



General Assembly

A/RES/40/165 (A-K)
16 December 1985

40/165. United Nations Relief and Works Agency for Palestine Refugees in the Near East

A

Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 39/99 A of 14 December 1984 and all its previous resolutions on the question, including resolution 194 (III) of 11 December 1948,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,^{1/}

1. *Notes with deep regret* that repatriation or compensation of the refugees as provided for in paragraph 11 of General Assembly resolution 194 (III) has not been effected, that no substantial progress has been made in the programme endorsed by the Assembly in paragraph 2 of its resolution 513 (VI) of 26 January 1952 for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continues to be a matter of serious concern;
2. *Expresses its thanks* to the Commissioner-General and to all the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, recognizing that the Agency is doing all it can within the limits of available resources, and also expresses its thanks to the specialized agencies and private organizations for their valuable work in assisting the refugees;
3. *Expresses its deep appreciation* to the former Commissioner-General, Mr. Olof Rydbeck, for his many years of effective service to the Agency and his dedication to the welfare of the refugees;
4. *Reiterates its request* that the headquarters of the Agency should be relocated to its former site within its area of operations as soon as practicable;
5. *Notes with regret* that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194 (III)^{2/} and requests the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 1986;
6. *Directs attention* to the continuing seriousness of the financial position of the Agency, as outlined in the report of the Commissioner-General;
7. *Notes with profound concern* that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions, this increased level of income to the Agency is still insufficient to cover essential budget requirements in the present year and that, at currently foreseen levels of giving, deficits will recur each year;
8. *Calls upon* all Governments, as a matter of urgency, to make the most generous efforts possible to meet the anticipated needs of the Agency, particularly in the light of the budgetary deficit projected in the report of the Commissioner-General, and therefore urges non-contributing Governments to contribute regularly and contributing Governments to consider increasing their regular contributions.

B

Working Group on the Financing of the United Nations Relief and

Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 2656 (XXV) of 7 December 1970, 2728 (XXV) of 15 December 1970, 2791 (XXVI) of 6 December 1971, 2964 (XXVII) of 13 December 1972, 3090 (XXVIII) of 7 December 1973, 3330 (XXIX) of 17 December 1974, 3419 D (XXX) of 8 December 1975, 31/C of 23 November 1976, 32/90 D of 13 December 1977, 33/112 D of 18 December 1978, 34/52 D of 23 November 1979, 35/13 D of 3 November 1980, 36/146 E of 16 December 1981, 37/120 A of 16 December 1982, 38/83 B of 15 December 1983 and 39/99 B of 14 December 1984,

Recalling also its decision 36/462 of 16 March 1982, whereby it took note of the special report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East 3/ and adopted the recommendations contained therein,

Having considered the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East 4/

Taking into account the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985 1/

Gravely concerned at the critical financial situation of the Agency, which has already reduced the essential minimum services being provided to the Palestine refugees and which threatens even greater reductions in the future,

Emphasizing the urgent need for extraordinary efforts in order to maintain, at least at their present minimum level, the activities of the Agency,

1. *Commends* the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for its efforts to assist in ensuring the Agency's financial security;
2. *Takes note with approval* of the report of the Working Group;
3. *Requests* the Working Group to continue its efforts, in co-operation with the Secretary-General and the Commissioner-General, for the financing of the Agency for a further period of one year;
4. *Requests* the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work.

C

Assistance to persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolution 39/99 C of 14 December 1984 and all its previous resolutions on the question,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985 1/

Concerned about the continued human suffering resulting from the hostilities in the Middle East,

1. *Reaffirms* its resolution 39/99 C and all its previous resolutions on the question;
2. *Endorses*, bearing in mind the objectives of those resolutions, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and in a serious need of continued assistance as a result of the June 1967 and subsequent hostilities;
3. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and to the other intergovernmental and non-governmental organizations concerned.

D

Offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees

The General Assembly,

Recalling its resolution 212 (III) of 19 November 1948 on assistance to Palestine refugees,

Recalling also its resolutions 35/13 B of 3 November 1980, 36/146 H of 16 December 1981, 37/120 D of 16 December 1982, 38/83 D of 15 December 1983 and 39/99 D of 14 December 1984,

Cognizant of the fact that the Palestine refugees have, for the last three decades, lost their lands and means of livelihood,

Having examined the report of the Secretary-General^{5/}

Having also examined the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,^{1/}

1. *Urges* all States to respond to the appeal contained in General Assembly resolution 32/90 F of 13 December 1977 in a manner commensurate with the needs of Palestine refugees for higher education and vocational training;
2. *Strongly appeals* to all States, specialized agencies and non-governmental organizations to augment the special allocations for grants and scholarships to Palestine refugees in addition to their contributions to the regular budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
3. *Expresses its appreciation* to all Governments, specialized agencies and non-governmental organizations that responded favourably to General Assembly resolution 39/99 D;
4. *Invites* the relevant specialized agencies and other organizations of the United Nations system to continue, within their respective spheres of competence, to extend assistance for higher education to Palestine refugee students;
5. *Appeals* to all States, specialized agencies and the United Nations University to contribute generously to the Palestinian universities in the territories occupied by Israel since 1967, including, in due course, the proposed University of Jerusalem "Al-Quds" for Palestine refugees;
6. *Also appeals* to all States, specialized agencies and other international bodies to contribute towards the establishment of vocational training centres for Palestine refugees;
7. *Requests* the United Nations Relief and Works Agency for Palestine Refugees in the Near East to act as the recipient and trustee for such special allocations and scholarships and to award them to qualified Palestine refugee candidates;
8. *Requests* the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

E

Palestine refugees in the Gaza Strip

The General Assembly,

Recalling Security Council resolution 237 (1967) of 14 June 1967,

Recalling also General Assembly resolutions 2792 C (XXVI) of 6 December 1971, 2963 C (XXVII) of 13 December 1972, 3089 C (XXVIII) of 7 December 1973, 3331 D (XXIX) of 17 December 1974, 3419 C (XXX) of 8 December 1975, 31/15 E of 23 November 1976, 32/90 of 13 December 1977, 33/112 E of 18 December 1978, 34/52 F of 23 November 1979, 35/13 F of 3 November 1980, 36/146 A of 16 December 1981, 37/120 E of 16 December 1982, 38/83 E of 15 December 1983 and 39/99 E of 14 December 1984,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,^{1/} and the report of the Secretary-General^{6/}

Recalling the provisions of paragraph II of its resolution 194 (III) of 11 December 1948 and considering that measures to resettle Palestine refugees in the Gaza Strip away from the homes and property from which they were displaced constitute a violation of their inalienable right of return,

Alarmed by the reports received from the Commissioner-General that the Israeli occupying authorities, in contravention of Israel's obligation under international law, persist in their policy of demolishing shelters occupied by refugee families,

1. *Reiterates strongly its demand* that Israel desist from the removal and resettlement of Palestine refugees in the Gaza Strip and from the destruction of their shelters;
2. *Requests* the Secretary-General, after consulting with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report to the General Assembly, before the opening of its forty-first session, on Israel's compliance with paragraph 1 above.

F

Resumption of the ration distribution to Palestine refugees

The General Assembly,

Recalling its resolutions 36/146 F of 16 December 1981, 37/120 F of 16 December 1982, 38/83 F of 15 December 1983, 39/99 F of 14 December 1984 and all its previous resolutions on the question, including resolution 302 (IV) of 8 December 1949,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,^{1/} and the report of the Secretary-General,^{2/}

Deeply concerned at the interruption by the Agency, owing to financial difficulties, of the general ration distribution to Palestine refugees in all fields,

1. *Regrets* that its resolutions 37/120 F, 38/83 F and 39/99 F have not been implemented;
2. *Calls once again upon* all Governments, as a matter of urgency, to make the most generous efforts possible and to offer the necessary resources to meet the needs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, particularly in the light of the interruption by the Agency of the general ration distribution to Palestine refugees in all fields, and therefore urges non-contributing Governments to contribute regularly and contributing Governments to consider increasing their regular contributions;
3. *Requests* the Commissioner-General to resume on a continuing basis the interrupted general ration distribution to Palestine refugees in all fields;
4. *Requests* the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly at its forty-first session on the implementation of the present resolution.

G

Population and refugees displaced since 1967

The General Assembly,

Recalling Security Council resolution 237 (1967) of 14 June 1967,

Recalling also General Assembly resolutions 2252 (ES-V) of 4 July 1967, 2452 A (XXIII) of 19 December 1968, 2535 B (XXIV) of 1 December 1969, 2672 D (XXV) of 8 December 1970, 2792 E (XXVI) of 6 December 1971, 2963 C and D (XXVII) of 13 December 1972, 3089 (XXVIII) of 7 December 1973, 3331 D (XXIX) of 17 December 1974, 3419 C (XXX) of 8 December 1975, 31/15 D of 23 November 1976, 32/90 of 13 December 1977, 33/112 F of 18 December 1978, 34/52 E of 23 November 1979, ES-7/2 of 29 July 1980, 35/13 E of 3 November 1980, 36/146 B of 16 December 1981, 37/120 G of 16 December 1982, 38/83 G of 15 December 1983 and 39/99 G of 14 December 1984,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,^{1/} and the report of the Secretary-General,^{2/}

1. *Reaffirms* the inalienable right of all displaced inhabitants to return to their homes or former places of residence in the territories occupied by Israel since 1967, and declares once more that any attempt to restrict, or to attach conditions to, the free exercise of the right to return by any displaced person is inconsistent with that inalienable right and inadmissible;
2. *Considers* any and all agreements embodying any restriction on, or condition for, the return of the displaced inhabitants as null and void;
3. *Strongly deplores* the continued refusal of the Israeli authorities to take steps for the return of the displaced inhabitants;
4. *Calls once more upon* Israel:
 - (a) To take immediate steps for the return of all displaced inhabitants;
 - (b) To desist from all measures that obstruct the return of the displaced inhabitants, including measures affecting the physical and demographic structure of the occupied territories;
5. *Requests* the Secretary-General, after consulting with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report to the General Assembly before the opening of its forty-first session on Israel's compliance with paragraph 4 above.

H

Revenues derived from Palestine refugee properties

The General Assembly,

Recalling its resolutions 35/13 A to F of 3 November 1980, 36/146 C of 16 December 1981, 37/120 H of 16 December 1982, 38/83 H of 15 December 1983, 39/99 H of 14 December 1984 and all its previous resolutions on the question, including resolution 194 (III) of 11 December 1948,

Taking note of the report of the Secretary-General^{9/}

Taking note also of the report of the United Nations Conciliation Commission for Palestine, covering the period from 1 September 1984 to 31 August 1985^{10/}

Recalling that the Universal Declaration of Human Rights^{11/} and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her private property,

Considering that the Palestine Arab refugees are entitled to their property and to the income derived from their property, in conformity with the principles of justice and equity,

Recalling, in particular, its resolution 394 (V) of 14 December 1950, in which it directed the United Nations Conciliation Commission for Palestine, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine Arab refugees,

Taking note of the completion of the programme of identification and evaluation of Arab property, as announced by the United Nations Conciliation Commission for Palestine in its twenty-second progress report^{12/} and of the fact that the Land Office had a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

1. *Requests* the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection and administration of Arab property, assets and property rights in Israel, and to establish a fund for the receipt of income derived therefrom, on behalf of the rightful owners;
2. *Calls once again upon* Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;
3. *Calls upon* all other Governments of Member States concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel, which would assist the Secretary-General in the implementation of the present resolution;
4. *Deplores* Israel's refusal to co-operate with the Secretary-General in the implementation of the resolutions on the question;
5. *Requests* the Secretary-General to report to the General Assembly at its forty-first session on the implementation of the present resolution.

I

Protection of Palestine refugees

The General Assembly,

Recalling Security Council resolutions 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of 19 June 1982, 513 (1982) of 4 July 1982, 515 (1982) of 29 July 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 519 (1982) of 17 August 1982, 520 (1982) of 17 September 1982 and 523 (1982) of 18 October 1982,

Recalling General Assembly resolutions ES-7/5 of 26 June 1982, ES-7/6 and ES-7/8 of 19 August 1982, ES-7/9 of 24 September 1982, 37/120 J of 16 December 1982, 38/83 I of 15 December 1983 and 39/99 I of 14 December 1984,

Having considered the report of the Secretary-General^{13/}

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985^{14/}

Referring to the humanitarian principles of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949^{14/} and to the obligations arising from the Regulations annexed to the Hague Convention IV of 1907^{15/}

Taking into consideration the marked deterioration in the security situation experienced by the refugees living in the Gaza Strip as reported by the Commissioner-General in his statement of 4 November 1985,^{16/}

Deeply concerned at the lack of security for the Palestine refugees in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, resulting in scores of violent deaths, woundings, kidnappings, disappearances, evictions in the face of threats, explosions and arsons,

Deeply distressed at the sufferings of the Palestinians resulting from the Israeli invasion of Lebanon,

Reaffirming its support for the sovereignty, unity and territorial integrity of Lebanon, within its internationally recognized boundaries,

1. *Urges* the Secretary-General, in consultation with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestine refugees in all the territories under Israeli occupation in 1967 and thereafter;

2. *Holds* Israel responsible for the security of the Palestine refugees in the Palestinian and other Arab territories occupied since 1967, including Jerusalem, and calls upon it to fulfil its obligations as the occupying Power in this regard, in accordance with the pertinent provisions of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

3. *Calls once again upon* Israel, the occupying Power, to release forthwith all detained Palestine refugees, including the employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

4. *Urges* the Commissioner-General to provide housing, in consultation with the Government of Lebanon, to the Palestine refugees whose houses were demolished or razed by the Israeli forces;

5. *Calls once again upon* Israel to compensate the Agency for the damage to its property and facilities resulting from the Israeli invasion of Lebanon, without prejudice to Israel's responsibility for all damages resulting from that invasion;

6. *Requests* the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly, before the opening of its forty-first session, on the implementation of the present resolution.

J

Palestine refugees in the West Bank

The General Assembly,

Recalling Security Council resolution 237 (1967) of 14 June 1967,

Recalling also General Assembly resolutions 38/83 J of 15 December 1983 and 39/99 J of 14 December 1984,

Having considered the report of the Secretary-General,^{17/}

Having also considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,^{1/}

Alarmed by Israel's plans to remove and resettle the Palestine refugees of the West Bank and to destroy their camps,

Recalling the provisions of paragraph 11 of its resolution 194 (III) of 11 December 1948 and considering that measures to resettle Palestine refugees in the West Bank away from the homes and property from which they were displaced constitute a violation of their inalienable right of return,

1. *Calls once again upon* Israel to abandon its plans and to refrain from the removal, and from any action that may lead to the removal and resettlement, of Palestine refugees in the West Bank and from the destruction of their camps;

2. *Requests* the Secretary-General, in co-operation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to keep the matter under close supervision and to report to the General Assembly, before the opening of its forty-first session, on any developments regarding this matter.

K

University of Jerusalem "Al-Quds" for Palestine refugees

The General Assembly,

Recalling its resolutions 36/146 G of 16 December 1981, 37/120 C of 16 December 1982, 38/83 K of 15 December 1983 and 39/99 K of 14 December 1984,

Having examined the report of the Secretary-General on the question of the establishment of a university at Jerusalem,^{18/}

Having also examined the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, covering the period from 1 July 1984 to 30 June 1985,^{1/}

1. *Commends* the constructive efforts made by the Secretary-General, the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Council of the United Nations University and the United Nations Educational, Scientific and Cultural Organization, which worked diligently towards the implementation of General Assembly resolution 38/83 D of 15 December 1983 and other relevant resolutions;

2. *Further commends* the close co-operation of the competent educational authorities concerned;

3. *Emphasizes* the need for strengthening the educational system in the Arab territories occupied since 5 June 1967, including Jerusalem, and specifically the need for the establishment of the proposed university;

4. *Requests* the Secretary-General to continue to take all necessary measures for establishing the University of Jerusalem, "Al-Quds", in accordance with General Assembly resolution 35/13 B of 3 November 1980, giving due consideration to the recommendations consistent with the provisions of that resolution;

5. *Calls upon* Israel, the occupying Power, to co-operate in the implementation of the present resolution and to remove the hindrances which it has put in the way of establishing the University of Jerusalem;

6. *Requests* the Secretary-General to report to the General Assembly at its forty-first session on the progress made in the implementation of the present resolution.

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^{1/} Official Records of the General Assembly, Fortieth Session, Supplement No. 13 (A/40/13 and Corr.1 and Add.1 and Add.1/Corr.1).

^{2/} See A/40/580, annex.

^{3/} A/36/866; see also A/37/591.

^{4/} A/40/736; see also A/40/207 for the special report adopted on 26 March 1985.

^{5/} A/40/612.

^{6/} A/40/613.

^{7/} A/40/766.

^{8/} A/40/614.

^{9/} A/40/616.

^{10/} A/40/580, annex.

^{11/} Resolution 217 A (III).

^{12/} Official Records of the General Assembly, Nineteenth Session, Annex No. 11, document A/5700.

^{13/} A/40/756.

^{14/} United Nations, Treaty Series, vol. 75, No. 973, p. 287.

^{15/} Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907 (New York, Oxford University Press, 1915), p. 100.

^{16/} See A/SPC/40/SR.22, paras. 27-38.

^{17/} A/40/615.

^{18/} A/40/543.

