

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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THE POLITICAL CONCEPT OF THE CONCILIATION COMMISSION'S
REFUGEE OFFICE

(Working paper prepared by the Secretariat)

1. The General Assembly has instructed the Conciliation Commission to direct the policies of the Office to be established under the resolution of 14 December 1950. It is suggested that, in the formulation of these policies, the creation of the Office must be viewed as the opening of a new and distinctive phase in the work of the Commission, a phase of progress from general discussions to concrete "arrangements". This transition - a logical consequence of the work done by the Commission during the past two years - is clearly evidenced in the General Assembly resolutions of 1948 and 1950.
2. The resolution of 11 December 1948 assigned to the Commission three broad tasks:
 - (a) to "assist" the governments and authorities concerned to achieve a final settlement of all questions outstanding between them;
 - (b) to prepare proposals for a permanent, international regime for Jerusalem;
 - (c) to "facilitate" the repatriation, resettlement and rehabilitation of refugees and the payment of compensation.
3. As far as the Jerusalem question is concerned, the Conciliation Commission fulfilled its obligation by presenting a draft proposal to the fourth Session of the General Assembly. The two remaining tasks were pursued by the Commission in general negotiations with the parties concerned. These negotiations were climaxed by the proposal, on 29 March 1950, of a procedure which would combine the Arab request for mediation and the Israeli request for direct peace talks, by the creation of Mixed Committees. This phase

of activity ended, however, when the Commission reached the conclusion - and informed the General Assembly - that insistence by parties on abstract principles had made it impossible to set up the Mixed Committees and that the "refugee question was now the one demanding the most urgent solution". Taking into consideration these findings of the Commission, the General Assembly has paved the way, by its resolution of 14 December 1950, for a transition from principles to practical arrangements and for a primary concentration on the refugee problem.

4. The wording of this resolution indicates that the new phase of the Commission's work should be highlighted by two factors:

- (a) the main emphasis should be placed on the refugee problem, in order to create a suitable atmosphere for a general settlement;
- (b) the efforts to settle that problem should be concentrated on practicable arrangements.

5. It is significant that the new resolution repeats word for word the appeal contained in paragraph 5 of the resolution of 11 December 1948, urging the governments and authorities concerned to seek agreement by negotiations conducted either with the Conciliation Commission or directly. But the new resolution does not refer to paragraph 6 of the earlier resolution which instructs the Commission to assist the parties in such a settlement. Indeed, the only specific instruction given to the Conciliation Commission under the latest resolution is to establish and to direct a Refugee Office. The remainder of the resolution is addressed more to the parties concerned than to the Commission.

6. Concerning the Refugee Office, again the shift of emphasis from general discussions to specific measures is unmistakable. While the resolution of 11 December 1948 instructed the Commission to "facilitate" the repatriation, resettlement, rehabilitation and compensation of refugees, the new resolution instructs the Commission to make, through its Refugee Office, "arrangements" and to seek such measures "as may be practicable" towards that end.

7. The General Assembly has thus given the Conciliation Commission a proper instrument for progressing, through its Office, from discussions of principles to the making of workable arrangements, from the sphere of legal theory to the sphere of practicability.

8. In taking this step, the General Assembly has decided that the arrangements shall be made by the Office under the direction of the Conciliation Commission. It appears that among the reasons for this decision were the following:

(a) To be effective, the arrangements must be based on the experience gathered by the Commission in its earlier work and must, in fact, constitute a progressive step forward in that work. If it were otherwise, the new Office would be in danger of becoming just another "Conciliation Commission" under a different name, and would have to start anew where the Commission began two years ago.

(b) Whatever arrangements are proposed, they will necessarily call for considerable concessions by the parties concerned. There is little hope that such concessions will be made unless the proposed arrangements are backed by the full prestige of the Commission itself.

(c) The possibility cannot be excluded that even arrangements which the Commission considers practicable and supports with its prestige will be rejected by the parties concerned. If the General Assembly had to be informed of such an unhoped-for development, it would have to be clear beyond any doubt that the rejected arrangements had been formulated by the Conciliation Commission and had been made under its full responsibility.

9. It appears, therefore, politically desirable as well as in line with the expressed will of the General Assembly, that a concrete policy on which the arrangements to be made by the Refugee Office can be based, should be formulated by the Conciliation Commission for the guidance of the Head of the Office.
