

UN Resolution 194

Adopted December 11, 1948

Addressing the Aftermath of the 1948 Arab Invasion

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Resolution 194, adopted by the UN General Assembly on December 11, 1948, addressed a host of issues, but only one paragraph out of 15 dealt with refugees created by the conflict. Resolution 194 attempted to create the tools required to reach a truce in the region.¹ It established a conciliation commission with representatives from the United States, France and Turkey to replace the UN mediator. The commission was charged with achieving "a final settlement of all questions between ... governments and authorities concerned." The Resolution's 'refugee clause' is not a 'stand alone' item, as the Arabs would have us think, nor does it pertain specifically to Palestinian Arab refugees.

Of the 15 paragraphs, the first six sections addressed ways to achieve a truce; the next four paragraphs addressed the ways that Jerusalem and surrounding villages and towns should be demilitarized, and how an international zone or jurisdiction would be created in and around Jerusalem. The resolution also called on all parties to protect and allow free access to holy places, including religious buildings.

One paragraph has drawn the most attention: paragraph 11, which alone addressed the issue of refugees and compensation for those whose property was lost or damaged. Contrary to Arab claims, it did not guarantee a Right of Return and certainly did not guarantee an *unconditional* Right of Return - that is the right of Palestinian Arab refugees to return to Israel. Nor did it specifically mention *Arab* refugees, thereby indicating that the resolution was aimed at all refugees, both Jewish and Arab. Instead, Resolution 194 recommended that refugees be allowed to return to their homeland *if* they met two important conditions:

1. That they be willing to live in peace with their neighbors
2. That the return takes place "at the earliest practicable date"

The resolution also recommended that for those who did not wish to return, "Compensation should be paid for the property ... and for loss of or damage to property" by the "Governments or authorities responsible."

Although Arab leaders point to Resolution 194 as proof that Arab refugees have a right to return to Israel or be compensated, Israel is not even mentioned in the resolution. The fact that plural wording also is used – "governments or

authorities” – suggests that, contrary to Arab claims, the burden of compensation does not fall solely upon one side to the conflict.² Because Arab armies invaded Israel, Israel was not responsible for creating the refugee problem. When hundreds of thousands of Arab Jews, under threat of death, attack and other forms of persecution, were forced to flee Arab communities, the State of Israel absorbed the overwhelming majority of them into the then-fledgling nation.

The forgotten Jewish refugees from Arab countries.

For a host of reasons – practical to parochial – Israel has failed to raise the issue of the mammoth injustice done to almost a million Jews from Arab countries. The scale and the premeditated state-sponsored nature of persecution that prompted the 1948 flight of close to 900,000 Jews from their homes has only recently begun to emerge.³ Arab publicists have sought to detach entirely the flight of Jews from Arab lands from the Arab-Israeli conflict, claiming they are two separate phenomena, and that Israelis should take up the issue with each respective Arab state that was involved, not with the Palestinians.

Clearly this is a whitewash and attempt to rewrite history. One only needs to reexamine the almost prophetic article in the *New York Times* two days after Israel declared independence ("Jews in Grave Danger in all Moslem Lands") to confirm the tie. The *New York Times* reported on May 16, 1948:⁴

"For nearly four months, the United Nations has had before it, an appeal for 'immediate and urgent' consideration of the case of the Jewish populations in Arab and Moslem countries stretching from Morocco to India."

The accompanying country-by country table estimated the Jewish population-at-risk as 899,000 souls. The article cited the dismissal of Jews in the civil service in Syria, per capita ransom payment of \$20,000 by Iraqi Jews seeking to leave Iraq, a forced levy on the Lebanese Jewish community to support the Arab war effort parallel to incitement and physical attacks on Jews, and Jews fleeing to India from Afghanistan. It quoted the UN Economic and Social Council report as saying:

"The very survival of the Jewish communities in certain Arab and Moslem countries is in serious danger, unless preventive action is taken without delay."

Hostility and oppression only grew, ultimately leading to the exodus of almost all Jews from all Arab and Moslem countries from Casablanca to Karachi.

Lastly, General Assembly resolutions on political matters are not legally binding, but a recommendation. Arab claims that Israel is required to allow refugees a Right of Return are groundless. Nevertheless, in 2000 at Camp David, Israel was prepared to participate in provision of compensation and allow refugees to go to the proposed Palestinian state offered at the time, but Arab leaders refused to accept the offer.⁵

¹ See full text of UN Resolution 194 on pages 3-4.

² "Middle East Briefing," Indianapolis Jewish Community Relations Council, February 6, 2002.

³ Mallory Browne, "Jews in Grave Danger in All Moslem Lands," *New York Times*, May 16, 1948.

⁴ *Ibid*

⁵ A 'now-or-never' offer that was withdrawn when it was rejected by Arafat.

**194 (III). Palestine -- Progress Report of the
United Nations Mediator**

A/RES/194 (III)
11 December 1948

The General Assembly,

Having considered further the situation in Palestine,

1. *Expresses* its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. *Establishes* a Conciliation Commission consisting of three States members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;

(b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. *Decides* that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. *Requests* the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. *Calls upon* the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948 1/ and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

6. *Instructs* the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. *Resolves* that the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. *Resolves* that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, should be accorded special and separate treatment from the rest of

Palestine and should be placed under effective United Nations control;
Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;

The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;

9. *Resolves* that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. *Instructs* the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

11. *Resolves* 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, 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;

12. *Authorizes* the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards to the protection of the staff and premises of the Commission;

13. *Instructs* the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. *Calls upon* all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. *Requests* the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

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At the 186th plenary meeting on 11 December 1948, a committee of the Assembly consisting of the five States designated in paragraph 3 of the above resolution proposed that the following three States should constitute the Conciliation Commission:

France, Turkey, United States of America.

The proposal of the Committee having been adopted by the General Assembly at the same meeting, the Conciliation Commission is therefore composed of the above-mentioned three States.
