

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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MEMORANDUM *

1. In a memorandum dated 11 April 1949, the Conciliation Commission invited the Government of Israel to take certain preliminary measures for the purpose of creating an atmosphere favorable to the Lausanne talks. The majority of the measures suggested by the Commission were to take the form of declarations or assurances by the Israeli Government calculated to allay the anxieties of the Arab Governments with respect to certain aspects of the future of the refugees, without prejudicing the interests of Israel. The remaining points of the memorandum suggested concrete/preliminary measures that might be taken by the Government of Israel both in order to alleviate the immediate plight of the refugees and in order to demonstrate its good will as regards the solution of their problem.
2. The Israeli delegation furnished the Commission with its Government's replies on a certain number of the points included in the memorandum of 11 April 1949 as well as to certain supplementary questions asked by the Commission in the course of meetings held in Lausanne.
3. Generally speaking and with the exception of point 2 of the memorandum, the replies to the Commission's suggestions calling for declarations by the Government of Israel, namely points 1, 3 and 4, were in the form envisaged by the Commission at the time of the submission of its memorandum of 11 April.
4. Point 2 of the memorandum was answered only partially, the Government of Israel declaring that it accepts the principle of compensation for land abandoned and previously cultivated, thus leaving unanswered the question of urban real property as well as that of rural uncultivated property. The Israeli reply on the points of the property rights of the refugees further indicated that the Government of Israel does not consider itself bound to abstain from the use of or to restitute land abandoned by the refugees and previously cultivated. It further stated that it did not intend to pay

* Handed to the Delegation of Israel in Lausanne, 18 May 1949

indemnities for Arab movable personal property or to recognize claims on such property.

5. The Commission would therefore suggest that the Government of Israel reconsider and advise the Commission further regarding its position on the following points:

- (a) Compensation for abandoned and uncultivated land.
- (b) Compensation for abandoned urban property.
- (c) Restitution to returning refugees of cultivated and uncultivated land being used and occupied by Israelis.
- (d) Restitution to returning refugees of urban property used and occupied by Israelis.
- (e) Compensation for substantiated claims on movable and immovable property (other than land).

6. Regarding the Commission's points suggesting measures for re-uniting separated refugee families, the reply of the Government of Israel was in harmony with the Commission's expectation as regards the part calling for a declaration that the Israeli Government is prepared to issue authorizations for the return to Israel of members of families separated as a result of the fighting, and to this end to take a census of such families in Israel.

The Commission desires to call attention, however, to the limiting condition imposed that actual repatriation could not begin until a final settlement was reached between Israel and the Arab States.

7. As regards the request for suspension of the application of the Absentee Act and the placing of Arab property in the category of "enemy property" under a Custodian, the Israeli reply pointed out that "the law at present in force in Israel contained precisely the provisions here referred to, namely, the placing of refugee property in the category of enemy property under a Custodian. The Custodian acts as trustee for the absentee owners whose property is administered in their interest and as far as possible preserved against deterioration after the manner of similar custodianships in other countries. "

8. It is of course evident that the Commission is requesting the suspension of the application of the Absentee

Act, was referring to those clauses whose operation would tend to aggravate the problem of refugee property and make its eventual solution more complex. In the light of the reply made by the Head of the Israeli Delegation in his letter dated 6 May 1949, the Commission would welcome an indication of the precise extent to which it is considered that the Absentee Law provides against further deterioration of refugee property.

9. The Israeli Government has not yet given the Commission a reply regarding the suggestion that it employ a certain number of refugee workers in Israel as for instance in the port of Haifa, the orange groves, etc.

10. Meanwhile, the Commission has received the representatives of two Arab refugee organizations which, besides proposing many of the points already taken up with the Government of Israel by the Commission, further asked that concrete steps be taken to permit the Arab owners of orange groves in Israel to cultivate and preserve their groves and to release certain blocked Arab accounts in Israeli banks for the purpose of making possible such cultivation. They also proposed the creation of a mixed Arab-Israeli board to investigate the condition of Arab property in Israel so as to establish the needs of returning refugees.

11. In view of the above and taking into consideration the new situation arising out of the Israeli delegation's signing of the Protocol of 12 May, the Commission, wishing to pursue the solution of the refugee problem simultaneously with that of other questions outstanding, submits the following suggestions (in addition to those indicated in paragraph 5 above) to the Israeli delegation for its early consideration.

(a) The immediate undertaking of a census of Arabs in Israel according to an acceptable system, for the purpose of establishing the identity of persons entitled to return to Israel in accordance with the Israeli Government's acceptance of the principle that separated families are to be reunited and following this census, the granting of authorizations to return to all people found eligible for return.

(b) The granting of permission to Arab owners of orange groves situated in Israel to cultivate these groves

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and to this end to be authorized to employ the required number of Arab workmen and technicians, the expenses of such operations to be paid by Arab funds at present blocked in Israeli banks which would be released for this purpose.

12. The Commission would further wish to know whether the Israeli Delegation would be prepared to consider the participation of Israel in a mixed Arab-Israel board under the auspices of the Commission to investigate the state of Arab property in Israel.