

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

GENERAL COMMITTEE

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SUMMARY RECORD OF THE SEVENTY-FIFTH MEETING

held at Government House, Jerusalem,
on Thursday, 22 February 1951, at 10.30 a.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 (continuation of discussion)

The General Committee, continuing the consideration of the draft report to be submitted to the Commission, examined Section B of the chapter dealing with compensation.

The CHAIRMAN observed that, in this document, he had briefly outlined the measures to be taken by the Office in order to settle the question of compensation according to the instructions contained in the resolution of 14 December 1950. This task could be divided into three phases: the first dealing with assessment, the second with the establishment of a compensation fund, and the third with the actual payment of compensation.

Following an exchange of views, in the course of which Mr. BARCO (United States) pointed out that strict instructions should not be given to the Office, it was decided to make certain drafting changes as well as one substantive change proposed by Mr. ERALP (Turkey). The latter stated that the methods, mentioned in sub-paragraph (c) of paragraph B dealing with the second phase of the work, where it was said that contribution to the compensation

fund "will come either from Israel or from the international community", could not be considered by the Commission as two separate alternatives. In fact, the responsibility for contributing to the compensation fund rested solely with the Government of Israel. In order to fulfil that responsibility, that Government could itself request assistance from the international community.

The CHAIRMAN and Mr. BARCO (United States) both agreed that this observation was sound and it was decided to replace the present wording by the phrase "contributions to the compensation fund will come from Israel (either directly or through an international loan)".

The wording of sub-paragraph (b) of paragraph 3, dealing with the third phase of the work, was modified so as to indicate, not that the "claims" for compensation would be accepted on two conditions but that the "payment" of compensation would be made on two conditions.

After some further drafting changes the chapter dealing with compensation was approved.

The following chapter, dealing with repatriation and re-integration, was approved, with the addition, in the title and in the first sub-paragraph, of the words "economic and social rehabilitation".

The chapter dealing with the protection of the rights, property and interests of the refugees was approved without change.

The CHAIRMAN stated that the Committee having adopted the text of Part I which contained the principles on which the Office could base its work, would now consider the note prepared by Mr. Barco, which dealt with the practical implementation of the conclusions reached in Part One.

Mr. BARCO (United States), in introducing his document, pointed out that in view of the scope of the proposed terms of reference of the Office and of the present administrative facilities, there was a danger that the Commission would not be able, in its report to the next session of the General Assembly, to refer to any concrete results in the field of payment of compensation. It was therefore essential above all, in his opinion, to conclude with the Government of Israel an agreement of principle concerning the sums which that Government would be ready and able to pay for compensation. In order to open negotiations on that question, the Commission would have to be in possession of concrete data on which to base the proposals which it could, eventually, submit to the Government

of Israel. It was thus necessary to decide upon the methods of work by which the Office could furnish the Commission with the information required for the determination, in negotiation with Israel, of a figure on the basis of which the Office could then elaborate its plans for compensation.

Mr. ERALP (Turkey) pointed out that he did not believe that the two notes which were to constitute the memorandum to the Commission were complementary but that they set forth the problem in two different ways.

Mr. BARCO (United States) agreed that the note he had just submitted contained a compromise solution of a practical nature, whereas the first note contained a strict interpretation of the provisions of the resolution of 14 December 1950. He believed, however, that it was possible to combine both documents in the same memorandum, which could have an introductory paragraph explaining the nature of both its parts, and stressing the fact that the practical methods mentioned in Part Two appeared to be fully in accord with the letter and the spirit of the resolution.

Mr. ERALP (Turkey) emphasized the necessity of issuing very flexible instructions to the Head of the Office, so as not to hamper his activities. The CHAIRMAN agreed with that point of view, and observed that the memorandum was to be used simply as a basis for conversations between the Commission and Mr. Anderson and that if the latter had any remarks to make concerning the organization of his work, the Commission could consider those remarks and, if appropriate, modify its instructions.

A discussion then took place as to whether, in the first instance, the efforts should bear on the conclusion of an agreement in principle with the Governments concerned, or on the determination of the total amount of compensation to be requested from Israel. It was concluded that both these efforts should be pursued more or less simultaneously.

Mr. BARCO (United States) believed that an agreement on principle with the parties concerned would in no way hamper the activities of the Head of the Office but, on the contrary, could facilitate his task.

The Commission's legal expert indicated that the task which it was intended to give to the experts who were to compile the data needed by the Commission for its negotiations with the Government of Israel was too extensive if their work was to be definitely completed before the arrival of the Head of the Office.

Mr. BARCO (United States) observed, in this connection, that the experts could consider the question of compensation in a preliminary manner and make all those contacts which might be of assistance to the Office once the Head of the Office had arrived.

The PRINCIPAL SECRETARY believed that the General Committee having outlined the task of the Office in the light of the resolution of 14 December 1950, should draw the attention of the Commission to the items on which immediate action on the part of the Office was necessary and to certain concrete questions on which the Commission itself should take a stand.

There was another question on which the Commission should take a decision: whether the Committee of Experts on Compensation should function independently of the Office or whether it should be integrated in the Office, in which case the experts would become members of the staff of the Office. In the latter case, the Office would immediately be constituted, even before the arrival of the Head of the Office.

Finally, it would be important to know whether the Commission, in establishing an order of priority for the consideration of the different measures to be taken, should formally request the Office to consider, as the first order of business, the problem of compensation.

The PRINCIPAL SECRETARY pointed out that the Secretariat, with that idea in mind, had prepared a draft resolution which the General Committee might wish to study for possible insertion in the memorandum to be submitted to the Commission.

The CHAIRMAN, having consulted his colleagues, stated that the document prepared by the Secretariat would be considered at the next meeting. The Committee might immediately decide that the memorandum to the Commission would contain a Part One wherein the general principles to be followed in the work of the Office would be mentioned, and a Part Two dealing with the practical measures for the implementation of those principles. A Part Three might also be included and might contain the concrete recommendations set forth in the text prepared by the Secretariat.

The meeting rose at 12.15 p.m.