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## UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

## SECOND PROGRESS REPORT

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 second progress report of the United Nations Conciliation Commission for Palestine.

## PART I

5 April 1949

1. Since the submission of its first progress report\* to the Secretary-General, the Conciliation Commission has devoted itself principally if not exclusively to preparation for the preliminary exchanges of views with Arab Governments which took place in Beirut from 21 March to 5 April 1949.
2. These exchanges of views took the form of separate meetings between the Commission and each of the Arab delegations; the atmosphere of the meetings was at all times one of the greatest cordiality and mutual understanding.
3. The Commission wishes at this time to express its gratitude to the Lebanese Government, not only for the welcome extended to it by that Government and by the Lebanese authorities, but also for the material arrangements of all kinds which made it possible for the conversations to take place in an atmosphere which was both dignified and practical.

A. Refugees

4. As had been clearly indicated in the invitations addressed to the Arab Governments, as well as in the Commission's first progress report, the principal subject of the conversations was the refugee question. In their statements to the Commission the Arab delegations were unanimous in recognizing:

(a) The necessity, both for humanitarian and political reasons, of giving absolute priority to the refugee question, over and above all other questions pending between the Arab States and the

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State of Israel;

(b) The necessity that any solution of the problem must be contingent upon the acceptance by the Government of Israel of the principle established in General Assembly resolution 194 (III) of 11 December 1948, paragraph 11, to the effect that "the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date".

5. The Arab delegations pointed out that, up to the present, the Government of Israel not only had not accepted that principle but had endeavoured to create a de facto situation which would render the practical application of the principle more difficult or even impossible. In this connexion the Arab delegations mentioned the complete absence of security for the Arabs in areas under Israeli control, a lack of those guarantees provided for on behalf of minorities under the Partition Plan, as well as the measures taken by the Israeli Government to block the bank accounts of the refugees and to liquidate their real and personal property, and, in particular, the Israeli absentee law. They requested the Commission to obtain from the Government of Israel positive clarifications of its position.

6. The Conciliation Commission had no difficulty in recognizing the truth of the Arab contention regarding the first of the two points mentioned above. The visits paid by members of the Commission to several refugee camps gave them an opportunity to see for themselves the deplorable material and moral situation of the refugees at present. Moreover, the desperate uncertainty of the future for these unfortunates, when the funds now at the disposal of Mr. Griffis' organization have been exhausted, make it imperative that measures be taken towards a prompt and permanent solution of the question.

7. As regards the principle of the return to their homes of the refugees wishing to do so, the Commission admitted that the Arab contention is well founded; but it considers it necessary to make certain observations regarding its practical application.

8. The Commission is of the opinion that, in the first place, granted this principle is accepted, it would nevertheless 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.

9. The Commission also believes that, for purely physical reasons, it will be necessary, in a certain number of cases, to envisage the return

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of the Arab refugees as taking place according to the general plans for resettlement under the control and supervision of the United Nations.

10. 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.

11. Moreover, the Commission is of the opinion that the refugee problem cannot be permanently solved unless other political questions, notably the question of boundaries, are also solved.

12. During the meetings, the Commission received and heard representatives of non-governmental organizations. Representatives of approximately fifteen organizations made statements before the Commission; these included representatives of committees of refugees themselves, delegates from Arab and international organizations which are contributing to the work of assisting the refugees, and dignitaries of the Catholic, Orthodox and Armenian Churches. Other organizations sent letters, which emphasized the right and the desire of the refugees to return to their homes. The representatives of the refugees denied that the propaganda of the Arab States and of the Arab Higher Committee had had any influence on their decision to flee their homes. The Commission was informed that two to three hundred thousand people had fled before the end of the British mandate.

13. Neither repatriation to Israel nor resettlement in Arab territories can be carried out in satisfactory conditions without a considerable amount of preparatory work of a technical nature. It will be necessary, first to establish the most exact figures possible as to the number of actual refugees, that is to say, persons who have fled from Israel-controlled territory; some sort of consultations will then be required - and this will probably be the most delicate and difficult task of all - in order to ascertain which refugees would prefer to be repatriated to Israel and which would wish to be resettled in an Arab country; finally, both repatriation to Israel and resettlement in Arab territory must be preceded by considerable preparatory work of an economic, social and financial character. These considerations have led the Commission to contemplate the creation of a "technical committee" to which this preparatory work would be entrusted. This committee would have the status of a "subsidiary body", under the terms of paragraph 12 of the resolution of 11 December 1948. It would function under the immediate supervision of the Commission and would submit the results of its work to the Commission.

14. The Commission is fully aware of the difficulties inherent in the permanent rehabilitation of a group of persons which, although not particularly large in itself, nevertheless seems so in proportion to the total population of the countries among which it would be distributed. In the long run, the final solution of the problem will be found within the framework of the economic and social rehabilitation of all the countries of the Near East. But the urgent need of an immediate solution to relieve the tragic material and moral situation of the Arab refugees indicates that some measures should be evolved which can be applied in the shortest possible time. In this connexion, Israel and the Arab States might undertake a programme of public works which would make possible the return of the refugees and the immediate absorbing of those who do not desire to return to their homes. It goes without saying that, if Israel and the Arab States should apply to the United Nations for technical and financial aid in the preparation and carrying out of such a programme, the Commission would be more than willing to recommend favourable action on such a request by the competent organs of the United Nations.

#### B. Jerusalem

15. Since the presentation to the General Assembly of the Commission's first report to the Secretary-General, the Special Committee on Jerusalem has continued to work actively. In particular, it has held interviews with representatives of Arab and Jewish central and local authorities. On the basis of new instructions given to it by the Commission, the Committee is endeavouring to formulate, in conformity with the terms of paragraph 8 of the resolution of 11 December 1948, proposals which will at the same time be acceptable to both parties. The Commission is aware that acceptance by the two parties is not mentioned in the terms of reference which it received from the General Assembly on the subject of the international regime for Jerusalem. Nevertheless, the Commission feels that such acceptance would facilitate considerably the establishment and functioning of such a regime. In this connexion, the Commission is happy to report that, during its conversations in Beirut with the Arab delegations, the latter showed themselves, in general, prepared to accept the principle of an international regime for the Jerusalem area, on condition that the United Nations should be in a position to offer the necessary guarantees regarding the stability and permanence of such a regime. On the other hand, the Governments of the Arab States have reserved their right to give their final opinion after they have been acquainted

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with the text of the proposals which the Commission is to submit to the General Assembly.

16. The religious representatives mentioned above also emphasized to the Commission, during the Beirut meetings, the importance which they attach to the application of those paragraphs of the resolution which concern Jerusalem and the Holy Places. Some of them expressed a further desire to see the international regime extended to cover Nazareth.

#### C. Conciliation

17. The Commission has always borne in mind that, beyond the special tasks entrusted to it by the General Assembly in connexion with refugees, Jerusalem and the Holy Places, it has also a general mandate from the Assembly, defined in paragraphs 4, 5 and 6 of the resolution of 11 December 1948, which relates to conciliation and rapprochement between the two parties. One of the Commission's main objectives in its conversations with the Arab representatives in Beirut was to clarify the attitude of the Arab States on the question whether, in their opinion, the study and solution of the refugee question must be considered as a prerequisite to the opening of discussions on other questions still at issue between the parties. On this point the Commission is happy to state that its interviews with the Arab delegations have resulted in the elimination of this obstacle to the accomplishment of its task of conciliation.

18. While maintaining their view that the refugee problem must be considered as the most pressing, and as an imperative task for the Commission, the Arab States, except Iraq, do not insist upon its settlement before conversations on other outstanding questions can take place, and have declared themselves ready to consider favourably the sending of delegations, for the purpose of continuing the exchanges of views with the Commission, to a neutral city where the Commission could easily establish contact with a delegation of the Government of Israel also. The Commission considers it essential to avoid any misunderstanding regarding the true nature of these forthcoming meetings. In the first place, the Commission does not contemplate assembling the representatives of the two parties around one table nor even under the same roof. Secondly, the fact that the scope of these new conversations may eventually be broadened does not imply that they should be considered as peace negotiations. The objective is, purely and simply, to continue exchanges of views between the two parties and the Commission, in circumstances which would permit of the

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achievement of concrete and positive results.

19. During its forthcoming visit to Tel Aviv, the Commission will reach an agreement with the Government of Israel concerning these conversations, thus opening the way for the accomplishment of its mission of general conciliation, as entrusted to it by the Assembly in paragraphs 4, 5 and 6 of the resolution of 11 December 1948.

## PART II

9 April 1949

20. Following the exchanges of views with the Arab States in Beirut from 21 March to 5 April 1949 (see PART I of the present report), the Commission proceeded on 7 April to Tel Aviv where it had a long interview with Mr. Ben Gurion, Prime Minister of Israel.

21. During this interview both the Prime Minister and the Members of the Commission spoke with complete frankness on the various subjects under discussion.

22. Mr. Yalcin, Chairman of the Commission, informed the Prime Minister of the results of the Commission's exchanges of views with the Arab States in Beirut as set forth in the first part of this report. He stressed, in particular, the fact that the Arab States, with the exception of Iraq, had agreed to continue the conversations with the Commission in a neutral place where representatives of the State of Israel would also be present. It was understood that these new conversations would not be confined to the question of refugees but that their scope would cover all the questions outstanding between the Arab States and the State of Israel, the solution of which was necessary for the establishment of peace in Palestine. The Commission asked Mr. Ben Gurion whether the Government of Israel would also be prepared to take part in these conversations.

23. Although Mr. Ben Gurion gave the Commission clearly to understand that the Government of Israel would be ready to send a delegation to take part in these new exchanges of views, he considered it necessary, however, to reserve his official reply until he had been able to submit the question to his Government for decision. The Commission will inform the Secretary-General by cable of the Government of Israel's official reply as soon as it has been received.

24. The refugee question was also examined in detail during the meeting with Mr. Ben Gurion. The Commission explained that, as is stated in the first part of the report, the Arab States firmly took the view that the refugee question must be considered as the most urgent question,

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constituting an imperative task of the Commission. They did, however, relinquish their insistence that a settlement of the refugee question must precede the consideration of other outstanding matters.

25. The Commission asked if the Government of Israel accepted the principle established by the General Assembly resolution, permitting the return to their homes of those refugees who expressed the desire to do so. The Commission stressed the importance which the acceptance of this principle, and its implementation by such steps as are now possible, would have in creating an atmosphere favourable to the success of the exchanges of views.

26. Mr. Ben Gurion, without replying directly to this question, called attention, in particular, to the passage in paragraph 11 of the General Assembly resolution which states that refugees who wished to go to their homes should "live in peace with their neighbours". In Mr. Ben Gurion's view this passage made the possibility of a return of the refugees to their homes contingent, so to speak, on the establishment of peace, because, so long as the Arab States refused to make peace with the State of Israel, it was evident that Israel could not fully rely upon the declarations that Arab refugees might make concerning their intention to live in peace with their neighbours. Mr. Ben Gurion did not exclude the possibility of acceptance for repatriation of a limited number of Arab refugees, but he made it clear that the Government of Israel considered that a real solution of the major part of the refugee question lay in the resettlement of the refugees in Arab States.

27. On the other hand, Mr. Ben Gurion fully recognized the humanitarian aspect of the problem and on several occasions declared that, when the time came, the Government of Israel would be ready to take part in the efforts necessary for its solution and that it would do this in a sincere spirit of co-operation. Mr. Ben Gurion told the Commission, however, that the Government of Israel considered the refugee question as one of those which should be examined and solved during the general negotiations for the establishment of peace in Palestine.

28. The question of the internationalization of the Jerusalem area was also discussed during the Commission's meeting with the Prime Minister. Mr. Ben Gurion informed the Commission that he recognized that the Commission was bound by the General Assembly resolution of 11 December 1948. He stated however that, when the Government of Israel was in a position to do so on an equal footing with the Arab States, it intended to request the General Assembly to revise part of that resolution concerning Jerusalem.

/Mr. Ben Gurion

Mr. Ben Gurion declared that the Government of Israel accepted without reservation an international regime for, or the international control of, the Holy Places in the City. "For historical, political and religious reasons," he said, "the State of Israel could not accept the establishment of an international regime for the City of Jerusalem".

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