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MEETING

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Chairman: Mr. Víctor A. BELAÚNDE (Peru).

In the absence of the Chairman Mr. Kyrrou (Greece), Vice-Chairman, presided.

Palestine: Repatriation of Palestine refugees and payment of compensation due to them (A/1323, A/1324, A/1325, A/1326, A/1346, A/1349, A/1366, A/1367, A/1367/Corr.1, A/1367/Add.1, A/AC.38/L.30/Rev.1, A/AC.38/L.57, A/AC.38/L.60, A/AC.38/L.62, A/AC.38/L.64) (*continued*)

[Item 20 (c)]*

1. Mr. CHARI (India), on a point of order, wished to make a suggestion with the view to finding a way out of the procedural deadlock facing the Committee.
2. The Committee had agreed to discuss sub-item 20 (c) of the General Assembly agenda together with chapter III of the Conciliation Commission's report (A/1367) referring to refugees. It was inevitable that wider issues should have arisen during the debate.
3. It appeared at first sight that operative paragraph 1 of the four-Power draft resolution (A/AC.38/L.57) was extraneous to the subject under discussion, but in the light of the discussion itself, it was clear that that was not so. He could not accept the suggestion put forward by the United States representative (69th meeting) that those not in favour of paragraph 1 could vote against it, because the paragraph contained the germ of an important idea, and it seemed a pity not to retain it.

4. The representative of the Union of South Africa had suggested (69th meeting) that it might be possible for the Committee to allow one meeting for a brief discussion of sub-item 20 (d) before voting on all the draft resolutions before the Committee, submitted under sub-items 20 (c) or (d). That would allow the Arab States to express their view on sub-item 20 (d) before the vote was taken. He wanted to suggest that the discussion need not be limited to one meeting only. He hoped that his proposal would find favour with the Committee.

5. The CHAIRMAN reminded the members of the Committee that they had two procedural proposals before them, one from the Union of South Africa and the other from China. The latter need not be voted upon if the former were approved. He asked the representative of the Union of South Africa if he was prepared to accept the Indian representative's proposal.

6. Mr. JORDAAN (Union of South Africa) agreed to accept the proposal, provided that the draft resolutions were voted upon consecutively and in chronological order of submission.

7. The CHAIRMAN reminded the Committee that the vote would be taken on the four draft resolutions before it, together with any eventual amendments, and in the following order: A/AC.38/L.30/Rev.1, A/AC.38/L.57, A/AC.38/L.60, A/AC.38/L.62.

It was decided to proceed to a discussion of sub-item 20 (d) before voting on the draft resolutions, and that at the end of the discussion, all draft resolutions would be voted on in the chronological order of submission.

* Indicates the item number on the General Assembly agenda.

Palestine: Report of the United Nations Conciliation Commission for Palestine (A/1367, A/1367/Corr.1, A/1367/Add.1, A/AC.38/L.65)
(continued)

[Item 20 (d)]*

8. Mr. AL-JAMALI (Iraq) suggested that it might be desirable to hear a representative of the Conciliation Commission.

9. At the request of the CHAIRMAN, the principal secretary of the United Nations Conciliation Commission for Palestine read a statement on behalf of the Chairman of the Commission which was later circulated as document A/AC.38/L.65.

10. Mr. AL-JAMALI (Iraq) wished to ask some questions of the Acting Chairman of the Commission. He wanted to hear his views on whether all the parties concerned had adhered to the Lausanne Protocol of 12 May 1949 (A/1367, chapter I, para. 12), and if that were not so, what he considered would be a basis for negotiation and how the Commission could recommend direct negotiation if there were no basis for it.

11. Mr. PALMER (Acting Chairman of the Conciliation Commission) replied that to his knowledge the Lausanne Protocol had not been implemented and he doubted whether it could serve as a basis for negotiation at the present time.

12. He wished to reassure the Arab States and Israel as to the sincerity of the Commission and its desire for the establishment of peace in Palestine. He felt that there was a basis for negotiation at some opportune time.

13. The Commission was aware of and appreciated the anxiety shown by the Arab States for a solution of the refugee problem and felt that it was an urgent problem that should be settled. It should be possible to bring the parties together to discuss certain aspects of the over-all question which might be settled by direct discussion, which would help in some way toward an easing of the refugee problem. That did not mean that the other questions had to be settled simultaneously with the refugee question, but in some respects they might be discussed simultaneously. If the Commission could have some authority from the General Assembly to proceed towards a solution of the refugee problem, it could also at a certain moment appeal to the Arabs to engage in some discussions on subjects suggested by the Commission. If the Commission could do something serious and objective on the refugee problem, it could also be of assistance to the parties on the over-all problem.

14. During the past year, the Commission had declined to take the refugee problem out of its context or separate it from the other subjects, because it had felt that it was not competent to do so. Under new terms of reference it might be able to give primary attention to the refugee problem while bearing in mind the possibilities of contributing towards a settlement of the general problem.

15. Mr. AL-JAMALI (Iraq) said that he had never doubted the intentions of the Conciliation Commission, but he hoped that it would be able to establish peace based on justice and that it would not forget that without justice no enduring peace was possible. He did not feel that Mr. Palmer's answer to the second part

of his question, concerning the basis for negotiation, was satisfactory. He wished to know if it would not be practical for the United Nations to decide upon a basis for conciliation.

16. Mr. PALMER (Acting Chairman of the Conciliation Commission) said that it was one of the principal obligations of the Conciliation Commission to find a basis for negotiation, if no such basis were established by the United Nations. It was with reference to that particular point that he felt it was of vital importance for the Commission to do something constructive in relation to the refugee question. It was unthinkable in the light of the new resolution adopted for assistance to the refugees (A/AC.38/L.52), and following efforts by the Commission to carry out any new mandate regarding the refugees, that the Arab States would rebuff suggestions from the Commission regarding suitable subjects for discussion. They might not agree to a given subject, but he hoped for friendly co-operation. Suitable subjects for direct negotiation might arise as the situation developed regarding refugees. The nature of those questions and the time that they might arise would appear if the Commission made some progress towards a solution of the refugee question.

17. MOSTAFA Bey (Egypt) recalled that the Conciliation Commission had suggested the establishment of mixed committees composed of representatives of the Arab States and Israel under the chairmanship of a member of the Commission, to deal with specific questions. The Arab States had accepted that procedure in principle, but had requested that the negotiations in the mixed committees should take place on the basis of General Assembly resolution 194 (III). In connexion with the creation of a mixed committee on the refugee question, they had asked whether Israel accepted the principle of repatriation set forth in paragraph 11 of resolution 194 (III). The representative of Egypt asked the Acting Chairman of the Conciliation Commission to give Israel's reply to that question.

18. Mr. PALMER (Acting Chairman of the Conciliation Commission) explained that a deadlock had been reached in the discussion of the establishment of mixed committees to deal with specific subjects. On the one hand, Israel had expressed readiness to discuss all outstanding questions bearing upon the settlement of the Palestine problem, but had maintained that the refugee question was part of the over-all peace settlement and could not be discussed as an isolated issue. Israel had, however, showed interest regarding the refugee question which clearly indicated that it might be given priority in discussions undertaken with the Conciliation Commission. On the other hand, the Arab States had expressed the view that they could not enter into a discussion of the general questions unless they were satisfied that the refugee question would be given priority in accordance with the principles laid down in resolution 194 (III). Otherwise, they feared that very urgent matters would be subordinated to or balanced against other matters being discussed at the same time.

19. The Conciliation Commission, bearing in mind its terms of reference, had not considered itself authorized to isolate any one aspect of the questions out-

standing between the parties for separate discussion. Under new terms of reference, that procedure might be possible.

20. It was the personal view of Mr. Palmer that most aspects of the refugee question did not lend themselves to direct discussion between the parties and could best be dealt with in consultations between the Commission and the individual parties.

21. MOSTAFA Bey (Egypt) was not wholly satisfied with the reply of the Acting Chairman of the Conciliation Commission and reiterated that the Arab States had expressed willingness to sit in a mixed committee on the refugee question provided that Israel accepted the relevant principle stated in resolution 194 (III).

22. Mr. PALMER (Acting Chairman of the Conciliation Commission) referred the representative of Egypt for a precise reply to his question to paragraph 41 of chapter I of the Commission's general progress report (A/1367).

23. MOSTAFA Bey (Egypt) stated that he was satisfied with that answer, and emphasized that the purpose of his questions was primarily to enlighten the members of the Committee regarding the Commission's conciliation efforts and the facts revealed through them. The Commission had in fact taken the initiative in suggesting the formation of mixed committees to deal with specific subjects. Some months later, however, it had proposed a generalization of the matters to be dealt with by those committees.

24. The Arab delegations had requested that provisional measures should be adopted to safeguard Arab goods and property in the territory of Israel. Mostafa Bey would like the Acting Chairman of the Commission to give Israel's reply to that request.

25. Mr. PALMER (Acting Chairman of the Conciliation Commission) referred the representative of Egypt to paragraph 32 of chapter III of the Commission's report. The work regarding blocked Arab accounts was continuing in a mixed committee and in negotiations with Israel and Jordan. Difficulties arising in connexion with banking operations had made it necessary for the Commission to deal specifically with the blocked accounts of refugees at present in Jordan. The Israel Government had agreed to release token payments of £100 sterling from the blocked accounts of refugees entitled to such payments. The Commission had not yet been able to work out the necessary detailed arrangements with the Government of Jordan, but considered that a good beginning had been made in settling the problem.

26. The progress made in connexion with reuniting separated families had been less satisfactory. There had been much inconclusive discussion of what constituted a family and on the basis of selection of members of a family to be reunited with relatives who had remained in Israel territory. Finally, it had been found that family groups were being further separated instead of being reunited.

27. Nor had the Commission made any progress regarding the protection of orange groves. The Custodian of Absentee Property was required to take care of the

groves and, although there had been some deterioration, it was assumed that he was carrying out his duties to the best of his ability.

28. MOSTAFA Bey (Egypt) asked the Acting Chairman of the Commission what had been Israel's reaction to the request of the Arab delegations that refugees owning orange groves should be allowed to return to Israel in order to safeguard their crops.

29. Mr. PALMER (Acting Chairman of the Conciliation Commission) referred the representative of Egypt to paragraph 33 of chapter III of the Commission's report and added that the Government of Israel was not prepared to accept the possibility of the return of the refugees to cultivate their groves.

30. MOSTAFA Bey (Egypt) then asked Mr. Palmer what action had been taken by the Commission to meet the request of the Arab delegations that it should ensure respect for the human rights and fundamental freedoms of the Arab population in Israel, and what the attitude of Israel had been on that question.

31. Mr. PALMER (Acting Chairman of the Conciliation Commission) pointed out that the reply to that question, as well as to the others put by the representative of Egypt, was to be found in the Commission's report. The report was a carefully compiled and thoroughly accurate and impartial account of the Commission's activities. Conclusions could be drawn from the facts set out in it. The supplementary report (A/1367/Add.1) contained an evaluation of the situation in the light of the facts; on the basis of that evaluation, specific recommendations could be read into the report.

32. While he was prepared to assist the members of the Committee, Mr. Palmer asked to be excused from replying to any further questions covered in the Commission's report, which set out all the facts fully.

33. MOSTAFA Bey (Egypt) explained that his main purpose in putting questions had been to inform the Committee on the subject of the Conciliation Commission's activities and to give them some insight into the reasons why its report was largely negative in character. Moreover, there were some matters not covered in the report upon which he desired some explanation.

34. Mr. PALMER (Acting Chairman of the Conciliation Commission) considered it inadvisable for him to attempt to answer questions extemporaneously one by one without any clear understanding of the nature of the questions to follow. He could give a more accurate picture of the relevant facts after he had heard a whole series of questions. Moreover his answers could not be as accurate or satisfactory as the answers given in the Commission's report. To avoid confusion and embarrassment, he suggested that a series of questions might be submitted in writing; he would be glad to reply orally at a later meeting.

35. The CHAIRMAN commended that procedure to the Committee.

36. Mr. SHARETT (Israel) said he had intended to ask Mr. Palmer a number of questions but would now put those questions in the form of a statement. At the same time, he would correct a number of factual inaccuracies which had crept into the debate.

37. The position of the Arab delegations respecting participation in the joint committees had been put negatively. It had been stated what the Arabs would not do if Israel failed to comply with a certain procedure. It had not been explained what would happen if it did. Paragraph 40 of chapter I of the Commission's report summarized that position in positive form. It indicated that, if Israel complied, the Arab delegations would be prepared to sit jointly with Israel in a mixed committee only on the refugee question to study the details of execution of the specific provisions of resolution 194 (III) which dealt with that question. With regard to the other problems outstanding, under study by the Commission, even if Israel accepted the Arab preliminary conditions, the Arabs still would refuse to sit with Israel, but wished to maintain the procedure in effect before the proposal for joint committees had been made, namely, that of indirect negotiations, except that the Commission was to undertake mediation as well as conciliation. Only after they had agreed in principle to the Commission's proposals would the Arabs be prepared to consider and envisage the formation of mixed committees to study the implementation of those proposals.

38. In his reply concerning blocked accounts, the Acting Chairman of the Conciliation Commission had referred to an agreement reached between Israel and the Hashimite Kingdom of the Jordan. In fact, on 16 February an agreement had been drawn up under the auspices of the Commission between all Arab governments and Israel with regard to blocked accounts. It was significant to note that on that sole occasion when Arab governments had agreed to meet with Israel in joint session under the chairmanship of the Commission, the meeting had resulted in agreement.

39. Mr. Sharett dealt next with the question of separated families and the repatriation of Arab refugees. Up to a certain date, Israel had authorized the return to Israel and resettlement in that territory of some 30,000 Arabs. In addition, the Government of Israel had initiated a scheme for reuniting refugee members of families with those heads of families who had remained in Israel, under which almost 2,500 persons had already been repatriated. It had granted practically all applications for such repatriation.

40. At a certain stage, however, the Government of Israel had reached the conclusion that it could not authorize further repatriation without jeopardizing its security. It maintained that decision; it was applicable to all segments of the refugee population, regardless of wealth or station, whether they were rich orange growers or poor peasants, because of paramount security considerations.

41. Mr. PALMER (Acting Chairman of the Conciliation Commission) had not intended to convey the impression that a separate agreement had been reached by Israel and Jordan regarding blocked accounts. The question had been studied by technical experts in consultation with various banking institutions in the Middle East and in England and it had been found too difficult to permit the release of the blocked accounts of all refugees in all the Arab States. Accordingly, as a very large number of refugees were in Jordan and as it was found possible to release sterling from Jordan sources which could subsequently be re-

paid from the accounts once released, a start had been made in settling the problem for that major group of refugees. Israel had agreed to the over-all proposal and a solution was still being sought by the Commission for releasing the blocked accounts of refugees in other Arab States.

42. MOSTAFA Bey (Egypt) pointed out that the General Assembly resolution 194 (III) had laid down the principle of repatriation of the refugees and instructed the Conciliation Commission to work toward that end. The Commission had achieved no positive result. On the other hand, the resolution failed to specify precisely what were the other "questions outstanding between the parties". It was for that reason that the Arab delegations had asked the Conciliation Commission to define those matters in clear terms. When agreement in principle had been reached regarding the matters proposed by the Commission, the Arab delegations would be prepared to envisage the establishment of mixed committees to deal with each specific subject. The Egyptian Minister for Foreign Affairs had expressed that view to the Commission.

43. Mr. ZEINEDDINE (Syria) stated that the Acting Chairman of the Conciliation Commission had been very helpful in answering questions in connexion with the report, which was very general in nature and therefore did not cover all of the questions at issue. Some matters which the Commission considered as of minor importance had been omitted and others had lost precision in the process of being summarized.

44. While the report was admittedly an important diplomatic instrument which had been carefully prepared as an aid to the Committee, progress might be greatly facilitated if the report could be corroborated by answers from the Acting Chairman of the Conciliation Commission to questions which might arise.

45. The affirmative statements made by a preceding speaker could not replace answers by the Acting Chairman of the Conciliation Commission to questions put to him.

46. MOSTAFA Bey (Egypt) stated that the complications and dire consequences which the Egyptian delegation had foreseen three years previously had come to pass in Palestine and had been aggravated by a series of blunders which weighed most heavily on the minds of men. It was useless merely to express regret at the fact that action taken in the name of the United Nations Charter defeated the very purposes and principles of the Organization. It was essential to correct the mistakes of the past and achieve the noble purposes of the United Nations by assuring respect for human rights and by building peace and security on lasting foundations. In the firm belief in the triumph of the principles of the Charter, Egypt continued to oppose any solution which was not in harmony with those principles.

47. The report of the Conciliation Commission did not represent a solution or even an outline of the general basis of a solution but rather constituted a working document which had greater value because of the facts which it contained than because of the conclusions which it drew from those facts. Egypt, which had no expansionist ambitions and no political motives, was completely objective in its consideration of the facts of the case. Moreover, Egypt with its long-standing tra-

dition of liberalism had never practised religious discrimination or persecution and had never championed racial or anti-Semitic doctrines. Nowhere else had the Jews enjoyed so generous, equitable and tolerant a treatment as in Egypt.

48. The Conciliation Commission established two years previously to settle the Palestine problem had made little progress. From its very inception, the Arab States had sought the greatest possible co-operation with that body. It had soon become apparent that the question of the refugees was the cornerstone of the settlement of the problem as a whole, and that in large measure the re-establishment of peace and stability in the Middle East, the economic development of that vital part of the world and its participation in the work of consolidating world peace depended on a settlement of the refugee question on a just and lasting basis. Representatives of the Arab States had constantly emphasized the need for repatriation of Arab refugees and for the payment of compensation to those who chose not to return to their homes. In accordance with the request of the Conciliation Commission, the Arab delegations had agreed to discuss all aspects of the Palestine question and had submitted constructive proposals which had so far remained unimplemented. The refugees had not yet been repatriated, their homes and their property had been confiscated and occupied by Jewish immigrants coming from all parts of the world and having no binding links with the Holy Land. The very limited number of refugees who had been authorized to return under the scheme to reunite separated families had quickly been driven out again. Tens of thousands of Arabs living in areas under Jewish occupation had been expelled and those who sought to return to their homes were always driven back and sometimes beaten and killed. The Security Council had recently dealt with that question and had ordered an inquiry into the matter.¹ The attention of the Conciliation Commission had been drawn to the fact that the Arab population of areas under Jewish occupation was subjected to discrimination and brutal persecution in violation of the most elementary human rights. That body had been requested to investigate the situation. Moreover, the representative of the Conciliation Commission had failed to reply to a question put to him in that connexion earlier in the present meeting.

49. As a conservation measure, the Arab delegations had proposed that refugees owning orange groves which were in the process of deterioration should be allowed to return to look after their property. That proposal had not been acted upon because the Jewish authorities rejected it although, like all other Arab proposals, it was in accord with resolution 194 (III) of the General Assembly and the Lausanne Protocol of 12 May 1949.

50. The prospects of progress by the Commission in its future work were certainly not promising. History had shown that a policy of terror and extermination settled nothing but merely increased hatred and spread the seeds of conflict. The situation had been further aggravated by Jewish immigration into Palestine. Egypt was fully aware of the dangers involved in the

establishment of a Jewish State in the very heart of the Arab world. The United Nations Mediator had noted the fears of the Arab States in that regard and believed that they were to a large extent well-founded. If the issue had merely been a symbolic homeland for the Jews in Palestine, the Arab fears might have been misinterpreted. The Jews had, however, established their State in conditions which were not likely to ensure its development or its viability. An attempt was now being made to force the Arabs to help the Jews to maintain themselves. The Jews had obtained a nucleus which under pressure from mass migration would later serve to unleash an offensive of penetration or infiltration of Arab countries. That was not merely an illusory fear but a fact which could be explained by the history of the Zionist movement and by the determination with which the Jews followed their immigration policy. The United Nations Mediator had realized the implications of that immigration policy and, in a letter to the Jewish authorities on 6 July 1948,² had stated that unlimited immigration might cause a serious economic and political situation which the Israel Government would be unable to control and that the question of immigration was of concern to the neighbouring Arab world as well as to the Jewish State. Moreover, Jewish immigration into Palestine had been harmful to the native inhabitants and Jewish immigrants had compromised peace in the Middle East. Arab governments were in duty bound to draw the attention of the United Nations to the danger of continued Jewish immigration at that rate and to warn of its two fatal consequences: to make the repatriation of Arab refugees more difficult and to compel the Jews to seek to extend their territory to unknown limits.

51. The failure of the Conciliation Commission to fulfil its functions could be explained by the systematic policy of the *fait accompli* followed by the Jews with the encouragement of some great Powers. From the very inception of the Palestine conflict and the intervention of the United Nations, Israel's actions represented an uninterrupted series of violations of the purposes and principles of the United Nations and the resolutions of its organs. While Arab States had always observed the resolutions of the Security Council, Israel had systematically obstructed them and, having gone unpunished, had committed atrocities against the Arab population and had caused the appalling situation now prevailing in Palestine. As examples of the most flagrant violations, he noted that Israel had contravened the resolutions of the Security Council³ of 29 May 1948, 15 July 1948 and 4 November 1948. Finally, the representative of Israel had stated recently that the return of the refugees to their homes was impracticable. There could thus be no doubt of the intentions of the Government of Israel. The Zionists sought to consolidate their present position in Palestine, to force the Arab States to recognize that situation and to accept the *fait accompli*.

52. The Egyptian delegation was sorry to note that the Conciliation Commission seemed to some extent to concur in the Zionist views by advising the Arab States, in the supplementary report (A/1367/Add.1), to con-

¹ See *Official Records of the Security Council, Fifth Year*, 524th meeting.

² See *Official Records of the General Assembly, Third Session, Supplement No. 11*, p. 26.

³ See *Official Records of the Security Council, Third Year*, 310th, 338th and 377th meetings.

sider the existence of Israel as a *fait accompli*. Despite the natural reaction of resorting to force to destroy the results of a *fait accompli*, the Arab States had obeyed the United Nations prohibition of the use of armed force, had given assurances of their peaceful intentions and had repeatedly indicated their sincere desire to settle the Palestine question on a just and lasting basis and in accordance with the resolutions of the United Nations. Egypt, which had expected a more reasonable judgment of its peaceful attitude from the very beginning of the Palestine conflict, had been deeply disappointed at the contents of the two reports of the Conciliation Commission. In its view, the conclusions drawn therein tended to consolidate the present state of affairs in Palestine and to establish the dangerous precedent of recognizing the policy of *fait accompli*, of encouraging further resort to it to the detriment of moral principles and of United Nations prestige.

53. International guarantees of non-aggression were meaningless unless accompanied by elements inspiring a minimum degree of confidence. The history of the Zionist movement, when considered objectively, justified fears and apprehensions. Furthermore, it would be absurd to guarantee frontiers or armistice boundaries and to leave immigration and the return of refugees to the discretion of the Zionists. International guarantees as interpreted by the Mandatory Power had proved of no avail. Immigration and guarantees were two diametrically opposed and mutually exclusive concepts.

54. In the view of the Egyptian Government, Jewish immigration in Palestine constituted a grave threat to security in the Middle East.

55. It was the duty of the Conciliation Commission to inform world public opinion of the real causes of its failure which lay solely in Israel's refusal to respect the

resolutions of the United Nations. It was the duty of the Conciliation Commission to insist upon the return of the refugees to their homes and to object to the immigration of great numbers of displaced persons who constituted a grave threat to the security of the Middle East. The time had come for the United Nations to enforce compliance with resolution 194 (III). It should use whatever measures were required to achieve that purpose.

56. Mr. CHENG (China) submitted an amendment (A/AC.38/L.64) to the four-Power draft resolution (A/AC.38/L.57) providing that the following text would be substituted for operative paragraph 1:

"1. *Urges* the governments and authorities concerned to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them."

57. He explained that the purpose of the amendment was to achieve a final solution acceptable to the majority. In his view, the amendment did not detract in substance from the four-Power draft resolution, but gave some flexibility to the timing and the method of negotiation. It also had the great virtue of reaffirming the language of paragraph 5 of resolution 194 (III) of the General Assembly.

58. The Chinese delegation hoped that the sponsors of the four-Power resolution would be able to accept its amendment so that the Chinese delegation would be in a position to vote for the draft resolution as amended.

59. The CHAIRMAN urged that all proposals and amendments should be submitted as soon as possible.

The meeting rose at 5.20 p.m.