

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

GENERAL COMMITTEE

RESTRICTED

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PROGRESS REPORT OF THE GENERAL COMMITTEE  
TO THE CONCILIATION COMMISSION FOR THE PERIOD

14 MAY - 18 JULY

I. ORGANIZATION AND PROCEDURE

1. During its fifty-fifth meeting, held in Lausanne on 14 May 1949, the Conciliation Commission established a General Committee, consisting of the principal adviser of each Commission member, and gave it the following terms of reference:

"To study and prepare reports at the request of the Commission and after securing the views of the delegations concerned, on any question that the Commission might deem advisable to submit to the Committee, within the terms of the Protocol signed on 12 May."

It was agreed that the chairmanship of the Committee should rotate in identical manner with that of the Commission.

2. Upon its establishment the General Committee agreed that its functions as envisaged by the Commission should consist not only in hearing the views of the various delegations but after study of the questions brought before it, in submitting reports to the Commission, either orally or in writing, which might include suggestions and proposals.

3. From the date of its establishment until 18 July, the General Committee has held six meetings with the delegations of the Arab States (documents Com.Gen./SR. 4, 7, 8, 9, 11; 14 and 20), seven with the delegation of Israel (documents Com.Gen./SR. 2, 8, 10, 12, 15, 18 and 22), and nine internal meetings (documents Com.Gen./SR. 1, 3, 5, 6, 13, 16, 17, 19 and 21). The Committee has so far met with the Arab delegations collectively, but it has taken note of the Commission's decision that meetings may be held separately when considered appropriate (document SR/56).

4. In accordance with its terms of reference and subsequent instructions of the Commission to secure the views of the interested delegations on outstanding questions relating to refugees as well as to territorial questions (documents SR/55, SR/57 and SR/LM/14), the General Committee proceeded to the examination of preliminary measures with regard to the preservation of the rights and property of refugees and to the consideration of Israeli proposals regarding the territorial question.

5. For the purpose of securing basic information on the refugee problem, the General Committee submitted to the Arab and Israeli delegations a questionnaire dated 19 May concerning refugee and population statistics (document Com.Gen./2). The replies received were transmitted to the other party (documents Com.Gen./3 and Com.Gen./4) and the information made available to the Technical Committee.

6. At the request of the Commission, the Committee was also seized of the Israeli proposal regarding its frontiers with Egypt and the Lebanon (document SR/LM.15 and SR/62).

7. On 18 May, the Arab delegations submitted to the Committee a nine-point memorandum proposing urgent measures for the protection of the rights and property of refugees (document AR/8). A further memorandum of the Arab delegations addressed to the Commission on 21 May (document AR/11) which inter alia proposed the return of refugees to certain specified areas of Palestine now under Israeli control, was submitted by the Commission to the General Committee for study and discussion of its details with the parties concerned (document SR/LM. 16).

8. On 24 and 25 May the General Committee sent to the Arab and Israeli delegations respectively a memorandum informing them that it had decided to adopt as a working programme for its subsequent meetings these four items; namely, refugee and population statistics, the Israeli territorial proposal regarding Egypt and the Lebanon, and the proposals contained in the Arab memoranda of 18 and 21 May. The work of the Committee in regard to these and subsequent items brought before it is examined below.

## II. TERRITORIAL PROPOSALS

9. The Israeli delegation proposed that the political frontier between Israel and Egypt and Lebanon respectively should be the same as that which separated the latter countries from Palestine under the British Mandate (documents SR/LM/15 and IS/19). This proposal, with its attendant observations was transmitted to the Arab

delegations on 23 May (document AR/12) and submitted to the General Committee for further study. The Arab delegations rejected this proposal on the grounds that it was contrary to the 12 May Protocol and requested that it be withdrawn from the agenda of the General Committee. The Commission decided that the item should remain on the Committee's agenda but not come up for active consideration until further notice (documents AR/13, SR/LM/16 and SR/67).

10. On 26 May the Israeli delegation submitted to the General Committee for transmission to the Arab delegations a proposal that the frontiers between Israel and the Hashemite Jordan Kingdom should be, in the north and south, those that had existed between Trans-jordan and Palestine under the British Mandate and in the centre should follow, with modifications in the interest of both parties, to be discussed at a later date, the present armistice lines (with the exception of the Jerusalem area). As justification for the line suggested in the central area at present under Jordanian military authority, the Israeli delegation submitted plans for a canal which would use the head-waters of the Jordan, and possibly of the Litani, to irrigate the northern Negev (documents Com.Gen./SR/8 and 10).

11. The substance of this proposal was communicated by the Commission to the Arab delegations on 4 June, but without entering into the detailed justification provided (document AR/15). The General Committee has not received any observations from the Arab delegations on this proposal.

12. Concerning the territorial aspects of the Arab memorandum of 21 May, these were discussed in meetings of the Commission with the Arab delegations, and accordingly have not been examined by the General Committee.

### III. PROPOSALS REGARDING REFUGEES

#### A. Repatriation

13. The 21 May memorandum of the Arab delegations proposed the immediate return to their homes of Arab refugees from certain areas, now under Israeli occupation, defined as Arab territory on the map attached to the Protocol of 12 May. Following discussions of the general aspects of this proposal with the Commission, certain of its detailed aspects and in particular the question of providing international guarantees for the personal security and rights of refugees returning to Israel were examined by the Committee in a meeting with the Arab

delegations (document Com.Gen./SR.11). The Arab delegations requested that the Israeli Government should undertake immediately to respect the United Nations' Declaration of Human Rights and the rights of minorities provided for in the General Assembly's resolution of 29 November 1947. The discharge of such an undertaking would be supervised by United Nations observers acting under the authority of the Commission.

B. Preliminary Measures

14. In their memorandum of 18 May, addressed to the General Committee, the Arab delegations submitted demands for the adoption of nine urgent measures for the protection of the rights and property of refugees (document AR/8). The memorandum proposed the return to their lands and homes of Arab owners of orange groves together with the necessary workmen and technicians; the immediate unfreezing of Arab accounts in Israeli banks; the abrogation of the Absentee Act; the suspension of all measures of requisition and occupation of Arab houses and lands; the reuniting in their homes of refugees belonging to the same family; the assurance of freedom of worship and of respect of churches and mosques; the repatriation of religious personnel; the freeing of Wakf property; and the assurance to refugees recreating their homes of the guarantees necessary to their security and peace, and to their liberty.

15. At the request of the Commission the Committee examined certain proposals made by the representative of the Arab refugee Congress in a letter dated 15 June (document ORG/19). The proposals inter alia were that refugees from areas outside Israeli occupation be repatriated immediately; that Israeli consent be secured, subject to the approval of the British Government, for the release of frozen Arab assets in return for the benefit of sterling to be released in their favour by the British Treasury; and that the Technical Committee be used to coordinate the efforts of Arab and Israeli authorities and existing relief agencies in the reuniting of separated families. The General Committee on 1 July also transmitted the proposals of the Arab Refugee Congress regarding blocked accounts to the Israeli delegation for its consideration (document Com.Gen./6). In a memorandum dated 18 June the Committee requested the views of the Arab and Israeli delegations concerning the eventual use of a part of the

accumulated sterling balances of Palestine blocked by the British Treasury, to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees (document Com.Gen./5).

16. The General Committee devoted most of its meetings until 27 June to the discussion and elucidation of the nine-point memorandum with the Arab delegations and in private meetings. It also endeavoured to secure replies on these proposals in meetings with the Israeli delegation.

17. The representative of the Refugee Congress was informed in a letter dated 28 June (document ORG/22) that, as regards the immediate repatriation of refugees from outside Israeli-occupied territory, the whole question of the means of facilitating repatriation and resettlement of refugees was still under study by the Commission, which would take into account the plan submitted by the Arab Refugee Congress. It was suggested that the Congress might discuss with the United Nations Relief for Palestine Refugees the possibilities of utilizing the existing distribution of refugee relief in this connection. Regarding frozen assets, it was suggested that Arab depositors might request the British banks concerned to approach the British Government with a view to its intercession with the Government of Israel.

18. The Committee examined the Absentee Property Act in the light of the attitude taken towards it by the Arab and Israeli delegations (document Com.Gen./SR.16). The Committee agreed to seek a formal assurance from the Israeli delegation that refugees accepted for return to Israel would be given the status of non-absentees and their properties released in accordance with the provisions of the Act. The Committee was able in due course to obtain this assurance and the Arab delegations were informed accordingly (paragraph 23b).

19. Until 27 June the Committee was unable to secure a comprehensive reply from the Israeli delegation to the Arab nine-point memorandum. Reference was made by this delegation, however, to Dr. Eytan's letter of 7 May (document IS/15) announcing acceptance of the return of members of separated families based

on a "close degree of consanguinity". In regard to these and any other refugees permitted to return, the Israeli delegation reserved the right of its Government to resettle them not "in their homes" but according to plans to be scientifically executed and designed to create self-sufficient economic and social units. Regarding Arab-owned orange groves, it emphasized their state of dereliction and the right of the Government of Israel to decide, in accordance with its economic policy, to what extent the groves might be converted to other uses.

20. On 28 June the Commission communicated to the Committee a letter dated 27 June from the Head of the Israeli delegation (document IS/31) transmitting the Government of Israel's reply to the Arab memorandum of 18 May. On 29 June the Committee discussed the letter with the delegation of Israel.

21. From this letter and discussion, it emerged that the Government of Israel, considering that most of the abandoned Arab orange groves were beyond recovery and those that were recoverable were being attended to by the custodian of enemy property, saw no reason for readmitting the owners and workers of such groves and, in particular, outside the context of a peace settlement; that the Government of Israel was prepared to discuss a reciprocal arrangement with the Arab States by which the Arab accounts blocked both in Israel and in the Arab States could be mutually released; that the Government of Israel was unable to abrogate the Absentee Act or to suspend measures of requisition of Arab immovable property; that the Government of Israel would permit the readmission of the wives and minor children of Arab breadwinners lawfully resident in Israel and consider other compassionate cases for readmission; that freedom of worship and respect of churches and mosques were guaranteed throughout Israel; that further applications by religious personnel for repatriation would be examined; that Wakf property was protected but that free rein could not at present be given to its custodians to manage it at will; and that Arabs resident in Israel and refugees whose return was authorized enjoyed full personal security.

22. The General Committee, desirous of presenting in the most constructive way possible the views expressed in the letter of the Israeli delegation and by that delegation in the meeting with the Committee held on 29 June, decided to transmit the substance of these views to the Arab delegations ( document Com.Gen./7 ).

23. In transmitting its memorandum to the Arab delegations the Committee secured the prior agreement of the Israeli delegation to present certain of the views expressed in Dr. Eytan's letter and the subsequent meeting of the Committee with the Israeli delegation in the following way :

(a) The reunion of families would not depend upon the conclusion of peace and would take place in the places where the relatives concerned now reside;

(b) As regards the Absentee Property Act the returning refugees would enjoy equal rights with all Israeli citizens in regard to the application of existing legislation;

(c) In regard to guarantees for the returning refugees any Arab acquiring Israeli citizenship would be equal before the law with other Israeli citizens and enjoy the same civil and political rights;

(d) As regards the orange groves, while transmitting the Israeli views as to their condition, the Committee added that it was awaiting the report of the Technical Committee on the question.

24. In the light of the Committee's memorandum the Arab delegations, although considering the Israeli replies in general as unsatisfactory, agreed that the points concerning the re-uniting of refugee families and the reciprocal unfreezing of accounts could form a basis for further discussion (document Com.Gen.SR/20).

25. As regards the separated families, the Lebanese delegate stressed the difference between the Oriental and Occidental concept of family life and asked that the Israeli authorities be pressed to extend their definition to include children, whether minor or not, and their families. This declaration was communicated to the Israeli delegation.

26. With regard to the Israeli proposal for unfreezing of blocked accounts on a reciprocal basis, the representative of

Egypt informed the Committee that the Arab delegations would seek instructions on the subject from their respective Governments.

27. With regard to the remaining points of the Committee's memorandum, the Arab delegations requested that the Technical Committee be assisted by representatives of the orange grove owners in ascertaining the true condition of the groves and that responsibility for the dereliction of the orange groves be established without delay. The Arab delegations also requested information on the area and proportion of Arab orange groves under irrigation; the area and proportion of groves actually destroyed by the war; and the reasons why other groves not destroyed by the war had been neglected in the absence of their owners. In this connection the Arab delegations drew attention to the apparent contradiction between the claim made that the powers of the custodian of enemy property were essential to conserve refugee property and the Israeli admission that the orange groves had deteriorated as a result of prolonged neglect.

28. The Arab delegations further requested that the Technical Committee obtain a list of mosques and churches in order to visit them and ascertain the real situation in this connection since some were reported as being used as factories and for other purposes. The request was also made that the Israelis concede the same rights to the Moslem Supreme Council in connection with Wakf property as they did to the Father Custos of the Holy Land in respect of religious property controlled by the Franciscan order.

29. In a meeting with the representative of Israel held on 6 July the General Committee informed him of the reaction of the Arab delegations to its memorandum transmitting the Israeli replies regarding preliminary measures.

30. The representative of Israel stated in reply to the Committee's observations and questions that the condition of the orange groves was being investigated by the Technical Committee with the fullest cooperation from the Government of Israel. He did not consider well-founded the Arab contention regarding the inefficiency of the custodian of enemy property, since the Arab delegations in this view failed to take into account the actual conditions that had prevailed during the war. On the question of separated families he suggested that the General Committee communicate the Arab view concerning the nature of the family and



the Committee assured/that this would be considered on its merits by his Government. With regard to mosques and churches he admitted that certain deserted mosques had been used as rest centres for wounded soldiers or for similar purposes but not for those connected with commerce, war or politics. No damage had been caused to the mosques by such use. His Government formally undertook that all churches in Israel would be returned to their normal occupants as soon as reasons of security permitted. Compensation would be paid for any damage done during occupation by Israeli authorities. With regard to Wakf property, he promised to supply the Committee with further information.

31. From the Arab delegations the Committee expects to receive at an early date the results of consultations with their respective Governments concerning the Israeli proposals for the reciprocal unblocking of accounts by the two parties and concerning the possible release of sterling balances by the British Treasury. Regarding the reunion of families the Committee notes that a detailed announcement as to administrative arrangements was made by the Israeli Government on 7 July ( document IS/32 ), and that by the terms of the announcement the Governments of Egypt, Trans-jordan and the Lebanon have been approached through the Mixed Armistice Commissions with a request for co-operation in implementing the Israeli plan.

32. Before proceeding to discuss with the interested delegations the question of Arab-owned orange groves further, the Committee will study the report prepared by the Technical Committee following its investigation on the spot.

#### IV. OBSERVATIONS

33. In the light of the foregoing account of its work to date, the General Committee desires to submit certain observations regarding the discharge of its terms of reference for the Commission's consideration.

34. The Committee is of the opinion that there is much to be gained by thorough and critical examination of proposals or viewpoints with the submitting delegation in order to ensure that, prior to their transmission to the other party, they in fact represent the most constructive expression possible of the position of the party concerned. The response of the other party to proposals thus transmitted should be examined in the same way. The

Committee considers that such a procedure is best calculated to widen the area of agreement regarding a given proposal and thus to yield positive results.

35. In order to carry out the above procedure effectively, it will be necessary for the Committee to play a more positive and constructive role in its study of viewpoints or proposals brought before it. In this regard the Committee has given consideration to the prospects of initiating an agreement between the parties on the establishment of a mixed Arab-Israeli commission under United Nations chairmanship for the purpose of implementing any agreement in principle on the re-union of Arab families in Israel. The Committee has also viewed favourably the possibility of arranging joint meetings of Arab and Israeli experts for working out the details of any agreement reached concerning Arab accounts blocked in Israeli banks.

36. The Committee proposes, subject to the Commission's approval, to concentrate upon seeking a basis of agreement on such matters as the re-union of families, blocked Arab accounts and Arab-owned orange groves. As has been indicated ( paragraphs 24 - 26 ), in regard to the first two of these questions, there is now some definite basis on which an agreement might be worked out. Regarding the Arab orange groves, the Committee desires to consider the report of the Technical Committee before deciding on further possible steps.

37. With regard to territorial questions the Committee will endeavour, on the one hand, to obtain from the Israeli delegation any elaboration of its previous proposals that this delegation might find it possible to supply. On the other, the Committee will attempt to elicit from the Arab delegations, as soon as possible, a more precise statement of their position in this respect, which has as yet not been forthcoming.

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