

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
RESTRICTED

A/AC.25/AR.73
25 March 1953

ORIGINAL: ENGLISH

COPY

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

Letter dated 23 March 1953 addressed to the Secretary-General by the Permanent Representatives of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen, transmitting a memorandum addressed to the Chairman of the Conciliation Commission for Palestine

Sir,

We are instructed by our governments to present both to you and to the Conciliation Commission of the United Nations on Palestine the attached memorandum concerning the action of Israel lately of selling the private property in Palestine of the Arab refugees. We would request you first, to relay to the Conciliation Commission this memorandum and, secondly, to be good enough as to circulate it to all Member States of the United Nations.

We take this opportunity, Sir, to express to you the assurances of our highest consideration and esteem.

/s/ Galal Eldine Abdel Razik Permanent Representative of Egypt to the United Nations	/s/ Awmi Khalidy Acting Permanent Representative of Iraq to the United Nations
/s/ Edward A. Rizk Acting Permanent Representative of Lebanon to the United Nations	/s/ Sheikh Asad Al-Faqih Permanent Representative of Saudi Arabia to the United Nations
/s/ Rafik Asha Permanent Representative of Syria to the United Nations	/s/ Sayed Abdurrahman Aboulsamad Aboul-Taleb Permanent Representative of Yemen to the United Nations

March 23, 1953

Your Excellency,

We are instructed by our respective governments to bring to your attention a matter of the gravest significance and danger which should come appropriately within the scope of your responsibilities. Our governments have been informed by various sources that the Israeli authorities have begun lately to dispose of the private properties of the Palestinian Arabs who have been driven from their country following the Israeli terrorism of 1948, and to hand over the proceeds of these transactions to a department in Israel for the purpose of financing the influx of Jewish refugees coming to that country from abroad.

2. We need hardly state here that the Arab governments have been shocked by such a flagrant contravention of the elementary rights of individuals and property. To speak of justice to the Arabs who have been driven by the Israelis from their own homes may be irrelevant in respect of a government which itself had committed that crime. But there have never been so far an insinuation that the institution of private property was to be breached, and that the refugees should be deprived of what belonged to them by right. Those refugees are alone the rightful owners of their private property, and consequently any transaction which does not receive their free consent has no validity whatsoever in the eyes of the law and is therefore considered null and void.

3. The proceeds of the selling of these properties is being used to consolidate Jewish immigration, which by any standard of law and morality is an act of usurpation and aggression on the country in which they have deprived its original inhabitants of their own homes and livelihood. This is being carried out at a time when those owners cannot dispose of their property or benefit by its interests, notwithstanding the fact that they have spent five years in the most dire conditions with only the means of international charity for mere sustenance.

4. The Conciliation Commission will readily appreciate, we hope, that no matter what political conditions have surrounded the question of the refugees or the circumstances of their leaving Palestine, their right to their private property should remain intact and cannot be violated by any authority, especially as the refugees and their property have preceded the existence of that authority in Palestine. The precepts of international law affirm the respect to the rights of citizens to their own property, irrespective of the changes of political regimes. Moreover, the Declaration of Human Rights adopted by the United Nations strongly supports that respect, and Article 17 of that Declaration has prohibited the violation of such a property.

Chairman,
Conciliation Commission of the
United Nations on Palestine
New York, N. Y.

5. Our governments would also like to recall to the Commission the resolution adopted by the United Nations on the 29th November 1947 which contained appropriate guarantees for the protection and safeguard of the property of the Arabs. Chapter C of this resolution considered null and void any legislation or arrangement injurious to those rights to private property. It would seem a contradiction in terms, not to say an immoral cynicism, that Israel should now contravene a part, or abrogate an important principle of, the very resolution which made its foundation possible. The Commission will probably remember that the General Assembly in its resolution of 11th December 1948, had affirmed in paragraph 11 the right of the refugees to their private property, and had restricted indemnification to those who do not wish to return to their country. Thus the Israeli action in selling the property of the refugees without their permission or consent is utterly unjustifiable and illegal. While, we are sure, it would be superfluous to remind the Commission of their responsibility in connection with the rights of the refugees, we find it nevertheless incumbent upon us to state that the Commission has been charged by the United Nations with the task of facilitating the return of the Arab refugees to their country, including the right to dispose of their own property as well as the right of their restoration to normal life, economically and socially. By virtue of the same paragraph (11) of the resolution mentioned above, the Commission has been established as a guardian of the rights of the refugees and their property. This charge and trust have been affirmed by paragraph C of the resolution of 14th December 1950, in which the Commission was required to continue consultation with the parties concerned to make proper arrangements for the safe-guarding of the rights of the refugees and their property.

6. The Commission is no doubt aware that the property of the Arab refugees is estimated by hundreds of millions of pounds sterling. Those refugees have left behind them villages, farms, and factories which have constituted the majority of the wealth of the country, and it is not clear on what basis can Israel apply to such a property the laws normally applied to absentee property-owners at a time when the refugees continue to insist on their return to their country. In the circumstances, they cannot be considered absentee property-owners in the sense known to that law as it is Israel which has imposed, and continues to do so, the circumstance of their absence contrary to their own desire and the resolutions of the United Nations.

7. Our respective governments have considered it their duty to bring the foregoing facts to the attention of the Conciliation Commission as well as to all members of the United Nations. And they hope that the Commission will accord the matter their closest attention, and take the necessary measures expeditiously and effectively to safeguard for the refugees their private property; but above all to intervene with the Israeli authorities for the purpose of arresting at once the selling of such property.

8. In conclusion our governments cannot help stating that this action by Israel is not calculated to help the Conciliation Commission in the discharge of its responsibilities under the resolutions of the United Nations, nor does it conform to the principles of justice and human rights. Our governments would request the Conciliation Commission to keep them informed of the efforts they undertake in this matter and the results they obtain towards the purpose of this memorandum.

We would like to take this opportunity to express to the members of the Conciliation Commission the assurances of our highest consideration and esteem.

/s/ Galal Eldine Abdel Razik
Permanent Representative of
Egypt to the United Nations

/s/ Awni Khalidy
Acting Permanent Representative
of Iraq to the United Nations

/s/ Edward A. Rizk
Acting Permanent Representative
of Lebanon to the United Nations

/s/ Sheikh Asad Al-Faqih
Permanent Representative of
Saudi Arabia to the United Nations

/s/ Rafik Asha
Permanent Representative of
Syria to the United Nations

/s/ Sayed Abdurrahman Aboulsema
Aboul-Taleb
Permanent Representative of
Yemen to the United Nations

Concerning the Memorandum of the Arab Delegations on the Sale by Israel of Private Property Belonging to the Arab Refugees of Palestine Without Their Consent.

Representatives of six Arab member states of the United Nations today delivered a memorandum both to the Secretary-General and to the Chairman of the Conciliation Commission of the United Nations on Palestine.

The six representatives refer to information reaching their governments to the effect that Israel is now disposing in open market of private property belonging to Palestinian Arab refugees, diverting the proceeds of these transactions for the purpose of financing the influx of Jewish refugees arriving from abroad.

The memorandum affirms the right of Arab refugees to their property, and insists that the institution of private property is now being breached in Israel. These transactions the memorandum maintains are unlawful and are therefore null and void.

The memorandum further refers to the plight of the Palestinian Arab refugees during the last five years, their inability to dispose of their property or benefit by its interests.

It draws attention of the Conciliation Commission to the fact that irrespective of changes in political regimes, international law affirms the rights of citizens to their own property. They also maintain that such deprivation is contrary to Article 17 of the Declaration of Human Rights which prohibits the violation of property.

The six representatives reminded the Commission of the relevant United Nations resolutions and the guarantees it contained for the protection and safeguard of private property of the Arabs. It refers particularly to section C of the United Nations resolution of 29 November 1947 which considers null and void any legislation or arrangement injurious to those rights of private property.

They also remind the Commission of its duty as guardian of the rights of the refugees and their property under the same resolutions.

The memorandum affirms that Israel which is responsible for the destitution of Arab refugees cannot rightfully regard them as absentee landlords. Arab refugees have always insisted on their return to their homes, farms and plantations.

They pointed out that what was involved was a tremendous number of millions of pounds sterling as the greater part of the wealth of Palestine was agricultural, industrial or in real estate holdings belonging to the Palestinian Arabs, the majority of whom were driven out from their country by Israel.

The Arab representatives called upon the Conciliation Commission to intervene with Israel for putting an immediate end to the sale of Arab property. They also state that Israeli conduct is not calculated to help the Conciliation Commission in the discharge of its responsibilities under the resolutions of the United Nations.

They request to be duly informed of the Commission's efforts to halt Israeli violations in this respect.

#