UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

A/AC.25/PR.3
14 June 1949
English
Original: French

THIRD PROGRESS REPORT TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

(For the period extending from 9 April to 8 June 1949 inclusive)

1. Upon its return to Jerusalem, after the Beirut talks and its visit to Tel Aviv (See Second Progress Report) the Commission proposed to the Governments of the Arab States and the Government of Israel that they send to Lausanne delegations with which the Commission could continue its work of conciliation.

2. Four Arab States, Egypt, the Hashemite Jordan Kingdom, Lebanon and Syria, as well as the State of Israel, accepted this proposal. The Commission desires herewith to express its gratitude to those States for having accepted its proposal, and also for having sent to Lausanne highly qualified delegations headed by persons exercising great authority in foreign affairs in their respective countries.

3. 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 Israel delegations. These first contacts, both official and personal, led the Commission to the belief that a sincere desire existed on both sides to achieve positive progress toward the reestablishment of peace in Palestine.

A.
CONCILIATION

4. The exchanges of view 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 the General Assembly's resolution of 11 December 1948, 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.

5. As was clearly explained in the Commission's Second Progress Report, the purpose of the Lausanne meetings is to continue the exchanges of view between the Commission and the respective delegations on a broader basis and in circumstances which would make possible the achievement of concrete and positive results. However, 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 of course welcome any development which would open the way to direct negotiations. As yet, the attitude of the parties has been such that the Commission has not found it possible to engage them directly in negotiations under its auspices.

6. The Arab delegations have insisted from the beginning that the Palestine question is of equal concern to all the Arab States, and that the Commission therefore should look upon them as a single "party", carrying on all discussions and negotiations with them en bloc.

7. The Israeli delegation has always considered it preferable to discuss each question separately with the State or States immediately concerned.

8. The Commission for its part has endeavored particularly to ensure the greatest possible flexibility in the exchanges of view with the delegations of the Arab States and Israel. It has not thought fit to relinquish the possibility of holding meetings with one or more Arab delegations separately, when the nature of the questions makes it desirable.

9. In accordance with the same considerations, and with a view to providing the maximum flexibility in the negotiations, the Commission constituted a General Committee, comprising the chief advisers of its members, whose function consists in studying, in collaboration with the delegations of the Arab States and of Israel, the questions submitted to it by the Commission. The General Committee has already examined, with the interested delegations, certain questions concerning the refugees and territorial adjustments. The Commission is kept informed regularly of the work of the Committee.

B.

PROTOCOL OF 12 MAY 1949

10. The Commission, in its desire to stress from the opening of the Lausanne meetings that the matters outstanding between the Governments concerned, and particularly the refugee question and the territorial question, were closely interlinked, has urged the Arab and Israeli delegations to extend their exchanges of views to all the problems covered by the Assembly's resolution. To this end, it asked the two parties separately to sign with the Commission a Protocol of which the text is attached and which would constitute the basis of work. To this document was annexed a map on which was indicated the boundaries defined in the resolution of the General Assembly of 29 November 1947, which has thus been taken as the basis of discussion with the Commission. It is understood that any necessary adjustments of these boundaries could be proposed.

11. It is in virtue of the signing of this Protocol that the Commission has been able to press the two parties to make known their views on all outstanding questions.

C.

THE REFUGEE QUESTION

12. The refugee question has been the subject of discussion at numerous lengthy meetings in Lausanne 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. Further, it has been 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 have produced a preliminary result which may facilitate the examination of the question in a practical and realistic manner. It has been possible, in fact, to make a precise distinction between the problem of repatriation, resettlement, and social and economic rehabilitation of the refugees, and the problem raised by the immediate preliminary measures which might be taken by the Government of Israel to safeguard the rights and property of the refugees.

13. Regarding repatriation, resettlement and rehabilitation of the refugees, there is little to add to the statements made in the Commission's Second Report. The Arab Delegations continue to hold

the view that the first step must be acceptance by the Government of Israel of the principle set forth in the resolution of 11 December 1948 concerning the repatriation of refugees who wish to return to their homes and live at peace with their neighbours. The Commission has not succeeded in achieving the acceptance of this principle by the Government of Israel.

14. On the other hand, the Commission wishes to recall that in its abovementioned Second Report to the Secretary-General, it expressed the view that "granted this principle is accepted, it would nevertheless 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". (See paragraph 8) Up to the present, the Arab delegations have not been able to examine this question officially with the Commission.

15. Israel's refusal to accept the principle of repatriation is cited by the Arab delegations as the reason for their own reserved and reticent attitude on territorial questions. As for the Commission itself, it has found nothing in its talks with the Arab and Israeli delegations at Lausanne to justify a change in the point of view which it expressed in its Second Report; in particular, the observations contained in paragraphs 8, 9, 10 and 14 of that report retain, in its opinion, their entire validity.

16. In connection with the subject of repatriation and resettlement of the refugees, two specific proposals, submitted to the Commission by the delegation of Israel and by the Arab delegations, respectively, deserve mention. The delegation of Israel declared that if the Gaza area were incorporated in the State of Israel, its Government 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 Israeli territory would be subject to such international aid as would be available for refugee resettlement in general. The delegation of Israel has declared that it is 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.

17. 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 Israeli authority which formed part of the Arab zone on the map attached to the Protocol of 12 May; that is, Western Galilee, the area of Lydda, Ramle and Beersheba, Jaffa, Jerusalem and the coast line north of Gaza.

18. The Commission has transmitted these proposals to the Arab delegations and to the delegation of Israel respectively, without giving an opinion as to their merits or faults. Neither the Arab delegations nor the delegation of Israel have thought fit to accept any of these proposals.

19. A large part of the Commission's attention and activity during the past weeks has been 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, on its own initiative, presented to the Government of Israel a list of preliminary measures which it considered fair and just if a favorable 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 the organizations representing the refugees. The request included, among others, measures to facilitate the return of the proprietors of orange groves, together with the necessary laborers, in order to prevent the total loss of the groves; measures to facilitate the reuniting of families separated as a result of the hostilities; measures which would make it possible for the refugees to have access to all or part of the accounts now blocked by the Government of Israel, etc. All these matters are still the subject of correspondence and conversations between the Commission and the Israeli delegation.

20. The Technical Committee, the creation of which was announced in the Commission's Second Report, has now been constituted and will proceed immediately to Palestine in order to inaugurate, in the field, with the assistance of the Governments of the Arab States and Israel, preliminary studies concerning the refugees. These studies will deal with the problems 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.

21. On 7 June the Commission held a meeting with the Geneva representatives of the United Nations Relief for Palestine Refugees and of the three organizations responsible for actual distribution of relief, that is, the International Committee of the Red Cross, the League of Red Cross Societies, and the American Friends Service Committee. In the course of this meeting the representatives of these organizations stated emphatically that they were deeply concerned with the financial aspect of the question. They drew the Commission's attention to the gravity of the situation which would arise if it became necessary, owing to lack of funds, to interrupt the relief work during the winter. For the refugees in the mountainous areas of Palestine, such an interruption would constitute a real catastrophe, for which the relief organizations would be unwilling to take any responsibility whatever.

22. The Commission was deeply impressed by the statements of the representatives of the relief organizations; and although aid to the refugees is not directly within its competence, the Commission wishes to draw the attention of the Secretary-General to the gravity of the situation, and to suggest that it would be useful if the question of new funds for refugee relief were included among the first matters to be examined by the General Assembly.

D.

TERRITORIAL QUESTIONS

23. The signing of the Protocol of 12 May 1949 provided both a starting point and framework for the discussion of territorial questions. At an early stage 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 in the form considered appropriate by the Commission.

24. For its part the delegation of Israel has submitted proposals regarding the frontiers between the State of Israel and the States of Egypt, Lebanon and the Hashemite Jordan Kingdom, including a proposal concerning the Gaza area, and a further proposal regarding the boundary between Israel and the central part of Palestine at present under Jordanian military authority.

25. The Israeli delegation proposed that the political frontier between Israel and Egypt and Lebanon respectively should be the same as that which separated the latter countries from Palestine under the British Mandate.

26. In the event of such a proposal being accepted, the Israeli delegation indicated that Israel would be prepared to accept and be responsible for all Arabs at present located in the Gaza area, whether inhabitants or refugees, as citizens of Israel (see paragraph 16 above).

27. Concerning the political frontier between Israel and the Hashemite Jordan Kingdom, the Israeli delegation proposed that it remain the same as that between Transjordan and Palestine under British Mandate, namely renning in the north from the junction point of the Syrian-Jordanian frontiers at El Hamma to a point south of El Fatur, and in the south from a point towards the middle of the Dead See opposite Engedde to the Gulf of Aqaba.

28. As regards the central area of Palestine at present under Jordanian military authority, the Israeli delegation proposed that, without entering into the question of the future status of that area, the boundary between it and Israel should follow the present line between Israeli and Jordanian military forces, subject to certain modifications in the interests of both parties, to be discussed at a later date. The Israeli delegation

considered certain modifications necessary on grounds of the security and economic development of Israel.

29. The Israeli delegation declared that Israel had no ambitions as regards the above-mentioned central area of Palestine, and did not wish at present to put forward suggestions as to its disposition. The Israeli delegation considered that disposition of that area was a matter concerning which a proposal agreed upon by the delegations of the Arab States, the Arab inhabitants of the territory and the refugees, should be put forward. Until the future status of that area was settled, Israel would continue to recognize the Hashemite Jordan Kingdom as the de facto military occupying power.

30. Regarding the Jerusalem area, the Israeli delegation stated that its disposition was a separate question which did not enter into the present proposal.

31. It has already been indicated (see paragraph 17 above) that for their part the Arab delegations made a proposal that the refugees coming from certain areas defined on the map annexed to the Protocol of 12 May, 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. In the course of discussion with the Commission, the Arab delegations have indicated that this proposal bears a territorial aspect since it envisages the return of refugees to areas designated as Arab territory, and which are in principle to be recognized as Arab territory.

32. In regard to the Israeli delegation's proposal concerning Israel's frontiers with Egypt and Lebanon respectively, including the proposal concerning the Gaza area, the Arab delegations informed the Commission that in their view the proposal constituted a flagrant violation of the terms of the Protocol of 12 May concerning territorial questions, since it was considered that such a proposal involved annexations rather than territorial adjustments envisaged by the Protocol.

33. Insofar as the above-mentioned proposal of the Arab delegations has a territorial character, the attitude of the Israeli delegation is that it could not accept a certain proportionate distribution of territory agreed upon in 1947 as a criterion for a territorial settlement in present circumstances.

E.

QUESTION OF JERUSALEM

34. Berore leaving Jerusalem, the Committee on Jerusalem called upon the Christian, Moslem, and Jewish religious authorities in Palestine for the purpose of ascertaining their views and wishes concerning the future of Jerusalem and the Holy Places. The Committee also visited Nazareth and other Holy Places in Galilee in order to make contact with the clergy in charge of religious buildings and sites.

35. The Committee has continued its work in Lausanne in collaboration with the Arab delegations and the delegation of Israel. Its aim continues to be to exhaust all the means at its disposal with a view to submitting to the Commission proposals for an international regime for Jerusalem which will be both in conformity with the Assembly's resolution of 11 December 1948 and acceptable to the Arab States and to the State of Israel. To this end, the Committee communicated to the Arab delegations and to the delegation of Israel a questionnaire containing a certain number of points which the Committee considers fundamental and concerning which it is necessary, in its view, to learn the opinions of the interested parties. So far, only the reply of the Government of Israel has been received.

36. Since the dispatch of the Commission's previous report, the Government of Israel has established ministerial services as well as other Israeli public services within the area defined in article 8 of the General Assembly's resolution of 11 December, regarding which the Commission was instructed to present detailed proposals for a permanent international regime.

37. In a memorandum addressed to the Commission, the Arab delegations protested this decision and demanded the immediate

withdrawal of the "administration and services which have been installed in this city in contempt of the resolution of 11 December 1948". This memorandum has been transmitted to the Israeli delegation.

38. The Commission had already given some consideration to the matter of the establishment in Jerusalem of the ministerial services mentioned. An exchange of letters on the subject took place between the Commission and the Prime Minister of Israel during March and April; copies of these letters were transmitted to the Secretary-General on 11 April.

F.

CONCLUSION

39. In conclusion, the immediate problem facing the Commission consists 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 negotiations on the refugee question, combined with Israeli pressure in favour of territorial negotiations, threaten to create a situation in which it would be difficult to arrive at agreement on the solution of these fundamental problems. The Commission's attention is concentrated for the moment upon this problem. The Commission is endeavouring to arrest this tendency, by leading the Arab States to negotiate on territorial questions and by persuading the State of Israel that it must contribute in a substantial manner to the solution of the refugee problem. That solution must relate not only to the general aspect of the question, that of the repatriation, resettlement and economic and social rehabilitation of the refugees, but also to its more immediate and certainly no less important aspect, that which concerns the preliminary measures to be taken for the safeguarding of their rights and property.

ANNEX A

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RECORD OF A MEETING BETWEEN THE CONCILIATION COMMISSION AND THE DELEGATIONS OF EGYPT, JORDAN, LEBANON AND SYRIA

held at Lausanne at 11.30 a.m. on 12 May 1949

Present

Mr. de Boisanger	(Chairman)	- France
Mr. Yalcin		- Turkey
Mr. Ethridge		- U.S.A.
Mr. Azcarate	(Principal Secretary)	
H.E. Abdel Monem Mostafa		- Egypt
H.E. Fauzi Pasha Mulki		- Jordan
H.E. Fouad Bey Ammoun		- Lebanon
H.E. Adnan Atassi		- Syria

In the course of this meeting the following protocol was signed by the Delegates of Egypt, Jordan, Lebanon and Syria on the one hand and the members of the Conciliation Commission on the other:

PROTOCOL

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.

Lausanne, 12 May 1949

Signed:

Monem Mostafa..... (Egypt)

Fauzi Mulki ..... (Jordan)

F. Ammoun..... (Lebanon)

Adnan Atassi..... (Syria)

Signed:

Claude de Boisanger (France)-Chairman

Cahid Yalcin..... (Turkey)

Mark Ethridge..... (U.S.A.)

ANNEX B

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RECORD OF A MEETING BETWEEN THE CONCILIATION COMMISSION AND THE DELEGATION OF ISRAEL

held at Lausanne at 10.30 a.m. on 12 May 1949

Present

Mr. de Boisanger (Chairman) - France
Mr. Yalcin - Turkey
Mr. Ethridge - U.S.A.
Mr. Azcarate (Principal Secretary)

Dr. Walter Eytan - Israel

In the course of this meeting the following protocol was signed by the Delegate of Israel on the one hand and the members of the Conciliation Commission on the other:

PROTOCOL

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 Delegation of Israel and to the Delegations of the Arab States 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.

Lausanne, 12 May 1949

Signed:

Claude de Boisanger (France)-Chairman

Walter Eytan..... (Israel)

Cahid Yalcin..... (Turkey)

Mark Ethridge..... (U.S.A.)

ANNEX C

Document attached to the Protocol of 12 May, 1949, signed by the Conciliation Commission and the Arab Delegations on the one hand, and the Conciliation Commission and the Israeli Delegation on the other.

(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 of 29 November 1947.)