



UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE
LETTER DATED 29 AUGUST 1949
ADDRESSED TO THE CHAIRMAN OF THE CONCILIATION
COMMISSION BY THE HEADS OF THE ARAB DELEGATIONS
AND TRANSMITTING A MEMORANDUM CONTAINING
THE REPLIES OF THE ARAB DELEGATIONS TO

THE COMMISSION'S QUESTIONNAIRE OF 15 AUGUST 1949

Sir:

We have the honour to inform Your Excellency that the Arab delegations have studied the [memorandum](#) which the Commission handed to them at the meeting held on 15 August 1949.

We wish first of all to indicate herewith the satisfaction of the Arab delegations with the manner in which the Commission envisages the solution of the Palestine problem. The [Commission's Memorandum of 15 August 1949](#) is, in fact, based upon the [General Assembly's resolution of 11 December 1948](#) and upon the [Protocol of 12 May 1949](#) concluded between the Commission and the interested parties.

These two documents constitute the basis upon which the solution of the Palestine problem should be founded.

Since their arrival, in Lausanne in April 1949, the Arab delegations have lent their sincere support to the work of the Commission and have collaborated with the latter toward a successful conclusion of its task. The Arab delegations have always maintained and still maintain that the settlement of the Palestine problem, in order to be a lasting one and to ensure peace and stability, must be founded upon certain principles. Any settlement which departs from the principles of justice, equity and security would have little chance to survive and would not serve the cause of peace and stability in the Middle East.

In response to the Commission's request, and in the sincere desire to continue their collaboration with the Commission, the Arab delegations have the honour to transmit to the Commission herewith a memorandum containing replies to the questions put by the Commission in its [Memorandum of 15 August 1949](#).

The Head of the Egyptian Delegation:
s/ A. MONEM MUSTAFA

The Head of the Jordanian Delegation:
s/ F. MULKI

The Head of the Lebanese Delegation:
s/ A. F. AMMOUN

For the Head of the Syrian Delegation:
s/ AHMAD SHUKAIRY

MEMORANDUM

The Arab delegations, referring to the [Memorandum of 15 August 1949](#) from the United Nations Conciliation Commission for Palestine, have the honour to communicate to the Commission the following:

1. The Arab delegations responded to the invitation formulated by the United Nations General Assembly in article 14 of its [resolution of 11 December 1948](#), and came to Lausanne animated by a desire to collaborate with the Conciliation Commission toward the accomplishment of the mission entrusted to it, and, more generally, with the purpose of implementing the afore-mentioned resolution, which in particular provides for:
 - a) a regime for the Jerusalem area and protection of the other Holy Places;
 - b) repatriation of the refugees and payment of due compensation for their lost or damaged property, as well as for the property of those who do not wish to return;
 - c) settlement of the territorial question.

In the desire to attain these objectives, the Arab delegations, after exchanges of views with the Conciliation Commission, signed the [Protocol of 12 May 1949](#), with its attached map, in which [Protocol](#) the Commission indicated its desire "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.... with the understanding that the exchanges of views which (would) be carried on by the Commission with the two parties (would) bear upon the territorial adjustments necessary to the above indicated objectives." ([Annex to document A/AC.25/PR.3](#))

A. Jerusalem and the Holy Places

2. Continuing their efforts to achieve the above-mentioned objectives, and in respect for the decision of the United Nations, the Arab delegations presented to the Committee on Jerusalem, at its meeting on 20 June 1949, ([Com.Jer/SR/33](#)) their replies to the questionnaire concerning Jerusalem and the other Holy Places.

In spite of their conviction that the maintenance of the entire Jerusalem area under Arab authority would ensure the security of that area and the protection of the Holy Places within it as well as being the best safeguard of the legitimate interests of all its inhabitants, the Arab delegations nevertheless agreed to cooperate in the preparation of the regime provided for by the above-mentioned [resolution](#).

In particular it was noted in the summary record of the above-mentioned meeting that the Protocol of 12 May, signed by the Arab delegations with the Commission, indicated the Jerusalem area as a separate and distinct area, and it was further noted that the Arab delegations continued to adhere to that Protocol in its entirety, considering the Jerusalem question as an integral part of the whole Palestine problem.

3. In order to facilitate implementation of the [resolution of 11 December 1948](#), the Arab delegations requested, in their [memorandum of 23 May 1949](#), that the unauthorised measures taken by the Jewish authorities in Jerusalem should be revoked.

Moreover, the Commission, in its [Third Progress Report](#) dated 13 June 1949, pointed out that in point of fact "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" ([A/AC.25/PR.3](#)). The Commission recalled that it had already given some consideration to this question.

B. Repatriation of Refugees and Payment of Compensation

4. The repatriation of the refugees and the payment of the compensation due them have been required both by the [resolution of 11 December 1948](#) and by the Protocol of 12 May 1949.

After signing the [Protocol of 12 May](#), in which the Conciliation Commission expressed its desire 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", the Arab delegations requested, in their [memorandum of 23 May 1949](#), as a first step toward the achievement of this aim, that the refugees coming from the territory allotted to the Arabs in the map attached to the [Protocol of 12 May](#), including western Galilee, the city of Jaffa, the central zone including Lydda, Ramle and Beersheba, the southern coastal zone, and the international zone of Jerusalem, should be allowed to return to their homes.

As a result of this step, the Commission was able to state only the following, in its above-mentioned [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."

It would seem, however, that the Israeli delegation, after having accepted this principle, later rejected it, since that delegation signed the [Protocol of 12 May](#), upon which the Arab proposal was founded, and which endorsed the provisions of the [resolution of 11 December](#) and included them among its objectives.

5. Moreover, the Commission was anxious, and with good reason, regarding the fate of the refugees who might not wish to live under Jewish authority. The Commission stated, in its above-mentioned [report](#): "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."

On the day following this stage of the Commission's work, the Commission decided to suspend its activities temporarily.

6. Upon the resumption of meetings, the Jewish delegation informed the Commission, at its [meeting on 28 July 1949](#), that it would be ready to submit concrete proposals regarding the settlement of the refugee question, as soon as it had obtained assurances that the Arab delegations agreed to consider the immediate examination of the refugee question as the beginning of general negotiations directed toward a final settlement of the Palestine problem and toward the establishment of a just and permanent peace in Palestine.

The Arab delegations, concerned with the tragic position of the refugees, and not wishing the Jewish delegation to continue to use them as a means of exerting pressure, agreed to accept the declaration submitted to them by the Commission to this effect. But the proposals presented by the Jewish delegation in execution of its agreement did not measure up to the expectations of the Arabs, and even disappointed the Commission itself.

The Jewish delegation proposed, in actual fact, the return of some 85,000 refugees throughout the entire territory of Palestine occupied by Jewish forces.

This proposal disregards the provisions of the [resolution of 11 December 1948](#), which were confirmed by the [Protocol of 12 May 1949](#). It is sufficient to point out that under the formal terms of that [resolution](#), about 850,000 refugees should be returned to their homes, and that the Jewish delegation is prepared to accept only one-tenth of that number.

Furthermore, the Jewish delegation, in proposing the repatriation of this minute proportion of the refugees to the entire territory of Palestine at present under Jewish control, appears to forget the provisions of the Protocol of 12 May, which took as a basis for discussion and solution of the territorial problem the map attached to the said [Protocol](#). The Jewish proposal should have applied only to the territory which would be allotted to the Jews in accordance with that map.

7. Going beyond this proposal, which the Commission did not feel it should communicate officially to the Arab delegations, the latter re-affirmed their point of view as follows:

(a) In their [memorandum of 23 May 1949](#), the Arab delegations requested the repatriation of all refugees coming from the territory which would be allotted to the Arabs, and from that which would be internationalised, according to the map attached to the [Protocol of 12 May](#), that is, western Galilee, the city of Jaffa, the central zone including Lydda, Ramle, Beersheba and Faluja, the southern coastal zone, and finally the Jerusalem area. This request, which is in conformity with the [resolution of 11 December 1948](#) and with the terms of the [Protocol of 12 May 1949](#), cannot but receive the support of the Commission.

b) This being the case, the only question which can profitably be discussed is the question of determining which refugees should be repatriated from among those whose homes are in the areas to be allotted to the Jews in accordance with the map attached to the [Protocol](#). However, by putting obstacles in the way of the return of a certain number of these refugees, the Jews cannot escape the obligation of indemnifying them. The most adequate form of compensation is compensation in kind, which consists in granting territorial compensations within the framework of the dispositions of the [Protocol of 12 May](#) providing for the necessary adjustments in this respect.

8. Noting however that the Jewish proposal had been disappointing, the Conciliation Commission refrained, as was pointed out, from communicating it to the Arab

delegations and submitted to them the [memorandum of 15 August](#) mentioned above.

In this [memorandum](#), the Commission asked them to accept a declaration according to which “the solution of the refugee problem should be sought in the repatriation of refugees in Israeli-controlled territory and in the resettlement of those not repatriated, in Arab countries or in the zone of Palestine not under Israeli control.”

The Arab delegations wish first to stress that they do not consider themselves entitled to sign any declaration or instrument of a nature to prejudice the [resolution of 11 December 1948](#) adopted by the General Assembly of the United Nations. That [resolution](#) is in effect based on the principles of right and justice and is in accordance with social necessities. These principles and necessities should not be disregarded to the detriment of individuals who should benefit from them and to the detriment of society, whose peaceful structure they guarantee.

9. Nevertheless, in claiming the indefensible right of the refugees to return to their homes and to their property, the Arab States will not cease to furnish them the aid which they have not stinted since the beginning and which is inspired by the feelings of humanity and fraternity with which they are imbued.

It is in this spirit that the Arab delegations receive the declaration proposed by the Commission and declare that they are in a position to study its implementation within the framework of the principles set forth above, account being taken of the refugees to be resettled in Arab Palestine, in Jewish territory and in the internationalized area.

The Arab delegations wish in this connection to recall the terms of the [Protocol of 12 May](#) concerning respect of the rights of refugees and the protection of their property. In application of this document, the Arab delegations had asked, in paragraph 9 of their [memorandum of 18 May 1949](#), that the refugees returning to their homes should be assured the guarantees necessary to their security and peace and to their liberty, in conformity with the provisions of the Declaration of Human Rights adopted by the United Nations on 10 December 1948. The continuous machinations of the Jewish authorities have obliged them once more to draw the Commission's attention to the necessity of establishing international guarantees — to be determined at a later date — assuring to the refugees to be repatriated in areas under Jewish control just treatment, without discrimination on grounds of race or faith. In accordance with the provisions of the said Declaration, the returning refugees will submit to the obligations imposed upon them by the law of the land.

The Arab delegations also demanded, in their [memorandum of 23 May 1949](#) the repeal of measures concerning the occupation and requisition of Arab houses and lands, to which the Jews deliberately resorted in order to obstruct the resettlement of the refugees and their enjoyment of the rights guaranteed to them under the [resolution of 11 December 1948](#). They further urge that the property of Arabs in general shall be safeguarded, no matter where they are or to what nationality they belong.

10. It need not be stressed that should a Survey Group be charged by the United Nations with the establishment of major works projects in the Middle East for the purpose in particular of facilitating the repatriation, resettlement and economic and social rehabilitation of the Arab refugees and of studying the conditions in which such a programme could be carried out, the Arab delegations will recommend that their Governments facilitate the mission of that Survey Group and take all the steps which they may judge appropriate and possible to help in the implementation of such solutions as the Group may propose.

11. Furthermore, it is evident that the above provisions concerning Arab refugees can in no way prejudice the rights which the parties reserve in connection with the final settlement of the territorial question in Palestine.

12. As regards the question put to each Arab delegation as to whether it is prepared, without committing its Government for the present or the future, to present a provisional estimate of the approximate number of refugees which its Government would be ready to accept, the Delegations of Jordan and Syria are in a position to state that their Governments are able to receive, as a result of the recommendations of the Survey Group such refugees as may not return to their homes, in implementation of the provisions of Chapter I, paragraph 1 of the [Memorandum of 15 August 1949](#) mentioned above.

13. With regard to Egypt, it should be pointed out that, as is generally known, the country is faced with an acute demographic problem. It has a very considerable population. Moreover, since health conditions have improved and the standard of living has been raised, mortality is decreasing whereas the birthrate continues to rise. The area of arable land cannot be greatly extended. Under those conditions, it would be difficult for Egypt to contemplate the resettlement of a number of refugees on its existing territory. When its eastern frontiers have been readjusted, however, the Egyptian delegation would be prepared to study the question in the light of the prevailing situation and within the framework of international technical and financial aid.

14. The situation of Lebanon is similar to that of Egypt, since it is one of the most densely-populated areas in the world. The restricted scope of its territory, largely mountainous, has been the cause of mass emigration of its inhabitants. One Lebanese out of every two has emigrated, since there are over a million emigrants in proportion to one and a quarter million inhabitants. Finally, economic conditions in Lebanon call for effective aid in order to enable the country to develop its resources and to cooperate with the other Arab States towards general economic revival.

15. The Arab delegations, in conclusion, take note of the provisions of paragraph 4 of the Commission's [memorandum of 15 August 1949](#), which states that the funds for emergency aid extended to the refugees must be renewed until technical and financial aid shall have been allotted by the international community.

The above-mentioned delegations, who have continually stressed the urgent nature of the refugee problem and the need to give it priority in the study of the Palestine problem, consider that the funds for emergency aid extended to the refugees must be renewed until technical and financial aid shall have been allotted by the international community. Any delay in the implementation of the [resolution](#) of the General Assembly of the United Nations of 11 December 1948 providing that refugees who wished to return should be free to do so, would lead to very grave consequences. The least that the United Nations can do, in the meantime, is to continue to supply the funds for emergency aid necessary for the maintenance of the refugees, the responsibility for them being one of international concern.

C. [Settlement of the territorial problem](#)

16. The United Nations Conciliation Commission has put the question of what territorial adjustments the Arab delegations desire to make to the working document annexed to the [Protocol of 12 May 1949](#).

Phrased in this way, the question sets forth the problem clearly. The Arab and Jewish delegations have adopted the territorial clauses of the General Assembly's [resolution of 29 November 1947](#) as they appear in the map attached to the [Protocol of 12 May](#). It was however understood that the exchanges of views which the Commission would proceed to hold with both parties would deal with the territorial adjustments necessary to achieve the objectives indicated in the text of the [Protocol](#).

The territorial problem has therefore been solved in the main by the signing of the [Protocol](#) and the adoption of the territorial clauses of the [resolution of 29 November](#), although certain adjustments could be proposed later within the framework of these texts.

Before considering what are the essential adjustments, it should be emphasised that the clauses contained in a document signed by the representatives of the countries concerned, as well as by the members of the Conciliation Commission representing the United Nations and acting in the name of that body, must not be prejudiced in any way.

17. The Arab delegations, moreover, agree with the Commission that the refugee problem is closely linked with the territorial question and that its solution is dependent on a just territorial settlement.

In particular, it should be observed that the territories which, under the [Protocol of 12 May](#), would come under Arab control, and which are at present, under the

Jewish authorities, are of a nature to contribute to a very great extent towards the resettlement and the economic and social rehabilitation of the refugees. Western Galilee, the largest and richest of these territories, could receive, in addition to the 90,000 refugees who came originally from that region, a considerable number of others who could be settled with technical and financial assistance from the international community, thus raising the population of this region from 150,000 to over 400,000 persons.

18. The settlement of the question of property, provided for in the [Protocol](#), is also related to the future of the territories assigned to the Arabs. Referring again to Western Galilee, it is sufficient to note that the Jewish population; which constitutes only 4 per cent of the population, owns only 3 per cent of the land, according to statistics established by the United Nations (Appendix 4 and 5 of document A/AC.114/32, attached). The land belonging to the Arabs, amounting to 87% of the area, represents considerable wealth for which even a large State would find difficulty in compensating the owners. On the other hand, to return the territories in question to the Arabs would serve to lessen the obligations incumbent on the Jewish authorities. An exchange could, moreover, take place with the consent of the parties concerned for equivalent amounts, between property belonging to Arabs in Jewish territory and the property of Jews in Arab territory, thus facilitating the payment of compensation.

19. Finally, attention must be drawn to the connection between the settlement of the territorial problem and the protection of Holy Places. Over and above what has been said concerning Jerusalem, some provision must be made for Nazareth, the second Holy City of Palestine, as well as the other places sanctified by a holy presence in Arab Galilee.

The above considerations also obviously apply to the other territories in Palestine assigned to the Arabs by virtue of the map attached to the [Protocol of 12 May](#), such as Ramleh, Lydda and other places mentioned in paragraph 7 of the present memorandum.

20. Turning now to the adjustments to be made to the [Protocol](#), we must establish the principle that the sole procedure to be followed is that of compensation.

Otherwise, the economy of the [Protocol](#) would be affected and the [Protocol](#) itself violated.

In particular, the statistical considerations raised by the Jews in their above-mentioned proposal must be set aside. The Arab States are themselves entitled to take advantage of such considerations as a result of statements made by the Jewish leaders displaying expansionist aims.

21. Compensation may, however, be of two kinds: purely territorial compensation and compensation for the settlement of refugees not admitted into Jewish territory, the latter clearly arising from the provisions of the [Protocol of 12 May](#), which states in effect 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." These objectives are mentioned in the preceding paragraph of the [Protocol](#), namely, "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.

22. The decision as to which territories would be demanded as compensation for the refugees not admitted into Jewish territory could not of course be definitively made until the Jewish authorities have made known their final position. However, with reference to their proposal to accept some 85,000 refugees out of 850,000, it would appear that their aim is rather, in the course of these exchanges of views, to exclude repatriation of the majority of the refugees. This can be seen, moreover, from the [statement made to the Commission on 9 June 1949](#) by the Chairman of the Jewish delegation who sought "to eliminate the problems raised by minority groups, which were a major cause of international tension and internal unrest within nations, often resulting in war."

23. The Arab delegations consider, therefore, that they have the right to demand, as compensation for the proportion of refugees not admitted into Jewish territory, the territories of the Negev and Eastern Galilee.

It is necessary to add that until the First World War Egypt was placed under the nominal sovereignty of the former Ottoman Empire; Palestine was part of the same Empire, as well as the country known today as the Hashemite Jordan Kingdom.

For purely administrative purposes, a frontier line between Egypt and Palestine was established by virtue of an agreement reached between Egypt and the Sublime-Porte on 6 October 1906.

Following the peace treaty, Egypt was definitively separated from the former Ottoman Empire, and Palestine as well as Transjordan were placed under a British Mandate, the frontiers between the two latter countries being established by the British Mandate.

No account was taken by those responsible for the agreement of 6 October 1906 establishing the frontier between Egypt and Palestine, or by those responsible for the mandatory act establishing the frontier between Palestine and Transjordan, of strategic considerations or of factors of security, since the essential aim in establishing the frontiers was a purely administrative one. These considerations and these factors did not arise. Indeed, as has already been stated, Egypt and Palestine had ties of dependence on the former Ottoman Empire. Moreover, the question of security did not arise for Egypt after the First World War due to the ties existing between Egypt and Great Britain, which was the Mandatory Power for Palestine and Transjordan.

Now that the British Mandate for Palestine has come to an end and a new *de facto* situation exists in Palestine, it is a question of overriding interest for Egypt to ensure its security and to safeguard its territorial integrity.

The recent events in Palestine are too significant for it to be possible to minimize the vital importance of this factor with regard to the security of Egypt. Moreover, Egypt, which is an integral part of the Arab world, has every interest in not being separated from the rest of the Arab countries of Asia. Any break in the territorial contiguity between Egypt and the Arab world in Asia would have unfavourable repercussions on the development of this part of the world and on its future, and would constitute a perpetual threat to its security. Furthermore, security must be assured in order to achieve peace.

The Hashemite Jordan Kingdom has, moreover, a major interest in the recovery of the Negev. Not only would this measure avert a grave threat to the security of the Jordan Kingdom; it would moreover enable the latter to have direct political, economic and cultural contact with Egypt. Finally, the Arab part of central Palestine would benefit, as regards its vital economic needs, from direct, free and sure access to the sea.

For all these reasons, the Arab delegations consider that the entire region of the Negev should form an integral part of Arab Palestine.

The [Partition Plan](#), voted on 29 November 1947 by the General Assembly of the United Nations, incorporates the coastal zone of the Upper Negev, as well as a strip of territory along the frontier line between Egypt and Palestine, into Arab Palestine. Furthermore, almost the entire population of the Negev region is Arab, and is determined to retain its Arab character and to form a part of Arab Palestine. Nearly all the land in the region, moreover, is owned by Arabs. Lastly, in all the previous plans drawn up for the solution of the Palestine problem, on the basis of partition, the Negev formed part of Arab Palestine. Thus, the [plan of the Peel Commission](#) in 1936, the Morrison Plan of 1946, the minority plan of the United Nations Commission of Enquiry for Palestine (1947 — in part) and finally the [Bernadotte plan](#), recognizing these considerations as well-founded, provided that the Negev would be incorporated into Arab Palestine.

Any settlement of the Palestine problem which is to be lasting and likely to ensure peace and stability in the Middle East must take into account Egypt's legitimate pre-occupations for its security and must, once and for all, eliminate causes of friction likely to result in unfavourable repercussions on the peace of this part of the world.

Egypt, fully aware of its responsibilities as an Arab Power in the Middle East, is resolved to cooperate toward the return of Peace — a just, true and lasting peace — to the Middle East, thus making possible the inauguration of a new era of political stability, economic development and social equilibrium in this part of the world, the strategic and economic importance of which is evident to all.

It is on the basis of these considerations and in the sincere wish to cooperate with the Conciliation Commission toward the solution of the Palestine problem in all its aspects that the Arab delegations ask for the inclusion of all the region of the Negev in Arab Palestine.

In this connection, the Arab delegations wish to make the following observations:

- 1) The Arab population of all the region of the Negev, representing almost the total population of the entire region, is steadfastly resolved to retain its Arab character. To endeavour to place this population under the government of the Jewish authorities would in no way serve the cause of peace and would be contrary to the principles of the United Nations Charter.
- 2) The region of the Negev could absorb a considerable proportion of the Arab refugees at present in the Gaza area, within the framework of international technical

and financial aid.

It would therefore not only serve the cause of peace and stability but would also contribute in part to the solution of the refugee problems to incorporate the rest of the Negev in Arab Palestine.

24. With regard to Eastern Galilee, it is well-known that an Arab majority exists there, not only in population but in the ownership of land. This region presents the same particular features as Western Galilee concerning the question of property and that of the Holy Places.

It should be recalled, moreover, that the first plans made after the 1914-1918 war included Eastern Galilee in Syria. However, after it had been attached to Palestine under the British mandate, the region of Houle was separated from it by the agreement of the two Mandatory Powers without taking into account the interests of Syria and Lebanon. The frontiers of both these countries, already adjacent to Palestine by the annexation of Galilee, today under Jewish control, have become even more vulnerable by the cession of Houle. The violation of the Lebanese frontier and the occupation of some of its villages have been the result of that. Legitimate considerations of security, in addition to the principle of compensation arising out of the [Protocol of 12 May](#) to which the Arab delegations remain indissolubly bound, demand therefore the return of Eastern Galilee as well as the Negev to the Arabs.

25. In making the above proposals in reply to the question referring to territorial adjustments, the Arab delegations continue to remain prepared to study every suggestion that the Commission might consider it useful to make and to exchange views with the Commission on these suggestions.

They are convinced that this reply is of a nature to enable the Commission to accomplish the task with which it was entrusted by the United Nations and to achieve the solution of peace and justice towards which its efforts are aimed.

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