

RESTRICTED

W/16

24 June 1949

Original: English

SURVEY OF PROPOSALS FORMULATED BY THE INTERESTED  
PARTIES DURING THE LAUSANNE EXCHANGES OF VIEW.\*

(Working Paper Prepared by the Secretariat)

(The following analysis is intended to show the stages which the exchanges of view on these questions have reached).

I. Points on which no agreement has been reached.

A. Regarding territorial questions.

1. On 20 May the Israeli delegation proposed that the political frontier between Israel and Egypt and Israel and the Lebanon should follow the former frontiers between Palestine under the British Mandate and Egypt and the Lebanon respectively (see documents SR/LM/15 and IS/19).

The Arab delegations rejected this proposal as violating the terms of the Protocol of 12 May 1949 (see document AR/13).

2. In regard to the proposal of the Arab delegations of 21 May for the immediate return to their homes of Arab refugees from areas under Israeli occupation defined as Arab territory in the document attached to the Protocol of 12 May (document AR/11, paragraph 3), the Arab delegations have formally declared that these areas are considered to be legitimate Arab territory (documents SR/LM/16 and SR/LM/22).

The Israeli delegation rejected the territorial aspect of this proposal on the grounds that it was based on the mathematical proportion of division of Palestine territory adopted by the Partition Plan which under the present circumstances was unacceptable to Israel (see documents SR/LM/19 and 21).

B. Regarding the refugee question.

1. The Arab delegations in their Memorandum of 21 May (document AR/11) 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.

---

\* Proposals regarding the Jerusalem area and the Holy Places are not included in this working paper.

The Israeli delegation considered that this proposal offered no basis for negotiations since solution of the refugee problem had to be viewed as part of final settlement between Israel and the Arab States (document IS/20).

2. The Israeli delegation informed the Commission that if its proposal regarding the frontiers with Egypt were accepted and Israel were to annex the "Gaza strip", it would be prepared to accept the Arab population of that area, whether inhabitants or refugees, as citizens of Israel (see documents SR/LM/15 and IS/19).

The Arab delegations rejected this proposal as violating the terms of the Protocol. (see document AR/13).

II. Points on which no reply has been received and no indications as yet exist that one is forthcoming.

A. Regarding territorial questions.

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 Transjordan and Palestine under the Mandate and in the center should follow, with modifications in the interest of both parties, the present Armistice lines (with the exception of the Jerusalem area). As justification for the line suggested in the area known as the "Triangle", the Israeli delegation produced the plans for a canal which would use the head-waters of the Jordan and possibly the Lidani to irrigate the northern Negev (see documents Com.Gen./SR/8 and 10).

The Israeli proposal without mention of the justification was transmitted to the Arab delegations on 4 June (see document AR/15). No reply has yet been received.

B. Regarding the refugee question (preliminary measures)

In the memorandum to the Conciliation Commission dated 18 May (document AR/8), the Arab delegations proposed inter alia:

a) the abrogation of the Absentee Act and the annulment of all measures taken in conformity with this Act;

this proposal was transmitted to the Israeli delegation which reiterated the position adopted by it in reply to point 5 of the Conciliation Commission's memorandum of 11 April (see document SR/LM/19). This reply had been considered unsatisfactory by the Commission which in a memorandum dated 18 May requested clarification of the

Israeli position (see document IS/16); no further reply has been received, except for a letter from the Head of the Israeli delegation dated 24 May, to the effect that the Arab memorandum containing this point had been sent to Tel Aviv to be studied by the Government of Israel;

b) the suspension of all measures of requisition and occupation of Arab houses and lands;

No reply, other than the above acknowledgment of the memorandum, has been received on this point.

C. Regarding economic questions.

On 9 June the Israeli delegation stated that it was prepared to create a free zone in the port of Haifa for the use of the Hashemite Jordan Kingdom. This proposal, accompanied by an offer to discuss with the Arab delegations other arrangements under paragraph 10 of the resolution of 11 December, was repeated on 10 June (see documents SR/LM/19 and IS/21).

The offer of a free zone in Haifa was transmitted to the Arab delegations on 15 June. No reply on this proposal has yet been received.

III. Points on which incomplete replies have been received and on which discussion continues.

A. Regarding the refugee question (preliminary measures)

1. In the Arab memorandum of 18 May (document AR/8), the following proposals were included:

a) the return to their lands and homes of owners of orange and other fruit tree groves requiring urgent care, together with the necessary workmen and technicians;

this proposal, after failing to elicit any reply from the Israeli delegation when made by the Conciliation Commission in its memoranda of 11 April and 18 May, other than that it was receiving "sympathetic consideration" from the Government of Israel, was discussed by the General Committee in a meeting with the Israeli delegation held on 14 June (see document Com.Gen./SR/15); the Israeli delegation stated that the matter could be examined further if a refugee sub-committee were set up;

b) the immediate unfreezing of Arab accounts in all banks and companies or otherwise in possession of the Jewish authorities and to permit the owners to make use of them;

This proposal was also submitted to the Israeli delegation in a more restricted form and applying only to returning orange growers, in a memorandum of the Conciliation Commission dated 18 May which transmitted inter alia certain proposals made by the refugee organizations (see document IS/16).

The Israeli delegation maintained the position taken by it in response to this question when raised in a general way in the Commission's memorandum of 11 April, namely that the Government of Israel had no intention of confiscating blocked Arab accounts in Israeli banks and that these funds would be available to the proper owners on the conclusion of peace, subject to such general currency regulations as may be operating at the time (see documents IS/13 and SR/LM/19).

This question is at present under discussion in all its forms by the General Committee (see documents ORG/19 and Com.Gen. SR/15).

2. In its memorandum of 11 April the Commission requested the Government of Israel to declare that it accepts the proprietary rights of the refugees from its territory and is prepared to pay them compensation. The Commission considered the reply of the Government of Israel that it accepts the principle of compensation for land abandoned and previously cultivated (document IS/13), as unsatisfactory and requested clarification on the following points: (see document IS/16)

- a) compensation for abandoned and uncultivated land;
- b) compensation for abandoned urban property;
- c) restitution to returning refugees of cultivated and uncultivated land being used and occupied by Israelis;
- d) restitution to returning refugees of urban property used and occupied by Israelis;
- e) compensation for substantiated claims on movable and immovable property (other than land).

#### IV. Points on which replies are awaited and on which no discussion has taken place.

##### A. Regarding the refugee question.

1. The following proposals were also made in the memorandum of 18 May (document AR/8) submitted by the Arab delegations:

- a) the repatriation of religious personnel needed to ensure the exercise of religious worship in the churches and the mosques;

b) the freeing of Wakf property and the granting to the trustees of facilities for managing this property in conformity with its destination.

Both the above points are under study by the Government of Israel. No reply has yet been received, although in response to a question submitted by the Committee on Jerusalem, the Israeli delegation drew attention to Mr. Eban's declaration in which it was stated that the Government of Israel is prepared to offer the fullest safeguards and guarantees for the security of religious institutions in the exercise of their functions (see document Com.Jer./W.20).

2. On 18 May the Commission, basing itself on a proposal of the Arab refugee organizations, inquired of the Israeli delegation whether it would be prepared to consider the participation of Israel in a mixed Arab-Israeli board under the auspices of the Commission to investigate the state of Arab property in Israel (see document IS/16).

No reply has yet been received on this point.

3. On 19 June the delegation of the Arab Refugee Congress submitted a proposal to the Commission for the repatriation and resettlement of Arab refugees from localities which are not under Jewish occupation (see document ORG/19).

(The Commission on 22 June decided to transmit this question to the General Committee for examination (see document SR/74)).

B. Regarding territorial questions (Political aspect)

On 19 June the Israeli delegation requested the Conciliation Commission to study the question of a plebiscite among the Arabs of Palestine in order to determine the future of the Arab parts of the country (see document IS/26).

This request was transmitted to the Arab delegations for their information on 23 June.

V. Points on which agreement in principle has been reached or on which encouraging answers have been received.

A. Regarding the refugee question (preliminary measures)

1. The Israeli delegation has accepted in principle the proposal submitted by the Commission, the Arab delegations and the Arab Refugee Congress for the re-uniting of refugees belonging to the same family in their homes (see documents AR/8 and IS/16, Com.Gen./SR/12 and ORG/13).

The Arab delegations have expressed certain reservations regarding the Israeli interpretation of the execution of this proposal (document Com.Gen./SR/7). Discussions on this subject are continuing in the General Committee with both parties.

2. The request made by the Arab delegations on 18 May that all necessary guarantees be given to ensure the security, peace and liberty of refugees recreating their homes was reiterated on 21 May in the form of a direct request to the Conciliation Commission that it put into effect the necessary international guarantees (see documents AR/8 and AR/11).

The Commission transmitted these requests to the Israeli delegation on 23 and 25 May respectively.

In its reply to the Commission's memorandum of 11 April, the Israeli delegation in its letter of 2 May recalled that during a meeting with the Commission on 7 April, Mr. Ben Gurion had stated that the Government of Israel "fully respected the rights of minorities within its borders and would punish anyone infringing these rights" (document IS/11).

#### VI. Proposals of a procedural nature made to the Conciliation Commission.

On 11 June the Israeli delegation submitted the following proposals regarding procedural measures to be adopted by the Commission:

- a) the Israeli delegation suggested that the Commission make an effort to persuade the Governments of the Arab States to grant wider authority to their delegations in Lausanne (see document SR/LM/20);
- b) the Israeli delegation urged the Commission to press the Arab delegations to enter into direct negotiations (see documents SR/LM/20 and IS/29);
- c) the Israeli delegation proposed the creation by the Commission of five sub-committees, each of which would study in detail one of the following five questions:
  1. the general terms and conditions of a peace settlement;
  2. the matter of frontiers;
  3. the refugee question;
  4. the question of Jerusalem;
  5. economic and allied questions

(see documents SR/LM/20 and IS/29).

d) the Israeli delegation suggested that the Armistice Agreements might constitute a supplementary basis of discussion to the formal basis established by the Protocol of 12 May (see document SR/LM/20).

- - - -