

PROPOSALS FOR THE IMPLEMENTATION OF PARAGRAPH 11 OF UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 194(III) OF 11 DECEMBER 1948

1. Paragraph 11 reads:

Resolves that the refugees wishing to return to their homes and live in peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations.

2. To initiate operations, the United Nations Conciliation Commission for Palestine, on authority contained in resolutions of the General Assembly, would, with the approval (or cooperation) of the Secretary-General, appoint such officials as may be needed to administer the proposals described herein. Initially, the senior official should be called Acting Administrator. In due course, an Administrator would be designated. A central office would be established, temporarily, in Government House in Jerusalem.

3. Initial Preferences: The administering officials would first make available to refugees suitable questionnaires on which each could on an entirely voluntary basis indicate confidentially his initial preference for repatriation, or for compensation and resettlement. In the early stages, because of inevitable limitations associated with the start of such a technically complex operation, questionnaires would be available only on application by individuals or heads of family.

4. Consultation: The administering officials would start processing completed questionnaires in order of receipt. This would involve verification of the identity of the refugees; consultation with the Government of Israel to determine opportunities for repatriation and with Arab host governments and others to determine opportunities for resettlement; preliminary computation of the payments to which the refugee might be entitled. As the processing of each questionnaire is completed, the administering officials would communicate with the refugee to inform him of the results, to try to answer his questions, and to obtain a definite statement of preference in the light of this information.

5. Carrying Out Refugee Preferences: On the basis of this definitive statement of preference, the administering officials would set about assisting in implementation, so far as and as soon as possible, in consultation with the appropriate government.

The Acting Administrator would be authorized to designate certain impartial bodies to give advice on controversial matters; such as in cases of disagreement, the admissibility of individuals to the country of preference. Governments would retain the ultimate right to decide on the acceptance of refugees. The Administrator would have the duty to report from time to time on the degree of cooperation received from governments. Depending on these reports, the appropriate United Nations body would consider what, if any, further action to take.

6. Compensation, Assistance in Re-Integration, and Pending: Staff costs for implementing these proposals should be financed from the regular budget of the United Nations. Programme costs, mainly compensation and such financial assistance as the United Nations may provide toward

helping the refugee to become self-supporting regardless of where he might ultimately reside, should be financed by voluntary contributions from governments and the general public.

EXPLANATION OF THE "JOHNSON PLAN"

I. Determination of Refugee Preferences

A. General

1. The proposals advanced for implementation of paragraph 11 of General Assembly Resolution 194(III) envisage essentially a three-fold process:

--an opportunity for refugees voluntarily to indicate confidentially their initial preference for repatriation, or for compensation and resettlement (see paragraph 4);

--subsequent private consultations with refugees to answer questions as to what in more concrete terms would be involved in individual cases with regard to the preferences just mentioned;

--the implementation of refugee preferences insofar as and as soon as possible.

2. The United Nations as an instrument of international cooperation must have a central role in this endeavor to facilitate the implementation of paragraph 11. In a larger sense, this will involve leadership in launching the process and in keeping it under constant surveillance. Specifically, as administrator of the scheme, the United Nations' function will include consultations with governments concerned and the refugees, exchange of information among the parties concerned, representing refugees before governmental authorities, disbursement of funds, etc. It is very similar in many ways to the role of the United Nations High Commissioner for Refugees. The success of the effort, however, will depend only partly on the United Nations and the skill with which it administers the operation. Success will require cooperation from Israel and the Arab states concerned in compliance with their responsibilities as Members of the United Nations, as well as cooperation from the refugees themselves. Support will also have to be forthcoming from other members of the United Nations and Specialized Agencies, particularly as regards necessary financing.

B. Administration

3. To initiate operations, it is proposed that the United Nations Conciliation Commission for Palestine, on authority contained in existing resolutions, should with the approval of the Secretary General appoint such officials as may be needed to administer the scheme. The senior of these should initially be designated Acting Administrator. As operations progress and demands on the staff increase, the administrative network would be expanded and an Administrator designated. Headquarters should temporarily be established in Government House in Jerusalem. Staff costs should be financed from the regular budget of the United Nations. Program costs should come from voluntary contributions from Members of the United Nations and Specialized Agencies. The United Nations administering officials should be accorded the usual facilities, privileges, and immunities normally available to any United Nations entity. The Acting Administrator should be authorized to invite certain Member Governments, including notably the Arab host states and Israel, to designate representatives upon whom he could call for advice.

C. Initial Preferences

4. As soon as possible after the necessary staff have been appointed, refugees should be invited to indicate their initial preferences for repatriation, or for compensation and resettlement. This would be accomplished by an appropriate notice and questionnaire, and such other means as may be indicated, to make clear to the refugee:

(a) the intent of the operation--namely, to implement paragraph 11 insofar as and as soon as possible;

(b) the general outlines of the plan; and

(c) the role of the United Nations administering officials.

The submission of completed questionnaires would be an entirely voluntary act by the refugees, and they should be assured that the administering officials will treat information received as confidential. They would also be assured that they could change their minds later. While at this stage preferences would be essentially between a return or not, as envisaged in the first part of paragraph 11, it might speed the subsequent processing applications if refugees were also afforded a chance to be somewhat more specific in their options. For example, the refugee ought to have a chance to indicate whether, in the event he cannot return to his former home (in the sense of domicile), he nonetheless wishes to return to some similar or adjacent place in what is now Israel and seek from the competent Israel authorities compensation for his property, or whether in such event he would prefer to receive compensation and settle in the Arab world or elsewhere. In the latter eventuality he may also wish to indicate more precisely where he would wish to resettle. The proposed texts of the (a) Notice, (b) Preference Questionnaire, and (c) Property Questionnaire which would be made available to the refugees will be found in Annex A.

To the extent possible, provision should be made for refugees to respond as members of a family, if they wish to do so. At present it seems likely that some refugees would prefer to return or resettle only as members of a family, but that others would prefer to act as individuals.

5. In the beginning, because of inevitable limitations associated with the start of such a technically complex operation, questionnaires would be available only on application by individuals or heads of family. Completed questionnaires would, similarly, be returned to the appropriate administering officials, and they would be dealt with in order of receipt. It would be explained that the processing of the first questionnaires received would of necessity be a comparatively slow process until sufficient qualified staff had been recruited and routine administrative procedures had been developed and made efficient through experience. Later, when administrative details had become routine, and adequate cooperation was assured, questionnaires might be made more widely and readily available, such as through UNRWA in essentially the same manner as has already been done in the case of application forms for the release of blocked accounts. The Acting Administrator might also then begin establishing branch offices in areas where refugees are located. These offices could provide the services of confidential scribes (Arabic speaking but not from the area) to refugees who cannot read or write and would also facilitate the process of consultation described immediately below. It could be assumed that when this stage is reached the processing of questionnaires would proceed rapidly, although it must always be expected that there will be some purely administrative limit to the number of questionnaires that even the most efficient organization could deal with in any year.

D. Consultation

6. As questionnaires are returned, the administering officials would start processing them. This

would involve mainly:

(a) Verification of the identity of refugees by such means as may be available, including comparison with the records of the Conciliation Commission which would by that time have been made available to the administering officials;

(b) If the refugee's initial preference were to return, the administering officials would proceed to determine by the means available to them, including consultations with the Government of Israel, the possibilities thereof. This would involve putting together information concerning the former home of the refugee, the alternative places where he might be repatriated in Israel if his home does not exist, and the financial assistance to which he might be entitled;

(c) If the refugee's preference were to accept compensation and settle outside what is now Israel, the administering officials would proceed to determine the possibilities thereof by means available to them, including consultation with the governments of the Arab or other states where the refugee might have indicated that he would wish to resettle. This would involve putting together information generally similar to that required in the case of an option in favor of repatriation (see b above);

(d) The administering officials would endeavor to establish on a preliminary basis the general magnitude of the compensation or other financial assistance to which the refugee would be entitled.

7. Having completed this process, the administering officials would then communicate with the refugee indicating a readiness to respond to questions and to discuss what he might expect with regard to his initial preference.

8. The refugee would then be invited to indicate definitively his wishes in order of preference. The invitation would make clear that the refugee could freely state his preference (or not express any preference for the time being), but that he might not get his first preference.

II. Carrying Out Refugee Preferences

A. General

9. As soon as the refugee had indicated a preference on the basis of information made available to him during the consultation stage, the administering officials would then endeavor to secure its timely implementation, in cooperation with the governments concerned.

B. Repatriation

10. By the time this stage was reached, the Administrator would have established, with the Government of Israel, detailed procedures for the processing of the applications for repatriation. The administering officials, initially at least, would perform essentially a coordinating and catalytic function between the Israel authorities and the refugees. The Israel authorities would naturally wish to reassure themselves that there is no a priori reason why the refugee should not be admitted on security grounds. The refugee for his part would naturally have to undertake to live as a law-abiding resident of Israel. Israel has, with other sovereign states, the power to decide which individuals may be admitted; paragraph 11, however, clearly creates with regard to the refugees a special situation. It is, therefore, proposed that the Administrator designate or create a body to which cases where disagreement arises on admissibility of individual refugees can be referred for impartial opinion. Israel would still have to make the ultimate decision. The Administrator should regularly include in his reports information on the disposition of such cases.

11. Once refugees are admitted to Israel it will no doubt be in Israel's interest to see to it that the administering officials have every opportunity to inform themselves regarding the treatment afforded to the refugees. While it is to be hoped that the effective implementation of paragraph 11 will lead to the improvement of relations between Israel and her Arab neighbors, it would be unwise to overlook the fact that these relations are not normal. In this situation the Administrator as an impartial observer will perform an obviously useful function.

12. It will be noted that nothing has been said about the number of refugees who might be admitted to Israel in any year or in the long run. Establishing such ceiling figures as part of the suggestions herein advanced would appear to be contrary to both the letter and the spirit of paragraph 11. In line with the basic assumptions noted above, however, Israel will of necessity always have the right to make the decision as to how many refugees can be admitted both in any given period and ultimately. It is to be expected that in so doing Israel will act in good faith. The Administrator and ultimately the Assembly will, of course, retain the responsibility for making a judgment as to whether Israel is doing so.

C. Compensation and Re-Integration Allowance

13. The United Nations will assist in ensuring that compensation for properties left behind in what is now Israel be paid to those refugees who owned such property and who prefer not to return. Such compensation will be calculated by the administering officials on the basis of the following factors:

(a) the value in 1947-48 of immovable property left behind by the refugee when he departed from his home;

(b) an estimate of the value of movable property;

(c) adjustment for the loss of interest on immovable property;

(d) the value of communal property.

If wisely used, compensation would contribute to the development of the society or country where invested and would help to provide jobs for the non-propertyied refugees so that, with the help of a re-integration allowance, they could take an honorable and productive place wherever they live.

14. The United Nations should endeavor to provide to all the Palestine refugees, at the time when their preference is implemented and on a per capita basis, a re-integration allowance. This allowance would serve in lieu of compensation for the disturbance factor in the refugees' lives and would also assist each refugee family in becoming self-supporting wherever it lived. The amount of re-integration allowance paid to each refugee should be the same; it is suggested this be the current equivalent of US \$250 per person.

15. Compensation and the re-integration allowance should be paid from a special fund established for the purpose by the General Assembly, the Administrator to have as one of his primary functions the administration of the compensation and re-integration funds. The international community would be invited to contribute to the fund on a voluntary basis. Contributors might include not only governments of States Members of the United Nations and of the Specialized Agencies but also the general public. As the property for which compensation will be paid is now in Israel, it is assumed that Israel will make a substantial contribution.

16. It is suggested that a basic principle of compensation of Palestine refugees should be that it is

paid to individuals. It is, of course, appreciated that governments have an interest in this matter and have the power to establish such conditions on the use of compensation payments and re-integration allowances by the inhabitants of their territory as they may feel would be desirable in terms of their countries' economic well-being, and the self-support of individual refugees. It would be a duty of the Acting Administrator to work out with the governments concerned arrangements designed to assist in the achievement of these objectives.

17. With regard to compensation for communal property, it is suggested that this might well be paid to the governments concerned approximately in proportion to the number of refugees who settle in the country and for use in assisting them as needed.

18. There may be some refugees returning to what is now Israel who when they left owned immovable property there, and whose immovable property has been destroyed, damaged, or is not available to them. If such refugees seek compensation for these properties, they will do so from the appropriate authorities of Israel. The manner in which these claims are dealt with obviously will affect greatly the reintegration of these refugees as citizens of Israel. Israel should be urged to act on such compensation claims expeditiously and with sympathy. It is hoped that Members of the United Nations and its Specialized Agencies will assist Israel financially to this end.

19. The operation of the scheme would be facilitated if Israel were to provide through the administering officials assurances that its Arab citizens would have a certain priority in acquiring, through purchase, the lands and other properties of refugees who prefer not to return but to claim compensation. In the circumstances that prevail in this area, this would have at least two advantages: it would help to satisfy the land hunger of Israel's Arab citizens and it would encourage acceptance of compensation by refugees who would otherwise be loath to take it because it might be regarded as "sale of a birth right". Assurances that their lands and properties might remain in Arab hands, although these Arabs were citizens of Israel, would help to remove this psychological obstacle.

D. Resettlement of Those Choosing Not To Return

20. As in the case of repatriation, the administering officials would start processing applications for compensation and resettlement as soon as received, and at the same time would start consultations with the governments concerned with regard to opportunities for the resettlement of refugees who had indicated this course as their preference. This would involve essentially the same kind of administrative action between the State or States concerned and the refugees as in the case of repatriation. The Administrator may find it advisable to establish procedures designed to safeguard the states of potential resettlement. Also, and as in the case of repatriation, the Administrator and ultimately the Assembly would have the obligation to judge whether the states concerned were cooperating in the implementation of the paragraph.

21. It is, of course, to be appreciated that conditions among the Arab states, and in particular their potential for accepting refugees for resettlement on a permanent basis, differ.

22. In the cases of refugees who would prefer to resettle in states other than those where they now are, in or outside the Arab world, procedures would have to be negotiated. It is, of course, to be hoped that those states will cooperate in assisting such resettlement on humanitarian grounds, as they now cooperate with the United Nations High Commissioner for Refugees when he seeks from them opportunities for the emigration of refugees.