

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RESTRICTED

W/13

23 May 1949

Original: English

Note on the Memorandum
of 18 May 1949 concerning refugees submitted to the
Conciliation Commission by the Arab Delegations

A. On 18 May 1949 a nine-point memorandum signed by the Heads of the four Arab delegations was submitted by their representatives to the General Committee of the Conciliation Commission in accordance with the Commission's decision to place on the Committee's agenda the question of urgent measures concerning protection of the rights and property of the refugees.

1. On three of the nine points contained in the above memorandum, the Commission had already requested the Israeli Government to take the action now suggested.

2. On three more it had suggested part of the action proposed in the memorandum of the Arab delegations.

3. The remaining three points were entirely new suggestions on which the Commission had taken no action at all.

B. In the first category were points 1, 5 and 9 of the memorandum.

1. Point 1 had been submitted by the Commission on two separate occasions, the first as conveyed to the delegations of the Arab States in paragraph 9 of the Commission's memorandum of 16 May 1949, and the second on 18 May when the Commission submitted the following suggestion for the Israeli delegation's early consideration. "The granting of permission to Arab owners of orange groves situated in Israel to cultivate these groves and to this end to be authorized to employ the required number of Arab workmen and technicians . . ."

No definite reply on this point has yet been received from the Israeli delegation which informed the Commission that this suggestion was under consideration by the Government of Israel. The economic adviser of the Israeli delegation was however understood to be willing to consult his Government on practical details after consultation with the representatives of the Arab refugee organizations in Lausanne.

2. Point 5 of the Arab memorandum of 18 May 1949 had also formed the subject of a request submitted to the Israeli delegation. Both the Commission's inquiry and the Israeli reply were transmitted to the Arab delegations in the memorandum of 16 May 1949.

The Commission, however, drew the attention of Israeli delegation to the limiting condition imposed, that actual repatriation would not begin until a final settlement was reached between Israel and the Arab States and submitted to it the following suggestion for its early consideration.

"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."

3. Point 9 of the Arab delegations' memorandum had also been submitted to the Government of Israel in the form of a request by the Commission that it declare that "it respects the rights of minorities within its borders and intends to punish anyone infringing these rights." The Israeli reply to this request was also transmitted to the Arab delegations in the Commission's memorandum of 16 May 1949.

C. In the second category, i.e., points which had only partly been the subject of requests by the Conciliation Commission to the Government of Israel, were points 2, 3 and 4 of the memorandum of 18 May 1949 addressed to the General Committee.

1. Point 2 had been partly covered by the Conciliation Commission's suggestion made to the Israeli delegation on 18 May that in order to cover the expenses of cultivation of Arab orange groves in Israeli territory, Arab funds at present blocked in Israeli banks should be released for this purpose. No reply has yet been received by the Commission on this point.

2. Point 3 had been partly raised with the Government of Israel as stated in paragraph 4 of the Commission's memorandum of 16 May 1949 and had received the reply as conveyed therein.

In this connection the Commission communicated the following to the Israeli delegation on 18 May:

"It is of course evident that the Commission in requesting the suspension of the application of the Absentee Act, was referring to these 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."

No further reply has been received from the delegation of Israel on this subject.

3. Point 4 of the memorandum of the Arab delegations was partly covered by the request 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).

No reply has yet been received from the Israelis on this elaboration of the question of the proprietary rights of refugees.

D. The remaining points 6, 7 and 8 fall into the category of a subject that has not been separately or specifically raised by the Commission with the Israeli authorities, especially since all other points were connected with the refugee question.

1. The principle enunciated in point 6 of the memorandum has, however, repeatedly formed the subject of the Commission's exchanges with the Government of Israel in connection with the instructions received by it from the General Assembly with regard to Holy Places in Palestine.

* The acceptance by Israel of the proprietary rights of refugees from its territory had been raised by the Conciliation Commission on 11 April. See memorandum to Arab delegations dated 16 May '49.

On these occasions both the Commission and its Jerusalem Committee, which has also carried out an inspection of places of worship in Palestine, have received the repeated assurances of the Israeli authorities that they will ensure the freedom of worship and the respect of churches and mosques within their territory. These authorities have referred in this connection to the proposed Constitution of Israel which makes explicit provision for the ensurance of religious freedom.

Concretely speaking, at a meeting between the Commission and Mr. Ben Gurion held in Tel Aviv on 7 April 1949, the latter stated that the Government of Israel would agree without reservation to a special regime for the Holy Places, Jewish, Christian and Moslem. This statement confirmed the declaration of the Foreign Minister of Israel made to the Conciliation Commission on 7 February 1949, in which he said that international control could also be extended to the Holy Places outside Jerusalem.

2. The two remaining concrete requests of the Arab memorandum of 18 May, namely points 7 and 8 calling for the repatriation of religious men and the freeing of Wakf property respectively, will be transmitted to the Israeli delegation for their immediate consideration.

E. On 18 May the Conciliation Commission further inquired of the Israeli delegation whether it "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."

F. The Commission will welcome any supplementary information that the Arab delegations might wish to transmit to it on the above points and will communicate to them any replies that may be received from the Israeli delegation in this connection, at the earliest opportunity.