

GENERAL COMMITTEE

RESTRICTED
COM. GEN/SR.74
21 February 1951
ENGLISH
ORIGINAL: FRENCH

SUMMARY RECORD OF THE SEVENTY-FOURTH MEETING

held at Government House, Jerusalem, on Wednesday,
21 February 1951, at 3 p.m.

Present:

Mr. de Nicolay	(France)	- Chairman
Mr. Barco	(United States)	
Mr. Eralp	(Turkey)	
Mr. de Azcarate		- Principal Secretary

Consideration of draft note on the powers of the Head of the Conciliation Commission's Refugee Office and their execution

The CHAIRMAN informed the members of the General Committee of the changes which he had made in the draft note since handing it to them the previous day, and opened the discussion on the document.

In the second paragraph of the section dealing with the "nature of the Office" (page 1), Mr. BARCO (United States) thought that for reasons of precision it would be preferable to state that the decisions taken by the Commission would be concerned with questions "of a political nature" and not with "general questions".

Mr. ERALP (Turkey) felt that in this section the last paragraph stipulating that once the principles were laid down the Head of the Office would enjoy the widest freedom in the organization of his work, should be so worded as to allow the Commission to modify its policy if the situation should require it.

After an exchange of views on these two points, the PRINCIPAL SECRETARY stated that in his opinion the Commission should give the Head of the Office very flexible directives which would leave him sufficient latitude to organize his work but would allow the

Commission to take decisions as it thought necessary on any questions, not necessarily only those of a political nature.

He agreed with Mr. Barco that the Commission should adhere to the terms of the resolution of 14 December 1950, providing that it should direct the work of the new Office, but he also agreed with the Chairman and Mr. Eralp that, in view of the personality of the future Head of the Office, a great measure of latitude should be granted him in the organization of his work.

In his opinion, the whole question depended on the way in which the Commission intended to direct its new Office. Was it desired that, after the principles had been agreed upon, the Commission should lay down the general lines to be followed by the Head of the Office, who would then put forward the questions which seemed to him to require a decision of the Commission? Or was it desired that the Office should be organized in such a way as to remain in close contact with the Commission which could at any time step in and indicate the questions on which it reserved the right to take a decision itself?

The members of the Committee recognized that this point should be brought to the attention of the Commission, and Mr. ERALP (Turkey) stressed that it was nevertheless important to ensure that the Head of the Office was not continually obliged to consult the Commission as such a procedure would delay the accomplishment of his task.

The CHAIRMAN concluded by stating that these two procedures might be put before the Commission, with the indication that the General Committee favoured the second alternative; the sentence to the effect that, once the principles were laid down, the Commission would allow the Head of the Office the greatest latitude to organize and direct his work, would be maintained in the draft.

The heading of the second section (page 2 of the document) was changed from "Functions of the Office" to "Objectives of the Office".

In connection with the chapter dealing with compensation, a discussion took place as to whether it was advisable to refer, in sub-paragraph (a) of paragraph 1, to the nature of the property for which compensation would be paid by Israel. It was finally agreed to replace that reference by a mention of the pertinent resolution of the General Assembly.

With regard to sub-paragraph (b) of paragraph 1, concerning the conditions for the payment of compensation, Mr. ERALP (Turkey)

remarked that if the refugees applying for compensation were required formally to renounce their right to repatriation, there might be protests from the Arab States, who considered that the refugees' right to repatriation was sacrosanct.

After a discussion, during which Mr. Erim, legal expert, gave a detailed exposé of the legal aspects of the question, it was agreed that sub-paragraph (b) would read as follows: "It would be understood when the refugee receives payment of compensation that he thereby renounces his right to repatriation and abandons any further claims to his property in Israel."

The General Committee decided to continue the consideration of this document at its next meeting.

The meeting rose at 5 p.m.
