

UNITED



NATIONS

**GENERAL PROGRESS REPORT
AND SUPPLEMENTARY REPORT OF THE
UNITED NATIONS
CONCILIATION COMMISSION
FOR PALESTINE**

Covering the period from 11 December 1949 to 23 October 1950

**GENERAL ASSEMBLY
OFFICIAL RECORDS: FIFTH SESSION
SUPPLEMENT No. 18 (A/1367/Rev. 1)**

NEW YORK, 1951

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GENERAL PROGRESS REPORT DATED 2 SEPTEMBER 1950

INTRODUCTION

1. On 11 December 1948, the General Assembly, having considered further the situation in Palestine as set forth in the report of the late United Nations Mediator, Count Folke Bernadotte¹, adopted resolution 194 (III) providing for the establishment of a United Nations Conciliation Commission for Palestine to be composed of three States.

2. Paragraph 13 of the above resolution instructed 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. Since taking up its functions in January 1949 the Conciliation Commission for Palestine has submitted seven reports² to the Secretary-General on the successive stages of its efforts to assist the interested parties to achieve a final settlement of all questions outstanding between them. These documents have been communicated to the Members of the United Nations. The Commission, however, considers it useful at this stage of its work to present to the Secretary-General a general report of its efforts to date, in order to give the Members of the United Nations an over-all view of developments since the adoption of resolution 194 (III). The Commission intends to submit at a later date a supplementary report³ containing an appraisal of the present situation in Palestine in relation to the task entrusted to the Commission by that resolution.

¹ See *Official Records of the General Assembly, Third Session, supplement No. 11*.

² *Ibid.*, Fourth Session, Ad Hoc Political Committee, Annex, Vol. II (A/819, A/838, A/927 A/992) and *ibid.*, Fifth Session, Annex to agenda item 20 (A/1252, A/1255, A/1288).

³ See page 30.

3. General Assembly resolution 194 (III) gave the Commission the general task of facilitating a settlement of all questions outstanding between the countries party to the Palestine conflict. A detailed account of the Commission's activities from its establishment to the present time in connexion with this over-all task is given in chapter I below, entitled, "The conciliation effort". Since conciliation covered many of the specific questions at issue between the parties, it will be found that matters which are dealt with in detail in later chapters are also briefly mentioned in chapter I of this report.

4. The General Assembly in resolution 194 (III) singled out two questions on which it formulated principles and on which it gave specific instructions to the Conciliation Commission. The first of these was the internationalization of the Jerusalem area, in connexion with which the Commission was to present proposals to the fourth session of the General Assembly. This was done, but the Commission considers it useful to give a brief resume of its activities in this connexion, which is contained in chapter II of the present report. The second question on which the Commission received a definite mandate from the Assembly was that of the refugees. This is the question which has preoccupied the Commission perhaps more than any other, and it is dealt with in chapter III.

5. Finally, although the territorial question was not singled out by the resolution, and although no specific instructions were given by the Assembly in its regard, the Commission considers that it is of such importance that it has devoted chapter IV of this report to matters pertaining to it.

Chapter I

THE CONCILIATION EFFORT

1. The general mandate of the Conciliation Commission was set forth in paragraphs 4 and 6 of General Assembly resolution 194 (III) of 11 December 1948, which request 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" and instruct it to "take steps to assist the governments and authorities concerned to achieve a final settlement of all questions outstanding between them". Paragraph 5 of the resolution 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 1948⁴ 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".

2. The Commission believed that, in order to accomplish this general task of conciliation, it should initially concentrate on an effort to bring about a rapprochement between the parties concerned. It believed that its most pressing task should be to use its good offices for the purpose of enabling the governments concerned to enter into negotiations — if possible, direct ones — and to collaborate with them in order that these conversations could result in a "final settlement of all questions outstanding between them". Accordingly, the Commission made a series of official visits, between 12 and 25 February 1949, to the Governments of Egypt, Saudi Arabia, Transjordan (Jordan), Iraq, Syria, Lebanon and Israel. The Commission's primary object in these preliminary talks was to canvass the parties concerned on their views as to the way in which contact could be established and negotiations begun with a view to arriving at a final settlement.

3. The attitude adopted by the Arab States during this series of visits was that they were not prepared to enter into general peace negotiations with Israel until the refugee question had been settled, at least in principle. With the exception of Transjordan (Jordan), the Arab Governments maintained that the acceptance by Israel of the right of the refugees, as expressed in paragraph 11 of the resolution 194 (III), to return to their homes, must be regarded as the condition *sine qua non* for the discussion of other questions.

4. The Government of Israel, on the other hand, was not prepared to accept as a principle the injunction contained in paragraph 11, and further, was not prepared to negotiate on any point separately and outside the framework of a general settlement. It declared its willingness, however, to meet with the Arab States

separately or collectively for the purpose of entering into general peace negotiations with a view to settling all problems outstanding between them and Israel.

5. The Conciliation Commission, while fully recognizing the importance and extreme urgency of the refugee question, both from the humanitarian and political points of view, did not consider it possible to separate any one problem from the rest of the peace negotiations of from the final peace settlement.

6. Following its initial contacts with the interested governments, the Commission considered that it would be useful to gain a clearer understanding of the views of the parties with regard to the refugee problem, in order to determine the position that this question would take in relation to the final peace negotiations. But, owing to the practical impossibility of carrying on negotiations by repeated visits to the various capitals, the Commission decided to invite the Arab States to hold meetings in Beirut beginning on 21 March 1949 for the purpose of exchanging views on the refugee problem with the Commission. It was considered that these exchanges of views could eventually be extended to other questions, should the desire be expressed in the course of the conversations.

7. The talks in Beirut took the form of separate meetings between the Commission and each of the Arab delegations, and were principally concerned with the refugee question. This matter is dealt with in detail in chapter III. However, one of the Commission's main objectives in these conversations was to clarify the attitude of the Arab States as to whether in their opinion the study and solution of the refugee problem had to be considered as a prerequisite to the opening of discussions on other questions still at issue between the parties. As a result of these conversations, the Arab States, except Iraq, while maintaining the view that the refugee problem should be considered as the most pressing, and as an imperative task for the Commission, no longer insisted upon its settlement before conversations on other outstanding questions could take place. They further declared that they were ready to consider favourably the sending of delegations to a neutral city where the Commission could continue its exchanges of views with these delegations and also establish contact with a delegation of the Government of Israel.

8. Following the Beirut conversations, which lasted from 21 March to 5 April 1949, the Commission held a long interview with Mr. Ben Gurion, Prime Minister of Israel, in Tel Aviv on 7 April, during which the various questions at issue were discussed. The Chairman of the Commission (Mr. Yalcin) informed the Prime Minister of the results of the Commission's meetings with the Arab States in Beirut and stressed,

⁴ See *Official Records of the Security Council, Third Year, 381st meeting.*

in particular, the fact that the Arab States, with the exception of Iraq, had agreed to continue the conversations with the Commission in a neutral place where representatives of the State of Israel would also be present. The Chairman informed Mr. Ben Gurion that it was understood that these new conversations would not be confined to the question of refugees but would cover all the questions outstanding between the Arab States and the State of Israel.

9. Upon its return to Jerusalem, the Commission proposed to the Governments of the Arab States and the Government of Israel that they send delegations to Lausanne who would co-operate with the Commission in its work of conciliation. Four Arab States — Egypt, Transjordan⁵, Lebanon and Syria — as well as the State of Israel, accepted this proposal. Iraq and Saudi Arabia did not send delegations, stating that they would adhere to the point of view expressed by the other Arab States. The Commission held its first meeting in Lausanne on 27 April, and immediately official meetings were held with each of the delegations, while at the same time the members of the Commission were establishing personal contacts with the members of the Arab and Israeli delegations.

10. The exchanges of views held in Lausanne, unlike those held in Beirut, must be considered not only as bearing upon one of the specific tasks entrusted to the Commission by General Assembly resolution 194 (III), such as the refugee question or the status of Jerusalem, but also as bearing upon its general task of conciliation of the points of view of the parties with a view to achieving a final settlement of all questions outstanding between them. The purpose of the Lausanne meetings was to continue the exchanges of views between the Commission and the respective delegations on a broad basis and in circumstances which would make possible the achievement of concrete and positive results. Furthermore, having in mind the letter and the spirit of the invitation addressed by the General Assembly, on 11 December 1948, to the governments and authorities concerned, "to seek agreement by negotiations conducted either with the Conciliation Commission or directly..." the Commission would have welcomed any development opening the way to direct negotiations. The attitude of the parties was such, however, that the Commission was unable to induce them to engage in direct negotiations under its auspices.

11. The Israel delegation would have preferred to discuss each question separately with the State or States directly concerned. The Arab delegations insisted from the beginning, however, that the Palestine question was of equal concern to all the Arab States, and that the Commission therefore should look upon them as a single bloc, and should negotiate with them as such. The Commission did not relinquish the possibility of holding meetings with one or more Arab delegations separately, should the nature of the questions have made it desirable.

12. The Commission, in its desire to stress that the matters outstanding between the governments con-

⁵ On 2 June 1949, the Commission was informed that Transjordan would henceforth be known as the Hashimite Kingdom of the Jordan.

cerned, and particularly the refugee question and the territorial question, were closely interlinked, urged the Arab and Israel delegations to extend their exchanges of views to all the problems covered by the General Assembly's resolution. To this end, it asked the two parties separately to sign with the Commission a Protocol which would constitute the basis of work. This Protocol of 12 May 1949 declared that:⁶

"The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly's 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."

To this document was annexed a map on which were indicated the boundaries defined in the General Assembly's resolution 181 (II) of 29 November 1947. This map was taken as the basis of discussion with the Commission. It was by virtue of the signing of this Protocol, on 12 May 1949, that the Commission was able to obtain from the two parties their views on all outstanding questions.

13. During the meeting with the Israel delegation at which the Protocol was signed, the Israel representative stated that he wished to make it clear that he was signing this document subject to the terms of his letter of 9 May to the Chairman of the Commission (Mr. de Boisanger), in which he stated that his delegation was ready to fall in with the Commission's proposal on the understanding that this readiness in no way prejudiced the right of his delegation to express itself freely on the matters at issue, on which it fully reserved its position.

14. The Chairman of the Commission then asked for clarification of the statement that the Israel delegation "reserved its position" on the matters at issue. He assumed this meant simply that the Israel delegation reserved its right to reject parts of the boundaries set out in the partition plan and to propose others, but that the partition plan would be adhered to as a point from which to work. The representative of Israel confirmed that that had been his meaning.

15. In order to provide the maximum flexibility in the negotiations, the Commission constituted a General Committee, comprising the chief advisers of its members, whose function consisted in studying, in collaboration with the delegations of the Arab States and of Israel, the questions submitted to it by the Commission.

16. The signing of the Protocol provided both a starting point and a framework for the discussion of

⁶ See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, Vol. II (A/927, annex A)*.

territorial questions. Soon after the signing of the Protocol, the Commission informed all delegations that it intended to transmit proposals received from any delegation to the other delegations concerned. A number of such proposals were subsequently received and transmitted by the Commission during the first phase of the Lausanne meetings. The Arab delegations proposed that the areas occupied by Israel outside the territory allotted to it by the partition plan should be recognized in principle as constituting Arab territory to which the refugees could return forthwith. The Israel delegation proposed that its frontiers with Egypt and the Lebanon should be those which had existed between the Mandated Territory of Palestine and these two countries respectively. With regard to Jordan, Israel proposed that the armistice lines should be taken as a basis for negotiations. Israel refused to negotiate with Syria as long as that country refused to sign an armistice agreement with Israel. These proposals are dealt with in chapter IV below. Intensive discussions were also held with regard to the refugees, and a certain number of proposals were put forward by both sides. A Technical Committee was established by the Commission on 14 June to study the refugee question in the field. These matters are described in detail in chapter III.

17. It soon became apparent that the immediate problem facing the Commission consisted in linking together the negotiations on the refugee problem and those concerned with territorial questions. The pressure exerted by the Arab delegations in favour of giving priority to the refugee question, combined with Israel's pressure in favour of general discussions including territorial questions, threatened to create a situation in which it would be difficult to arrive at agreement on the solution of these fundamental problems. In order to give delegations present in Lausanne the opportunity of consulting their governments, the Commission suspended its meetings from 1 July to 18 July. Upon the resumption of the Commission's meetings, all delegations present in Lausanne gave express assurances of their intention of collaborating with the Commission toward a final settlement of the Palestine problem and the establishment of a just and lasting peace in Palestine.

18. During the second phase of the Lausanne negotiations, the delegation of Israel agreed, under certain conditions, to discuss the refugee question first, within the framework of general negotiations, and to make certain specific proposals relating to that question (see chapter III). For their part, the Arab delegations submitted a clear and concrete statement of their position on territorial points (see chapter IV).

19. On 15 August, the Commission submitted to the parties a memorandum setting forth a certain number of questions, notably regarding the refugees and the territorial question, the answers to which would define in a clear and precise manner the position of the delegations with regard to the aims established by the General Assembly, and would consequently enable the Commission to determine the line to be followed in its future work. In this memorandum the Commission also inquired whether the parties would undertake to facili-

itate the task of an Economic Survey Mission, charged by the United Nations with the establishment of major works projects in the Middle East to facilitate the repatriation, resettlement and economic and social rehabilitation of the Arab refugees. (This memorandum, as well as the replies of the Arab and Israel delegations, dated 29 and 31 August respectively, are dealt with in detail in chapters III and IV. The establishment and terms of reference of the Economic Survey Mission are discussed in chapter III below).

20. In accordance with the terms of paragraph 5 of General Assembly resolution 194 (III), the Commission made sustained efforts during its Lausanne meetings to bring the interested parties to undertake direct negotiations under the auspices of the Commission. These efforts were without success, as regards the general negotiations, owing to the fact that the Arab delegations refused to meet the Israel delegation and declared themselves satisfied with the existing procedure. On the technical level, the Commission succeeded in forming a mixed committee of experts to study the question of "unfreezing Arab assets blocked both by Israel and by the Arab States" (see chapter III). On the other hand, the Commission failed in its efforts to form a similar committee to deal with the question of orange groves, owing to the opposition of the Israel delegation.

21. Referring to the communications received from the parties on 29 and 31 August, the Commission pointed out to the various delegations on 12 September that, in its opinion, their proposals concerning the territorial question exceeded the limits of what might be considered "adjustments" of the map attached to the Protocol of 12 May. The Commission, therefore, felt obliged to request the various governments to re-examine their positions. The Commission indicated that it considered that any specific proposals on its part at that time concerning possible modifications of the positions adopted by the two sides would be premature. It nevertheless reserved the right to make such proposals in the future and to avail itself of the authority conferred upon it by the General Assembly, in so far as it considered necessary. The Commission requested the delegations and their governments to re-examine certain of the main points contained in their replies to the Commission's memorandum of 15 August and to submit new proposals on those subjects. In order to give the governments concerned time to study its request, the Commission decided to suspend its meetings on 15 September and to reconvene in New York on 19 October.

22. Upon the resumption of meetings in New York, the Arab delegations informed the Commission that they still adhered to the terms of the Protocol of 12 May and saw no reason to deviate from the proposals they had already presented; this stand of the Arab delegations was to be considered as final and it was for the Commission itself to take the initiative of stating in what way it considered the Arab territorial demands excessive. At the same time, the Arab delegations expressed the opinion that the method thus far followed by the Commission, of simply transmitting the proposals of the one side to the other, had resulted in little of practical value, and strongly urged the Commission to

present its own suggestions or proposals. They added that they had confidence in the Conciliation Commission's ability to undertake this task and were not prepared to enter into direct negotiations with the representatives of Israel.

23. On 27 October the delegation of Israel replied to the Commission's note of 12 September. In its letter, the Israel delegation maintained in their entirety the proposals already submitted to the Commission in Lausanne with regard to the territorial question. Further, the delegation reaffirmed its desire to open direct peace negotiations with each of the interested parties. The position of Israel was that the refusal of the Arab States to meet the representatives of Israel around a conference table, under the auspices of the Commission, rendered the continuation of the Commission's efforts at conciliation "fruitless" and might even render them "harmful". Finally, the delegation of Israel felt that the procedure by which the Commission would itself formulate specific proposals would call in question "the whole method of conciliation hitherto followed, and the terms of reference of the Commission itself".

24. In its reply, dated 10 November 1949, the Commission pointed out that it had always been and continued to be in favour of direct negotiations between the representatives of the Arab States and the State of Israel, but that it was necessary to take into consideration the terms of General Assembly resolution 194 (III), by which the governments and authorities concerned were to seek agreement by negotiation, either directly or through the Conciliation Commission, and that the Arab representatives persisted in their desire to continue negotiations through the Commission. Moreover, the Commission pointed out that its power to submit concrete proposals to the parties arose not only from the very nature of its task of conciliation, but from the specific terms of sub-paragraph 2 (a) of General Assembly resolution 194 (III), which instructed the Commission to assume, in so far as it considered necessary in existing circumstances, the functions given to the United Nations Mediator by the General Assembly.

25. In a letter dated 30 November 1949, referring to the Commission's letter of 12 September and the Israel delegation's reply of 19 October, the permanent representative of Israel to the United Nations stated that his Government believed that, since the whole future of the Conciliation Commission would now appear to be under discussion in the General Assembly, it would be preferable to await the outcome of that discussion before embarking upon any long-term planning of the conciliation effort in the future. With reference to the proposal that the Conciliation Commission should itself make specific suggestions to the parties, he pointed out that the Israel Government's views were fully set out in the letter which he had addressed to the Conciliation Commission on 27 October.

26. The Commission maintained its view that it had received from the General Assembly in explicit terms the power and obligation to undertake in the existing circumstances a procedure of mediation and, in consequence, to submit compromise proposals to the parties

concerned. Therefore the Commission, hoping to undertake this task with the interested parties, decided to reconvene on 16 January in Geneva for the purpose of continuing its negotiations with the delegations of the Arab States and Israel after a brief recess.

27. At its opening 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 General Assembly resolutions 302 (IV) and 303 (IV) concerning Palestine had a bearing upon the Commission's mandate.

28. 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. Further, the 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 resolution 194 (III), which was reaffirmed by resolution 302 (IV).

29. The Chairman also recalled that, as the Commission had 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.

30. 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 Israel delegations for mediation and direct negotiations respectively.

31. As a result of these conversations the Commission on 23 February proposed the formation of a mixed committee which would be charged with a specific task: to consider a request, submitted to the Commission by the Egyptian delegation in October, that refugees in the Gaza area be permitted to return to and cultivate their lands north and east of the Gaza strip. The committee was to be composed of an Egyptian and an Israeli member, as well as a member of the Commission.

32. The Israel delegation replied that the *modus vivendi* which had been signed on 22 February in the Egyptian-Israel Mixed Armistice Commission⁷ represented the greatest degree of fulfilment that could be given to the Egyptian proposals. In reply, the Commission pointed out that the *modus vivendi* settled only a part of the proposal submitted by the Egyptian delegation, and reaffirmed its view that the creation of a mixed committee would be useful. On 23 March the

⁷ See document S/1471.

Israel delegation reaffirmed its position, stating that the Egyptian representatives had made no reservations on signing the agreement of 22 February and therefore shared the Israel view that the points in question had been settled. The Israel delegation also expressed the view that matters of such a local and specific character should be dealt with in the Mixed Armistice Commission, and reiterated its desire to discuss the question of a final peace settlement with any Arab delegation, under the auspices of the Conciliation Commission.

33. 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.

34. The attitude adopted in this case by the parties directly concerned convinced the Commission that it would not be possible to undertake negotiations between any Arab State and Israel, limited to single specific subjects; it decided, therefore, to proceed from its proposal for one mixed committee to the establishment of a more general procedure, which would take into account Israel's request for direct and general negotiations and the Arab request for mediation. Accordingly, on 29 March, the Commission presented to the Arab and Israel delegations in consecutive meetings a memorandum (see appendix 2), containing proposals for a new procedure which would combine these requests of the parties by establishing mixed committees. The Commission pointed out that the official viewpoints of the Arab States and Israel on mediation and direct negotiations, respectively, were not incompatible but should be regarded as complementary. It stated that it failed to understand how it would be possible for the Commission to mediate unless its proposals could be discussed directly by the parties in committees. The Commission also stated that it would reserve the right to determine what questions would form the subject of its proposals, since the Commission alone would be in a position to judge the advisability of submitting proposals on a certain point at any given moment. This would not prevent the parties from indicating questions on which the Commission could usefully take the initiative. The parties would thus make a most positive contribution to the proper functioning of the new method of operation. The Commission stated that it would of course act upon any request coming jointly from one or more Arab delegations and from the delegation of Israel.

35. As regards organization, the Commission envisaged the formation of mixed committees under the chairmanship of a representative of the Commission and composed of representatives of the countries which were concerned with the particular subject under discussion. In special cases, of course, this general formula could be modified by mutual agreement between the parties and the Commission.

36. 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.

37. 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 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 in so far as possible the reaction of the various governments to those proposals.

38. 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 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 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.

39. Between 5 and 13 April the Chairman had conversations with the President, the Prime Minister and the Minister for Foreign Affairs of Israel. The Foreign Minister stated that he was prepared to consider the Commission's proposals, the constructive character of which he recognized. The Chairman then held conversations in Amman with King Abdullah and his Ministers; in Damascus with the President of the Syrian Republic, the Acting Minister for Foreign Affairs and the Acting Prime Minister; and in Beirut with the President of the Lebanese Republic and the Acting Minister for Foreign Affairs. 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.

40. Stating that he was speaking on behalf of all the Arab States, the Foreign Minister of Egypt declared that if the Commission succeeded in persuading the

Government of Israel to accept and undertake to implement the provisions of General Assembly resolution 194 (III) in connexion with the refugees, the Arab States would be prepared to sit jointly with Israel to study the details of execution of these provisions. 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 should undertake mediation as well as conciliation. Once agreement in principle had been attained to such proposals as the Commission might submit, the Arab Governments would be prepared to envisage the formation of mixed committees to study the implementation of these proposals.

41. On 6 May, the Minister for Foreign Affairs of Israel, in a letter replying to the Commission's memorandum of 29 March, stated 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 further stated that the Government of Israel reaffirmed categorically its willingness to negotiate with any State which announced its readiness to conclude a final settlement of all outstanding questions with a view to the establishment 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.

42. The Commission considered the appropriateness of taking up with the Government of Israel the conditions which the Arab States placed upon the acceptance of the proposals of 29 March, and concluded that to do so would not facilitate its task of conciliation. It was, therefore, deemed preferable to inform the parties of the principles which would guide the Commission in the conduct of negotiations within the mixed committees in the hope that its proposals would thus prove acceptable to both the Arab States and to Israel. In consequence, it decided to send a new letter to the Arab Governments and the Government of Israel. In this letter, dated 11 May, the Commission, taking into consideration the views expressed by both sides in response to its proposals, was careful to stress certain points:

(a) It indicated that the objective aimed at was to achieve a final settlement of the Palestine problem as called for in General Assembly resolution 194 (III);

(b) It noted that the various problems raised by such a settlement were linked together;

(c) It recognized, nevertheless, that some of the problems were of an urgent nature and might, by agreement between the parties, be examined before the others;

(d) Finally, it emphasized that the principles laid down in General Assembly resolution 194 (III) were to be respected.

43. The common reply of the Governments of Egypt, Lebanon, Jordan and Syria to the Commission's note of 11 May was communicated in a letter from the delegate of Egypt dated 19 May. In this letter the four Arab States emphasized their desire to see, first of all, the problem of the refugees solved on a basis of justice, equity and humanity in accordance with General Assembly resolution 194 (III). The Arab States reiterated that the acceptance of the Commission's proposals to establish mixed committees was subject to a double condition: the Government of Israel first should accept the provisions of General Assembly resolution 194 (III) calling for the return of the refugees to their homes and payment of compensation, and secondly, it should undertake to implement these provisions.

44. As regards the other aspects of the Palestine problem, the Arab States confirmed the attitude communicated orally to the Chairman of the Commission in their name by the Minister for Foreign Affairs of Egypt on 14 April. In this letter from the representative of Egypt, containing the common reply of the four Arab States, the refugee problem is dealt with as the "basic problem", all others being considered as "related questions" only.⁸

45. The Government of Israel replied to the Commission's note of 11 May in a letter from the Minister for Foreign Affairs dated 20 May. The Foreign Minister stated that it appeared from the note of 11 May that the Commission was not yet in a position to reply to the question contained in the letter from the Government of Israel dated 6 May, as to the "Arab State or States which might be ready to negotiate with Israel with a view to a final peace settlement". In these circumstances, the Minister presumed that the Commission would deem it preferable "to await a clarification of the Arab attitude on the question of direct negotiations before considering the next step".

46. The reply from the Arab States to the Commission's note of 11 May once again raised the question whether the Commission should take up with the Government of Israel the conditions laid down by the Arab States for participation in the work of the mixed committees. The Commission found nothing in the Arab reply which warranted a departure from the position which it had already adopted in relation to the first Arab reply of 14 April. It considered that to take up the Arab conditions with the Government of Israel would not facilitate the fulfilment of its task of conciliation or the acceptance by both parties of the proposals contained in its memorandum of 29 March. In consequence, the Commission decided that it was desirable to clarify for the parties certain aspects of its proposals of 29 March.

47. In a note dated 30 May, the Commission recalled that the General Assembly of the United Nations in its resolution 194 (III), which constituted the charter of the Commission, had requested the Commission to "establish contact between the parties themselves and

⁸ This statement is not made in the letter from the Lebanese delegation dated 17 May, which contained the Lebanese reply and which did not differ in substance from that contained in the common letter communicated by the Egyptian delegation.

the Commission at the earliest possible date". In this resolution the Assembly had invited the governments concerned to "seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them".

48. The Commission pointed out in its note that "it was in response to this request and in accordance with the instructions given in paragraph 6 of the resolution that the Commission, in view of the fact that the parties had failed to undertake direct negotiations, invited them to seek, in mixed committees under the chairmanship of the Commission, the agreement aimed at by the General Assembly".

49. The Commission emphasized the inappropriateness of laying down prerequisite conditions for the initiation of a procedure conforming to the Assembly's resolution, especially when such conditions referred to principles laid down by that resolution. The note of 30 May stated that all these principles "must be respected and one of them cannot be singled out for special recognition without impairing the equilibrium of resolution 194 (III) as a whole". The note further stated that the Commission felt sure that these principles were recognized by the parties and that they meant to respect them. However, their implementation gave rise to complex problems, and it was with these problems that negotiations in the mixed committees would deal. The Commission concluded its note by referring to the necessity of establishing as soon as possible conditions of peace and stability in the Middle East and of putting an end to the sufferings of the refugees. It expressed the hope that it would be possible to proceed without new delays to the establishment of the mixed committees.

50. On 12 June, at the request of the delegation of Egypt, the Commission met with the Arab delegations to receive the reply of the Egyptian Government to the Commission's note of 30 May 1950. In this reply, the Government of Egypt pointed out the lack of any mention in the Commission's note of 30 May of a formal and explicit statement by the Government of Israel that it would accept the recommendation of resolution 194 (III) concerning the return of refugees to their homes and the payment of compensation to those who chose not to return. Under these circumstances the Government of Egypt declared that it maintained its attitude as regards the conditions under which it would be ready to co-operate in the work of mixed committees as proposed by the Commission.

51. The delegates of Syria and Lebanon, having associated themselves with the views expressed by the Egyptian representative, stated that their respective Governments adhered to the position previously adopted by the Arab States.

52. The representative of the Hashimite Kingdom of the Jordan, who had received no instructions from his Government at the time of the meeting on 12 June, communicated his Government's reply to the Commission on 21 June 1950. In its reply the Government of Jordan noted that the Government of Israel, far from showing itself ready to implement the General Assembly's resolution concerning the return of refugees, was driving certain Arab tribal populations out of

territory under Israel control in southern Palestine "in order to to settle Jewish immigrants in their place". Under these circumstances the Jordanian Government considered that no useful purpose would be served by entering into negotiations with Israel at that time. In a further letter, dated 26 June, the representative of Jordan explained among other things that his Government's refusal to sit on mixed committees was due to its wish not to act against the common policy of the Arab States. As soon as the Government of Israel showed signs of good will, Jordan would be ready to re-examine the situation, it being understood that the rights of the Arabs would be safeguarded and the wishes of the Arab States duly taken into consideration.

53. It was clear from the replies of the Arab States that they did not consider adequate the statement contained in the Commission's note of 11 May, and reiterated in that of 30 May, that the new procedure would be based on the recognition and respect by the parties of all principles contained in resolution 194 (III), since these principles formed a homogeneous whole and could not be separated from one another.

54. In these circumstances the Commission concluded that it would not serve any useful purpose to continue the exchange of notes on its proposals and decided to return to its official headquarters in Jerusalem in order to pursue its task of conciliation through first-hand contacts with all governments concerned. The Commission closed its session in Geneva on 15 July and reconvened in Jerusalem at the beginning of August.

55. During its stay in the Middle East (from 1 August to 6 September 1950) the Commission established contact directly with the interested governments. To this end it visited Alexandria, Amman, Beirut, Damascus and Tel Aviv and held official meetings with the Ministers for Foreign Affairs of the various governments. The Commission also had the honour of being received either by the Prime Ministers or by the Heads of State. In addition to these official meetings, the members of the Commission had numerous personal conversations with political personalities in each of these countries. On 2 September in Jerusalem the Commission granted a hearing to representatives of the Ramallah Refugee Congress.

56. In the formal meetings of the Commission with each of the Foreign Ministers, the Chairman of the Commission, Mr. Palmer, recalled the proposals for the establishment of mixed committees which were submitted by the Commission to the parties on 29 March 1950. He expressed regret that the creation of these committees had not proved possible. The Chairman of the Commission also pointed out the importance which the Commission attached to the problem of compensation for the property of Arab refugees.

57. These exchanges of view made it clear to the Commission that the attitude of the governments concerned to its proposals of 29 March, as set forth in the correspondence exchanged with the Commission in Geneva, had not changed. In these circumstances, the Commission was obliged to acknowledge that for the time being there were no grounds on which it could pursue its efforts to set up mixed committees.

58. The Commission, having received an invitation from the Turkish Government, decided to visit Ankara before terminating its meetings in Jerusalem, in order to make direct contact with that Government, thus completing its visits to the capitals of the governments represented on the Commission (Washington, 3 November 1949; Paris, 20 February 1950). By agree-

ment between the Commission and the Turkish Government, the dates of 4 and 5 September were fixed for this visit.

59. In its meeting on 2 September the Commission decided to suspend its meetings after the visit to the Turkish Government, and to meet again at Lake Success (or New York) on 2 October.

Chapter II

THE QUESTION OF JERUSALEM AND THE HOLY PLACES

1. By the General Assembly's resolution of 194 (III) of 11 December 1948 the Commission was charged with certain specific and clearly defined directives with regard to Jerusalem and the Holy Places. With regard to Jerusalem, the Assembly resolved in paragraph 8 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..."

The Assembly instructed the Commission:

"to present to the fourth regular session of the General Assembly detailed proposals for a permanent international régime 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..."

As regards the Holy Places, the Assembly resolved in paragraph 7:

"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 régime 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."

2. Before establishing contact with the governments concerned, the Commission set up a special Committee on Jerusalem and its Holy Places, charged with the task of undertaking without delay the preparatory work necessary for the elaboration of the proposals and recommendations to be submitted to the Assembly. This Committee consisted of the advisers to the three members of the Commission and one member of the Secretariat and was authorized to establish contact with the interested authorities with a view to obtaining the detailed information which it needed to perform its functions.

3. On the basis of instructions given to it by the Commission, the Committee on Jerusalem began the formulation of a draft Instrument for the interna-

tionalization of Jerusalem, in conformity with the terms of paragraph 8 of resolution 194 (III). While the Commission was aware that acceptance by the parties directly concerned was not mentioned in the terms of reference which it received from the General Assembly on the subject of the internationalization of Jerusalem, it nevertheless considered that such acceptance would facilitate considerably the establishment and functioning of such an international régime. Upon the instructions of the Commission, therefore, the Committee on Jerusalem held interviews with representatives of Arab and Jewish central and local authorities and, in Jerusalem and elsewhere in the Middle East, with various religious representatives.

4. During the Commission's conversations in Beirut with the Arab delegations, the latter showed themselves, in general, prepared to accept the principle of an international régime for the Jerusalem area, on condition that the United Nations should be in a position to offer the necessary guarantees regarding the stability and permanence of such a régime.

5. From the beginning, however, the Government of Israel, while recognizing that the Commission was bound by General Assembly resolution 194 (III), declared itself unable to accept the establishment of an international régime for the city of Jerusalem; it did, however, accept without reservation an international régime for, or the international control of, the Holy Places in the City.

6. On 1 September 1949, the Commission approved the draft text of an Instrument establishing a permanent international régime for the Jerusalem area, and transmitted it to the Secretary-General for communication to the General Assembly,⁹ in accordance with paragraph 8 of resolution 194 (III).

7. The principal aim of the draft Instrument was to reconcile the requirement of the General Assembly for "maximum local autonomy in Jerusalem" with the interests of the international community in a special status for the City. To this end, the draft Instrument provided that the Jerusalem area should be divided into an Arab and a Jewish zone, within which the local authorities were empowered to deal with all matters not of international concern. These were specifically reserved to the authority of the United Nations Commissioner.

8. The United Nations Commissioner, to be appointed by and responsible to the General Assembly, was charged with ensuring the protection of and free access to the Holy Places; supervising the permanent demilitarization and neutralization of the Jerusalem area; and ensuring the protection of human rights and of the rights of distinctive groups. The draft Instrument provided for the establishment of a General Coun-

⁹ See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, Vol. I (A/973)*.

cil, composed of representatives from the Arab and Jewish zones, and presided over by the Commissioner, to co-ordinate matters of common interest to the two parts of the City. The Council would in practice have only advisory and consultative functions with the authorities of the Arab and Jewish zones of the city. The draft Instrument also provided for an international tribunal and a mixed tribunal, which were not, however, designed to function as substitutes for the judicial organization already established in the two zones. The international tribunal would ensure that the provisions of the plan were respected by the United Nations authorities in Jerusalem and by the authorities of the two parts of the area; the mixed tribunal would ensure impartial treatment for Arabs called to justice in the Jewish part of the Jerusalem area or for Jews called to justice in the Arab part, eventualities which would be likely to occur when normal intercourse between the two parts and visits and pilgrimages to the Holy Places situated on either side of the demarcation line were resumed. The draft Instrument also contained detailed provisions for the protection of, and free access to, the Holy Places, religious buildings and sites inside the Jerusalem area and authorized the United Nations Commissioner to supervise the implementation of undertakings which might be made by the States concerned regarding Holy Places, religious buildings and sites of Palestine situated outside the Jerusalem area.

9. During its recess and following the resumption of its meetings in New York on 19 October 1949, the Commission became aware that publication of the draft text had given rise to certain misconceptions, based apparently on a fundamental misunderstanding of the letter and spirit of the plan. The Commission accordingly decided to circulate, as an addendum to its draft Instrument, a statement setting forth certain clarifications of its plan.¹⁰

10. On 24 November, the Commission was invited to appear before the *Ad Hoc* Political Committee of the General Assembly, to which the question of Jerusalem had been referred. On this occasion, the Chairman of the Commission, Mr. Yalcin, made an introductory statement explaining the principles which had guided

¹⁰ *Ibid.*, A/973/Add.1.

the Commission in drawing up its draft Instrument for the internationalization of the Jerusalem area.

11. During its meetings in Lausanne, the Commission had, in conformity with paragraph 7 of General Assembly resolution 194 (III), communicated to the delegations a proposed declaration to be made by the governments concerned with respect to the Holy Places, religious buildings and sites in Palestine outside the Jerusalem area. On 8 and 15 November 1949, the Israel and Arab delegations respectively communicated to the Commission their Governments' positions with regard to the required guarantees for the protection of and free access to the Holy Places outside the Jerusalem area. The Commission transmitted these replies, together with its own draft declaration, to the Secretary-General for communication to the Members of the General Assembly.¹¹

12. At the time when the Commission concluded its study of the draft Instrument for Jerusalem, it seemed necessary to the Commission to make use of the faculty given to it by paragraph 8 of resolution 194 (III) which authorized the Commission "to appoint a United Nations representative who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area. . . ." On 23 August 1949, the Commission decided to appoint such a representative, whose functions would terminate on the date on which the United Nations Commissioner appointed under the terms of the draft Instrument establishing a permanent international regime for the Jerusalem area took office, or at such other time as the General Assembly or the Conciliation Commission should decide. The terms of reference for this representative are attached as appendix 3. On 9 September, at the suggestion of the Secretary-General, the Commission appointed Mr. Alberto Gonzalez Fernandez as United Nations Representative in Jerusalem. For personal reasons, however, Mr. Gonzalez Fernandez was unable to assume his functions.

13. With the presentation to the General Assembly of its proposals regarding the establishment of an international régime for Jerusalem, the responsibilities of the Commission under paragraph 8 of resolution 194 (III) were fulfilled.

¹¹ *Ibid.*, A/1113.

Chapter III

THE REFUGEE PROBLEM

1. The General Assembly, in paragraph 11 of its resolution 194 (III) of 11 December 1948, resolved, in connexion with the Palestine refugees, "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. . ." The Assembly instructed 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. . ."

2. Preliminary contacts with the interested governments, with regard to the conditions under which peace negotiations could be undertaken, convinced the Commission that it would be useful to hold further talks in order to clarify the views of the Arab Governments with regard to the refugee problem.

3. The Commission therefore invited these governments to meet with it in Beirut. In the course of these conversations the Arab delegations were unanimous in recognizing:

(a) The necessity, both for humanitarian and political reasons, of giving absolute priority to the refugee question, over and above all other questions pending between the Arab States and the State of Israel;

(b) The necessity that any solution of the problem must be contingent upon the acceptance by the Government of Israel of the principle established in paragraph 11 of the General Assembly resolution 194 (III) to the effect 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. . ."

The Arab delegations pointed out that, up to the present, the Government of Israel not only had not accepted that principle but had endeavoured to create a *de facto* situation which would render the practical application of the principle more difficult or even impossible. In this connexion the Arab delegations mentioned the complete absence of security for the Arabs in areas under Israel control, in violation of guarantees provided for minorities under the partition plan, and the measures taken by the Israel Government to block the bank accounts of the refugees and to liquidate their real and personal property. They requested the Commission to obtain from the Government of Israel a clarification of these matters.

4. The Conciliation Commission recognized the validity of the Arab contention contained in point (a) of the foregoing paragraph. The visits paid by members of the Commission to several refugee camps gave them an opportunity to see for themselves the deplorable material and moral situation of the refugees. Moreover, the desperate uncertainty of the future for these unfortunates made it imperative that measures be taken towards a prompt and permanent solution of the question.

5. As regards the principle of the return of the refugees, the Commission admitted the validity of the Arab position, but considered it necessary to make certain observations regarding the practical application of this principle. The Commission was of the opinion that even if this principle were to be accepted, it would be necessary to take into account the possibility that not all the refugees would decide to return to their homes. The Commission believed, therefore, that the Arab States should agree in principle to the resettlement of those refugees who did not desire to return to their homes. The Commission also considered that it would be necessary, in a certain number of cases, to envisage the return of the Arab refugees as taking place according to general plans for resettlement under the control and supervision of the United Nations. The Commission considered that the refugees should be fully informed of the conditions under which they would return; in particular, of the obligations they might incur as well as of the rights that would be guaranteed to them. The Commission was also of the opinion that the refugee problem could not be permanently solved unless other political questions, notably the question of boundaries, were also solved.

6. During the meetings in Beirut, the Commission heard statements by representatives of approximately fifteen non-governmental organizations. These included representatives of committees of the refugees themselves, delegates from Arab and international organizations which were contributing to the work of assisting refugees, and dignitaries of the Catholic, Orthodox and Armenian churches. Other organizations sent letters, which emphasized the right and the desire of the refugees to return to their homes. The representatives of the refugees denied that the propaganda of the Arab States and of the Arab Higher Committee had had any influence on their decision to flee their homes. The Commission was informed that two to three hundred thousand people had fled before the end of the British Mandate.

7. In the Commission's interview with Mr. Ben Gurion, Prime Minister of Israel, in Tel Aviv on 7 April, the refugee question was examined in detail. The Commission explained that the Arab States firmly took

the view that the refugee question must be considered as the most urgent problem constituting an imperative task of the Commission. They had, however, relinquished their insistence that a settlement of the refugee question must precede the consideration of other outstanding matters. The Commission asked if the Government of Israel accepted the principle established by the General Assembly's resolution, permitting the return to their homes of those refugees who expressed the desire to do so. The Commission stressed the importance which the acceptance of this principle, and its implementation by such steps as were then possible, would have in creating an atmosphere favourable to the success of the exchanges of views.

8. Mr. Ben Gurion, without replying directly to this question, called attention, in particular, to the passage in paragraph 11 of General Assembly resolution 194 (III) which states that refugees who wished to go to their homes should "live at peace with their neighbours". In Mr. Ben Gurion's view this passage made the possibility of a return of the refugees to their homes contingent, so to speak, on the establishment of peace: so long as the Arab States refused to make peace with the State of Israel, it was evident that Israel could not fully rely upon the declaration that Arab refugees might make concerning their intention to live at peace with their neighbours. Mr. Ben Gurion did not exclude the possibility of acceptance for repatriation of a limited number of Arab refugees, but he made it clear that the Government of Israel considered that a real solution of the major part of the refugee question lay in the resettlement of the refugees in Arab States. On the other hand, Mr. Ben Gurion fully recognized the humanitarian aspect of the problem and on several occasions declared that, when the time came, the Government of Israel would be ready to take part in the efforts necessary for its solution and that it would do this in a sincere spirit of co-operation. Mr. Ben Gurion told the Commission, however, that the Government of Israel considered the refugee question as one of those which should be examined and solved during the general negotiations for the establishment of peace in Palestine.

9. As a result of these talks, the Commission realized that neither repatriation to Israel nor resettlement in Arab territories could be carried out satisfactorily without a considerable amount of preparatory work of a technical nature. It would be necessary to establish the most exact figures possible as to the number of actual refugees, that is to say, persons who had fled from Israel-controlled territory. Consultations would then be required in order to ascertain which refugees would prefer to be repatriated to Israel and which would wish to be resettled in an Arab country. The Commission therefore considered plans for the creation of a "technical committee" to which this preparatory work would be entrusted. This committee would have the status of a "subsidiary body", under the terms of paragraph 12 of resolution 194 (III). It would function under the immediate supervision of the Commission and would submit the results of its work to the Commission.

10. The Commission was fully aware of the difficulties inherent in the permanent rehabilitation of a group of persons which, although not particularly large

in itself, nevertheless seemed so in proportion to the total population of the countries among which it would be distributed. The Commission considered that, in the long run, the final solution of the problem would be found within the framework of the economic and social rehabilitation of all the countries of the Near East. But the urgent need of an immediate solution, to relieve the tragic material and moral situation of the Arab refugees, indicated that some measures should be evolved which could be applied in the shortest possible time, such as a programme of public works undertaken by Israel and the Arab States which would make possible the return of the refugees and the immediate settlement of those who did not wish to return. The Commission indicated to the parties its willingness to recommend favourable action by the competent organs of the United Nations if Israel and the Arab States were to apply to the United Nations for technical and financial aid in undertaking such a programme.

11. At Lausanne, the refugee question was the subject of discussion at numerous lengthy meetings held by the Commission with the delegations of Israel and of the Arab States, as well as with representatives of the refugees themselves, notably members of the Congress of Refugees of Ramallah, and of the Jaffa and District Inhabitants Committee. The question was also examined and discussed in all its aspects in the course of personal conversations between members of the Commission and members of the various delegations. These exchanges of views made it possible to make a precise distinction between repatriation, resettlement and social and economic rehabilitation of the refugees, and the immediate preliminary measures which might be taken by the Government of Israel to safeguard the rights and property of the refugees.

12. Regarding repatriation, resettlement and rehabilitation of the refugees, the Arab delegations continued to hold the view that the Government of Israel must, as a first step, accept the principle set forth in resolution 194 (III) concerning the repatriation of refugees who wish to return to their homes and live at peace with their neighbours. The Commission did not succeed in achieving the acceptance of this principle by the Government of Israel.

13. Two specific proposals concerning repatriation and resettlement of the refugees were submitted to the Commission by the delegation of Israel and by the Arab delegations, respectively. The delegation of Israel declared that if the Gaza area were incorporated in the State of Israel, the Government of Israel would be prepared to accept as citizens of Israel the entire Arab population of the area, both inhabitants and refugees, on the understanding that resettlement of the refugees in Israel territory would be subject to such international aid as would be available for refugee resettlement in general. The delegation of Israel declared that it was not in a position to submit to the Commission proposals concerning the number of refugees it would accept in the event that the Gaza area were not incorporated in Israel. For their part, the Arab delegations submitted to the Commission a proposal directed toward the immediate return of the refugees coming from the territories now under Israel authority which formed part of the Arab zone on the map attached to the

Protocol of 12 May 1949¹² that is, Western Galilee, the area of Lydda, Ramle and Beersheba, Jaffa, Jerusalem and the coast line north of Gaza.

14. The Commission transmitted these proposals without comment to the Arab delegations and to the delegation of Israel, respectively. Neither the Arab delegations nor the delegation of Israel felt able to accept any of these proposals.

15. A large part of the Commission's attention and activity during the Lausanne meetings was devoted to the study of preliminary measures which should be taken for the preservation of the rights and property of the refugees. In Jerusalem, before its departure for Lausanne, the Commission had presented to the Government of Israel a list of preliminary measures which it considered fair and just if a favourable atmosphere were to be created for the meetings in Lausanne. In Lausanne, this aspect of the refugee problem was the subject of oral and written communications addressed to the Commission by the Arab delegations and by organizations representing the refugees. The Government of Israel was requested, among other things, to facilitate the return of the proprietors of orange groves, together with the necessary labourers, in order to prevent the total loss of the groves; to facilitate the reuniting of families separated as a result of the hostilities; and to make it possible for the refugees to have access to all or part of the accounts now blocked by the Government of Israel.

16. The Technical Committee was constituted on 14 June 1949 and proceeded to Palestine in order to undertake, with the assistance of the Governments of the Arab States and Israel, preliminary studies concerning the refugees, which would deal with the problem of repatriation, resettlement and social and economic rehabilitation of the refugees, as well as with the preliminary measures to be taken for the preservation of their rights and property.

17. During the second phase of the Lausanne meetings, from 18 July to 15 September, the refugee question was discussed intensively with the various delegations by the Commission and its General Committee.

18. On 28 July the delegation of Israel stated that, in response to the views of the Conciliation Commission and in order to facilitate the task of conciliation, the Government of Israel agreed that the problem of refugees be placed as the first item on the agenda of joint discussions of a general peace settlement. On initiation of such discussions the Israel delegation would be prepared to convey to the Commission and to the Arab delegations the total figure of refugees which the Government of Israel would be ready to repatriate. In the view of the Government of Israel, such repatriation must form part of a comprehensive plan for the settlement of the entire refugee problem. This repatriation would be put into effect only as an integral part of a general and final peace settlement. The Israel delegation considered that these negotiations should be carried out directly with the Arab delegations.

19. On 2 August the Arab delegations stated to the Commission that, on the understanding that the Israel delegation would advance concrete proposals within the framework of a final solution of the refugee problem and that these proposals would be considered as a first step toward stabilization of the situation in Palestine, and considering such a course to be in the spirit of General Assembly resolution 194 (III) and the Protocol of 12 May 1949, they agreed to discuss the Israel proposals. They stated that this agreement in no way prejudged acceptance of any particular plan.

20. Following the reply by the Arab delegations, the Israel representative informed the Commission on 3 August 1949 that his Government was prepared to make its contribution to the solution of the refugee problem. This contribution would be limited by considerations affecting the security and the economy of the State. Thus, the refugees would be settled in areas where they would not come in contact with possible enemies of Israel; moreover, the Government of Israel reserved the right to resettle the repatriated refugees in specific locations, in order to ensure that their reinstallation would fit into the general plan of Israel's economic development. Subject to these conditions, the Government of Israel would be prepared to accept the return to Israel, in its present limits, of 100,000 refugees beyond the total Arab population existing at the end of the hostilities (including those who had already returned), thus increasing the total number of that population to a maximum of 250,000. This repatriation would form part of a general plan for resettlement of refugees which would be established by a special organ to be created for the purpose by the United Nations.

21. The Commission, considering the Israel delegation's proposal as unsatisfactory, limited itself to communicating that proposal unofficially to the Arab delegations for their information.

22. On 15 August the Arab delegations transmitted to the Commission, also unofficially, their view that the Israel proposal was contrary to resolution 194 (III), as well as to the Protocol of 12 May 1949. They considered that under the terms of the Protocol the Israel proposal could bear only upon the territories allotted to Israel according to the map attached to that document. The Arab delegations protested the contention of the Israel delegation that the settlement of Arabs in Israel territory must be subordinated to economic and strategic considerations. They recalled, moreover, a memorandum addressed by them to the Commission on 23 May, requesting the repatriation of all refugees originating in territory allotted to the Arabs, or to be internationalized, according to the map attached to the Protocol of 12 May 1949. If the Israel proposal was to be interpreted as applying exclusively to refugees originating in areas allocated to Israel on the above-mentioned map, the Arab delegations would not object to its adoption as a basis for discussion of the disposition of those particular refugees. Finally, the Arab delegations favoured compensation in kind for the refugees who might not return; this indemnification might take the form of territorial compensation within the terms of the Protocol of 12 May 1949.

23. On the same day, 15 August, the Commission submitted to all delegations a memorandum which,

¹² *Ibid.*, Vol. II (A/927, annex A).

inter alia, inquired whether they were prepared to sign a declaration containing the following provisions:

(a) The solution of the refugee problem should be sought in the repatriation of refugees in Israel-controlled territory and in the resettlement in Arab countries or in the area of Palestine not under Israel control of those not repatriated. The repatriated refugees would become *ipso facto* citizens of Israel and no discrimination would be practised against them either with regard to the civil and the political rights which they would exercise or to the obligations imposed upon them by the law of the land. Repatriation in Israel, as well as resettlement in the Arab countries or in the zone of Palestine not under Israel control, would take place subject to technical and financial aid given to each party by the international community.

(b) In case an economic mission should be charged by the United Nations with the establishment of major works projects in the Middle East with a view to facilitating the repatriation, resettlement and economic and social rehabilitation of the Arab refugees, as well as with the study of the conditions under which that programme could take place, all the parties would undertake to facilitate the task of the Economic Mission and to take all possible measures to aid in the implementation of such solutions as the Mission might propose.

(c) All the parties would specify that the above-mentioned conditions concerning the Arab refugees would not prejudice the rights which the parties reserve in connexion with the final settlement of the territorial question in Palestine.

(d) The funds for emergency aid extended to the refugees must be renewed until technical and financial aid should have been allotted by the international community.

The Commission also asked the delegations whether, without committing their governments for the present or for the future, and taking account of the fact that no exact and detailed statistics existed with regard to the refugees, they were prepared to present a provisional estimate of the approximate number of refugees which their governments would be ready to accept.

24. On 29 August, in reply to this memorandum, the Arab delegations recalled the observations contained in their memorandum of 15 August and stated that, keeping these observations in mind, they would be ready to study the implementation of that part of the declaration proposed by the Commission according to which the solution of the refugee problem should be sought in the repatriation of refugees in Israel-controlled territory and in the resettlement of the remainder in Arab countries or in the zone of Palestine not under Israel control. They also drew the Commission's attention to the necessity of establishing international guarantees—to be determined at a later date—assuring just treatment to the refugees to be repatriated, without discrimination on grounds of race or faith.

25. In connexion with the Economic Mission for the Middle East, the Arab delegations stated that they would recommend that their Governments facilitate the work of that Mission and take all the steps which they might judge appropriate and possible to assist in

the implementation of such solutions as the Mission might propose.

26. The delegations of Jordan and Syria stated that their Governments would be able to receive, in the light of the recommendations of the Economic Mission, such refugees as might not return to their homes. The Egyptian delegation declared that, in view of the fact that Egypt was densely populated and unable to extend substantially the area of its arable land, it would be difficult to contemplate the resettlement of a number of refugees on its existing territory. When its eastern frontiers had been readjusted, however, the Egyptian delegation would be prepared to study the question in the light of the prevailing situation and within the framework of international technical and financial aid. The Lebanese delegation declared that Lebanon was in the same position as Egypt, since it was one of the most densely populated areas in the world. Finally, the Arab delegations collectively urged that the United Nations continue to supply the funds necessary for emergency aid to refugees.

27. On 31 August 1949, the Israel delegation, in its reply to the Commission's memorandum, stated that it was prepared to sign a declaration along the general lines suggested by the Commission with regard to refugees, subject to the following reservations: that the solution of the refugee problem was to be sought primarily in resettlement in Arab territories; that though the Economic Mission would be facilitated in its task and its proposals would be given full consideration, the Government of Israel could not bind itself in advance to implement the solutions proposed; that any repatriation in Israel would take place subject to financial assistance furnished by the international community and that such assistance would be extended to include the resettlement of Jewish refugees from the Arab-controlled areas of Palestine.

28. The Israel delegation reiterated its previous offer with regard to the number of refugees which the Government of Israel would be prepared to accept, and pointed out that its willingness to facilitate the task of the Economic Mission would have to remain within the limits of this offer, which Israel could agree to carry out only as a part of an over-all settlement of the Palestine problem.

29. In its replies, dated 12 September, to the Arab and Israel notes dated 29 and 31 August respectively, the Commission stated that it would not be useful at that moment to formulate more detailed suggestions with regard to the refugee question, in view of the fact that this problem would shortly be examined by the Economic Survey Mission.

30. In its exchanges of view with the Arab and Israel delegations on the refugee question, the Commission relied to a great extent on the reports of the Technical Committee. The Committee had established its headquarters in Jerusalem on 22 June 1949 and, after seven weeks in the field, had returned to Lausanne where it submitted its final report to the Commission on 7 September 1949 (see appendix 4). This report dealt with the whole problem of repatriation, resettlement and social and economic rehabilitation of

the refugees and discussed at length the immediate preliminary measures considered necessary for the preservation of the rights, property and interests of the refugees. The Commission transmitted this report to the Secretary-General on 9 September and dissolved the Technical Committee, so that its members might be placed at the disposal of the Economic Survey Mission.

31. In connexion with preliminary measures to be taken for the preservation of the rights, property and interests of the refugees, the Commission had charged the General Committee with the study of the following points raised by the Arab delegations on 18 May 1949: the return to their lands and homes of Arab owners of orange groves, together with the necessary workmen and technicians; the immediate unfreezing of Arab accounts in Israel banks; the abrogation of the Absentee Property Act; the suspension of all measures of requisition and occupation of Arab houses and lands; the reuniting in their homes of refugees belonging to the same family; the assurance of freedom of worship and of respect of churches and mosques; the repatriation of religious personnel; the freeing of *Wakf* property; the assurance to refugees returning to their homes of the guarantees necessary to their security and their liberty.

32. The General Committee formulated concrete proposals in connexion with orange groves, separated families and blocked Arab accounts. These questions are dealt with separately below. With regard to other points the Israel delegation informed the Committee that its Government was unable to abrogate the Absentee Act or to suspend measures of requisition of Arab immovable property; it stated that freedom of worship and respect of churches and mosques were guaranteed throughout Israel and declared that further applications by religious personnel for repatriation would be examined.

33. As regards orange groves belonging to Arabs and situated in Israel-controlled territory, the Technical Committee had reported, after an on-the-spot inspection of the orange groves, that they were in a state of progressive deterioration. The General Committee, at the request of the Arab delegations and with the concurrence of the Technical Committee, decided to propose the establishment of a mixed Arab-Israel working group to investigate the situation and to recommend practical measures to it for the preservation of the orange groves. This group would also facilitate the implementation of such measures and evaluate the cost of damage sustained by the groves. The Arab delegations approved these terms of reference. The Israel delegation, however, stated that its Government was opposed to the establishment of the proposed mixed group and indicated that the Israel Custodian of Enemy Property was doing his best to care for the Arab orange groves. The Arab delegations thereupon stressed that responsibility for the damages sustained by these groves would rest entirely on the Israel authorities.

34. On the question of reuniting in Israel refugee families separated by the war, the Government of Israel agreed to permit the readmission of wives and minor

children of Arab bread-winners lawfully resident in Israel and to consider other compassionate cases for readmission, and declared its readiness to put this measure into effect immediately and independently of the solution of the refugee problem as a whole. The Government of Israel approached the Arab Governments through the channel of the Mixed Armistice Commissions, suggesting that they send representatives to enter into contact with the competent Israel authorities to discuss and carry out the administrative aspects of the return. After a considerable delay, during which the Arab States endeavoured to obtain a wider interpretation of the term "family", Arab representatives were appointed to the Mixed Armistice Commissions to deal with the question. The actual implementation of this plan has been carried out in the various Mixed Armistice Commissions. In the case of Jordan, Egypt and Lebanon, a number of refugees have rejoined their families in Israel. No agreement was reached in the Syrian-Israel Mixed Armistice Commission on this question, although the proposed scheme was the subject of repeated discussions.

35. On the question of blocked assets, the Government of Israel stated on 27 June 1949 that it was prepared to discuss a reciprocal arrangement with the Arab States whereby the Arab assets blocked in Israel and in the Arab States could be mutually released in equal proportion. As soon as the Arab delegations had accepted these conditions, it was possible to set up a mixed committee of experts under neutral chairmanship, to study and recommend to the Commission the means by which the release of these funds could be effected. In this Committee, Arab and Israel representatives entered into direct contact for the first time. The Committee was composed of one Israeli member, one Arab member representing the four Arab States and the interests of the refugees, and the Commission's Principal Secretary, who acted as Chairman. The Committee restricted itself at the outset to examining a procedure to permit the unfreezing of Arab refugees' bank accounts blocked in Israel. The amount of these accounts was estimated at between £ P 4 million and £ P 5 million. Although the representative of Israel and the representative of the Arab States reached agreement on the principle of unfreezing, on a basis of equal and reciprocal compensation, Arab assets blocked by Israel and by the Arab States, it soon transpired that the proposed unfreezing could not be achieved by this means, as only one Arab State had taken steps to freeze accounts belonging to residents of Israel and the total sum involved was too small to make possible reciprocal action.

36. In these circumstances the Mixed Committee of Experts, at a meeting in Geneva on 15 February 1950, adopted a new procedure which provided that, pending a final settlement, each refugee who held a bank account at present blocked in Israel would be able to receive an advance on his account up to the amount of £ P 100. These advances would be granted by the Arab Governments or institutions in local currency to refugees living in their territory, and would be guaranteed by an amount in Palestine pounds which would be deposited by the Government of Israel to the account of the insti-

tution or the Government concerned. According to a condition laid down by the Government of Israel, this deposit would be administered by a trustee pending a final settlement, at which time it would be released to the institutions or governments which had made the advances.

37. The Commission had thought that the Bank for International Settlement would be able to act as trustee for this operation. The Bank was, however, unable to accept this role. Consequently, the Commission now intends to deal with the problem by means of separate agreements with a trustee chosen for each of the countries concerned. Discussions are now taking place with the interested parties with a view to examining the application of this procedure.

38. On 23 August 1949 the Commission decided, pursuant to paragraph 12 of the General Assembly's resolution of 194 (III), to establish an Economic Survey Mission. The Mission was charged with examining the economic situation in the countries affected by the recent hostilities in Palestine and with making recommendations to the Commission for an integrated programme having the following purposes: to enable the governments concerned to further such measures and development programmes as would be required to overcome the economic dislocations created by the hostilities; to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation pursuant to the provisions of paragraph 11 of the General Assembly resolution 194 (III), in order to reintegrate the refugees into the economic life of the area on a self sustaining basis within a minimum period of time; and to promote economic conditions conducive to the maintenance of peace and stability in the area. The Commission further agreed that the Mission should be composed of a chairman, to be nominated by the United States, and three deputy chairmen, to be nominated by the United Kingdom, France and Turkey respectively. On its way to the Middle East, the Mission stopped in Lausanne on 8 September 1949 for discussions with the Commission, the Arab and Israel delegations and various specialized agencies of the United Nations. The Mission departed on 11 September for Beirut, where it established its headquarters.

39. Shortly after the interim report of the Economic Survey Mission had been received by the Commission¹³, it was transmitted, on 16 November, to the Secretary-General for communication to the Members of the General Assembly. In transmitting this document, the Commission indicated in a covering letter its opinion that the report constituted a constructive approach to the Palestine refugee problem, meriting urgent consideration by the General Assembly. The Commission further pointed out that the Assembly might wish to obtain additional information concerning certain of the findings and recommendations contained in the report and, in this connexion, drew attention to arrangements made by the Secretary-General with the organizations administering relief to Palestine refugees.

¹³ *Ibid.*, Vol. I (A/1106).

40. The final report of the Economic Survey Mission¹⁴ was received and considered by the Commission when it reconvened in Geneva in January 1950.

41. On the recommendation of the Economic Survey Mission, 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, 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.

42. In accordance with the resolution 302 (IV), which directs the United Nations Relief and Works Agency 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. Further meetings with the Agency were held in Beirut and Jerusalem, on the return of the Commission from Geneva to the Middle East.

43. The question of compensation was accorded special attention by the Commission in the course of its official and unofficial meetings with the interested governments during its stay in the Middle East in August 1950. As has already been stated, a special reference to the question of compensation was included in the statements made by the Chairman of the Commission, Mr. Palmer, in opening the official meetings of the Commission with the Ministers for Foreign Affairs of the various governments concerned. In addition, the Commission officially informed the Government of Israel of its intention to set up a special body which would be charged with studying the question of compensation in its technical and legal aspects, in accordance with the terms of paragraph 11 of General Assembly resolution 194 (III). At the same time, the Commission asked the Government of Israel whether it would, for its part, be prepared to facilitate the task of such a body.

44. The Government of Israel, although confirming its decision in principle to pay compensation for land abandoned by Arabs who have left Israel territory, persisted in its point of view that this question could be usefully considered only within the framework of a general peace settlement between the Arab States and Israel. In taking note of this position of the Government of Israel, the Commission wishes to express its confidence that further conversations will enable a formula to be found by which the Government of Israel will be able to collaborate in preparatory work leading to the implementation of that clause of paragraph 11 of General Assembly resolution 194 (III) relating to the payment of compensation to those refugees who do not return to their homes

¹⁴ See *Final Report of the United Nations Economic Survey Mission for the Middle East*, United Nations Publications, No. 1949. II B.5, parts I and II.

45. Another question closely linked with that of compensation, namely, the resettlement of refugees in the Arab States, was also examined during the official and unofficial conversations which took place during the Commission's stay in the Middle East. The Governments of the Arab States maintained their former position with regard to the necessity of implementing the principles set forth in paragraph 11 of resolution 194 (III) relating to the right of the refugees to return to their homes, and the payment of compensation. However, the Commission received the impression that

these governments are inclining more and more to the view that the problem cannot be fully solved by the return of the refugees to their homes; and that consequently the settlement, either temporary or permanent, of a considerable number of refugees in the Arab countries must also be contemplated, in order to achieve a complete and final solution of the problem.

46. The Commission feels that with regard to the question of compensation it should limit itself for the present to these general observations.

Chapter IV

THE TERRITORIAL QUESTION

1. The territorial question did not form the subject of specific instructions from the General Assembly, as in the case of the refugees and of Jerusalem. However, paragraph 6 of General Assembly resolution 194 (III) of 11 December 1948 instructed the Commission to "take steps to assist the governments and authorities concerned to achieve a final settlement of all questions outstanding between them". The whole problem of territorial adjustments was clearly one of the outstanding questions which would have to be discussed in the course of over-all negotiations.

2. The armistice agreements had not yet been signed at the time when the Commission assumed its functions in January 1949. The first of these agreements was, however, at that moment under negotiation at Rhodes between Egypt and Israel through the Acting United Nations Mediator, in conformity with the Security Council's resolution of 16 November 1948¹⁵.

3. The Commission considered that it should in no way interfere with the task begun by the Acting Mediator. It therefore took no active part in these negotiations of a military nature and, even in its own political field, avoided raising issues which might have hampered the work of the Acting Mediator or even have disrupted the extremely unstable situation prevailing at the time.

4. Although the Commission had given some preliminary consideration to the problem of territorial adjustments, almost no information on the subject was received from the governments concerned during the initial stages of the Commission's work. The Arab Governments maintained in the beginning an extremely reserved attitude towards territorial questions and, during their first contacts with the Commission, insisted upon the prior settlement of the refugee question before even making known to the Commission their position on the territorial aspect of the problem. During this early period of the Commission's work, the Government of Israel made no statement with regard to its position on territorial questions.

5. It was not until the signing of the Protocol of 12 May 1949¹⁶ that a basis and point of departure for the discussion of the territorial problem was established. This document, which was signed by the Arab and Israel representatives in separate meetings, declared that:

"The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly's resolution of 11

¹⁵ See *Official Records of the Security Council, Third Year, 381st meeting.*

¹⁶ See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, Vol. II (A/927, annex A).*

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." To the Protocol was annexed a map of Palestine, scale 1:750,000, showing the territory attributed to the Arab and Jewish States respectively, by the General Assembly's resolution 181 (II) of 29 November 1947.

6. Shortly after the signing of the Protocol, the Commission informed the delegations that thenceforth it intended to transmit proposals received from any delegation to the other delegations concerned, stating explicitly at the same time that the act of transmission would in no way imply that the Commission had adopted the substance of the proposals, either in part or in whole.

7. On 21 May, the Arab delegations proposed that refugees coming from certain areas defined on the map annexed to the Protocol of 12 May 1949, comprising those from Western Galilee, from the town of Jaffa, from the central area including Lydda, Ramle and Beersheba, from the southern coastal zone and from the Jerusalem area as defined on the above-mentioned map, should be enabled to return to their homes forthwith. The Arab delegations pointed out to the Commission that this proposal had a territorial aspect, since it envisaged the return of refugees to areas designated as Arab territory and which were, in principle, to be recognized as Arab territory.

8. The Commission transmitted this proposal to the Israel delegation, which rejected it, on the grounds that it was unrealistic and that the Israel delegation could not accept, as the criterion for a territorial settlement in the existing circumstances, a certain proportionate distribution of territory which had been agreed upon in 1947.

9. The Israel delegation, for its part, made several proposals of a territorial nature which were subsequently transmitted by the Commission to the Arab delegations. It proposed that the political frontiers between Israel and Egypt and Israel and Lebanon, respectively, should be the same as those which separated Egypt and Lebanon from Palestine under the British Mandate. In the event of such a proposal being accepted, and if the Gaza area were incorporated in the State of Israel, the

latter would be prepared to accept as citizens of Israel the entire Arab population of the area, both inhabitants and refugees, on the understanding that resettlement of the refugees in Israel territory would be subject to such international aid as would be available for refugee settlement in general.

10. Concerning the political frontier between Israel and Jordan, the Israel delegation proposed that with regard to the central area of Palestine then under Jordanian military authority, the boundary between it and Israel should follow the then existing line between Israel and Jordanian military forces, subject to certain modifications in the interests of both parties. The Israel delegation stated that Israel had no ambitions regarding this central area. It considered that the disposition of the area was a matter which should form the subject of a proposal agreed upon and put forward by the delegations of the Arab States, the Arab inhabitants of the territory, and the refugees. Until the future status of the area was settled, Israel would continue to recognize the Hashimite Kingdom of the Jordan as the *de facto* military occupying Power.

11. Concerning the remainder of the frontier between Israel and Jordan, the Israel delegation proposed that it should be the same as that between Transjordan and Palestine under British Mandate.

12. Regarding the Israel proposal concerning Israel's frontiers with Egypt and Lebanon, respectively, including the Gaza proposal, the Arab delegations informed the Commission on 30 May that in their view the proposals constituted a flagrant violation of the terms of the Protocol of 12 May 1949, since they considered that the proposals involved annexations rather than the territorial adjustments envisaged by the Protocol.

13. The Commission attempted to arrest the tendency of the Arab delegations to insist on negotiations on the refugee question, as well as the pressure exerted by the Israel delegation in favour of territorial negotiations, by urging the Arab States to present concrete territorial proposals and by endeavouring to persuade the State of Israel that it must contribute in a substantial manner to the solution of the refugee problem.

14. On 15 August, the Commission addressed a memorandum to the parties asking each delegation to state specifically the territorial adjustments it wished to make to the working document attached to the Protocol of 12 May 1949.

15. In their replies dated 29 August, the Arab delegations claimed on behalf of the Arabs all territories which under the Protocol were allotted to the Arabs and which were, under existing circumstances, under the authority of Israel, as well as the Negeb and Eastern Galilee, in order to facilitate the resettlement in Palestine of a larger number of refugees.

16. For its part, the Israel delegation stated on 31 August that, in addition to the territory indicated on the map attached to the Protocol of 12 May 1949, all other areas falling within the control and jurisdiction of Israel under the terms of the Armistice Agreements concluded by Israel with Egypt, Lebanon, the Hashimite

Kingdom of the Jordan and Syria should be formally recognized as Israel territory. The Israel delegation observed that "only the territorial adjustment proposed above falls equally in its effects on the rights and position of each negotiating party, makes no encroachment upon existing sovereignties, and preserves the juridical status and actual stability achieved by the existing agreements".

17. In reply to these observations the Commission pointed out, in a letter dated 5 September, that in its opinion any reference to the Armistice Agreements in connexion with the final settlement of the territorial question in Palestine should be considered in the light of the clauses contained in the texts of the Agreements themselves. Article II, paragraph 2 of the Israel-Lebanese general Armistice Agreement stated that: "It is also recognized that no provision of this Agreement shall in any way prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this Agreement being dictated exclusively by military considerations".¹⁷ Each of the other three Armistice Agreements contained a clause stating that the armistice demarcation line is not to be construed in any sense as a political or territorial boundary, and is delineated without prejudice to rights, claims and positions of either party to the armistice as regards ultimate settlement of the Palestine question.

18. On 12 September, the Commission informed the Arab and Israel delegations that, taking into consideration the terms of the Protocol of 21 May 1949, their proposals exceeded the limit of what might be considered "adjustments" of the map attached to that Protocol. The Commission felt obliged therefore to request the governments concerned to re-examine the question, and to submit new proposals which could be used as a practical working basis for further negotiations.

19. In New York the Arab delegations informed the Commission that they still adhered to the terms of the Protocol of 12 May 1949 and that it was up to the Commission to state the extent to which it considered the Arab territorial demands excessive. They saw no reason to depart from their proposals and the stand which they had taken was to be considered as final. At the same time they urged the Commission to undertake a function of mediation and to present its own suggestions or proposals.

20. The Israel delegation, in reply to the Commission's note of 12 September, maintained in their entirety the territorial proposals which had been submitted to the Commission in Lausanne. In its reply, dated 27 October, the Israel delegation stated that:

"The Government of Israel now asserts its title to the territory over which its authority is actually recognized... Although some of the invading Arab armies still stand on the soil of Palestine, Israel is not advancing any further territorial claims. But of the territory now constituting the State of Israel, there can be no cession."

¹⁷ See *Official Records of the Security Council, Fourth Year, Special Supplement No. 4, page 2.*

The delegation further reiterated its desire to open direct peace negotiations with each of the interested parties and questioned any procedure by which the Commission would itself formulate specific proposals.

21. During the Commission's Geneva session, from

January to July 1950, the territorial question as such did not come under discussion since the Commission's efforts were devoted to the formulation and discussion of its procedural proposals for mixed committees, designed to provide a framework for the negotiation of all questions outstanding between the parties.

APPENDICES

Appendix 1

Resolution 194 (III) adopted by the General Assembly at its 186th plenary meeting held 11 December 1948

For the text of resolution 194 (III), see *Official Records of the General Assembly, Third Session, Part I, Resolutions*.

Appendix 2

Memorandum handed to the Arab and Israel 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.

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 mixed 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 mixed committees 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.

Appendix 3

Terms of reference of the United Nations Representative in Jerusalem

The terms of reference of the United Nations Representative in Palestine are:

1. To keep the Conciliation Commission immediately informed of any fact of a nature to compromise the task entrusted to the Commission under paragraph 8 of General Assembly resolution 194 (III) of 11 December 1948, which provides that the Jerusalem area "should be accorded special and separate treatment from the rest of Palestine", and which instructs the Commission to draw up "a permanent international régime for the Jerusalem area";

2. To keep the Conciliation Commission informed of the conditions under which the governments and authorities concerned collaborate with him and take, in accordance with paragraph 14 of resolution 194 (III) "all possible steps to assist in the implementation of the present resolution";

3. To assure, in conformity with paragraph 9 of resolution 194 (III), "the freest possible access to Jerusalem... to all inhabitants of Palestine", making the necessary arrangements for this purpose with the competent authorities. The word "Jerusalem" obviously applies both to the part of the city occupied by Israel troops by virtue of the armistice of 3 April 1949 and

to the part of the City occupied by Jordan troops by virtue of the same armistice;

4. To co-ordinate, in accordance with the last subparagraph of paragraph 8 of resolution 194 (III), which calls on the local authorities to collaborate with the United Nations Representative, with respect to the interim administration of the Jerusalem area, the main common services of that area, in particular the distribution of water supplies and of electricity;

5. To ensure, pending the entry into office of the United Nations Commissioner for Jerusalem, the protection of and free access to the Holy Places, sites and religious edifices of the Jerusalem area, as defined in resolution 194 (III) of 11 December 1948, and to ensure that the undertakings subscribed to by the political authorities concerned, with reference to the protection of and free access to the Holy Places, sites and religious edifices of Palestine located outside the Jerusalem area, are carried out.

The functions of the United Nations Representative in Jerusalem shall terminate on the date on which the United Nations Commissioner appointed under the terms of the draft Instrument establishing a permanent international régime for the Jerusalem area assumes his functions, or at such other time as the General Assembly or the Conciliation Commission may decide.

Appendix 4

Report of the Technical Committee on Refugees

(Submitted to the Conciliation Commission in Lausanne on 7 September 1949)

CREATION OF THE TECHNICAL COMMITTEE

1. The Technical Committee on Refugees was established by the United Nations Conciliation Commission for Palestine on 14 June 1949, and given its terms of reference. After preparatory work and preliminary contacts, the Technical Committee set up its headquarters and began its field work on 22 June 1949 in Jerusalem. After seven weeks in the field the Committee returned to Lausanne on 12 August to report to the Conciliation Commission.

OUTLINE OF WORKING PLAN FOLLOWED BY THE TECHNICAL COMMITTEE

2. Preliminary contacts were made with the Governments of Egypt, the Hashimite Kingdom of the Jordan, Lebanon, Syria and Israel, and with the authorities of these Governments charged with responsibility for refugees and their problems. Authorities concerned with public planning and public works were interviewed and requested to submit plans for work relief projects of an immediate and long range nature which could give employment to refugees.

3. The Technical Committee established a close working relationship with the United Nations Relief for Palestine Refugees (UNRPR) and this collaboration resulted in concrete proposals from the UNRPR with respect to supervising the enumeration of Arab

refugees in the Middle East. The Technical Committee also had meetings with the Middle East representative of the United Nations International Children's Emergency Fund (UNICEF) and met with the representative of the World Health Organization (WHO).

4. Close and frequent contact was maintained with the three relief organizations: the American Friends Service Committee (AFSC), the International Red Cross Committee (IRCC) and the League of Red Cross Societies (LRCS), by means of formal conferences, informal visits and correspondence.

5. Refugee camps were examined, including those in Jericho, Hebron and Bethlehem in Arab Palestine; Homs in Syria; Gouraud, Wavell and Anjar in Lebanon and five camps in the Gaza area. Refugees living in towns were also visited. The Technical Committee spoke with refugees in various camps and with their *Moukhtars* and other spokesmen to secure a cross-section of the wishes and opinions of the refugees.

6. Throughout the course of its work, the Committee was in close touch with the President and Faculty of the American University at Beirut who were helpful in referring the Committee to experts in some of the fields of work covered by its terms of reference. Contact was also established with former responsible Arab officials of the Mandatory Government and with other outstanding personalities in the Middle East.

EXECUTION OF THE TERMS OF REFERENCE

7. The first item of its terms of reference instructed the Committee to "determine in accordance with studies already undertaken and in as precise a manner as possible the number of refugees, their place of origin, their previous occupation, their means of subsistence, etc".

8. In conferences and discussions with the three relief organizations in charge of refugees, and by inquiries in camps, the Technical Committee found that relief is presently distributed to refugees who come from territories occupied by Israel; and also to persons displaced from their homes and to destitute persons.

9. In the task of providing relief for the refugees, the three organizations have found it necessary to give relief to some destitute and needy displaced persons as well. In addition, in an operation of such magnitude, there are certain local irregularities and undoubtedly some duplication of ration cards. Taken altogether, these elements constitute what, for want of a better description, we may call the "percentage of error".

10. The Technical Committee, in collaboration with UNRPR, has considered the advisability of taking a census of refugees in Jordan and Arab Palestine, where the percentage of error is highest. In this matter the Technical Committee had the advice of an expert of the Statistical Office of the United Nations, whose consultative services were made available to the Committee by the Secretary-General. Consideration was given to the purposes that would be served by such a census and to the expenditure that would be involved.

11. It was clear to the Technical Committee and to UNRPR that if a census were to be taken for the purpose of controlling allocations of rations and resettlement it would have to include a complete registration system for the identification of relief recipients. It was felt, too, that the registration records would have to be kept up to date subsequent to the census and would necessitate personnel for the operation of any checking system. A particular problem that was envisaged as likely to be encountered as a result of a census arose from the fact that at present an estimated 500,000 residents of the former Mandatory area are apparently self-supporting. It was feared that a census which sought to establish precise figures of relief recipients would attract at least a proportion of these individuals, with the result that even higher figures would be set for the number of persons claiming refugee status.

12. The Committee was of the opinion that anything less than a detailed, well-planned and necessarily expensive census would be unlikely to provide more accurate aggregate figures than are obtainable from the official population data published by the Mandatory Government. The Committee considered also that owing to the instability of the locations of the relief recipients, there was a danger that the census records of numbers in each locality were likely to be of little value for any extended period of time. The Committee therefore concluded that it is not advisable to conduct a census of the refugee population at the present time.

13. However, the need of UNRPR for more data on ration recipients, and the need of the Committee for

data in connexion with repatriation or settlement led the Committee to conclude that a small special staff directed by the UNRPR could serve both needs. It is considered important that this staff secure the support and collaboration of responsible Arab persons in each locality.

14. The Committee reached the conclusion that the great variation in existing estimates on the number of refugees arises to a considerable extent from the different definitions that are in use. After examining the various estimates and making them available to the statistical expert, the Committee asked him to prepare a new estimate of the refugee population which could serve as the basis for action.

15. The estimate of the statistical expert, which the Committee believes to be as accurate as circumstances permit, indicates that the refugees from Israel-controlled territory amount to approximately 711,000. The fact that there is a higher number of relief recipients appears to be due among other things to duplication of ration cards, addition of persons who have been displaced from areas other than Israel-held areas and of persons who, although not displaced, are destitute.

16. Item 2 of the terms of reference instructed the Committee to "study and recommend to the Commission a practicable method of determining, at the appropriate time, which refugees desire to return to their former homes and which do not".

17. The Technical Committee felt that it was premature to enter into a detailed study of the question of "which refugees wish to return to their former homes and which do not", because this question involves ultimate political decisions. The Committee felt that, beyond the sampling of opinion in various camps, a detailed study of this question could not be made at present.

18. Nevertheless, refugee opinion as expressed from time to time to the Committee was overwhelmingly in favour of return to their homes. In these camps, the refugees, when asked if they wished to express any thoughts to the Committee, invariably displayed an extremely emotional and deep-seated desire to return to their former homes. These opinions were gathered from the refugees themselves. The *Moukhtars* and other spokesmen also expressed the same opinion on behalf of the refugees.

19. Item 3 of the terms of reference instructed the Committee to "examine all questions that the Commission will submit to it regarding preliminary measures to be taken for the protection of the rights, property and interests of the refugees".

Broken families

20. The Commission asked the Technical Committee to contact the competent Israel authorities relative to the question of dispersed families and practical methods of achieving effective reunion of these Arab families in Israel.

21. The Technical Committee was advised by the Israel authorities that their present plan for allowing certain Arab refugee family members to come back to

Israel is not to be strictly considered as a plan for reunion of broken families but rather as permitting certain categories of Arab persons, namely legitimate wife or wives and minor unmarried children to join the head of the family in Israel, provided he is in a position to support them. The Committee was advised that certain exceptions may be made on compassionate grounds.

Orange groves

22. The Technical Committee was also asked by the Commission to examine the condition of Arab orange groves in Israel relative to the return of Arab owners and workers.

23. The Israel authorities stated that there was no relation between the conservation of orange groves and the return to Israel of Arab owners or workers. It was explained that the mechanization of care of orange groves required a certain type of labour of which there was already a sufficient supply in Israel.

24. The Technical Committee suggested that a mixed Israel-Arab working group be established to assist in the examination of orange groves; this group to be composed of Arab and Israel experts and an expert from another country. In the interests of time it was considered inadvisable for the Technical Committee to press for the inclusion of an Arab expert in the working group and it was therefore decided to proceed with the examination of the groves with the assistance of a French agricultural expert.

25. The examination of the Arab-owned orange groves took place during a five-day period (from 7 to 11 July), and during this period approximately one-third of these orange groves were seen, visited, or examined. Based upon this examination and with information provided by the Israel agriculturalists, the expert concluded that if a complete examination of these groves within a relatively short time is desired, it would require the services of eight agricultural experts working for approximately two months.

26. Nevertheless, the expert's report on the five-day examination of orange groves permitted the drawing of certain general conclusions:

(a) An average of over 50 per cent of the Arab orange plantations can be considered either as dried up or destroyed;

(b) Approximately 25 per cent of the groves are receiving conservational care or are being improved;

(c) Somewhat less than 25 per cent could be saved for production if the necessary hydraulic and other machinery could be obtained and immediately put into operation.

27. The Technical Committee wishes to point out that the problem of orange groves involves the element of compensation, as well as conservation, and feels that a mixed working group, the creation of which is recommended in paragraph 47 below, to examine the problem of compensation for damaged property, should also be competent to supervise conservational measures now in effect and to recommend additional measures if necessary.

28. Item 4 of the terms of reference instructed the Committee to "study and recommend to the Commission practicable projects for providing immediate work relief for refugees under the auspices of the several States concerned".

29. In the course of the survey it was found that, with a few exceptions, it is difficult for the refugees to find steady employment because of the competition of local labour. The Committee concentrated its efforts on those regions which, for economic and demographic reasons, offered possibilities for substantial work relief and resettlement, namely Arab Palestine, the Hashimite Kingdom of the Jordan and Syria; however, no inquiry was made in Iraq.

30. The Committee feels that items 4 and 5 of the terms of reference are closely related and that immediate work relief for the refugees could be provided within the framework of the larger schemes for irrigation or agricultural development in the countries concerned. The Committee wishes to point out that work relief projects can take place not only under the auspices of the several States concerned but could also be sponsored by international organizations, for example, the UNRPR, and by local non-profit organizations, such as the Society for the Arab Development Scheme.

Work in camps

31. A certain amount of work in camps has already been made possible through the assistance of voluntary agencies such as the Young Women's Christian Association, which has helped establish women's sewing projects in several camps; this sort of activity should be encouraged and developed as far as possible. As another example of the type of work which can develop if refugees are provided with facilities and expert guidance, the Committee would like to cite the camp near Bethlehem, where, under the supervision of the IRCC, some refugees are spontaneously building stone houses on the hills nearby. They are in this way providing adequate shelter against the coming winter and at the same time freeing the cultivable land on which the tents of the camp were originally erected. This new village, constructed at a very small cost, is gradually replacing the former village of tents. From the results achieved here on a small scale with insufficient funds, it becomes apparent that substantial progress could be made with more adequate funds and full co-operation on the part of local governments.

32. Therefore, the Committee supports the proposal of the UNRPR Middle East Field Director relative to the establishment of a "revolving fund" to finance certain semi-industrial projects and craftwork within the camps. This project would involve the provision of raw materials for refugees to make into finished articles such as rugs, woodwork of various kinds, embroidery, shoes, etc. It appears that if such a fund were created the refugees would be benefited in several ways: by being given work, by being able to utilize the articles which they produce, and by being able to use their tools and machinery in connexion with future repatriation or resettlement. It is recognized that the setting up of such a project would undoubtedly favourably influence morale in the camps and serve, under competent direction, as a kind of vocational training programme. It is

understood that the articles made under this project would at present not be placed upon the open market but would be utilized only by the refugees themselves.

Public works and other projects

33. While it is true that in some instances the immediate employment of refugees may be connected with the existence of detailed plans for the execution of public works and other similar projects, it should not be necessary to superimpose new plans upon those already existing in the files of local governments for such projects as road development, anti-malaria campaigns, contouring, reforestation, etc. These local public works schemes, though incomplete as to detail, could be used to provide work for a certain number of refugees within a relatively short time. The Technical Committee has made outlines and résumés of certain of these schemes. Some of the major schemes are as follows:

(a) Hashimite Kingdom of the Jordan

- (i) Internal plans for road development;
- (ii) Anti-malaria campaign;
- (iii) Drilling wells in region of Azrak, Shirakh, and possible development of Mafrak;
- (iv) Anti-erosion programme (contouring);
- (v) Hydraulic development of the left bank of the Jordan River, in process of survey.

(b) Syria

- (i) Road-development (Gibbs Survey);
- (ii) Railroad development (Mandate Survey, and Gibbs Survey);
- (iii) Port development at Lattaquia (Gibbs Survey);
- (iv) Draining marshes of Gharb (Mandate Survey);
- (v) Irrigation development of Djezireh, Khabbur and Euphrates valley (Gibbs Survey and Sir Herbert Stewart's estimates);
- (vi) Rehabilitation of wells and ditches east of the Mohafazats of Homs and Hama;
- (vii) Economic Survey of Syria by Gibbs, 1948.

34. Item 5 of the terms of reference instructed the Committee to "assemble from all available sources technical information based on previous studies of the region which would be useful in determining the practical possibilities of repatriation, resettlement, and rehabilitation of the refugees".

Repatriation

35. In conversations with the Israel authorities, the Technical Committee was advised that there could be no repatriation in the sense that Arab refugees would be allowed or assisted to return to their former homes or villages.

36. The Israel authorities stated that the former Arab economy of which the refugees were a part, has ceased to exist and that there is now only one economy for all of Israel:

"The economic planning system of the Government of Israel provides for the creation and expansion of a highly developed, modern and progressive economic entity, based, as in all Middle Eastern countries, on agriculture, but complemented by all attributes of modern economy, namely industrialization and increasingly growing building, commercial and financial activities. It is obvious that the economic success so far achieved is in no mean measure due to the homogeneity of the Jewish population which is responsible for a sociological structure quite unique in the Middle East, a structure entirely lacking the sharp contrast between the rich and the poor so usual in this part of the world.

"The conclusions to be drawn from these facts for the methods of tackling the Arab refugee problem are obvious. The clock cannot be put back. Since the time when this problem arose, the Jewish population has increased by 50 per cent. The question of housing the new-comers was partly solved by placing them into habitable houses in abandoned Arab towns and villages. Immigration continues at an average rate of 800 per day. These figures alone give clear indication that the individual return of Arab refugees to their former places of residence is an impossible thing. Not only can the whole Arab economic system not be simply restored because its basis has practically disappeared, but also the physical return of the Arab middle-class such as shopkeepers, tradesmen, free professions, has become a physical and geographical impossibility. Their houses have gone, their jobs have gone. Their previous means of livelihood have vanished with the disintegration of their economic organization. Instead, an entirely different kind of progressive agricultural as well as urban and industrial economy has made its appearance in the same area".¹⁸

37. The Technical Committee was advised that Arab refugees permitted to return to Israel as part of the peace settlement will thus be treated as new immigrants and as such will be integrated into the planned economy of Israel.

38. Refugees would accordingly be settled and employed in conformity with the economic needs of that country. The Israel authorities affirmed that the problem of resettling the Arab refugees is a matter of "group re-establishment" and not a matter of individual or family repatriation. Since Israel does not envisage the possibility of individual repatriation but rather the re-establishment of groups of Arabs in the Israel planned economy (so different from the traditional Arab way of life) it appears most important that an international organism be charged with the protection of the Arab minority in Israel.

39. The Committee feels, now that Armistice Agreements have been signed by the States bordering on Israel, that some efforts could probably be made to repatriate or re-establish displaced Arab refugees who fled the so-called threatened areas. No accurate estimate of the number of such displaced persons exists at the moment, but the counting of these persons should be given special attention.

¹⁸ Quoted from pages 1-2 of the "Memorandum on principles guiding the resettlement of Arab Refugees, July 28, 1949", submitted to the Technical Committee by Mr. G. Meron, Economic Division, Israel Ministry for Foreign Affairs.

Resettlement

40. The Committee would like to point out that, according to the IRCC, along the armistice lines in Arab Palestine—mainly in Samaria and Ramallah—there live a fairly large number of Arab farmers whose houses are located on the Arab side and whose fields are under Israel control. If these farmers are not allowed free access to their lands, they may become destitute and in need of relief and eventual resettlement.

41. Another problem related to resettlement is that of refugee concentrations in congested areas such as Gaza and parts of Arab Palestine. The refugee concentrations in these poor agricultural areas has an adverse effect upon the economy of the regions concerned. This economic deterioration, together with the intermingling of the refugees and the local population, may lead to the necessity of providing relief not only to the refugees but to the local population as well. Therefore, in any plan of resettlement, priority should be given to a progressive displacement of refugee camps situated in the congested areas.

42. During its efforts to assemble technical data which could be useful in determining the practical possibilities of resettlement of the refugees, the Committee took particular note of certain plans and projects, as follows:

(a) Scheme A of "The Society of the Arab Development Scheme":¹⁹ Small scale, agricultural resettlement project for the area between Wadi Neweima and the Jericho-Allenby Bridge Road. Arab Palestine.

(b) Scheme B of "The Society of the Arab Development Scheme": Larger scale agricultural resettlement project for the area between the Wadi Qilt and Jericho-Allenby Bridge Road. Arab Palestine.

(c) Plan for the hydraulic development of the left bank of the Jordan River, in process of survey. Hashimite Kingdom of the Jordan.

(d) Plan for the irrigation development of Djezireh, Khabbur and Euphrates Valley (Gibbs Survey and Sir Herbert Stewart's estimates). Syria.

(e) Plan for draining the marshes of Gharb (Mandate). Syria.

(f) Project for the rehabilitation of wells and ditches east of the Mohafazats of Homs and Hame. Syria.

43. A small resettlement scheme is already under way near Jericho, financed and under the direction of the Society of the Arab Development Scheme. The first water well has been drilled and refugees have applied in large numbers to be permitted to become members of this first small resettlement project. However, the director of the project needs expert technical advice, well-drilling machinery and other support for the project. The Technical Committee recommends that irrigation, agricultural and sanitary experts be made available in the Middle East, as soon as possible to examine and guide the efforts of this first concrete resettlement project.

¹⁹ An Arab non-profit organization, with headquarters in Jerusalem, which has for its object "to raise the standard of living of the *fellaheen*, economically, culturally and socially".

44. With the co-operation of the governments concerned, these experts would also examine and determine the value and feasibility of the various existing plans and projects, and determine the availability of suitable lands and their capacity for absorbing settlers.

45. Whatever funds are made available for resettlement of refugees, and however large the plans are, it should be stressed that the process of resettling these persons will of necessity be progressive. It will be necessary to direct most carefully the movement of the refugees to new places, taking into consideration their religion, health, occupation and previous way of life. It would also be advisable to resettle these refugees in a climate and setting resembling their former one as closely as possible.

46. Item 6 of the terms of reference instructed the Committee to "study the question and practicable methods for the payment of compensation to refugees not choosing to return to their homes and for loss or damage to property which under principles of international law or in equity should be made good by the governments or authorities responsible".

47. After full discussion with the interested governments, certain organizations and individuals, the Technical Committee has concluded that it is necessary to establish under the Conciliation Commission a mixed Arab-Israel working group on property compensation supervised by a United Nations or neutral expert. This group could be authorized to set up sub-committees and work on (1) the supervision of conservation of existing properties including orange groves; (2) the determination of ownership of property; and (3) the evaluation of property damages including orange groves. This working group and its sub-committees would be assisted by a legal adviser. The Committee has available the names of certain Arab experts in the field of property compensation such as lawyers, land-appraisers, and economists, who could serve on a working group or its sub-committees.

48. As to compensation for damaged property, this working group might find it useful to take preliminary steps towards gathering certain basic documents, for example, the micro-filmed copies of property registrations now in the British Colonial Office in London.

CONCLUSIONS

Number of refugees, origin, occupation, etc.

49. The Committee feels that the statistical expert's estimate of the total number of refugees is the most accurate which can be made under the present conditions.

50. Nevertheless the collection of precise data on place of origin, occupation, etc., of individuals and families remains essential for purposes of repatriation or resettlement.

51. To make more complete the information already existing in the files of the relief organizations and to obtain original data where non-existent, the Committee, after consultation with the statistical expert and the UNRPR, felt it necessary that a small special staff be created for this purpose under the direction of the UNRPR.

Continuation of direct relief

52. The Committee strongly recommends the continuation of the direct relief programme under the auspices of the UNRPR, at the same time emphasizing the desirability of phasing out the direct relief programme in favour of work relief and self-support at the earliest possible moment.

Condition of refugees in camps

53. In view of the relatively limited resources available to the organizations concerned with the relief of a vast number of needy persons, the food, shelter and sanitary conditions in the camps may be considered as tolerable. There is a need for more facilities for hospitalization and isolation of serious contagious diseases in most areas. The Technical Committee noted with interest the efforts already made in camps by the three relief organizations, and by other organizations to provide schooling for the refugee children, but they are handicapped by a lack of sufficient school materials.

54. It is apparent that the morale of the refugees in the camps suffers from lack of work and lack of future, and it therefore appears useful to give them every possibility to improve their morale and their material situation by giving them some kind of productive work. The Committee supports the principle of the UNRPR revolving fund mentioned in paragraph 32 of this report, which would provide the refugees with the necessary raw materials and tools to enable them to produce necessary articles.

Repatriation

55. The importance of creating an international body to deal with the repatriation of the refugees should be emphasized. This body could be a unit of a larger organism which would administer both repatriation and resettlement.

Resettlement

56. The Committee wishes to stress the fact that the resettlement of the refugees involves obtaining the approval of the governments concerned, the development of feasible plans, local contributions and international financial assistance, and other elements requiring careful preparation over a period of time. Therefore the Technical Committee is convinced that a double approach should be made to this problem: immediate action and a long-range programme.

57. Under the heading of immediate action, the Committee recommends the dispatching of a team

including irrigation, agricultural and sanitary experts. The long-range programme involves the creation of a department to administer the Arab resettlement programme in the Middle East.

Displaced persons and persons living along the armistice lines

58. The Committee believes that the time has come to take all possible measures to re-establish the displaced persons who fled the so-called threatened areas.

59. For those persons living along the armistice lines, the Committee recommends that all possible action be taken to give them free access to their lands, to avoid their becoming destitute.

Compensation for damaged property

60. The survey of the Committee has indicated the advisability of establishing a mixed Arab-Israel working group, under the direction of the United Nations and with the assistance of neutral experts, to supervise the conservatory measures being taken with respect to Arab orange groves and all other Arab properties in Israel and to deal with the problem of compensation as a whole.

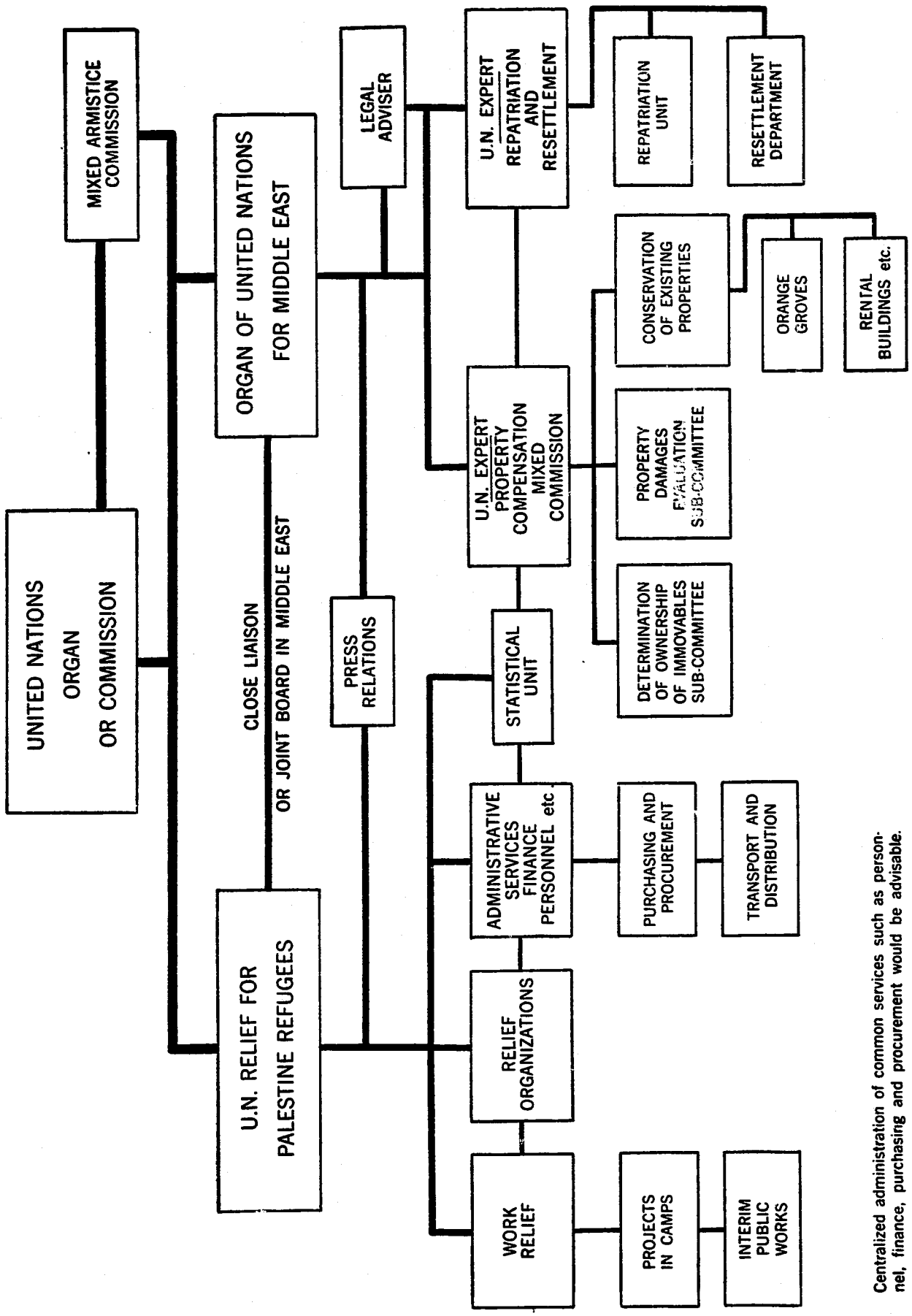
Proposed organizational plan

61. In view of the intricate Arab refugee problems in the Middle East, and the certainty that these problems cannot be resolved in a period of months, the Technical Committee proposes a plan of an organization to deal with this problem in both its immediate and long-range aspects (see table below). In proposing this organization the Committee took into consideration the possibility of the resettlement of a large number of Arab refugees outside Israel.

62. The Committee has seen for itself the great contributions in helping the refugees which are being made in the Middle East by international and non-governmental organizations. It is extremely important from the point of view of efficiency and economy that this experience, knowledge, and existing administration be utilized as far as possible in the setting up of new or additional services.

63. The Committee wishes to stress the importance of co-ordinating the efforts of the various United Nations organizations now at work on the Arab refugee problem with those of any future services to be established.

PROPOSED ORGANIZATIONAL PLAN TABLE



Centralized administration of common services such as personnel, finance, purchasing and procurement would be advisable.

SUPPLEMENTARY REPORT DATED 23 OCTOBER 1950

LETTER OF TRANSMITTAL TO THE SECRETARY-GENERAL

New York, 23 October 1950

I have the honour to submit herewith a supplementary report of the Conciliation Commission for Palestine for communication to the General Assembly. In this connexion, I would like to recall that the intention to submit such a report was stated in the Commission's general progress report (A/1367) dated 2 September 1950.

(Signed) Tevfik Rustu ARAS
Chairman

1. The relations between Israel and the four neighbouring Arab States have been governed, for the last year and a half, by Armistice Agreements²⁰ negotiated under the auspices of the United Nations. These Agreements put an end to hostilities in Palestine and provided for a system of supervision exercised by Mixed Armistice Commissions under the neutral chairmanship of a United Nations representative. The United Nations, by means of the truces, the Armistice Agreements and the continuing activities of its agencies in the field, has succeeded in restoring a considerable degree of stability and in keeping the way open for the establishment of a lasting peace. This has been a notable achievement, especially in the light of the conditions prevailing two years ago. Those who concluded the Agreements and have since assured their maintenance deserve the highest praise.

2. However, the Armistice Agreements are of a purely military character, intended to provide a transitional stage between the truce and a final peace. They constitute, in effect, non-aggression agreements of unlimited duration, but they contain in themselves no provision establishing normal relations between the neighbouring countries. It is obvious that, though a situation based exclusively on negative undertakings of non-aggression may last a long time and result in a consolidation of existing circumstances, it will never succeed in providing the guarantees of stability which are the characteristics of a peace based on the final settlement of all questions outstanding between the parties, accompanied by the establishment of normal relations between them. The task entrusted to the Conciliation Commission by General Assembly resolution 194 (III) of 11 December 1948 consists, in fact, in the facilitation, by friendly intervention with the parties, of the search for means that would permit the progressive replacement of a "negative peace" based on the Armistice Agreements by a "positive peace" founded on more or less normal relations between the parties.

3. Various factors have thus far contributed towards preventing the conclusion of a positive peace. The

²⁰ See *Official Records of the Security Council, Fourth Year, Special Supplements No. 1, 2, 3 and 4.*

establishment of a new State in territory which the Arabs considered their own provoked deep reactions which profoundly affected the life of the Arab peoples. These reactions, coupled with the anxiety felt by both Israel and the Arab States with regard to their security, have been an important factor preventing the achievement of any degree of normal or stable relations between the new State of Israel and its Arab neighbours, and have made it impossible for the Conciliation Commission to secure either direct negotiations between the parties or effective negotiations with the Commission itself. The fact that the Armistice Agreements provide undertakings of non-aggression of unlimited validity has had the effect of eliminating military considerations and of greatly reducing, in the minds of the parties, the immediate necessity of taking further steps towards a final settlement. Furthermore, it is apparent that progress towards peace could not be accomplished and consolidated otherwise than by compromise formulae creating a basis upon which effective negotiations could be undertaken. Up to now, however, the attitudes adopted by both parties, as well as their official pronouncements, have done little to dispel the doubts of the one party regarding the readiness of the other to arrive at a peaceful settlement based on a sincere spirit of conciliation.

4. Although the Conciliation Commission is fully conscious of the difficulties confronting the parties, there is no doubt in its mind that the uncertainty stemming from the indefinite prolongation of a state of armistice cannot but have adverse effects on the fundamental interests of all concerned, both separately and with regard to the area as a whole. Not only does such a barren state of relations prevent concentration by the parties on their own affairs and on the economic development of their respective countries, but it also tends to undermine the security, both internal and external, of the States concerned and leads them to take costly defensive measures which result in increased tension. The detrimental effects of such continuing tension on the structure of world peace cannot be ignored by the United Nations. Alarming proof of the natural tendency of such a stagnant situation to deteriorate is the increasing number of incidents, which have resulted in the Security Council's being seized of no less than three sets of complaints, submitted by Egypt, Israel and Jordan respectively, in recent weeks.

5. There is no doubt that the state of armistice cannot last forever and that it is necessary to replace this system by one of a permanent character. The continued assistance of the United Nations and the constant presence of its agencies in the area will be the most effective guarantee for the early re-establishment of stability and harmony in the Middle East. Such harmony can result only from a compromise by which, first, the new State of Israel will do its best to counteract

the dislocations caused by its own establishment among the Arabs and, secondly, the Arab countries will endeavour to adapt their policy to the new state of affairs.

6. The Commission is fully aware of the complexity of the historical process taking place in Palestine. The re-establishment of a full measure of real stability in the area affected requires readjustments among the peoples and the States concerned, which can only be achieved with the passage of time. The task of the United Nations and its agencies in Palestine, since the end of hostilities, has consisted not so much in solving an immediate problem as in seeking to find ways and means of assisting the parties to arrive at a peaceful solution. The constant application of the terms "question" and "problem" to the Palestine situation is misleading: inevitably, one awaits a "solution" from month to month. No immediate "solution" of all outstanding issues could have been expected in this case, in the sense of a conclusive formula eventually reached in the solution of a mathematical problem.

7. Two years have now elapsed since the termination of hostilities in Palestine. The Commission considers it indispensable to stress the urgent need of measures for the speedy liquidation of the Palestine crisis, in view of present world conditions and of the tragic plight of vast numbers of Arab refugees, on whose behalf every effort must be made without delay.

8. Of all the problems raised by this crisis, the refugee question is the one demanding the most urgent solution. The Arab States have insisted, in accordance with the principle laid down by General Assembly resolution 194 (III), on the return of the refugees to their homes, as well as on the acceptance of this principle by the Government of Israel and the payment of compensation. Israel, on the other hand, has repeatedly affirmed that it cannot agree to the mass return of the refugees to their homes, which the Arab States require as a prior condition to the discussion of other questions at issue.

9. The Commission has always been guided by the recommendation made by the General Assembly in resolution 194 (III) that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so. At the same time, the Commission believes that, having the interests of the refugees themselves in mind, attention should also be

devoted in the future to the resettlement in the Arab countries of non-returning refugees, to their economic rehabilitation and to the payment of compensation, as also recommended by the above resolution. The Commission considers that the refugees should be afforded every opportunity to realize that the conditions which they would find on returning to their homes would differ greatly from those to which they were accustomed. As has been indicated in its previous report, the Commission believes that the refugees who decide not to return to their homes should receive, and be made aware of the fact that they will receive, just compensation for the loss of their property, as provided for by General Assembly resolution 194 (III). The Commission has taken steps to establish a committee of experts which will study the question of compensation in all its aspects. The Commission counts on the co-operation of the parties in the accomplishment of this task.

10. The following are the broad lines along which international assistance to the refugees could be directed, in order to help them find a new life which would be politically and economically normal, and on the basis of which immediate negotiations should be undertaken between the appropriate United Nations bodies and the Governments concerned: the return of that number of refugees to Israel which would be consistent with their own best interests; the immediate payment of compensation for property of non-returning refugees; the adoption of measures by the Arab States for assuring the full reintegration of non-returning refugees; and the providing of all necessary facilities for resettlement by the Governments directly concerned, with the technical and financial assistance of the United Nations.

11. In conclusion, the Conciliation Commission considers that the present situation requires that the parties undertake the discussion of all questions outstanding between them. The Commission believes that the General Assembly should urge the parties to engage without delay in direct discussions, under the auspices of the United Nations and with its assistance, in order to arrive at a peaceful settlement. The Commission considers that, within the framework of these negotiations, the refugee question should be given priority of consideration. The Commission does not doubt that the parties will be able to arrive, through procedures consistent with established international practice and the obligations of Members of the United Nations, at the peaceful relations which should prevail among them.

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