow the Arab refugees to return. The Governments and peoples of the Arab countries were anxiously waiting to see operative paragraph 11 of resolution 194 (III) put into effect. The failure of the Conciliation Commission had been forecast from the day of its birth, and it was not surprising that its twenty-first progress report (A/5545) should contain unfounded allegations which were in danger of misleading the Members of the Organization. The Governments of the four host countries had not failed to refute paragraphs 2 and 3 of that report. Therefore, before the Arab States were asked to co-operate with the Conciliation Commission, that body should be asked to consent to co-operate with them. But every time it had been asked to make a survey of Arab property in Palestine, it had replied with a polite refusal. In fact, he saw the Commission as a body seeking to maintain the domination of Israel.

40. The thesis of Mrs. Meir to the effect that the refugees should be reintegrated into the Arab countries could convince no one; all it did was to consecrate injustice based on racism. Palestine was Arab and its original inhabitants should be able to go back to that country; it was to that effect that the General Assembly had decided, and that was what the Arab States were demanding.

41. Mr. GASPARINI (Italy) said that the conscience of mankind had once again been shocked at the thought

<sup>4/</sup> New York, Simon and Schuster, 1961.

<sup>5/</sup> London, Lawrence and Wishart, 1947.

that after fifteen years of efforts on the part of the United Nations, 1,200,000 human beings were still condemned to waste their lives in idleness and poverty. Their only solace so far had been the provision of relief and education through UNRWA, and in that connexion gratitude was due to Mr. Davis and his staff for the dedication with which they had carried out their task. He was gratified to note the emphasis placed in recent years on the expansion of vocational training programmes, which should equip the refugees for the resumption of a normal productive life. But the work of UNRWA, however intelligently planned and executed, was only a palliative and could not by itself either solve the problem or create the conditions in which the problem could be solved. Therefore, while continuing the activities of UNRWA, along the lines suggested in the Commissioner-General's report, the United Nations must strive to break the current deadlock by following the guiding lines provided by the resolutions of the General Assembly, especially paragraph 11 of resolution 194 (III) to which all the subsequent resolutions referred. His delegation also believed that any action by the United Nations with a view to a peaceful settlement of that most complex question should take into account the views of the parties concerned.

42. As to the method to be followed, it was unfortunate that prevailing circumstances were not conducive to direct negotiations, a method which his country fully approved and which was advocated in the Charter. The only alternative was recourse to a conciliation body, and his delegation felt that a further appeal should be made to the Conciliation Commission to do its utmost in order to bring closer the goal which all so earnestly desired.

43. The sufferings of the refugees had lasted only too long; for too many years the United Nations had accepted a situation which was humanly tragic and politically fraught with danger. Italy, which had a particular interest in the stability of an area bordering on the Mediterranean and in the well-being of its peoples, fervently hoped that the current session would mark some progress in the case of the Palestine refugees.

44. Mr. DICKO (Mali), exercising his right of reply, said that the Israel delegation, judging from its statement at the 410th meeting, appeared to have found it strange that Mali should have expressed a frank opinion on the tragedy of the Palestine refugees despite the fact that it maintained friendly relations with the State of Israel. His country had based the normal friendly relations which it had established with several countries on attaining its independence on foundations

of frankness and impartiality, in accordance with its policy of non-alignment, which had been recently reiterated by its President at Bamako.

45. The representative of Mali had said—and it was that statement which had met with the disapproval of the Israel delegation—that had the Jewish national home been established in Africa the Zionists would no doubt have sought to oust the African inhabitants too. In that event, the attitude of the Africans would certainly now have been identical with that of the Arab representatives. His delegation, which was strongly opposed to any idea of a "monolithic" State based on race or religion, did not share the Israel representative's opinion (398th meeting) that the Arab States ought to absorb the refugees who were dispersed throughout their territory, just as the State of Israel had had to integrate those who had flocked to that country after the war between the Arabs and the Jews. His delegation wished to point out to Mrs. Meir that Africans in general and Malians in particular were well aware of the efforts which all men of goodwill had made and were still making to liberate the African peoples; but it would be unfair to expect Mali on that ground to renounce an attitude which it considered to be in conformity with justice.

46. Mr. GALLIN-DOUATHE (Central African Republic), exercising his right of reply, said that his delegation, while not wishing to engage in polemics, felt obliged to comment on a certain tone that had been adopted towards it during the discussion of a question which it was treating with all seriousness. His country had no liking for demagogy, and had not aligned itself with any side. In endeavouring to make its contribution to a settlement of the problem, it did not indulge in verbal violence. But he was compelled to mention certain allusions which the representative of Syria had made to his historical knowledge and to direct that representative's attention to his own geographical knowledge: he had confused the Central African Republic—which abhorred apartheid—with the Republic of South Africa—which practised it. There was no relationship between the problem of the Palestine refugees and the problems of South Africa, Southern Rhodesia or even South West Africa. If the question of the State of Israel as an international legal entity was to be discussed, he would prefer to leave it to the representative of Israel, who was better qualified to do so, to reply.

47. The golden rule of his country was negotiation, and several other Member States had pronounced themselves in favour of that principle.

The meeting rose at 1.25 p.m.