



UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE
SUMMARY RECORD OF THE THREE HUNDRED THIRTY-SIXTH MEETING (CLOSED)
Held at Headquarters, New York,
on 26 March 1959, at 3:00 p.m.

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PRESENT:

<i>Chairman:</i>	Mr. MENEMENCIOGLU	Turkey
<i>Members:</i>	Mr. DAUGE	France
	Mr. PEDERSEN (Acting)	United States
<i>Secretariat:</i>	Mr. CHAI	Acting Principal Secretary
	Mr. HALL	

1. ADOPTION OF THE AGENDA

The agenda was *adopted*.

2. ORGANIZATION OF EVALUATION PROGRAMME

Mr. CHAI (Acting Principal Secretary) reported to the Commission on the problem of securing suitable qualified land experts. He recalled that copies of his correspondence with Mr. Berncastle had been circulated to the members of the Commission, who were thus aware of the difficulties involved. Mr. Berncastle was unable to direct the work but would be willing to serve as a part-time consultant. At Mr. Chai's request, he had suggested a number of names of persons qualified to direct the programme.

Mr. DAUGE (France) noted that Mr. Berncastle had suggested the possibility that a qualified land expert might be found in France. If the members of the Commission felt it appropriate, he might seek information from his Government as to the availability of such persons.

The CHAIRMAN was sure the Secretariat would be glad to have the names of qualified personnel. Summing up the discussion, he noted that in order to carry out the programme the Commission needed two more land experts: one as consultant and the other to direct the work.

The Commission decided to address a letter to the Secretary-General to ask him to recruit the necessary personnel for the evaluation programme.

3. RELEASE OF ARAB REFUGEE ACCOUNTS BLOCKED IN BANKS OTHER THAN BARCLAY'S AND THE OTTOMAN BANK

The CHAIRMAN informed the members of the Commission that he had had several conversations with the representative of Israel, who had intimated that the amounts were not important and that in principle the Israel authorities would not object to releasing them. However, he had gathered the impression that there was some difficulty stemming from internal financial regulations. Since the Commission's last letter had been written almost a year before, he thought that it would be

appropriate to write to the representative of Israel again.

After some discussion, the Commission approved the terms of a letter to the representative of Israel reiterating its request to be informed of the steps which the Government of Israel contemplates those accounts.

4. LETTER DATED 11 MARCH 1958 ADDRESSED TO THE CHAIRMAN OF THE COMMISSION FROM THE PERMANENT REPRESENTATIVE OF LEBANON
Mr. PEDERSEN (United States of America) said that his delegation was inclined to agree with the opinion of the Legal Office on the legal competence of the Conciliation Commission to take note of the letter from the representative of Lebanon and suggested that the Commission do that.

Mr. DAUGE (France) said that he had raised the question of competence with his Government before receiving the Secretariat memorandum, and had had a reply to the effect that the matter was not really part of the task of the Commission, since it was only distantly connected with the problem of the refugees. The absence of diplomatic relations between Israel and Lebanon was all that prevented it from being settled by the normal diplomatic means. It felt that the best solution might be for Lebanon to request a third Government maintaining relations with both to provide its assistance, and in that connexion had noted the suitability of the United Kingdom. He had subsequently been informed by his Government that that opinion concerning the Commission's role had not been changed by the Secretariat memorandum. He therefore found himself unable to support a decision by the Commission to register the claim.

The CHAIRMAN, speaking as representative of Turkey, said that his delegation's position was similar to that stated by the representative of the United States. The difficulties raised before had been clarified by the Secretariat memorandum, which demonstrated that the work of the Commission was not restricted to refugee affairs but included matters outstanding between the parties concerned. Since the Commission was asked only to register the claim without passing on its merits, he would accordingly be inclined to take note of the request and to send a copy of the communication to the Government of Israel without any comment. The Commission was not required to solve the problem. Moreover, this was apparently the only case of this nature to have emerged.

Mr. DAUGE (France) wondered whether taking note of the request would not constitute recognition of the Commission's competence in the matter. It was important to bear in mind that there might be other cases of a similar nature and that the action taken by the Commission might constitute a precedent in that respect.

The CHAIRMAN thought that such difficulties could be avoided if the Commission used the wording of the Lebanese request in its [reply](#).

Mr. PEDERSON (United States of America) suggested that the Legal Office of the Secretariat might be consulted in the drafting of a [reply](#).

Mr. DAUGE (France) asked whether a draft could be prepared in such a manner as not to allow the Lebanese Government at a later stage to request the Commission to take action on the matter by virtue of having registered the claim. Could the Commission limit itself to taking note of the Lebanese wish to register the claim?

The CHAIRMAN expressed the view that it would be difficult for the Commission to refuse the Lebanese request, since the matter was clearly one of those outstanding between the parties. The Commission thus could not refuse to transmit the claim if so requested. Of course, if the other side opposed the claim on the ground that it was a matter appropriate for a peace conference, the Commission could then deliberate on the course to be adopted. However, this was not a problem facing the Commission today, as the Lebanese Government had merely asked that note be taken of its communication.

Mr. DAUGE (France) said that he would raise the matter again with his Government in view of the position taken by the other members of the Commission and in so doing would mention the various considerations advanced in the course of the discussion.

5. OTHER BUSINESS

LETTER DATED 29 DECEMBER 1958 FROM THE REPRESENTATIVE OF ISRAEL

Mr. CHAI (Acting Principal Secretary) drew attention to the letter of 29 December 1958 which he had received from Mr. Tekoah and which transmitted a copy of a letter written to a member of the Commission staff in Jerusalem by Mr. Comay of the Government of Israel.

The CHAIRMAN felt that the Commission could scarcely reply to Mr. Comay's letter, among other reasons because of the difficulty of covering all the possible points at issue.

Mr. PEDERSEN (United States of America) asked whether the records of the Custodian of Absentee Property were available to the Commission in the land identification programme.

Mr. CHAI (Acting Principal Secretary) replied that, to his knowledge, the question had not been raised since those records were known to be incomplete and consisted mainly of the same material as was available to the Commission from other sources. Mr. Berncastle had had occasion to make use of the records before the inception of the identification programme. However, it might be necessary at a later stage to request access to those records.

The CHAIRMAN observed that the Acting Principal Secretary had acknowledged receipt of Mr. Tekoah's letter and had informed him that copies of Mr. Comay's letter had been circulated to the members of the Commission for their information.

It was decided that the action taken was sufficient.

POSSIBLE TRIP BY THE ACTING PRINCIPAL SECRETARY

The Commission discussed the possibility of having its Acting Principal Secretary visit the Middle East in the course of the coming months. The members of the Commission expressed the view that such a visit would be appropriate at this stage and noted that he could look into various matters concerning the work of the Commission.

The meeting rose at 4.20 p.m.

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