

UNITED NATIONS GENERAL ASSEMBLY



GENERAL

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ORIGINAL: ENGLISH

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE SIXTH PROGRESS REPORT*

(For the period from 9 December 1949 - 8 May 1950, inclusive)

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 13 of General Assembly resolution 194 (III) of 11 December 1948, the sixth progress report of the United Nations Conciliation Commission for Palestine.

PART I

Resumption of meetings in Geneva

1. Upon the resumption of its meetings with the interested parties in Geneva in January 1950, the Conciliation Commission informed the Arab and Israeli delegations of its views on the extent to which resolutions 302 and 303 (IV) concerning Palestine adopted by the General Assembly on 8 and 9 December 1949 had a bearing upon the Commission's mandate.
2. In a statement made during the opening meetings of the Commission with the Arab delegations and the delegation of Israel, the Chairman (Mr. Palmer) stated that the Commission's general mandate, "to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them", remained in full force.
3. As regards Jerusalem, the delegations were reminded that the responsibility of the Commission under General Assembly resolution 194 (III) of 11 December 1948 was fulfilled by the presentation to the Assembly of the Commission's proposals regarding the establishment of an international regime for Jerusalem. By resolution 303 (IV) of 9 December 1949 the General Assembly had charged the Trusteeship Council with the elaboration of an international regime for Jerusalem which would be based upon the Statute drafted by the Council itself in 1947.

* For the last progress report, see A/1252.

/4. By resolution
A/1255

4. By resolution 302 (IV) of 8 December 1949, the Assembly had created the United Nations Relief and Works Agency for Palestine Refugees in the Near East to deal with the relief, resettlement and rehabilitation aspects of the refugee question, and to carry out a specific programme, as approved by this resolution, which through local work projects would provide for a considerable number of refugees a means of livelihood that would ensure their independence from direct relief.

5. The Conciliation Commission remained the organ seized with the final settlement of all questions outstanding between the parties, and specifically with the problem of the return of the refugees to their homes and the problem of compensation under the terms of paragraph 11 of the resolution of 11 December 1948, which was reaffirmed by the resolution of 8 December 1949. With regard to resettlement outside Israel, the Chairman recalled that the Governments of Syria and Jordan had affirmed their readiness to accept the resettlement in their territory of refugees who might not desire repatriation. With regard to the repatriation of refugees, the Government of Israel had expressed its willingness to accept within the territory now under its control an Arab population of 250,000. The Government of Israel had accepted the principle of compensation of refugees for land abandoned by them. The principle of territorial compensation to the refugees had been advanced by the Arab representatives.

6. The Chairman of the Commission recalled that on the territorial question, the respective positions of the parties were made clear to the Commission in their notes of 29 and 31 August 1949. These positions were considered by the Commission to be too far removed from each other to offer a basis for effective conciliation, and in consequence both parties were invited to revise their positions.

7. In New York, the Arab delegations had conveyed to the Commission their desire that it should undertake, in conformity with the authority conferred upon it by General Assembly resolution 194 (III) of 11 December 1948, the functions of mediator. They suggested that the Commission should submit, for the consideration of the parties, proposals or suggestions of its own. The Chairman pointed out that the Commission had not yet determined how it could most helpfully undertake and effectively discharge the functions of mediator but it hoped that, with the essential collaboration of the parties, it might succeed in working out an initially promising and ultimately fruitful method of procedure.

/8. The Chairman also

8. The Chairman also recalled that, as the Commission has abundantly made clear in the past, it favoured the establishment of direct contact between the parties. Such a course appeared to the Commission all the more indispensable if it were to mediate effectively between them. The Commission was ready to assist the parties in reaching agreements, whether collectively or separately, both on the larger issues and on questions of a more local character.

Specific proposals on procedure made by the Commission

9. Following the above declaration regarding the Conciliation Commission's position, a number of informal meetings were held between the Commission and the various delegations for the purpose of arriving at an agreed method of combining in a single procedure the wishes expressed by the Arab and Israeli delegations for mediation and direct negotiations, respectively.

10. As a result of these conversations the Conciliation Commission proposed, on 23 February 1950, to the Egyptian and Israeli delegations the formation of a Mixed Committee composed of an Egyptian and an Israeli member to study, under the auspices of the Commission, the following proposals concerning the Gaza refugees which had been submitted to it by the Egyptian delegation in October:

(a) That inhabitants of areas falling within the no man's land in the north of the Gaza region be allowed to return as soon as possible to their lands to cultivate them;

(b) That refugees at present in the Gaza area under Egyptian control and possessing land in the hinterland of this zone be allowed to undertake as soon as possible the cultivation of these lands;

(c) That refugees at present in the Gaza zone originating from the Beersheba area be allowed, provisionally and pending a final settlement, to establish themselves in that area.

11. On 28 February, the Israeli delegation, while reaffirming its desire to discuss with the Egyptian representatives the conclusion of a peace settlement between their two countries or any interim measures leading to such a settlement, informed the Commission that an agreement reached a short time before in the Egyptian-Israeli Mixed Armistice Commission represented the greatest degree of fulfilment that could be given to the Egyptian proposals. The Commission pointed out to the Israeli delegation that, in the agreement concluded in the Mixed Armistice Commission on 22 February, not all the proposals submitted by the Egyptian delegation had been the subject of settlement, and reaffirmed its view

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that the creation of a Mixed Committee to study these proposals would be useful. On 23 March, the Israeli delegation reaffirmed its position with regard to the settlement of the Egyptian proposals in support of which it stated that the Egyptian representatives had made no reservations on signing the agreement of 22 February and therefore shared the Israeli view that the points in question had been settled. The Israeli delegation also expressed the view that matters of such a local and specific character should be dealt with in the Mixed Armistice Commission. The delegation also reiterated its desire to discuss, under the auspices of the Conciliation Commission, with any Arab delegation the question of a final peace settlement.

12. On 23 March, after numerous preliminary exchanges of views the Egyptian delegation informed the Commission that its Government would take a favourable view of the creation of a Mixed Committee to decide on the implementation of the Egyptian proposals only after these proposals had been explicitly and formally accepted by the other party.

13. On 29 March, the Commission, on the one hand, pointed out to the Israeli delegation that the Egyptian delegation did not consider that all its proposals had been completely and satisfactorily settled. On the other hand, the Commission informed the Egyptian delegation that, in its opinion, only after an exchange of views between the parties in a Joint Committee would it be possible to determine to what degree the Egyptian proposals could be put into effect. The Commission therefore advised both parties that it maintained its view that a Committee to study these proposals should be formed. (The correspondence exchanged on this subject between the Commission on the one hand and the Israeli and Egyptian delegations on the other is attached as annexes I and II.)

General proposals on procedure made by the Commission

14. The attitude adopted in the course of these negotiations by the parties directly concerned led the Commission to present on 29 March 1950 to the Arab and Israeli delegations, in consecutive meetings, a memorandum (annex III) containing concrete proposals for the establishment of a new procedure leading to a positive solution of the Palestine problem. In drawing up these proposals, the Commission took as a basis the viewpoints on procedure which had been repeatedly and emphatically expressed by the Arab and Israeli Governments during the recent months, namely, the Israeli request for direct negotiations and the Arab request for mediation.

/15. The Commission

15. The Commission considered that these officially expressed viewpoints were not incompatible but that they should be regarded as complementary. In its memorandum to the parties it stressed the fact that it could not undertake the submission of proposals to the parties without the assurance that these proposals could be examined and discussed at meetings between the Commission itself and representatives of all the parties having an interest in the subject under discussion.

16. The Commission also stated that it would naturally reserve the right of determining which questions would form the subject of its proposals, since the Commission alone would be in a position to judge as to the advisability of submitting at any given moment proposals on a certain point. This would not prevent the parties from informing the Commission of questions on which, in their opinion, the Commission would usefully take the initiative. On the contrary, the parties would thus make a most positive contribution to the proper functioning of the new method of operation. It was obvious that the Commission would act upon any request coming jointly from one or more Arab delegations and from the delegation of Israel.

17. As regards the actual procedure, the Commission considered it preferable not to adopt rigid rules, and envisaged the formation of joint committees under the chairmanship of a representative of the Commission and composed of representatives of the countries concerned in the particular subject under discussion. In particular cases, of course, this general formula could be modified by mutual agreement between the parties and the Commission. In principle, each committee would have precise and concrete terms of reference, consisting either of the discussion and study of questions which the Commission, in agreement with the parties, had submitted to it for preliminary examination, or of the study and discussion of a proposal drawn up by the Commission on its own initiative or at the request of one or more delegations.

18. The Commission concluded its memorandum by stating that, once the proposals had been accepted in principle, the details of their implementation could be discussed further and agreed upon with the parties.

19. On 4 April 1950, in accordance with a decision of the Commission, the Chairman, (Mr. de Boisanger), accompanied by the Principal Secretary, left for the Middle East where in addition to visiting Jerusalem he called at the capitals of the four Arab States accredited to the Commission and at Tel-Aviv. These visits

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had the double purpose of providing the Governments concerned with any supplementary explanations which might be conducive to the better understanding and final acceptance of the Commission's proposals, and of ascertaining as far as possible the reaction of the various Governments to those proposals.

20. In the course of conversations with officials in the different capitals, the Chairman emphasized the following points:

- (a) The Commission had decided to submit its proposals because it was becoming increasingly concerned with the dangers of allowing the present situation to be prolonged indefinitely;
- (b) The Commission fully realized the responsibility it was undertaking in making its proposals; they had been submitted to the parties, after most careful consideration, because the Commission saw no other way out of the present impasse;
- (c) The Commission was prepared to pursue its work of conciliation according to the procedure outlined in its proposals of 29 March, with any Government or Governments willing to accept them;
- (d) If the Commission's proposals were accepted in principle, the details of the procedure envisaged should be the subject of further negotiations between the Commission and the Government or Governments having accepted them;
- (e) In the joint negotiations suggested by the Commission, both parties would be negotiating with the Commission as well: "triangular negotiations" would be a proper term to define the new procedure;
- (f) The Commission was not pressing the parties for an immediate answer; it hoped that the answer from both sides would be favourable and without conditions. The Commission was convinced that there was nothing in its proposals which could not be accepted by the parties, and, in its view, the method of work now suggested would contribute most effectively to the settlement of the questions pending between them.

21. Between 5 and 13 April the Chairman had conversations with the President, the Prime Minister and the Foreign Minister of Israel. The Foreign Minister stated that he was prepared to consider the Commission's proposals, whose constructive character he recognized.

22. The Chairman then held conversations in Amman with King Abdullah and his Ministers; in Damascus with the President of the Syrian Republic, the

/Acting Foreign

Acting Foreign Minister and the Acting Prime Minister; and in Beirut with the President of the Lebanese Republic and the Acting Foreign Minister. The Chairman and his party then proceeded to Cairo, where, after having met the Lebanese and Syrian Prime Ministers, he received the Arab reply to the Commission's proposals, delivered by the Foreign Minister of Egypt on 14 April.

23. Stating that he was speaking on behalf of all the Arab States, the Foreign Minister declared that, if the Commission succeeded in persuading the Government of Israel to accept the provisions of General Assembly resolution 194 (III) of 11 December 1948 in connexion with the refugees, as well as their implementation, the Arab States would be prepared to accept the proposals of the Commission to the extent of having no objection to their representatives sitting jointly with the representatives of Israel for the purpose of studying the implementation of the above proposals and thus arriving at a solution of the refugee problem on the basis of the resolution of the United Nations General Assembly. As regards the other questions under study by the Commission, the Arab Governments were of the opinion that the present procedure should be maintained with one difference, namely, that the Commission, in regard to those questions, should undertake a process of mediation as well as of conciliation. Once agreement on principle had been achieved on the basis of such proposals as the Commission might submit, the Arab Governments would be prepared to envisage the formation of mixed committees with a view to studying the implementation of these proposals.

24. On 6 May, the Minister for Foreign Affairs of Israel stated in a letter replying to the Commission's memorandum of 29 March that the Government of Israel would negotiate a peace settlement with the Arab States directly - either with or without the participation of the Conciliation Commission as proposed - on the understanding that the principals in these negotiations would be the Israel and Arab delegations, while the Conciliation Commission would act as a harmonizing agent between the parties with a view to inducing a friendly atmosphere and extending its good offices to the parties with their consent.

He added that the Government of Israel understood that that was the manner in which the Conciliation Commission itself regarded the functions of the new procedure outlined in its memorandum of 29 March.

In its reply the Government of Israel reaffirmed categorically its willingness to negotiate with any State which announced its readiness to conclude final settlement of all outstanding questions with a view to the establishment
/of permanent peace.

of permanent peace. The Government of Israel required no concessions or undertakings in advance of such negotiations, it being understood that any party having claims to make would be entitled to put them forward in the course of the negotiations.

25. The Commission is studying the replies of the parties to its memorandum of 29 March with a view to determining the next step to be taken in the implementation of the Commission's proposals.

PART II

Compensation of refugees

26. Paragraph 11, sub-paragraph 2 of resolution 194 (III) of the General Assembly of 11 December 1948 instructed the Conciliation Commission to facilitate the payment of compensation for property losses suffered by the refugees. The Commission has consulted with the interested parties on this question. The technical aspect of the problem of compensation was studied in the first place by the Technical Committee on refugees and secondly by the United Nations Economic Survey Mission for the Middle East which submitted a certain number of specific suggestions as to the procedure to be followed. Having studied these suggestions the Commission is considering the best method of undertaking a preliminary evaluation of refugee property involved.

Blocked accounts

27. The Mixed Committee of Experts which was set up by the Commission in Lausanne limited itself at the outset to the study of a procedure to permit the unfreezing of bank accounts of Palestine refugees, blocked in Israel and estimated at from 4 to 5 million Palestine pounds. The Israeli representative and the representative of the Arab States had both accepted the principle of unfreezing, on a basis of equal and reciprocal compensation, assets blocked both by Israel and by the Arab States. It became apparent, however, that this procedure would not permit the proposed unfreezing to be effected, the Arab expert having pointed out that only one Arab State had taken steps to freeze the assets of persons resident in Israel and that the total amount of those blocked assets was insufficient to enable an operation based on reciprocity to be carried out. In view of this situation, the Mixed Committee of Experts, at its meeting of 15 February 1950, in Geneva, approved a new procedure by which, pending final settlement, any Arab refugee holding a bank account at present blocked in Israel could receive from the Arab banks an advance of up to 100 Palestine pounds on the amount of his account. The sum of these advances would be made available by the Government of Israel to a Trustee by the unfreezing of an equal amount of Palestine pounds for the purpose of reimbursing the banks making the advances. Financial negotiations are at present being conducted with the Governments and the banks concerned with a view to the implementation of this procedure.

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Reunion of separated refugee families

28. The reunion of separated refugee families is being carried out, with the assistance of the Mixed Armistice Commissions, under an agreement reached last summer between Israel and the Arab States under the auspices of the Commission's General Committee in Lausanne, according to which certain persons dependent on Arab breadwinners resident in Israel were entitled to rejoin them. Under the agreement, the Israeli authorities transmit to the Arab States lists of those applications from Arab breadwinners in Israel for the return of their relatives which have been approved as falling within the framework of the agreement. In December and January, a total of some 800 dependents from Lebanon and Jordan rejoined their families in Israel. The number of refugees in Lebanon thus far authorized to return by the Israeli authorities amounts to 921. Of these, 523 have actually rejoined their families. The number of refugees in Jordan authorized to return up to now amounts to about 500, of whom some 300 have crossed into Israel. Negotiations have taken place in Jerusalem between Israeli and Jordanian authorities for the widening of the formula governing the return of Arab dependents to Israel. Though no crossings have yet taken place from Syria, the competent Syrian authorities are discussing the details of the repatriation plan with representatives of Israel. On 14 February, the first group of refugees in Egypt, consisting of 115 persons from the Gaza area, crossed into Israel. The whole operation has taken place under the supervision of the various Mixed Armistice Commissions.

Consultations with the United Nations Relief and Works Agency
for Palestine Refugees in the Near East

29. In accordance with General Assembly resolution 302 (IV) of 8 December 1949, which directs the United Nations Relief and Works Agency for Palestine Refugees in the Near East to consult with the Conciliation Commission in the best interests of their respective tasks, two meetings between these two bodies were held in Geneva on 17 and 19 April. During these meetings the desirability of establishing close liaison between the two bodies was recognized and measures were taken for the regular exchange of information through the intermediary of a liaison officer.

ANNEX I

EXCHANGE OF CORRESPONDENCE BETWEEN THE COMMISSION AND THE
DELEGATION OF ISRAEL CONCERNING THE FORMATION OF A
JOINT COMMITTEE TO STUDY CERTAIN QUESTIONS
RELATING TO THE GAZA REFUGEES

1. Letter dated 23 February 1950 to Mr. Aubrey Eban from Mr. de Boisanger

In connexion with our conversation this morning, I am sending you herewith the text of the terms of reference which the Commission envisages for the Joint Committee:

(a) The Joint Committee on problems relating to the Gaza area shall consider the three following proposals submitted to the Conciliation Commission by the Egyptian delegation on 24 October 1949:

- (i) That inhabitants of areas falling within the no man's land in the north of the Gaza region be allowed to return as soon as possible to their lands to cultivate them;
- (ii) That refugees at present in the Gaza area under Egyptian control and possessing land in the hinterland of this zone be allowed to undertake as soon as possible the cultivation of these lands;
- (iii) That refugees at present in the Gaza zone originating from the Beersheba area be allowed, provisionally and pending a final settlement, to establish themselves in that area.

(Signed) Claude de BOISANGER

2. Letter dated 28 February 1950 to the Chairman of the Commission from Mr. Gideon Rafael

I have the honour to reply as follows to your letter of 23 February 1950. I apologize for the delay, which resulted from the need to consult my Government and to ascertain the situation with respect to the three questions suggested for discussions by the proposed Mixed Committee.

I wish to reaffirm my delegation's willingness to discuss with Egyptian representatives the conclusion of a peace settlement between our countries or any interim measure leading to such a settlement. The Israel Government will look with sympathy upon any procedure designed to lead effectively to such discussions.

With reference to the items suggested in your letter as the agenda for a mixed

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committee, I am informed that these subjects have recently been discussed between the Israel and Egyptian delegations to the Mixed Armistice Commission. You will be gratified to learn that a settlement was reached on 22 February 1950 and duly signed on behalf of both Governments. The main points of this agreement are:-

- (1) The neutral zone is divided between Egypt and Israel.
- (2) The original inhabitants of the Egyptian section of the neutral zone are entitled to resume residence and civilian occupation of that area.
- (3) The inhabitants of the villages Abasan and Akhzah, which were cut by the armistice demarcation line, are now to be allowed to cultivate their lands in Israel territory, wherein a special zone is created for that purpose.

It appears that the modus vivendi described above represents the greatest degree of fulfilment that can be given to the Egyptian requests referred to in your letter. The Egyptian signature appears to us to confirm this view. In these circumstances it would appear that the propositions formulated by the Egyptian delegation in October 1949 have been satisfactorily discussed and resolved by mutual consent.

We should be grateful if the Commission would convey to the Egyptian delegation our readiness to discuss the settlement of all outstanding questions between our two countries with a view to the establishment of permanent peace.

(Signed) Gideon RAFAEL

3. Letter dated 2 March 1950 to Mr. Gideon Rafael from the Chairman of the Commission

I have the honour to acknowledge receipt of your letter of 28 February 1950 on the creation of a Joint Committee to consider certain questions concerning the Gaza refugees.

The Conciliation Commission has been informed telegraphically by General Riley of the conclusion in the Mixed Armistice Commission of the agreement to which you refer. Furthermore, General Riley has informed the Commission that he is transmitting by diplomatic pouch the text of the agreement, with the necessary maps.

Pending the study of this text, to which it will proceed without delay, the Commission considers that the agreement concluded in the Mixed Armistice Commission does not, according to the terms of your letter, bear upon any but the first point of the terms of reference which the Commission intended to give to a Joint

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Committee, and that the remaining points have not been the subject of any settlement.

In consequence, the Commission continues to believe that the creation of the above Joint Committee would be useful. It maintains its proposal to the parties on this question and would be grateful to you if you would inform your Government accordingly.

The Commission is prepared to examine any suggestion or proposal which the delegation of Israel might wish to make, either on the substance of the questions composing the proposed Joint Committee's mandate or the procedure to be established for their consideration.

(Signed) Claude de BOISANGER

4. Letter dated 13 March 1950 to the Chairman of the Commission from Mr. Gideon Rafael

I have the honour to acknowledge receipt of your letter of 2 March, contents of which I have transmitted to my Government.

(Signed) Gideon RAFAEL

5. Letter dated 21 March 1950 to Mr. Gideon Rafael from the Chairman of the Commission

Further to my letter of 2 March 1950, I have the honour to inform you that the Conciliation Commission has now received a copy of the modus vivendi to the Egyptian-Israeli General Armistice Agreement to which you refer in your letter of 28 February.

The above document and the attached maps showing the areas involved in the modus vivendi agreement confirm the view expressed by the Commission in its letter of 2 March that not all the proposals submitted by the Egyptian delegation have been the subject of settlement.

In view of the above, the Commission continues to believe that the creation of a Joint Committee to study those of the Egyptian proposals not falling within the framework of the modus vivendi of 22 February would be useful. It maintains its proposal to the parties on this question and would be grateful to you if you would let it have your Government's reply to this letter as well as to the Commission's communication of 2 March.

The Commission is prepared to examine any suggestion or proposal which the delegation of Israel might wish to make, either on the substance of the above

/questions or on

questions or on the procedure to be established for their consideration.

A copy of your letter of 28 February is being transmitted to the Egyptian delegation.

(Signed) Claude de BOISANGER

6. Letter dated 23 March 1950 to the Chairman of the Commission from Mr. Gideon Rafael

I have the honour to acknowledge receipt of your letter dated 21 March 1950 and to reply thereto as well as to your letter of 2 March 1950.

In my letter of 28 February I conveyed the view of my Government that the modus vivendi reached on 22 February 1950 "represents the greatest degree of fulfilment that can be given to the Egyptian requests" under discussion. The Egyptian representative signed the modus vivendi without the reservation contained in paragraph 2 of your letter to the effect that the settlement was incomplete or unsatisfactory or that any further changes in the armistice arrangements were desired. We understand that Egypt has not submitted any proposals of this nature since the signature of the modus vivendi.

Since certain matters raised by the Egyptian delegation affecting the armistice arrangements have been satisfactorily settled in the Mixed Armistice Commission it would appear that matters of a similarly local and specific character might best be treated through the same channels, if so required by either party. My delegation reiterates its desire to discuss with the Egyptian delegation or any other Arab delegation, under the auspices of the Conciliation Commission, the question of a final peace settlement or any substantive questions conducive thereto.

My Government appreciates the action of the Palestine Conciliation Commission in conveying my letter of 28 February to the Egyptian delegation. The Israel delegation would be glad to be notified of the Egyptian reply to the official proposal contained in the last paragraph.

(Signed) Gideon RAFAEL

7. Letter dated 29 March 1950 to Mr. Gideon Rafael from the Chairman of the Commission

I have the honour to acknowledge receipt of your letter of 23 March 1950, which the Commission has considered with great interest. In this connexion, the Commission has decided that it would be useful to communicate to you a letter

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from the delegate of Egypt dated 23 March and the Commission's reply thereto dated 29 March, of which copies are attached.

It appears from the Egyptian delegate's letter that not only does the Egyptian Government consider that of the proposals submitted by it to the Conciliation Commission in October last not all have been completely and satisfactorily settled, but has declared itself ready to consider these questions in a Joint Committee to be established for this purpose under the conditions set forth in this letter.

From the Commission's reply you will note that the Commission considers that only after an exchange of views between the parties in a Joint Committee will it be possible to determine to what degree the Egyptian proposals could be put into effect.

It is requested that this communication be considered in connexion with the proposal of a more general nature which has been submitted today to the delegations of the Arab States and of Israel.

The Conciliation Commission hopes that the Government of Israel, which has expressed its desire to discuss with the Egyptian delegation or any other Arab delegation, under the auspices of the Conciliation Commission, the question of a final settlement or any substantive questions conducive thereto, will give the most serious consideration to the proposals of the Commission whose purpose is to create favourable conditions for the establishment of peace in Palestine.

(Signed) Claude de BOISANGER

Enclosures:

Letter from the Egyptian delegation, dated 23 March.

Reply from the Conciliation Commission, dated 29 March.

ANNEX II

EXCHANGE OF CORRESPONDENCE BETWEEN THE COMMISSION AND THE
EGYPTIAN DELEGATION CONCERNING THE FORMATION OF A
JOINT COMMITTEE TO STUDY CERTAIN QUESTIONS
RELATING TO THE GAZA REFUGEES

1. Letter dated 22 March 1950 to H.E. Abdel Monem Mostafa Bey, Head of the Egyptian delegation, from Mr. de Boisanger.

I have the honour to transmit to you herewith copies of the correspondence exchanged by the Conciliation Commission with the Israeli delegation on the subject of the establishment of a Mixed Committee to study the Egyptian proposals relating to the refugees of the Gaza area. As you will see from the letters, the Commission maintains its proposal concerning the establishment of the said Committee. It will at all times be pleased to receive any observations that your Government may think fit to submit on the matter.

(Signed) Claude de BOISANGER

Enclosures:

Letter from the Israeli delegation, dated 28 February.
Letter to the Israeli delegation, dated 2 March.
Letter to the Israeli delegation, dated 21 March.

2. Letter dated 23 March 1950 to the Chairman of the Conciliation Commission from the Head of the Egyptian delegation.

Under cover of your letter dated 22 March 1950, you were good enough to send me a copy of the correspondence exchanged on 28 February and on 2 and 21 March 1950 by the Conciliation Commission with the Israeli delegation on the subject of the establishment of a Mixed Committee to study the Egyptian proposals relating to the refugees of the Gaza area. After informing me that the Commission maintained its proposal with regard to the establishment of the said Committee, you were kind enough to say that it would at all times be pleased to receive any observations that my Government might think fit to submit on the matter.

I hasten to thank your Excellency for your kind communication and for the accompanying enclosures.

It is hardly necessary for me to remind the Commission of the origin of the Egyptian proposals or the underlying motives. I need only say that if the measures they envisage were adopted, those proposals would make some contribution towards relieving the international community of the burden of providing assistance /to the refugees.

to the refugees. They would likewise be a first step towards the implementation of those United Nations resolutions which recognize the right of the refugees to return to their homes. The execution of the proposals would, moreover, serve to demonstrate the willingness of the other party to make an effective contribution to the solution of the Palestinian problem.

The Clapp Mission, it may be pointed out, recognized the fact that the Gaza area, where more than one-third of a million human beings are huddled together, holds out no prospects of economic development. On the other hand, if the refugees from the Beersheba area returned to their homes and regained their lands and if the original inhabitants of the Gaza area, the greater part of whose lands are beyond the armistice lines, were allowed to cultivate them, the situation of the refugees would be improved and it would then be possible to contemplate large-scale projects for their economic and social rehabilitation.

The attitude of the Egyptian Government on the question of refugees remains as before, namely, that the refugees should be enabled to return to their homes and have their lands restored to them. The placing of obstacles in the way of their achievement of those aims is not only contrary to the most elementary rights of man to live in peace in his own country, but also threatens to perpetuate disturbances and instability in the Middle East. If these masses are left in their present hopeless state, they may be led to adopt an attitude of destructive nihilism and become a prey to subversive doctrines. Their slow disintegration, due to the degrading life they are leading, constitutes for the Middle East a source of instability, which there is every reason to eliminate as quickly as possible.

In view of those facts, the Egyptian delegation will be pleased to make its full contribution to consideration of the ways and means of implementing its proposals. Whenever the setting up of a Mixed Committee has been shown to be desirable, the Egyptian delegation, in accordance with the policy it has hitherto followed of collaborating with the Conciliation Commission itself, has agreed to the proposal. Thus, when the Commission, having secured the acceptance by the two parties of the principle of the reciprocal unfreezing of assets, proposed that a Mixed Technical Committee be set up to decide how the operation should be carried out, the Egyptian delegation accepted the principle and agreed to serve on the Technical Committee.

If, then, the Egyptian proposals are explicitly and formally accepted, and

/it appears

it appears desirable to set up a mixed technical committee to decide how they are to be implemented, the Egyptian delegation would take a favourable view of such a procedure.

(Signed) Abdel Monem MOSTAFA

3. Letter dated 29 March 1950 to H. E. Abdel Monem Mostafa Bey from the Chairman of the Commission.

I have the honour to transmit to you herewith copy of a communication sent on 23 March to the Chairman of the Conciliation Commission by the Israeli representative, together with the text of the reply to that letter, dated 29 March.

(Signed) Claude de BOISANGER

Enclosures:

Letter from the Israeli delegation, dated 23 March.
Letter to the Israeli delegation, dated 29 March.

4. Letter dated 29 March 1950 to H. E. Abdel Monem Mostafa Bey from the Chairman of the Commission.

I have the honour to acknowledge receipt of your letter of 23 March relating to your proposals on the subject of the refugees of the Gaza area.

The Commission fully shares the concern you express with regard to the danger of allowing the present situation of the Palestine Arab refugees to be prolonged indefinitely. I wish to assure you that the Committee is fully conscious of the urgent need not only to improve their lot, but also to settle the whole painful problem.

For that reason, the Commission takes note with great satisfaction of the desire of your Government to make its contribution to consideration of the ways and means of carrying out your proposals and to the work of any Mixed Committee which might be set up to that end. In the Commission's opinion, it is only after an exchange of views between the parties in that committee that it will be possible to ascertain to what extent the Egyptian proposals can be put into practice. The Commission, being anxious to solve the particularly urgent problem of the Gaza refugees as speedily as possible, considers it its duty to renew its proposal to Egypt and to Israel that a Mixed Committee be set up to consider the action to be taken on the measures proposed by your delegation and possibly

/to submit

to submit suggestions with a view to their implementation.

The Commission requests you to consider this communication in conjunction with the more general proposal submitted today to the Arab delegations and to the delegation of Israel.

(Signed) Claude de BOISANGER

ANNEX III

MEMORANDUM HANDED TO THE ARAB AND ISRAELI DELEGATIONS
IN GENEVA ON 29 MARCH 1950

1. During the past weeks, the members of the Commission have had informal conversations with the Arab delegations and the delegation of Israel regarding the best procedure to be followed for ensuring concrete and positive results from their joint efforts. The Commission wishes to submit the following observations and suggestions for the consideration of the interested delegations and their Governments:
2. In New York, the Commission was requested by the Arab delegations to extend the procedure of conciliation to that of mediation; the practical implications of such a measure would be that the Commission, instead of restricting itself to trying to conciliate the points of view of each party, would present proposals to them designed to serve as the basis for discussion and study with a view to reaching agreement on the various questions outstanding between them.

On the other hand, the Commission notes that the delegation of Israel, in its statement to the Commission on 30 January, has again indicated that it considers the opening of direct negotiations between the Arab States and the State of Israel as the only way in which the Commission can contribute to the fulfilment of its task.
3. The Commission does not consider as incompatible these two points of view regarding procedure which have thus been set forth by the Arab States and Israel, respectively. The Commission believes that they should be regarded as complementary. It would, indeed, be difficult to visualize how the Commission could undertake a procedure of mediation, in the course of which it would be expected to submit proposals to the parties, without the assurance that these proposals could be examined and discussed at meetings between the representatives of the Commission itself and of all the parties having an interest in the subject under discussion. In the opinion of the Commission, the request of the Arab States that it embark upon a procedure of mediation and the request of the State of Israel that direct negotiations be undertaken are bound up with one another. The Commission is prepared to accept both of these requests and hopes to establish thereby the basis of a new method of operation.
4. In this connexion, the Commission would like to present to the parties certain clarifications:

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5. The Commission would naturally reserve the right of determining which questions would form the subject of its proposals. The Commission alone is in a position to judge as to the advisability of submitting at any given moment proposals on a certain point. This will not prevent the parties from informing the Commission of questions on which, in their opinion, the Commission could usefully take the initiative. On the contrary, the parties would thus make a most positive contribution to the proper functioning of the new method of operation. The Commission sincerely hopes that they will make use of this procedure as fully and as frequently as possible. It is obvious that the Commission would act upon any request coming jointly from one or more Arab delegations and from the delegation of Israel.

6. As regards the actual procedure, the Commission considers it preferable not to adopt rigid rules. For the moment, it envisages the formation of Joint Committees under the chairmanship of a representative of the Commission and composed of representatives of the countries concerned in the particular subject under discussion. In particular cases, of course, this general formula could be modified by mutual agreement between the parties and the Commission. In principle, each Committee would have precise and concrete terms of reference, consisting either of the discussion and study of questions which the Commission, in agreement with the parties, had submitted to it for preliminary examination, or of the study and discussion of a proposal drawn up by the Commission on its own initiative or at the request of one or more delegations.

7. The Commission hopes that this new method of operation will meet with the agreement, in principle, of the parties. It realizes that certain details of application and, particularly, of the organization, functioning and procedure of the Joint Committee will need to be discussed further and agreed upon with the parties. The Commission hopes that the spirit of collaboration shown up to now by the delegations and the Governments which they represent will facilitate such discussion and permit early agreement on this subject.

