



UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE
FUTURE ACTIVITIES OF THE CONCILIATION COMMISSION FOR PALESTINE

(Working paper prepared by the Secretariat)

The Present Situation

1. The recent debate in the Ad Hoc Political Committee on the Palestine question, culminating in the adoption by the General Assembly of the [resolution of 14 December 1950](#) (A/1754), indicated the Assembly's wish that the refugee question receive the immediate attention of the Conciliation Commission for Palestine, either directly or through the new Office called for in paragraph 2 of the [resolution](#). The refugee problem is to be treated as coming within the framework of a general peace settlement but is to be the first specific subject of negotiations towards such a settlement. The Commission will have to decide, at the appropriate time, when and how either specific questions at issue between the parties are to be introduced into the negotiations. This decision of the General Assembly coincides entirely with the Commission's own conclusions that it is impossible to separate the negotiations on the various outstanding questions, but that it is necessary to give priority to the refugee question as a matter of urgency.
2. The experience of two years has shown that the solution of the refugee question is indispensable, not only for humanitarian and political reasons, but also in order to eliminate what is perhaps the main obstacle to progress in the direction of a peaceful settlement between Israel and her Arab neighbours. The present deadlock has been caused (1) by the insistence of the Arab States that Israel admit the right of the refugees to return to their homes and that therefore the great majority of the refugees should return to Israel, and (2) by Israel's failure to agree to these demands. The position of the Arab States is based on the unconfirmed assumption that the great majority of the refugees wish to return to their homes. Israel's refusal stems mainly from her inability, for security, economic and social reasons, to admit and resettle so vast an alien element within her borders. Thus, the difficulties encountered in solving the refugee question and eliminating its detrimental effects in the relations of the governments concerned are caused mainly by the magnitude of the task of reintegrating the refugees *en masse*. Had the refugees amounted say, 100,000, Israel would have found little difficulty in accepting the principle of their right to return, and the Arab Governments would not have had an apparently valid reason for refusing negotiations with Israel.
3. Therefore the first problem confronting the United Nations in their effort to create a peaceful and stable situation in the Middle East is to reduce the extent of the refugee question by subdividing it, and thus both make a beginning of its solution and break the deadlock on the level of general negotiations. In such an attempt to solve the refugee question the Commission could follow the two guiding principles which were emphasized by the General Assembly in its recent debates: firstly, the best interests of the refugees themselves, and second, the practicability of any proposed solution.
4. Up to now, however, it has not been possible to subdivide the problem of the refugees, owing to the attitude adopted both by the Arab Governments and by the refugees themselves towards any attempt in that direction. The Arab refugees, reinforced in their conviction by the stand of the Arab Governments, have reacted against a parcelling of the solution of their problem because they are under the illusion that the physical possibility of their return to their homes does, in fact, exist, and is being obstructed by Israel. They are under the impression that a unified stand strengthens their position, while any relaxation of this stand would be exploited by Israel to refuse them admittance altogether. Attempts to subdivide the problem are, therefore, regarded by the refugees with suspicion, and propaganda to that end is considered by them as intended to undermine their rights. This attitude reinforces the position adopted by the Arab Governments.
5. The Conciliation Commission has heretofore been unable even to proceed to the main division of the refugees as provided for by the [1948 resolution](#) itself, i.e. into those who wish to return and those who do not. Such a division depends on a free choice exercised by the refugees themselves. No rational choice is possible, however, unless clear alternatives are placed before the refugees; these alternatives, depending as they do on the actual conditions of repatriation or resettlement were not and could not have been known. There has been no example of repatriation or resettlement to which the Commission could point and say to the refugees: "It is thus that you will be repatriated in Israel and thus that you will be settled in this or that Arab country. You can now make your choice." In its [second progress report](#) the Conciliation Commission indicated to the members of the General Assembly that "The refugees must be fully informed of the conditions under which they are to return; in particular of the obligations they might incur as well as of the rights that would be guaranteed to them." The Commission also indicated in that [report](#) its belief that "for purely technical reasons, it will 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 only concrete step which was possible to the Commission was taken as early as March 1949, when the Commission established that paragraph 11 of the [1948 resolution](#), calling for the repatriation of those refugees who wished to return to Israel, implied a corollary principle — i.e. that those refugees not wishing to return were to be resettled elsewhere. In this connection the Commission stated in its [Second Progress Report](#) that it would "be wise to take account of the possibility that not all the refugees will decide to return to their homes. Therefore, it will be necessary to obtain an agreement, in principle, by the Arab States to the resettlement of those refugees who do not desire to return to their homes." The Commission has since secured the consent of certain Arab Governments to accept the resettlement in their own territory of refugees of the second category.
6. The above described agreement in principle, however, had not in fact resulted in the subdivision of the refugee question, for the Arab States have maintained the position that they would undertake resettlement in their own territory only of that residue of refugees that would be left over after repatriation to Israel had been completed. Israel, on the other hand, has up to now made repatriation conditional upon the establishment of peace. Therefore, as far as the refugees themselves are concerned, there has been no demonstration of repatriation or resettlement in practice which would enable them to make a choice in accordance with their own best interests.

Proposed Procedure

7. The [resolution](#) adopted by the General Assembly on 14 December 1950 makes it possible for the Commission to break the deadlock which has occurred on the level of principle by fostering an approach to the question in a concrete and practical manner. Without in any way departing from the terms of paragraph 11 of the General Assembly [resolution of 11 December 1948](#), and on the basis of the emphasis placed on the refugee problem by the General Assembly in its recent [resolution](#), the Commission through the intermediary of its Refugee Office, could now divert the argument on the principle of the right of the refugees to return by urging Israel and each Arab State to put into execution plans for the repatriation and resettlement respectively of limited numbers of refugees within a fixed period of time. Although to date the discussions of the refugee question have tended to consider acceptance of the principles of the solution of the refugee question as a single operation which would cover all the refugees, there is nothing in paragraph 11 of the [resolution of 11 December 1948](#) to prevent the subdivision of the refugee question in time, nor is there anything which requires the repatriation of the refugees *en masse*.

8. Without prejudice to any of the principles involved, the Government of Israel could be requested to agree to the immediate repatriation of, say, 20,000 refugees in a period of, say, six months, on a voluntary basis and on the assumption that at this date it was practicable only for that number to return. This step would in no way imply that this was the limit to which Israel would go in readmitting refugees. The plan of the Israel Government would then be submitted to UNRWA for approval and for the granting of the necessary funds, according to paragraph 5 of the General Assembly [resolution of 2 December 1950](#). Questionnaires prepared by the Conciliation Commission Refugee Office, which would clearly set forth the actual conditions of repatriation, would then be distributed to the refugees, either through the relief organs of the UNRWA or through the respective Arab Governments. From among the applicants 20,000 would be chosen by Israel, in consultation with the Conciliation Commission.

9. A similar procedure could be followed as regards resettlement in the Arab countries. The respective Governments could be invited by the Conciliation Commission to agree to the immediate resettlement of a limited number of refugees on the basis of projects approved and first need by UNRWA in accordance with paragraph 5 of the [resolution of 2 December 1950](#). Questionnaires stating clearly the conditions of resettlement should be distributed among the refugees and each Arab Government should be allowed to choose, in consultation with UNRWA, those of the applicants who would be resettled. Since applications for resettlement would be voluntary, the Arab Governments would not be undermining the overall right of repatriation of those refugees who wish to return. The Arab Governments would simply be drawing upon that category of refugees who do not desire to return to Israel, a category whose existence they have already admitted.

10. In submitting to the parties its proposals, the Conciliation Commission should state its views as regards the general conditions under which repatriation and resettlement should take place. Among those to be accepted responsibility: one concerns the payment of compensation to the refugees choosing not to return to Israel; the other refers to the legal status of the refugees, whether repatriated or resettled, and the guarantees which the Governments of Israel and the Arab States should be requested to give for assuring that the refugees will not be subject to any discriminatory treatment in law or in fact. Obviously those two conditions, as well as others which it might be found necessary to set forth in the questionnaires to be distributed to the refugees, will have to be the subject of negotiations and discussions between the Conciliation Commission either directly or through its Refugee Office and UNRWA, on the one hand, and the interested governments on the other.

11. Once these limited projects were under way, the Commission would be in a position to carry out a more far-reaching investigation among the refugees, with a view to establishing the wishes of the remainder as regards repatriation or resettlement. Once the quotas of each state have thus naturally been established, it will be much simpler to negotiate such adjustments as will be necessary in view of the varying capacity of each state to reintegrate refugees.

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