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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

A Few Remarks on the Replies From the Arab States and Israel to the Note of 11 May

(Working Paper prepared by the Secretariat)

1. In the <u>letter transmitted on 19 May</u> by the Egyptian delegation on behalf of the four Arab States, the latter recall that their: acceptance of the new procedure proposed by the Commission is dependent on a two-fold condition: (a) the recognition and acceptance by the other party of the <u>Resolution of 11 December 1948</u> calling for the return of refugees to their homes and compensation to those choosing not to return, and (b) its undertaking to implement this <u>Resolution</u>.*

2. On the other hand the Government of Israel in its letter of 20 May_ again indicates its agreement with the Commission's proposals, but before considering the next step prefers to await a clarification of the Arab attitude towards the question of negotiations with Israel on a final peace settlement.

3. The conditions laid down by the Arab States and the State of Israel respectively are covered by the <u>Commission's Note of 11 May</u>; so that the unconditional acceptance of that <u>Note</u> by either party would enable the other party to regard as fulfilled the condition it has laid down for its own acceptance.

4. The <u>Commissions note of 11 May</u> states: It goes without saying that the principles laid down by the General Assembly's <u>resolution of 11 December 1948</u> would have to be respected". Should the two parties accept this statement the practical result would be as follows:

5. The State of Israel would recognize that the principles laid down in Article 11 of the <u>Resolution of 11 December</u> concerning refugees must be respected. The object of the proposed negotiations would be among other things to explore the possibility of agreement on the conditions under which the implementation of these principles would be feasible and desirable. It would be unreasonable to expect more. A preliminary undertaking *to implement* the <u>Resolution</u> would have no practical value since it would necessarily depend on the outcome of the negotiations; moreover it could hardly be reconciled with the respect due to a sovereign, independent State.

6. The Arab States for their part would recognize that the principles laid down in Articles 4, 5 and 6 of the <u>Resolution</u> should be respected. A mere perusal of those Articles show quite unmistakably that the task entrusted by the Assembly to the Commission is to assist both parties "to achieve a final settlement of all questions outstanding between them". (Article 6). It is difficult to see how negotiations instituted on the basis of respect for these articles could fail to aim at a final peace settlement. The acceptance by the Arab States of the principles laid down in these Articles should therefore meet the wishes of the Israeli Government.

7. The fact that the new procedure is to apply to the study of all questions outstanding between the parties does not prevent the Commission from recognizing, as in fact it has done in its <u>Note of 11 May</u>, that some of them may be of a particularly urgent character.

In this connection the Commission might find it useful to communicate to the parties immediately the practical suggestions it has in mind for the functioning of the Mixed Committees envisaged under the new procedure. These suggestions might be summarized from $\underline{\text{Document W}/46}$.

8. As regards paragraph 4 of the <u>note dated 19 May</u> from the Egyptian delegation (but not appearing in the <u>note of 20 May</u> from the Lebanese delegate) the Commission might think fit to signify its opposition to the tendency it reveals to regard the refugee problem as "the fundamental problem", and questions other than that of refugees as aspects of that same problem. This would be an altogether new point of view in the light of the attitude maintained by the Arab States from the very beginning of the Lausanne meetings, and the <u>communication from the Egyptian Foreign Minister</u> in Cairo on 14 April.

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^{*}Substantially the same attitude is maintained in the letter from the Lebanese Delegate dated 17 May and received 20 May.