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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

FIFTH PROGRESS REPORT

(For the period 16 September to 9 December 1949, inclusive)

Note by the Secretary-General: The Secretary-General has the honour to communicate to the Members of the United Nations, in accordance with the provisions of paragraph 13 of [General Assembly resolution 194 \(III\)](#) of 11 December 1948, the fifth progress report of the United Nations Conciliation Commission for Palestine.

A. General

1. In its last progress report to the Secretary-General, covering the period from 9 June to 15 September 1949,* the Conciliation Commission had reported that, in order to give the interested Governments sufficient time to reconsider their positions on the territorial and refugee questions, it had decided to suspend its meetings for a short period and reconvene in New York.

2. On 19 October, the Commission reconvened in New York with Mr. Ely Eliot Palmer replacing Mr. Paul Foster as representative of the United States of America. It has since held several meetings at its offices in the Empire State Building with the delegations of the Arab States and with the delegation of Israel, during which various problems were examined.

B. Jerusalem and the Holy Places

3. As stated in its fourth progress report,* the Commission, on 1 September 1949, approved a draft text of an Instrument establishing a permanent international regime for the Jerusalem area, and transmitted it to the Secretary-General for communication to the General Assembly,** in accordance with paragraph 8 of the resolution of 11 December 1948.

* A/992.

** A/973.

During its recess and following the resumption of its meetings in New York on 19 October, the Commission became aware that publication of the draft text had given rise to certain misconceptions and misrepresentations, based apparently on a fundamental misunderstanding of the letter and spirit of the plan. The Commission accordingly decided to circulate, as an addendum to its draft Instrument, a statement setting forth certain clarifications of its plan.*

4. On 24 November, the Commission was invited to appear before the Ad Hoc Political Committee of the General Assembly, to which the question of Jerusalem had been referred. On this occasion, the Chairman of the Commission made an introductory statement explaining the principles which had guided the Commission in drawing up its draft Instrument for the internationalization of the Jerusalem area and elucidating the internal structure of the Instrument itself (Annex).

5. During its meetings in Lausanne, the Commission had, in conformity with paragraph 7 of General Assembly resolution 194 (III) of 11 December 1948 communicated to the delegations a proposed declaration to be made by the Governments concerned with respect to the Holy Places, religious buildings and sites in Palestine outside the Jerusalem area. On 8 and 15 November 1949, the Israeli and Arab delegations

respectively communicated to the Commission their Governments' position with regard to the required guarantees for the protection of and free access to the Holy Places outside the Jerusalem area. The Commission has transmitted these replies, together with its own draft declaration, to the Secretary-General for communication to the members of the General Assembly.**

C. The Refugee Question

6. As indicated in its previous report, the Commission had informed the Arab and Israeli delegations on 12 September 1949 that it did not consider it useful at that moment to formulate more detailed suggestions with regard to the refugee question, notably concerning the number of persons who should return to Israel and the number who should be resettled in the Arab States, in view of the fact that the refugee question in general was under examination by the Economic Survey Mission created by the Commission for this purpose.

7. On 16 November, the interim report of the Economic Survey Mission, having been received by the Commission, was transmitted to the Secretary-General for communication to the Members of the General Assembly.*** In transmitting this document, the Commission indicated in a covering letter its opinion that the report constituted a constructive approach to the Palestine refugee problem, meriting urgent consideration by the General Assembly. The Commission further pointed out that the Assembly might wish to obtain additional information concerning certain of the findings and recommendations contained in the report and, in this connexion, drew attention to arrangements made by the Secretary-General with the organizations administering relief to Palestine refugees.

* A/973/Add.1
** A/1113.
*** A/1106.

8. Paragraph 11 of the General Assembly resolution of 11 December 1948 gave to the Conciliation Commission the specific mission of facilitating the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation. In accordance with this disposition the Commission included in the terms of reference given by it to the Economic Survey Mission the question of compensation to be paid to refugees not wishing to return to their homes. The Commission has decided to resume consideration of this question upon the resumption of its work in January 1950, taking as a basis studies made by the Economic Survey Mission.

9. As regard those preliminary measures for the protection of the rights, property and interests of the refugees in the implementation of which the Commission had instructed its Principal Secretary to assist in during the recess, the results thus far achieved have been as follows:

In connexion with the reunion of separated refugee families, Lebanon, Egypt and Jordan have appointed representatives to discuss and carry out, in collaboration with the competent Israeli authorities, the actual plan for the return of these refugees. Syria has indicated its readiness to appoint representatives as soon as possible.

"With regard to blocked Arab accounts, the conversations of the experts of the two sides with the Commission's economic expert, for the purpose of arriving at a mutually acceptable method of unfreezing these accounts, are continuing in a favourable atmosphere.

In connexion with the arrangements to enable Arabs living in territory under Arab control close to the Armistice demarcation line, to cultivate their lands which lie within territory under Israeli control, both the Israeli and Jordanian authorities have agreed to discuss the matter in the Special Committee set up by the Armistice Agreement.

D. The Territorial Question

10. The Commission had pointed out to the various delegations in Lausanne on 12 September that, in its opinion and taking into consideration the terms of the Protocol of 12 May 1949, their proposals concerning the territorial question exceeding the limits of what might be considered "adjustments" of the map attached to that Protocol. The Commission had, therefore, felt obliged to request the various Governments to re-examine their positions. The Commission had indicated that it considered it premature at that time for it to make any specific proposals concerning the modifications to be made to the positions adopted by the two sides. It nevertheless reserved the right to do so in the future and avail itself of the authority conferred upon it by the General Assembly, in so far as it considered necessary.

11. Upon the resumption of meetings in New York, the Arab delegations informed the Commission that they still adhered to the terms of the Protocol of 12 May and saw no reason to deviate from the proposals they had already presented; this stand of the Arab delegations was to be considered as final and it was for the Commission itself to take the initiative of stating in what way it considered the Arab territorial demands excessive. At the same time, the Arab delegations expressed the opinion that the method thus far followed by the Commission, of simply transmitting the proposals of the one side to the other, had resulted in little of practical value and strongly urged the Commission to present its own suggestions or proposals. They added that they had confidence in the Conciliation Commission's ability to undertake this task and were not prepared to enter into direct negotiations with the representatives of Israel.

12. The delegation of Israel submitted to the Commission on 27 October a letter containing its Government's reply to the Commission's note of 12 September. In this letter, the Israeli delegation maintained in their entirety the proposals already submitted to the Commission in Lausanne with regard to the territorial question. Further, the delegation reaffirmed its desire to open direct peace negotiations with each of the interested parties. In the opinion of the delegation, the refusal of the Arab States to meet the representatives of Israel around a conference table, under the auspices of the Commission, rendered the continuation of the Commission's efforts at conciliation "fruitless" and might even render them "harmful". Finally, the delegation of Israel felt that the procedure by which the Commission would itself formulate specific proposals would call in question "the whole method of conciliation hitherto followed, and the terms of reference of the Commission itself".

13. The Commission replied, on 10 November 1949, to the letter of the Israeli delegation. As regards the observations made

by the Israeli delegation concerning the Commission's methods of work, the Commission pointed out that it had always been and continued to be in favour of direct negotiations between the representatives of the Arab States and of the State of Israel, but that it was necessary to take into consideration the terms of the General Assembly resolution of 11 December 1948, by which the Governments and authorities concerned were to seek agreement by negotiation, either directly or through the Conciliation Commission, and that the Arab representatives persisted in their desire to continue negotiations through the Commission. Moreover, the Commission pointed out that its power to submit concrete proposals to the parties arose not only from the very nature of its task of conciliation, but from the specific terms of sub-paragraph 2(a) of the General Assembly resolution.

14. In a letter dated 30 November 1949, referring to the Commission's letter of 12 September and the Israeli delegation's reply of 19 October, the permanent representative of Israel to the United Nations stated that his Government believed that, since the whole future of the Conciliation Commission would now appear to be under discussion in the General Assembly, it would be preferable to await the outcome of that discussion before embarking upon any long-term planning of the conciliation effort in the future. With reference to the proposal that the Conciliation Commission should itself make specific suggestions to the parties, he pointed out that the Israeli Government's views were fully set out in the letter which he had addressed to the Conciliation Commission on 27 October.

E. Conclusions

15. The Commission considers it necessary to recall in this connexion that paragraph 5 of General Assembly resolution 194 (III) of 11 December 1948

"Calls upon the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948 and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;"

Furthermore, the Commission considers that it has received from the General Assembly in explicit terms the powers and obligations to undertake in the present circumstances a procedure of mediation and, in consequence, to submit compromise proposals to the parties concerned. Paragraph 2(a) of the General Assembly resolution of 11 December 1948 reads as follows:

"To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948".

Therefore the Commission hopes to undertake this task with the interested parties and thereby bring to a successful conclusion the mission entrusted to it by the General Assembly.

16. The Commission has decided to adjourn its meetings until 16 January 1950. At that date it will meet in Geneva to consider the final report from the Economic Survey Mission and continue its negotiations with the delegations of the Arab States and Israel.

ANNEX

Text of an address delivered by the Chairman of the United Nations Conciliation Commission for Palestine to the Ad Hoc Political Committee before the opening of the debate on Jerusalem, 24 November 1949

In submitting its draft Instrument on Jerusalem to the General Assembly for its consideration, the Conciliation Commission has been guided by its terms of reference laid down in the Assembly resolution of 11 December 1948. As regards Jerusalem, the Commission was invited to present detailed proposals for a permanent international regime consistent with the maximum local autonomy for distinctive groups. In addition, the Commission has made every endeavour to take into account the existing political and territorial situation in Jerusalem, the viewpoints of the inhabitants, and the viewpoints of the religious communities and the political authorities most directly concerned with Jerusalem's future. Admittedly, the Commission's plan does not completely satisfy the aspirations of every group or party. The Commission does feel, however, that its plan is capable of being put into operation without seriously infringing upon the rights of any group or seriously dislocating the existing arrangements for the Holy City's government. The Commission believes, moreover, that its plan provides positive safeguards for those matters of international concern which prompted the General Assembly to adopt its resolution of 11 December 1948.

The provisions of the Commission's plan can be regarded as falling under three headings:

Firstly, those provisions relating exclusively to the protection of and access to the Holy Places;

Secondly, those provisions which relate to much needed assistance in restoring Jerusalem to a normal life and safeguarding its unique character; and

Thirdly, those provisions which promote peace and security in the area of Jerusalem and, consequently, in the whole of Palestine.

The Commission has recently issued a statement which has been distributed to all the delegations explaining in somewhat greater detail the intents and purposes of the various provisions of the plan. If further clarifications are desired by certain delegations, my colleagues and I are, of course, at your disposal. The Commission believes that the plan it has presented is workable, effective and appropriate to the Commission's terms of reference. The Commission considers, moreover, that its task, as envisaged by the General Assembly resolution of 11 December 1948, has been fulfilled as regards Jerusalem. It is for you here to decide, in the light of the many conflicting viewpoints and interests, whether it has found a satisfactory solution to a question the answer to which is awaited anxiously by the many thousands of the faithful of the Christian, Jewish and Moslem religions throughout the world.

