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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

ADDENDUM TO THE NINETEENTH PROGRESS REPORT

Note by the Secretary-General: The Secretary-General has the honour to communicate to the Members of the United Nations, in accordance with the provisions of paragraph 6 of General Assembly resolution 512 (VI) of 26 January 1952, the following addendum to the nineteenth progress report of the United Nations Conciliation Commission for Palestine.

1. In its nineteenth progress report the United Nations Conciliation Commission for Palestine referred to the mission to the Middle East of its Special Representative, Dr. Joseph E. Johnson, and stated that the Commission hoped, in the light of Dr. Johnson's report, to be able to make suggestions with respect to methods of procedure that might lead to progress on the refugee question. Attached is the report submitted by Dr. Johnson.
2. The Commission highly commends Dr. Johnson. He has done excellent work in developing useful relationships with the officials of the Governments directly concerned, in reopening channels of discussion on a most complex and controversial issue, and in pointing a way to progress on the problem. Without attempting to pass judgement on the historical section of the report, the Commission warmly endorses Dr. Johnson's conclusions.

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

REPORT BY THE SPECIAL REPRESENTATIVE  
DR. JOSEPH E. JOHNSON

I. NATURE AND PURPOSE OF MISSION

1. On 21 August 1961 the United Nations Conciliation Commission for Palestine appointed me "to be its Special Representative to undertake a visit to the Middle East to explore with the host Governments and with Israel practical means of seeking progress on the Palestine Arab refugee problem, pursuant to resolution 1604 (XV) of the United Nations General Assembly."

2. The reference was to operative paragraph 1 of resolution 1604 (XV) which reads as follows:

"1. Notes with regret that the United Nations Conciliation Commission for Palestine has not yet been able to report progress on carrying out the task entrusted to it in paragraph 4 of General Assembly resolution 1456 (XIV), and again requests the Commission to make efforts to secure the implementation of paragraph 11 of General Assembly resolution 194 (III) and report thereon not later than 15 October 1961;"

Paragraph 4 of resolution 1456 (XIV) requested the Conciliation Commission "to make further efforts to secure the implementation of paragraph 11 of General Assembly resolution 194 (III)".

3. Paragraph 11 of General Assembly resolution 194 (III), adopted on 11 December 1948, reads:

"The General Assembly ....

"11. Resolves that the refugees wishing to return to their homes and live in peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

"Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;"

4. This resolution provided, among other things, for the establishment of the Conciliation Commission for Palestine and charged it with carrying out "the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council".

5. While the Conciliation Commission has under resolution 194 (III) a number of functions with respect to the Palestine question, the task that the Commission assigned to me as its Special Representative related solely to the refugee problem. I had no mandate and no authority in relation to any other of the Commission's responsibilities.

6. The Secretary-General of the United Nations on 22 August 1961 informed the Foreign Ministers of the three Arab host countries - Jordan, Lebanon and the United Arab Republic - and of Israel of my appointment and on behalf of the Conciliation Commission asked that they receive me as its Special Representative in accordance with the terms of my appointment. The Secretary-General also designated Mr. Sherwood G. Moe, Director of Liaison for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) at New York, to accompany me as my assistant.

7. I left the Headquarters of the United Nations, accompanied by Mr. Moe, on 31 August 1961 and returned on 20 September. Without the excellent support given by members of the United Nations Secretariat in New York and officials of the United Nations in the field it would have been impossible to accomplish so much as I was able to do in such a short time. In less than three weeks I visited Beirut and Amman twice, and Cairo, Gaza, Jerusalem and Tel-Aviv. Conversations took place at the highest level and with senior officials and experts of the host countries and Israel.

8. Since my return from the Middle East I have held further conversations with representatives of the host countries, including members of the delegation of the Syrian Arab Republic to the United Nations, and of Israel. All the officials with whom I have talked throughout my mission have received me in a most friendly manner, have manifested a deep interest in seeking progress and have given me their views freely and frankly. I desire to record my great appreciation of their courtesy and kindness.

9. The present report must be understood as relating solely to practical means of bringing about progress on the Palestine Arab refugee problem pursuant to the instructions of the Conciliation Commission for Palestine and the relevant General Assembly resolutions cited above.<sup>1/</sup>

## II. FACTUAL BACKGROUND INFORMATION

### A. Political

10. It is necessary to recall here briefly some of the factual background of the refugee problem up to the time of my appointment. Fortunately there have recently been issued two extensive working papers prepared by the Secretariat for the Conciliation Commission on the history of the Commission's efforts to secure the implementation of paragraph 11 of General Assembly resolution 194 (III); they are entitled "Question of Compensation".<sup>2/</sup> and "The Question of Reintegration by Repatriation or Resettlement".<sup>2/</sup> These papers not only give the facts of United Nations action and attempted action, but present careful summaries of the positions of the Commission and of the attitudes of the interested parties.

11. As these documents, as well as the records of the General Assembly and Security Council, make all too clear, bitter disputes and flat contradiction characterize the whole of the unhappy history. There is no agreement on what happened or why it happened, or on the interpretation, significance or validity of the basic United Nations resolutions and other United Nations documents.

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<sup>1/</sup> Prior to the final submission of this report I transmitted advance copies as a matter of courtesy to representatives of the Arab host Governments and Israel on a confidential basis. While I did not invite comment, I said that I would be available for inquiries. I have since received some suggestions from representatives of the Arab host Governments, and have been in communication with the representative of Israel. Upon reflection I then decided to make certain changes in the report which are incorporated herein. I should emphasize that these are my own changes, and that, furthermore, there has not been any essential modification of the findings and conclusions.

<sup>2/</sup> These working papers, documents A/AC.25/W.81/Rev.2 and A/AC.25/W.82/Rev.1, respectively are available to delegations upon request in English and French, the working languages of the Commission.

12. The following brief narrative will not, I am aware, be regarded by either Israel or the Arab host Governments as adequate or impartial. It omits not only many points that are in dispute, but also certain facts of public record that are not in dispute. These include facts that one side or the other regards as of key importance. I decided nevertheless not to include them because to do so would have required explanation and analysis that was not possible within the time at my disposal, nor required by my mandate.
13. The problem of the Palestine Arab refugees arose after the adoption by the United Nations General Assembly on 29 November 1947 of resolution 181 (II) providing for the partition of Palestine into a Jewish State, an Arab State and an international territory of the City of Jerusalem, within the framework of an economic union embracing all three.<sup>3/</sup> The violence that had been endemic in Palestine was soon transformed into virtual civil war, and that in turn broadened after the termination of the British Mandate on 15 May 1948 into organized warfare between the Arab States and the newly proclaimed State of Israel. Armed conflict lasted, with a brief truce in mid-1948, until the spring and summer of 1949, when it was halted by the several armistice agreements negotiated by the Acting United Nations Mediator on Palestine, Dr. Ralph J. Bunche.
14. Some Palestinian Arabs began fleeing from their homes soon after the adoption of the Partition resolution, and thousands of others followed them into the neighbouring Arab countries in the spring so that some 200,000 or more had abandoned their homes by the time the Mandate ended. The exodus of an even larger number took place as a result of the large-scale hostilities begun on 15 May 1948.<sup>4/</sup>
15. From the beginning, sharp and irreconcilable views have been expressed on the causes of the exodus. The Government of Israel places the blame upon the neighbouring Arab States and upon the leaders of the Palestine Arabs themselves.

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<sup>3/</sup> For a convenient although unofficial summary account of the report of the United Nations Special Committee on Palestine and the subsequent discussion of the "Question of Palestine" at the second session of the General Assembly, see Yearbook of the United Nations, 1947-1948, pp.227-257.

<sup>4/</sup> A/AC.25/W.81/Rev.2, paras. 13-15.

The Arabs, in flat contradiction, place the blame upon the terroristic activities of Jewish organizations and upon the subsequent policies of the Government of Israel. All that can be said with assurance here, without detailed historical study, is that in a time of upheaval and rampant rumour many factors operated, in different combinations, to cause the flight of the refugees. Put in its simplest and most general terms, the exodus was, as the United Nations Mediator, Count Bernadotte, reported in 1948, "a result of the conflict in Palestine".<sup>5/</sup> 16. There is no need here to go into the history of Security Council and General Assembly debates and resolutions on the Palestine question in the summer of 1948.<sup>6/</sup> In so far as the refugees and United Nations action with respect to them are concerned, the next important event was the submission, by Count Bernadotte, of the "Progress Report of the United Nations Mediator on Palestine" dated 16 September 1948, the day before his assassination. This report was in three parts which dealt respectively with the "Mediation Effort", the "Supervision of the Two Truces" and "Assistance to Refugees". The last dealt primarily with the humanitarian and social aspects of the refugee question, the political aspects being covered in part One. In the Conclusions to part One<sup>7/</sup> the Mediator stated that, while he did not consider it "within [his] province to recommend to the Members of the United Nations a proposed course of action on the Palestine question", he did consider it his duty to inform the Members of certain conclusions that he had reached. These conclusions were based upon seven basic premises, the fifth of which related to the refugees. It read as follows:

"Right of repatriation

(e) The right of innocent people, uprooted from their homes by the present terror and ravages of war, to return to their homes, should be affirmed and made effective, with assurance of adequate compensation for the property of those who may choose not to return."

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<sup>5/</sup> Official Records of the General Assembly, Third Session, Supplement No. 11 (A/648), Progress Report of the United Nations Mediator on Palestine, part Three, section I, para. 1.

<sup>6/</sup> For a convenient although unofficial summary account, see Yearbook of the United Nations, 1947-1948, pp. 259-281, 304-313, and 403-451.

<sup>7/</sup> Official Records of the General Assembly, Third Session, Supplement No. 11 (A/648), part One, section VIII, Conclusions, paras. 2-4.

He then went on to state his specific conclusions, of which two related to the refugees as follows:

"(i) The right of the Arab refugees to return to their homes in Jewish-controlled territory at the earliest possible date should be affirmed by the United Nations, and their repatriation, resettlement and economic and social rehabilitation, and payment of adequate compensation for the property of those choosing not to return, should be supervised and assisted by the United Nations conciliation commission described in paragraph (k) below.

"(j) The political, economic, social and religious rights of all Arabs in the Jewish territory of Palestine and of all Jews in the Arab territory of Palestine should be fully guaranteed and respected by the authorities. The conciliation commission provided for in the following paragraph should supervise the observance of this guarantee. It should also lend its good offices, on the invitation of the parties, to any efforts toward exchanges of populations with a view to eliminating troublesome minority problems, and on the basis of adequate compensation for property owned."

He then recommended the establishment by the United Nations of a Palestine conciliation commission.

17. When the General Assembly considered the Palestine question at its third session in the autumn of 1948,<sup>8/</sup> the report of the Mediator was one of the principal documents before it, and it gave careful consideration to his recommendations. The results of its deliberations are contained in resolution 194 (III) adopted on 11 December, the full text of which is given in the appendix. As will be seen from a comparison of this text with the conclusions of the Mediator quoted above, the General Assembly did not fully accept all his conclusions with respect to the refugees. Its views on this subject were embodied in paragraph 11, already quoted in full in paragraph 3 above.

18. The United Nations Conciliation Commission for Palestine established by resolution 194 (III) proceeded quickly to its task and from the beginning addressed itself urgently to the question of the refugees as well as to

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<sup>8/</sup> For a convenient although unofficial summary account, see Yearbook of the United Nations, 1948-1949, pp.166-176.

the other problems that fell within its responsibilities.<sup>9/</sup> After initial consideration of the question in the winter of 1948 and early spring of 1949, the Commission on 12 May 1949 in Lausanne obtained the agreement of the representatives of Egypt, Jordan, Lebanon, Syria and of Israel to a document that has become known as the "Protocol of Lausanne" which reads as follows:

"The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly resolution of 11 December 1948, regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the delegations of the Arab States and to the delegation of Israel that the working document attached hereto be taken as a basis for discussions with the Commission.

"The interested delegations have accepted this proposal with the understanding that the exchanges of views which will be carried on by the Commission with the two parties will bear upon the territorial adjustments necessary to the above-indicated objectives." <sup>10/</sup>

(N.B. To this Protocol was attached the map of Palestine annexed to General Assembly resolution 181 (II) of 29 November 1947 (the Partition resolution) showing the territory attributed to the Arab and Jewish States, respectively.)

19. This Protocol has, like everything else associated with the Palestine Arab refugee question, itself become a subject of contention; the meaning and the status of the Protocol are in dispute.

20. Although the Protocol did not lead to any advance on the refugee question, the Conciliation Commission continued actively to concern itself with that question. In 1951, in Paris, the Commission submitted to the parties at separate meetings a comprehensive pattern of proposals on all aspects of the Palestine question, including, of course, that of the refugees.<sup>11/</sup> After extended discussion of this set of proposals, the Commission was obliged to report that it had "been unable to conciliate [the] ... points of view"<sup>12/</sup> of the Arab States and of Israel on the refugee question.

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<sup>9/</sup> For the Commission's progress reports covering the period to 22 September 1949 (documents A/819, A/838, A/927 and A/922) see Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex to the Summary Records of Meetings, vol.II, 1949.

<sup>10/</sup> Ibid., Third progress report, A/927, annex A.

<sup>11/</sup> Official Records of the General Assembly, Sixth Session, Supplement No.18 (A/1985), Tenth Progress Report covering the period from 23 January to 19 November 1951, paras. 23-61.

<sup>12/</sup> Ibid., para. 31.



21. It accordingly concluded that "the present unwillingness of the parties fully to implement the General Assembly resolutions under which the Commission is operating, as well as the changes which have occurred in Palestine during the past three years, have made it impossible for the Commission to carry out its mandate, and this fact should be taken into consideration in any further approach to the Palestine problem."<sup>13/</sup>

22. This report of the Commission was considered by the General Assembly in January 1952. Following debate, the Assembly adopted resolution 512 (VI) on 26 January 1952. In this resolution the Assembly expressed its appreciation to the Commission, noted with regret that the latter "has been unable to fulfil its mandate," stated that the Assembly considered that the "Governments concerned have the primary responsibility for reaching a settlement of their outstanding differences in conformity with the resolutions of the General Assembly on Palestine", urged them "to seek agreement with a view to an early settlement" of those differences, and considered that the Conciliation Commission "should continue its efforts to secure the implementation" of those resolutions and "accordingly should be available to the parties to assist them in reaching agreement on outstanding questions". In subsequent years the Assembly for the most part limited itself to the question of assistance to refugees, although in its resolutions on that subject it did refer regularly to resolution 194 (III).

23. Pursuant to resolution 512 (VI), the Commission between 1952 and 1959, while remaining at the disposal of the Governments concerned for any assistance it could render, concentrated on efforts, ultimately successful, to obtain the release of Arab refugee bank accounts and safe deposits blocked in Israel, and on identification and valuation of Arab refugee immovable property holdings in Israel.<sup>14/</sup> It is now evident that the latter work can ultimately be of great use not only in determining the amount of compensation, but also in relation to the issues of repatriation and resettlement. The Commission continued throughout this period to submit reports to the Secretary-General.

24. In 1959, in connexion with the discussion of the report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

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<sup>13/</sup> Ibid., para. 87.

<sup>14/</sup> For the latest information on these topics, see the Conciliation Commission's nineteenth progress report, A/4921, paras. 8-17.

the Assembly in paragraph 4 of resolution 1456 (XIV) again asked the Conciliation Commission "to make further efforts to secure the implementation of paragraph 11 of General Assembly resolution 194 (III)." This paragraph, which marks the beginning of renewed efforts to seek progress on the refugee problem, was supported by the Arab States and opposed by Israel.

25. The Conciliation Commission reported to the Secretary-General in November 1960 that since the passage of resolution 1456 (XIV) it had "been exploring .... possible ways by which it might contribute to the implementation of the principles enunciated in paragraph 11 of General Assembly resolution 194 (III)"<sup>15/</sup> but was unable to report any progress in response to resolution 1456 (XIV).

26. When the General Assembly at its fifteenth session came to consider the question of the Palestine Arab refugees, there were expressions of disappointment at the Commission's lack of progress and these led to the inclusion in resolution 1604 (XV) of the previously quoted first operative paragraph.

27. Subsequent steps leading up to my appointment as Special Representative are outlined in the Commission's nineteenth progress report.

#### B. Assistance to refugees

28. Although the Conciliation Commission for Palestine has no direct responsibility for assistance to the refugees, there is necessarily a close relationship between the task of the Commission under paragraph 11 of resolution 194 (III) and the provision of assistance. This relationship has been repeatedly stressed by the General Assembly. Balance and completeness therefore call for a brief resumé of United Nations assistance over the years. The full story has been told in the successive annual reports of the UNRWA Directors and in certain special reports of the Secretary-General and others, and has been summarized in the Commission's own working paper on "The Question of Reintegration by Repatriation or Resettlement".<sup>16/</sup>

29. United Nations assistance to the refugees was begun by the United Nations Mediator on Palestine on an emergency basis. In his progress report of

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<sup>15/</sup> Eighteenth progress report, A/4573, para. 2.

<sup>16/</sup> A/AC.25/W.82/Rev.1, paras. 77-108.

16 September 1948, referred to above, he expressed the belief that responsibility for the relief of the refugees "should be assumed by the United Nations in conjunction with the neighbouring Arab States, the Provisional Government of Israel, the specialized agencies, and also all the voluntary bodies or organizations of a humanitarian and non-political character."<sup>17/</sup> The General Assembly, taking cognizance of the Mediator's recommendations, adopted on 19 November 1948 resolution 212 (III) on "Assistance to Palestine Refugees", under which it assumed responsibility and asked the Secretary-General, among other things, to appoint a Director of United Nations Relief for Palestine Refugees.

30. On 23 August 1949 the Conciliation Commission for Palestine decided to establish immediately, pursuant to paragraph 12 of resolution 194 (III), an Economic Survey Mission for the Middle East charged with examining the economic situation in the countries affected by the hostilities in Palestine and with making recommendations for an integrated programme designed to help the Governments overcome the economic dislocations created by the hostilities, to facilitate repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation pursuant to paragraph 11 of resolution 194 (III), and to promote economic conditions conducive to the maintenance of peace and stability in the area.

31. In its first interim report, dated 6 November 1949, the Mission recommended, inter alia, the continuation of emergency relief to refugees, at least through the winter months, a programme of public works calculated to improve the productivity of the area and the establishment of an agency to organize and direct programmes of relief and public works.<sup>18/</sup> Pursuant to the last proposal, the General Assembly created, by its resolution 302 (IV) of 8 December 1949, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which began operations in April 1950.

32. The Director of UNRWA reported to the General Assembly at its fifth session that, despite the works programme, the number of refugees employed was far below

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<sup>17/</sup> Official Records of the General Assembly, Third Session, Supplement No. 11, part Three, section VI, (g).

<sup>18/</sup> United Nations Economic Survey Mission for the Middle East, 1949, United Nations publication: II B.5, Final Report, part I, appendix IA, pp 16-17.

the high targets set by the Economic Survey Mission. He accordingly proposed, in conjunction with the Agency's Advisory Commission, that the works programme be continued but gradually transferred into a programme specifically directed towards improvement of the refugees' living conditions, current and future. As for the huge task of rehabilitation, it was proposed that the United Nations authorize contributions to a fund that could be available for projects of refugee integration, for surveys and for technical assistance connected therewith which Near Eastern Governments might propose.

33. In response to the above suggestions, the General Assembly adopted, with the support of the Arab host Governments and Israel, resolution 393 (V) of 2 December 1950, according to which it considered that "without prejudice to the provisions of paragraph 11" of resolution 194 (III), "the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, is essential in preparation for the time when international assistance is no longer available, and for the realization of conditions of peace and stability in the area", and instructed the Agency to work towards that end.

34. After four years of effort, the Director of the Agency was in 1954 compelled to report lack of progress toward the rehabilitation goal, citing the following among the most serious obstacles:

- (a) Absence of a solution along the lines of the Assembly's resolution regarding repatriation and compensation;
- (b) The inadequacies of the physical resources made available for development; and
- (c) The reluctance of the Arab refugees as a group to co-operate in projects aiming at their rehabilitation for fear that to do so might affect adversely their longed-for return to their homes.<sup>19/</sup>

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<sup>18/</sup> United Nations Economic Survey Mission for the Middle East, 1949, United Nations publication: II B.5, Final Report, part I, appendix IA, pp. 16-17.

<sup>19/</sup> See Official Records of the General Assembly, Ninth Session, Supplement No.17 (A/2717), paras. 32-36.

35. For the most part, UNRWA thereafter concentrated on continuing its programme of direct relief to the refugees and on affording them individual assistance to become self-supporting through individual grants and, more recently, through vocational training. The refugees responded to the latter on the understanding that it did not in any way prejudice what they regarded as their political rights.

36. At its fourteenth session in 1959, the General Assembly (resolution 1456 (XIV)) extended the mandate of UNRWA for three years ending 30 June 1963. In doing so, the General Assembly had before it a report by the Secretary-General entitled "Proposals for the continuation of the United Nations assistance to Palestine Refugees", dated 15 June 1959.<sup>20/</sup> In this document he had recommended, after a careful examination of the problem of the Palestine refugees in its various aspects, the continuation of UNRWA pending, as expressed by the General Assembly in its resolution 393 (V) referred to above, the "reintegration of the refugees into the economic life of the Near East either by repatriation or resettlement ...". In this report he analysed the three main aspects of the problem as it appeared, namely economic, political and psychological. He set forth the orders of magnitude in the form of net new investment which might be needed over the next ten years to bring about a sufficiently accelerated rate of development for the region as a whole to provide enough new jobs for the natural increase in the indigenous population as well as for the refugees. This was estimated to amount to some \$12 thousand million, of which some \$2 thousand million might have to come from outside sources. He also noted that such a development would require the prior, or at least concurrent, resolution of political and psychological problems.

37. As to the question of how reintegration should be sought, the report quoted paragraph 11 of General Assembly resolution 194 (III) and stated that the stand thus taken by the General Assembly would involve the integration of the refugees into the productive life of Israel as well as of the Arab countries in accordance with the choice of the refugees themselves. The report concluded that the perspective was not a discouraging one provided that the world was willing to assist the region in its economic development and provided, further, that, step by step, and as economic conditions permitted, progress regarding the political and psychological obstacles was sought in a constructive spirit and with a sense of justice and realism.

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<sup>20/</sup> Ibid., Fourteenth Session, Annexes, agenda item 27, document A/4121.

38. Except for greater emphasis on vocational training, there have been no new developments in the field of assistance to the refugees since the General Assembly at its fourteenth session extended the life of UNRWA for three years to 30 June 1963.

### III. FINDINGS AND CONCLUSIONS

#### A. Underlying considerations

39. The members of the Commission will wish to know how I conceived the scope, and particularly the limitations, of my assignment, as these conceptions determined my conduct of my mission and underlie this report. In the first place, as noted above in paragraphs 5 and 9, I considered myself bound by paragraph 11 of resolution 194 (III) and therefore limited to exploration of the possibilities of progress with respect to the Palestine Arab refugee question and to suggestions in relation to such progress. Such is the interrelationship of the various aspects of the Palestine question, however, particularly as seen by the Governments concerned and by the refugees themselves, that one or more of the other aspects were referred to, and often heavily emphasized, in virtually all the conversations I engaged in. I felt obliged in each case to explain my understanding of my assignment and endeavoured to make it clear that any suggestions I might make would therefore necessarily be confined to the refugee question.

40. Secondly, my specific instructions were to explore the question with the Governments of the host countries and of Israel. I was given complete freedom to receive any relevant proposals from them and to make such suggestions and proposals as I should deem appropriate within the limitations set forth in the preceding paragraph.

41. I did not interpret the reference to the four (now five) Governments concerned as exclusive. I felt it important to talk with other informed persons and to visit refugee camps and other installations of UNRWA in order to gain first-hand impressions of present conditions and to hear the views of refugee spokesmen. I let it be known that I was willing to hear the views of officials of other interested Governments and of the Arab League, and to receive comments and suggestions from persons who held no official position. Under this interpretation

of my instructions, I held conversations with officials of the Arab League, including its Secretary-General, and with other interested persons. I also sought the views of responsible United Nations officials, especially the Director of UNRWA and senior members of his staff.

42. A fourth consideration has particular bearing on the content of this report. As has already been suggested, the Palestine question as a whole and all aspects of it, but perhaps most notably the refugee problem, relate directly to fundamental policies and conceptions of national interest in all the host countries and in Israel, and, beyond that, stir very deeply the emotions of all involved. This means that everything said and almost everything done in relation to the issue is likely to be the subject of controversy. The history of the Palestine question over the years has demonstrated all too clearly that - in this case at least - controversy is not conducive to understanding, to accommodation, to eventual agreement or even to the slightest progress. Were this report to go into detail on the views expressed to me, it would risk misinterpretation, at least in nuance, and thereby almost certainly add fuel to the flames of controversy. Moreover, any attempt even to analyse, much less to pass judgement upon, differences of interpretation of historical events or of the meaning of documents would also lead to fruitless and even destructive challenge and debate. Whatever purpose might be served by a full exposé at some other time, at present it could do nothing but harm to any prospects that may exist for the progress on the refugee question that the United Nations seeks.

43. There is one final and very basic premise. The people of the United Nations, according to the preamble to the Charter, have expressed their determination to "live together in peace with one another as good neighbours" and all Members of the United Nations have undertaken to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered". In keeping with the intent of these provisions of the Charter, the organs of the United Nations have, as Mr. Hammarskjöld wrote in the Introduction to his last Annual Report, "consistently maintained that the use of force, contrary to the Charter as interpreted by those organs, cannot be permitted to yield results which could be accepted as valid by the Organization, and as

establishing new rights".<sup>21/</sup> A special representative of a United Nations commission is as bound by the fundamental principles of the Organization as are the Members themselves and the officials of the Secretariat.

B. General observations and findings

44. The following paragraphs are based in part on the observations made to me by responsible statesmen and officials and by other individuals, in part on my reading of the record of the past, and in part on my own estimate and analysis of the situation as it is today.

45. Despite all too frequent signs of intransigence and even of a bellicose attitude, I believe that responsible statesmen on both sides want peace in a general way and as a long-term goal.

46. Unhappily, however, these statesmen have not yet been able or willing to translate that generalized desire into a sufficiently strong and active search for peace with the "other side" to make certain adjustments that would seem to be necessary for true peace in the area. Indeed the public record, as can be seen very clearly from the summaries of the positions of the Governments in the two recent working papers of the Commission, reveals a consistency of obdurate determination on both sides. There is even evidence that the passage of time has witnessed a hardening of public positions on some issues.

47. No one who has had an opportunity to confer at length with responsible statesmen in the area can fail to conclude that there is a large degree not only of mistrust and suspicion but of active fear on both sides. Whether these fears are justified - and each side believes that its own are and finds it hard to understand the fears of the other - the fact of the mutual fear is undeniable. It underlies, and to a certain extent probably explains, governmental policies on both sides. It thus constitutes a serious barrier to progress on any issue that divides the parties. Any measures designed to lead to progress on the refugee question must take account of these fears or they will not be accepted. Moreover, the measures should be so cast as to contribute to allaying the fears.

48. A fourth general observation is that both sides, though for different reasons, tend to view the refugee problem as an inextricable part of the Palestine question

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<sup>21/</sup> Official Records of the General Assembly, Sixteenth Session, Supplement No. 1A (A/4800/Add.1), p. 3.



as a whole. While, because of the expressly limited nature of my assignment, I did not seek, and was not presented with, a full expression of the views of any party on the whole Palestine question, enough was said about aspects of the question other than the refugee problem to make this conclusion inescapable.

49. Despite this common insistence on the intertwined nature of the issues, both sides expressed a willingness - though with much reservation and scepticism - to consider a step-by-step process that might lead to progress on the refugee issue without prejudice to the positions of the respective Governments on the other related issues.

50. A fifth general observation relates to the ways in which people regard the present plight and the future of the refugees. As suggested earlier, responsible Ministers and government officials inevitably start from a premise based upon a conception of the national interest and upon governmental policies. All, however, Arab and Israeli alike, have expressed humanitarian interest in the refugees and have recognized the need to focus attention on the interests and welfare of these unfortunate fellow human beings. This, of course, does not imply a willingness to surrender national interests, but it does indicate a conscientious desire to harmonize the two.

51. A final observation stems from my analysis of the total situation with respect to the refugees and the difficulties involved in converting them from unfortunate objects of international charity into useful and active members of the human family. Even under the most optimistic assumptions with regard to moving the refugees out of the camps and rehabilitating them, it is clear that there will be a need for assistance for a long time to come. It would be unwise to plan United Nations or national policies on any other assumption than that there will be Palestine Arab refugees for at least a decade. It will indeed be essential to continue basic relief for a very large, even though, hopefully, a declining number of refugees. An increasing number should also receive training and almost all will need help to become effectively reintegrated into society, wherever that may be. It is difficult to conceive of this assistance not requiring a large measure of international participation, both financially and otherwise.

C. Conclusions

52. It is clear that as matters now stand there is no prospect of an early resolution of the Palestine question as a whole and, as can be seen from the preceding section, there are many indications that no progress can be made on the Palestine Arab refugee question apart from, or in advance of, an over-all settlement.

53. However, the willingness that the parties expressed to me (paragraph 49 above) to consider the possibility of a step-by-step process without prejudice to positions on the other related issues, leads me to believe that it is worth while continuing the effort that the Commission has now begun. Whether progress will be possible no one can now say for certain, but, to state the matter in the most negative way, the signs that no progress is possible are not so conclusive as to justify a decision not to try.

54. There are certain fundamental considerations that must underlie any continuing effort. The first is that the focus should be upon the refugees. The General Assembly in paragraph 11 of resolution 194 (III) spoke of their wishes; it has repeatedly reaffirmed the humanitarian concern of the international community for these unfortunate people. The second is the need to obtain the co-operation of the Governments directly concerned. The third is to recognize that, even if there is some prospect of progress, there can be no early end to the refugee problem. It can only be dealt with on a step-by-step basis with emphasis upon the need for parallel and co-ordinated action by all those involved, not only the Governments concerned but the United Nations itself. A fourth consideration is the need for appropriate machinery, procedures and financial assistance.

55. Moreover, as has been suggested above, there will be a continuing need for international assistance. I hope this will be determined, imaginative and generous. Unless there is such continued assistance, the cautious hopes here expressed cannot be fulfilled. On the other hand, if the international community is to go on carrying most of the financial burden, it is entitled to expect that those immediately concerned - Israel, the Arab host countries and the refugees themselves - will co-operate with determination and willingness in bringing about real progress on this tragic issue.

56. In the last thirteen years a number of approaches to the problem of the Palestine Arab refugees have been tried. That of appointing a special representative of the Conciliation Commission is new and has not yet been given a thorough test. In the time available to me I could not explore all possible avenues intensively enough to determine with certainty whether progress in the implementation of paragraph 11 of resolution 194 (III) can be made by this approach. Such a determination should be possible in a year. Provided, therefore, that the qualified and cautious optimism expressed in this report continues to be justified, careful consideration should be given to the appointment as Special Representative, to serve until the autumn of 1962, of an individual who should have the confidence not only of the Commission but of the States directly concerned. This individual should understand from the start that the odds will not be in his favour. He should be prepared for the real possibility that even though at the time of his appointment there may be ground for hope, that hope could be destroyed at any moment.

57. The considerations set forth in these Conclusions, particularly those in paragraph 54, will almost certainly have to form the basis of the Special Representative's endeavours.

58. The essentially preliminary explorations undertaken in the last two months have revealed that there is a need for careful analysis and for special studies in connexion with the work of the Special Representative if he is to be successful in advancing towards the goal of returning the refugees to a useful and worthwhile life.

59. A final and more general conclusion is the following. An implementation of the letter alone of paragraph 11 of resolution 194 (III) would be meaningless to the refugees if it did not also lead to an implementation of what I would term the spirit of the paragraph, namely, opportunities for them to live worthwhile lives. This thought is, in fact, reflected in the language of the paragraph itself which looks to "repatriation, resettlement and economic and social rehabilitation of the refugees". For this to come about in the sixties will require accelerated economic growth for the area as a whole. Indeed the reintegration of the Palestine Arab refugees, whether by repatriation, resettlement or both, with compensation where appropriate, into a useful life in the Near East will depend upon the rate of this development. Such development

is essential for the well-being of all the inhabitants of the region and it would be only elementary justice that refugees have a chance to share in it.

60. These conclusions may well close with a passage from the Introduction to the last Annual Report of Secretary-General Dag Hammarskjöld: "... A failure to gain respect for decisions or actions of the Organization within the terms of the Charter is often called a failure for the Organization. It would seem more correct to regard it as a failure of the world community, through its Member nations and in particular those most directly concerned, to co-operate in order, step by step, to make the Charter a living reality in practical political action as it is already in law.<sup>22/</sup>

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<sup>22/</sup> Ibid., p. 4.

APPENDIX

TEXT OF RESOLUTION 194 (III)

The Palestine Question

Adopted by the General Assembly of the United Nations  
on 11 December 1948

The General Assembly,

Having considered further the situation in Palestine,

1. Expresses its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. Establishes a Conciliation Commission consisting of three States Members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;

(b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. Decides that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. Requests the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. Calls upon the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948<sup>1/</sup> and 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;

6. Instructs the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. Resolves that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. Resolves that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;

Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international

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<sup>1/</sup> See Official Records of the Security Council, Third Year, No. 126.

regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;

The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;

9. Resolves that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. Instructs the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

11. Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;

12. Authorizes the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible

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for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards for the protection of the staff and premises of the Commission;

13. Instructs the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. Calls upon all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. Requests the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

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