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FUTURE ACTIVITIES OF THE CONCILIATION COMMISSION FOR PALESTINE

(Working Paper prepared by the Secretariat)

The Present Situation

1. The recent debate in the Ad hoc Political Committee on the Palestine question, culminating in the adoption by the General Assembly of the resolution of 14 December 1950 (A/1754), indicated the Assembly's wish that the refugee question receive the immediate attention of the Conciliation Commission for Palestine, either directly or through the new Office called for in paragraph 2 of the resolution. The refugee problem is to be treated as coming within the framework of a general peace settlement but is to be the first specific subject of negotiations towards such a settlement. The Commission will have to decide, at the appropriate time, when and how other specific questions at issue between the parties are to be introduced into the negotiations. This decision of the General Assembly coincides entirely with the Commission's own conclusions that it is impossible to separate the negotiations on the various outstanding questions, but that it is necessary to give priority to the refugee question as a matter of urgency.

2. The experience of two years has shown that the solution of the refugee question is indispensable, not only for humanitarian and political reasons, but also in order to eliminate what is perhaps the main obstacle to progress in the direction of a peaceful settlement between Israel and her Arab neighbours. The present deadlock has been caused (1) by the insistence of the Arab States that Israel admit the right of the refugees to return to their homes and that, therefore, the great

majority of the refugees should return to Israel, and (2) by Israel's failure to agree to these demands.

The position of the Arab States is based on the unconfirmed assumption that the great majority of the refugees wish to return to their homes. Israel's refusal stems mainly from her asserted inability, for security, economic and social reasons, to admit and resettle so vast an alien element within her borders. Thus, the difficulties encountered in solving the refugee question and eliminating its detrimental effects in the relations of the governments concerned are caused mainly by the magnitude of the task of reintegrating the refugees en masse.

3. Therefore the first problem confronting the United Nations in their effort to create a peaceful and stable situation in the Middle East is to reduce the extent of the refugee question by subdividing it, and thus both make a beginning of its solution and break the deadlock on the level of general negotiations. In such an attempt to solve the refugee question the two guiding principles which were emphasized by the General Assembly in its recent debates should be followed: firstly, the best interests of the refugees themselves, and secondly, the practicability of any proposed solution.

4. Up to now, however, it has not been possible to subdivide the problem of the refugees, owing to the attitude adopted both by the Arab Governments and by the refugees themselves towards any attempt in that direction. The Arab refugees, reinforced in their conviction by the stand of the Arab Governments, have reacted against a parcelling of the solution of their problem because they are under the illusion that the possibility of their return to their homes does, in fact, exist. They are under the impression that a unified stand strengthens their position, while any relaxation of this stand would be exploited by Israel to refuse them admittance altogether. Attempts to subdivide the problem are, therefore, regarded by the refugees with suspicion, and proposals to that end are considered by them as intended

to undermine their rights. This attitude reinforces the position adopted by the Arab Governments.

5. The Conciliation Commission has heretofore been unable even to proceed to the main division of the refugees as provided for by the 1948 resolution itself, i.e. into those who wish to return and those who do not. Such a division depends on a free decision made by the refugees themselves. No rational decision is possible, however, unless clear alternatives are placed before the refugees; these alternatives, depending as they do on the actual conditions of repatriation or resettlement and compensation, were not and could not have been known. There has been no example of repatriation or resettlement to which the Commission could point and say to the refugees: "It is thus that you will be repatriated in Israel and thus that you will be settled in this or that Arab country. You can now make your decision." In its Second Progress Report the Conciliation Commission indicated to the members of the General Assembly that "The refugees must be fully informed of the conditions under which they are to return; in particular of the obligations they might incur as well as of the rights that would be guaranteed to them." The Commission also indicated in that report its belief that "for purely technical reasons, it will be necessary, in a certain number of cases, to envisage the return of the Arab refugees as taking place according to general plans for resettlement under the control and supervision of the United Nations." The only concrete step which was possible to the Commission was taken as early as March 1949, when the Commission established that paragraph 11 of the 1948 resolution, calling for the repatriation of those refugees who wished to return to Israel, implied a corollary principle - i.e. that those refugees not wishing to return were to be resettled elsewhere. In this connection the Commission stated in its Second Progress Report that it would "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." The Commission has since secured the consent of certain Arab Governments to accept the resettlement in their own territory of refugees of the second category.

6. The above described agreement in principle, however, has not in fact resulted in the subdivision of the refugee question, for the Arab States have maintained the position that they would undertake resettlement in their own territory only of that residue of refugees that would be left over after repatriation to Israel had been completed. Israel, on the other hand, has up to now made repatriation conditional upon the establishment of peace. Therefore, as far as the refugees themselves are concerned, there has been no demonstration of repatriation, resettlement or compensation in practice which would enable them to make a choice in accordance with their own best interests.

Repatriation

7. The immediate general task of the Conciliation Commission must be viewed in the light of two factors: (a) the overall situation outlined in the foregoing paragraphs; (b) the recent understanding with the Relief and Works Agency that the Conciliation Commission, for the time being, will concentrate its endeavours in the sphere of refugees on repatriation and compensation without, however, losing sight of the fact that the General Assembly has charged the Commission with facilitating the resettlement as well as the repatriation of refugees and the payment of compensation. The arrangements necessary to cope with these two problems of repatriation and compensation will constitute the sphere of activity of the Commission's Refugee Office. It will, however, be for the Commission to formulate and direct the policy along which the Office is to proceed.

8. In the past, the Commission has negotiated with the Israel Government as to the number of refugees who would be allowed to return to their homes.

To continue this approach under the circumstances existing now would be inadvisable for three reasons:

(a) In view of the pressure of Jewish immigration on Israel and in view of the economic problems faced by the new state, any conceivable offer now can be expected to be so low that it might be considered by the refugees as insulting and by the Arab Governments as totally unacceptable.

(b) Any specific figure named would be in contradiction to the letter and the spirit of the General Assembly resolution of 11 December 1948, which clearly postulates the right of return, at the earliest practicable date, of all refugees wishing to return and to live in peace with their neighbours.

(c) Even if agreement on the repatriation of a definite number of refugees could be reached, the Commission would be faced with a most serious problem in any attempt to implement such an agreement. Who is going to select the, say, 20,000, 50,000 or 100,000 persons out of the total number of refugees who may then return? Neither the Conciliation Commission nor the Relief and Works Agency nor the present Arab host-governments have authority under the General Assembly resolutions to make - let alone enforce - such a selection. Indeed the resolution quoted above allows for only three limitations: (i) that refugees not wishing to return shall not return; (ii) that refugees not likely to live in peace with their neighbours shall not return; (iii) that refugees shall not return earlier than at a "practicable date".

9. It is suggested that in formulating its new policy on repatriation, the Commission keep in mind the desirability - set forth above - of sub-dividing the problem in order to promote a concrete and practicable solution. The wording of paragraph 11 of the General Assembly resolution of 11 December 1948 suggests a possible procedure towards that end.

10. Under the proposed procedure the total aggregate of refugees would be subdivided into categories according to such characteristics as occupation, district of origin, family-size etc. The Government of Israel would be asked to reconsider the problem in the light of this new denomination. The Government - after examining Israel's economic needs and pressures - might well come to the conclusion that, for example, blacksmiths or carpenters or family-groups of a certain size, or former inhabitants of Western Galilee, could be usefully repatriated and reintegrated into the Israel economy in the near future. In the terms of the General Assembly resolution, that would mean that the Israel Government considers "the earliest practicable date" for the return of the named group to be, say, the autumn of 1951. (The Government would, of course, retain the right to exclude from even that group those not likely "to live in peace with their neighbours". Screening principles would have to be laid down at the appropriate time in negotiations with the Conciliation Commission.)

11. On the other hand, the Israel Government might find, as a result of its examination, that the return of other groups, for example former residents of Jaffa, or agricultural workers or unskilled labourers, would not be practicable for a much longer period, possibly even a number of years.

12. One outstanding advantage of a policy formulated along these lines would be that, instead of hampering, it would aid efforts made by the Relief and Works Agency at this time - and possibly by the Conciliation Commission at a later date - towards resettlement of refugees in Arab countries. The announcement that a given number of refugees will be allowed to return to Israel would obviously make all or most refugees hesitant to enlist for resettlement projects because every one of them will entertain hope that he will be among the number of those returning.

13. On the other hand, regional or occupational or other groups who are advised that their turn will not come for a long period will be faced with the very concrete alternative of accepting resettlement now or having to remain in camps - possibly without relief rations - for a long period.

14. In addition to the advantage of putting, for the first time, concrete alternatives before the refugees - concrete, though limited, hopes as well as concrete, though inevitable, disappointment - this policy would be founded on factors which cannot be disregarded in any approach to the Palestine problem:

(a) The expressed will of the General Assembly.

(b) The moral rights of the refugees.

(c) The justifiable demands of Arab Governments that paragraph 11 of the resolution of 11 December 1948 be reasonably implemented.

(d) The legitimate needs of the Israel Government for economic, social and security conditions in which the new state can exist and develop.

15. The proposed policy would, of course, in no way restrict the rights of refugees to compensation for loss of or damage to property, as laid down in the same resolution. The problems involved in that issue are set forth in a different set of working papers prepared by the Secretariat.

Solution of other "Outstanding Questions"

16. The Commission might find it, therefore, advisable to plan its future work along the following lines:

(a) Preliminary talks with Israel in order to sound out possibilities for initiating a new approach to repatriation and compensation.

(b) Discussions with the Director of the Refugee Office regarding the implementation of that policy.

(c) Establishment of regular contact with the Relief and Works Agency in order to exchange information regarding the progress being made by the two bodies.

(d) Negotiations with all governments concerned with a view to persuading the Arab Governments that machinery towards solving the refugee question is now working and that, therefore, the time has come to discuss, either with Israel directly or through the Conciliation Commission, other outstanding questions, with a view towards a final settlement of the Palestine question.
