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THE PALESTINE CRISIS

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I. GENERAL APPRAISAL

The remote origins of the Palestine crisis are to be found in two movements extending far beyond the frontiers of Palestine: Zionism and Arab nationalism. These movements involved respectively the aspirations of the Jewish people in the Diaspora and the whole of the Arab-speaking world. The Balfour Declaration of 1917, promising a "national home" to the Jews in Palestine, rendered inevitable the conflict between these two parallel but antagonistic movements: Zionist aspirations could not be satisfied by the creation of one more politically powerless Jewish minority in a hostile environment, nor could the Arab world, moving towards complete independence, accept without a struggle the loss of territory which it considered its own. However, the fact that the area of immediate contact between Jews and Arabs was under the authority of the mandatory power restricted the conflict to the territory of Palestine and prevented it from being taken up by the whole of the Arab world. For almost thirty years the mandatory power acted as a buffer between universal Arab and Jewish hostility and was subjected alternately to the local attacks of the Arab and Jewish inhabitants of Palestine.

This period of artificial limitation of the conflict has given rise to numerous misapprehensions regarding the true nature of the situation as it presents itself today. It is not simply a matter of the peaceful co-existence of two minor neighbouring groups graduating from tutelage into self-government. It involves the adjustment of two different peoples to a complex state of affairs created by their common presence in the same territory, which is, moreover, continuously changing, owing to the political and social developments taking place at a different rate within the two peoples.

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The General Assembly's resolution of 29 November 1947, recommending the partition of Palestine and the establishment of a Jewish and an Arab State, brought to a head a conflict between Jews and Arabs which had been developing in Palestine for many years. The withdrawal of the mandatory power, the proclamation of the State of Israel, the recognition of this State by a considerable number of governments and its admission to the United Nations altered the nature of the conflict from an apparent civil war to a war between nations. The Truces and Armistice Agreements sponsored by the United Nations brought an end to this phase of the conflict.

The Armistice Agreements signed between Israel and its four neighbouring States in the first months of 1949 in effect constituted non-aggression pacts of unlimited duration, involving a system of supervision exercised by Mixed Armistice Commissions, under the neutral chairmanship of a United Nations representative. These factors have greatly contributed to the preservation of the Armistice regime for a year and a half in a manner which must on the whole be considered satisfactory. There are at present certain indications of increasing tension along the Armistice lines, which might lead one to believe that the time is perhaps not distant when the effectiveness of the Armistice Agreements in preserving the peace will be seriously diminished. But even if this were not true, there is no doubt that the state of armistice cannot last forever and that it would wise to undertake as soon as possible the replacement of this system by another more stable one, or its enlargement to render it more effective and better adapted to changing circumstances. It is obvious that, though a peace based exclusively on negative undertakings of non-aggression may last a long time, it will never succeed in providing the guarantees of stability which are the characteristics of a peace based on positive friendship accompanied by the establishment of political, economic and cultural relations between the parties. The task entrusted to the Conciliation Commission by the General Assembly's resolution of 11 December 1948 consists, in fact, in the facilitation, by friendly intervention with the parties, of the search for means that would permit at a given moment the replacement of a "negative peace" based on the Armistice Agreements by a "positive peace" founded on more or less close relations between the parties. Three main factors, among others, can be pointed out as

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having so far prevented the conclusion of a positive peace, based on the establishment of normal relations between Israel and the Arab States on the political, economic or cultural plane:

(a) The fact that the emotional trauma suffered by the Arab peoples as a result of the creation of the State of Israel in Palestine and the displacement of almost a million Arabs is still far being healed enough to permit the establishment of close political and economic relations between the Arab States and Israel. This emotional or sentimental aspect of the situation must not be neglected. Suffice it to recall on this subject that during eighteen months of ceaseless effort, the Conciliation Commission has not succeeded in leading the Arab delegations to accept the normal procedure of all diplomatic negotiations, involving the meeting of the delegations concerned around the same table.

(b) As has already been pointed out, the Armistice Agreements are in effect non-aggression pacts of unlimited validity and, as such, are capable of ensuring the "negative peace" for an indefinite period of time. That clause of the Armistice Agreements which provides for the transition to a formal peace has in practice remained a dead letter. The Arab States did not negotiate and sign the Armistice Agreements as a prelude to immediate peace negotiations, as is usually the case. Quite the reverse is true. The Armistice Agreements - and this is particularly true of the Agreement between Egypt and Israel - were signed unwillingly by the Arabs and only because it was necessary to put an end to a military situation which threatened to become a real catastrophe. But once this danger was eliminated and the military situation was stabilized, the feeling of urgency which might have impelled them to progress along the road of real peace disappeared, and the Arab States - with the exception of the Hashemite Jordan Kingdom - adopted a political attitude of watching and waiting.

(c) It is apparent that progress towards peace could not be accomplished and consolidated otherwise than by compromise formulae involving sacrifices on both sides. Up to now, however, neither the Arab States nor Israel have seemed disposed to make the necessary sacrifices. Firstly, the motives for desiring peace have not been strong enough nor the expected benefits important enough to overcome popular opposition or to offset the material and moral concessions that a final settlement would require from either side. Secondly, both the Arab States and Israel seem to believe for the present that time is working in their

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favour, a state of mind unfavourable to the making of concessions in negotiations. The Arabs speculate on the economic and financial difficulties of Israel to which they contribute directly by their economic blockade of this country; Israel believes that the Arab States will one day end by being unable to maintain their refusal to deal with a Member of the United Nations, recognised by most of the countries of the world. Whatever one may think of the validity of these speculations, the fact remains that they impel the two parties to adopt a policy of waiting, and especially of not making any premature concessions which might later be regretted.

The above considerations apply only in a partial and relative manner to the Hashemite Jordan Kingdom. Motivated by the geographic and economic needs of his country, King Abdullah tried to arrive at an entente with Israel which would be more stable and definitive than the Armistice Agreement. The pressure of the other Arab countries prevented this attempt from succeeding, and Jordan today must be considered as having resumed its place in the Arab bloc in all matters except the question of Jerusalem. Its policy both as regards the question of refugees and the frontiers of Israel follows in its general lines the policy adopted by the other Arab States.

In the case of Israel, the need for peace with its Arab neighbours is particularly acute on the economic plane, for Israel needs both the cheap food products of the Arab States and their markets. But Israel has repeatedly affirmed that it cannot agree to the mass return of refugees to their homes which the Arab States required as a prior condition to the discussion of other questions at issue. Such a return, in Israel's view, would create an even greater immediate economic problem as well as a grave long-term minority problem. The Arab refugees from territory under Israel's control still outnumber the Jewish immigrants who have arrived in Israel since its establishment. The Government of Israel considers that it would be almost impossible either to displace its own citizens who are already occupying the lands and houses of the Arab refugees, or to make any substantial territorial concessions to the Arab States.

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As is usually the case, none of the parties involved can be blamed for the basic attitude adopted by them, although not all of their acts or decisions during

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the course of the crisis are deserving of approval. The Arabs are certainly entitled to claim that, on historical grounds and according to standards which have been universally accepted, Palestine must be considered as Arab territory. The population of Palestine has been Arab for centuries, and the historical Jewish claim to Palestine bases itself upon a state of affairs which ceased existing two thousand years ago. Under such circumstances it would be idle to expect that Palestine, or any part of it, could be yielded outright to the Jews without a strong Arab resistance. It must be admitted that the action of the Arabs in opposing, even by force of arms, the establishment of a Jewish State on territory which they are entitled to consider as Arab, was natural and understandable. On the other hand, it cannot be denied that the efforts of the Jews to secure, even by force of arms, the attainment of what they considered a legitimate claim, were equally natural and understandable. It is difficult not to recognize the urgent need and moral value of providing the Jewish people with territory in which they could establish a State of their own. Nor can the fact that the memory of Palestine has been retained by the Jews during the 2,000 years of the Diaspora be disregarded. The extraordinary vitality of this feeling has proved itself in the efforts made and the sacrifices endured by the Jews in the establishment and defence of their State in Palestine.

The constant application of the terms "question" and "problem" to the situation in Palestine is misleading: inevitably, one awaits a "solution" from month to month. No immediate "solution" can be expected in this case, in the sense of a conclusive formula eventually reached in the solution of a mathematical problem. In Palestine, the United Nations is faced not with a mathematical problem but with an historical process. This process has resulted in a state of "crisis" which reached its most violent phase after the withdrawal of the mandatory power. A speedy liquidation of this crisis is made advisable and even necessary by present world conditions. But it would be unwise to place too much confidence in the practicability of speeding up its normal development by political or economic pressure. Such crises have to be handled with patience and circumspection, in order to reduce the danger of war to a minimum. The task of the United Nations and its agencies in Palestine consists not in solving a problem but in trying to handle and guide a dangerous situation. The re-establishment of

some measure of real stability in the area affected requires profound political, psychological, social and economic readjustments, the complete achievement of which, among the peoples and the States concerned, will require a considerable period of time. For although the Arab and Jewish communities might theoretically complement each other and be mutually beneficial in their evolution, in the actual present the causes of friction between them are numerous and far-reaching. The principal of these is the very existence of Israel as a separate, independent, sovereign State dedicated to aims not only foreign to those of the Arab movement towards complete regional independence from external influence, but, for the time being, even directly detrimental to these Arab aspirations. The establishment of a Jewish State in Palestine could not have been accomplished without provoking a deep and dangerous reaction, profoundly affecting the life of the Arab peoples. This reaction, historically inevitable and perhaps necessary, must subside before the new State of Israel can achieve any degree of normalcy or stability in relation to its Arab neighbours.

Heretofore the United Nations, by means of the Truces, the Armistice Agreements and the constant political pressure exerted by its various agencies, succeeded in restoring, in a remarkably short period of time, at least de facto conditions of stability, and in keeping the way open for the establishment of a lasting peace. It has been a notable achievement, especially in the light of the chaotic conditions prevailing at the close of the British Mandate. The continued assistance of the United Nations and the constant presence of its agencies in the area will be the most effective guarantee for the early re-establishment of stability and a peaceful equilibrium in the Middle East. Such an equilibrium can result only from a compromise by which, firstly, the new State of Israel will do its best to counteract the bitterness and irritation caused by its own establishment among the Arabs and, secondly, the Arab countries will endeavour to subjugate their feelings and re-adapt their policy to the new state of affairs.

II. REFUGEES

In the course of negotiations with the Conciliation Commission, which have now lasted for over a year and a half, the Arab and Israeli attitude towards the refugee problem, which are briefly outlined below, have been repeatedly set forth in great detail.

In the view of the Arab States, the fact that several hundred thousand Arabs have become refugees is the immediate result of the establishment of the State of Israel in Palestine and of the methods employed by the authorities and the population of Israel against the Arabs of Palestine in order to force them to depart and make room for Jewish immigrants. Given the place occupied by Jewish immigration in the enterprise of consolidating the State of Israel, it is difficult not to believe that this point of view contains at least part of the truth. In accordance with this point of view, the Arab States maintain that the responsibility of assuring to the refugees the possibility of returning to their homes or of resettling elsewhere rests upon the United Nations, which is responsible for the establishment of the State of Israel, and upon Israel itself. Certain of the Arab States, however, have recently shown themselves more disposed than in the past to envisage resettlement in their territory and the payment of compensation as one means of putting an end to the tragic plight of the refugees.

Israel, on the other hand, maintains, not without reason, that the refugees are the result of a war unleashed by the Arab States against Israel in 1948 and of Arab propaganda urging the Arabs of Palestine to leave their homes and join the forces participating in the struggle against Israel. In accordance with this point of view, the Government of Israel has always maintained that the Arab States must accept the principal burden of caring for the refugees by providing the necessary facilities for resettlement in their own territories. At a certain moment, however, Israel did offer to accept the return of a hundred thousand refugees which, according to its calculations, would have brought the total Arab population within the territory at present occupied by Israel to 250,000, a total considered the highest compatible with Israel's security.

The General Assembly's resolution of 11 December 1948, in providing explicitly for the return to their homes of refugees wishing to do so and for the payment of compensation, has conferred upon the Arab point of view all the

advantages of formal legality. The text of paragraph 11 of this resolution affords the Arab States an excellent opportunity of placing Israel in a difficult position. By insisting on the return of the refugees to their homes as well as on the acceptance of this principle by the Government of Israel, they force Israel to place itself in open opposition to the terms of one of the resolutions of the General Assembly. It is impossible to reproach the Arab States for having utilized to its fullest extent the tactical advantage which this resolution has given them in their political struggle against Israel.

Whether the prolongation of this duel over Israel's acceptance of the principle of the return of the refugees to their homes serves the best interests of the refugees is open to question. The tragic experience of the last twenty-five years has demonstrated that the return of refugees to their homes, where they constituted a minority, has helped them very little in finding living conditions which could be considered normal. There is no reason to believe that in the case of the Arab refugees of Palestine matters would be otherwise. The fate of the refugees once they had returned to their homes would indeed be doubtful. The experience of the League of Nations has proved that, though it is possible to protect to a certain extent by international means a minority as a whole against general persecution or measures of discrimination, it is materially impossible to protect individuals or small minority groups from the discrimination of local authorities or the hostile atmosphere of the majority, which can render everyday life intolerable. Objectively speaking and having the interests of the refugees exclusively in mind, it is to be hoped that in the future it will be possible to devote greater attention to the resettlement of refugees in the Arab countries and to the payment of compensation.

The following are the broad lines along which international assistance to the refugees could be directed in order to help them find a new life which would be politically and economically normal: the return of a limited number to their homes in Israel; the payment of compensation for refugee property abandoned in Israel; the immediate acceptance of non-returning refugees by the Arab States, either as citizens or as legally established aliens; the providing of all necessary facilities for resettlement by the Governments directly concerned, with the technical and financial assistance of the United Nations; and, finally, the undertaking of immediate special negotiations on these points between an

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ad hoc organ of the United Nations and the Governments concerned.

At the request of the Arab States, the repatriation of the refugees and the payment of compensation have been placed on the agenda of the current session of the General Assembly. The report of the Director of the UNRWA is also to be discussed by the Assembly. This will permit both sides to set forth their points of view on the question in a complete and detailed manner, on the basis of which the work of rapprochement between the parties might usefully be pursued in the future.

III. THE TERRITORIAL QUESTION

Until the signing of the Lausanne Protocol of 12 May 1949 the attitude of the Arab States was based on their desire to avoid any course of action, positive or negative, which might involve them in a recognition of Israel as an independent State in Palestine. The only departure from this point of view occurred in the negotiation of the Armistice Agreements which were signed by the Arab and Israel delegations not in the name of the respective military commanders but in the name of their Governments. As a logical consequence of this attitude, the Arab States refused to discuss territorial matters until the signing of the Lausanne Protocol, since it is manifestly impossible to discuss the frontiers of a State whose very existence as a State is not recognized. The Arab States collectively insisted on the prior discussion of the refugee question.

Since the signing of the Lausanne Protocol of 12 May 1949, the attitude of the Arab States with regard to the territorial question has undergone considerable change. By virtue of this Protocol the Arab States and Israel agreed to take the boundaries fixed by the General Assembly's resolution of 29 November 1947 as a basis for discussion of territorial questions. In accepting the discussion of territorial matters, the Arab States in effect recognized the existence of the State of Israel; for if it is possible to say that one cannot discuss the frontiers of a State whose existence is not recognized, one can equally affirm that it is impossible not to recognize the existence of a State whose frontiers one is prepared to discuss. In consequence, the Lausanne Protocol can be taken as marking the moment when the Arab States admitted the existence of Israel as a reality with which they would have to deal in the re-establishment of a normal and stable situation in Palestine.

Unfortunately, it has not been possible to accomplish any progress beyond the bare principle thus established by the signing of the Protocol. The line delineated by the Partition Plan of 29 November 1947, which the Lausanne Protocol had laid down as the basis for discussion of territorial questions, was adopted by the Arab States as constituting their own proposals for the frontiers of Israel. Israel, for its part, refused to accept any substantial modification of the territorial situation upon which the Armistice Agreements were based. Although the Arab States could bring to the support of their point of view the fact that the

Partition line was officially approved by the General Assembly, Israel could not be expected to forget that it was the Arab States which, in 1948, opposed by every means at their disposal, including force, the execution of the Partition Plan. Israel would not fail to observe that under the circumstances the Arab States are not in a favourable position to appear today before the Assembly as champions of this Plan.

Regardless of the reservations contained in the Armistice Agreements on the temporary character of the Armistice lines, it is certain that with the simple passage of time these lines are increasingly acquiring the validity and permanence of formal frontiers. This natural process is inevitable and has been considerably assisted by the two following events whose profound significance need not be underlined; the annexation of the greater part of Arab Palestine by Jordan, and the guarantee given to the Armistice lines by the Governments of the United States, the United Kingdom and France.

If the question is examined in a purely realistic and objective spirit, it would seem possible to arrive at a settlement based on certain readjustments which would not necessitate considerable concessions on the part of Israel and which would satisfy the reasonable claims of the Arab States, in particular those of Syria and Jordan. A satisfactory formula regarding the Gaza area could also be found. There is no reason to believe that territorial negotiations would, in themselves, present insurmountable difficulties, but the prospects of success would be small as long as a favourable atmosphere has not been created, and especially as long as the parties have not declared themselves ready to engage in negotiations under normal conditions and in accordance with the usual diplomatic procedure.
