

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

GENERAL COMMITTEE

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SUMMARY RECORD OF A MEETING BETWEEN THE GENERAL COMMITTEE
AND THE DELEGATIONS OF THE ARAB STATES

held in Lausanne on Friday,
27 May 1949, at 11 a.m.

Present: Mr. de la Tour du Pin (France) - Chairman
Mr. Yenisey (Turkey)
Mr. Wilkins (U.S A.)
Dr. Azcarate - Principal Secretary
Mr. Milner - Committee Secretary
Mr. Abdel Chafi El Labbane - Representative of
Mr. Jamal Tugan) - Egypt
Mr. Edmond Roch) - Representatives
of the Hashemite
Jordan Kingdom
Mr. Mohamed Ali Hamade - Representative of
Lebanon
Mr. Farid Sad) - Representatives
Mr. Ahmad Choukairi) - of Syria

The CHAIRMAN informed the Arab delegations that the refugee question and the matter of Israel's boundaries with the Hashemite Jordan Kingdom were now being discussed by the General Committee with the Israeli delegation. In reply to a question from Mr. Roch (Hashemite Jordan Kingdom), the Chairman said that the proposals were not as yet sufficiently clearly defined to enable the Committee to communicate them to the Arab delegations.

Discussion of Arab memorandum of 18 May (continued) (AR/8)
Points 6, 7 and 8

In answer to the four questions put by the Chairman at the preceding meeting, concerning the extent and value of Waqf properties and the number of persons required to administer them, Mr. CHOUKAIRI (Syria) made the following points:

(1) Under the Ottoman regime in Palestine, so much importance had been attached to the question of Waqf property that there had been a special Ministry charged with the supervision of its administration.

(2) It would be difficult to give an exact estimate of the extent of Waqf properties, since in every village of

Palestine there would be found a church or other immovable property, or an entire tract of land, dedicated to the Moslem or Christian Waqf; in the towns, whole quarters or markets might be involved.

(3) Similarly, it would be difficult to give a close estimate of the value of Waqf properties, since some of them consisted of citrus groves, shops, markets, etc. A rough estimate could be furnished, however.

(4) The number of persons required to administer Waqf properties, both Moslem and Christian, was roughly 10,000; that figure included labourers, supervisors, trustees and religious administrators. A more precise figure could be given after consultation with the religious authorities of Palestine.

The CHAIRMAN held the view that points 6 and 7 were within the competence of the Committee on Jerusalem, rather than of the General Committee.

Mr. CHOUKAIRI (Syria) felt that the Committee on Jerusalem was a technical body concerned solely with the drafting of a permanent statute for Jerusalem. He maintained that points 6 and 7 should be discussed by the General Committee, and added that in placing its views before the General Committee the Arab delegations felt that they were in fact addressing the Commission itself.

Point 3

Mr. CHOUKAIRI (Syria) explained that he wished now to take up point 3, since the provisions of points 6 and 7 could not be put into effect until the demand embodied in point 3 was fulfilled.

Mr. Choukairi stated the view that while the Absentee Act purported to make possible the supervision and care of the property of absentees, it was in actual fact simply disguised and legalised confiscation. He pointed out that the legal definitions of absentee owners were based upon the date of 29 November 1947, at which time the Mandatory Power was still the recognised authority in Palestine. The Act could not be considered legally valid since its application was made retroactive to a time at which the State of Israel was not yet in existence.

Mr. Choukairi pointed out that the definition of an absentee owner covered, in actual fact, all persons, what-

ever their nationality. There were properties and institutions, private or religious, maintained in Palestine by nationals of France, Italy, Turkey, the United States, which were subject to the Act equally with Arab properties. It was unique in the history of law that a State should enact legislation of this type relating to foreigners with extra-territorial privileges.

Regarding the definition of properties, which included real or personal, movable or immovable, foreign-owned or local-owned property, Mr. Choukairi drew attention to the fact that the property in question was not small scattered tracts of land, but entire cities, groves, villages, and enterprises established generations before; it represented the major part of the property of Palestine. It was natural that in war-time the property of enemy aliens should be supervised by the State; however, the Arabs of Palestine were not enemies or foreigners, and it was inconceivable that a State should enact legislation against its own inhabitants.

Mr. Choukairi pointed out that the custodian designated by the Minister of Finance was given unlimited powers subject to no appeal in any court; no one person should be given such unlimited powers in any democratic State.

Mr. Choukairi felt that absence, under this Act, was not so much a physical act as a state of mind on the part of Israel. The Arab owners were absent not through their own free choice, but as a result of a reign of terror. The Commission had heard the testimony of the refugees as to their desire to return to their homes; their absentee status had been forced upon them. The authority which had enacted the law was the same authority which had caused the absence.

Mr. Choukairi referred to Dr. Eytan's reply to the Commission's inquiry regarding the Absentee Act, as quoted in paragraphs 4, ~~and~~ ^{and 6} 5, of document AR/7. He found that reply evasive, and objected in particular to the reservations indicated by the phrases "for purposes of such compensation" and "for the purpose of guarding against speculation". The Government of Israel could not place arbitrary limits on a human being's right to exclusive ownership of his own property; the present case was not one of justi-

liable expropriation for purposes of public utility.

The Syrian representative called attention to the fact that the definition of absentees also covered members of the clergy and religious workers who had given their lives to the service of religious institutions; these people were not prevented from returning to their duties, and the properties they administered were frozen.

In Mr. Choukairi's opinion the Absentee Act had been nullified by the adoption of the General Assembly's resolution calling for the repatriation of the refugees. The demands of the resolution were imperative and must be enforced; the essential first step was the abrogation of the absentee law, without which repatriation would be impossible. The Government of Israel could not claim that the law was an internal affair, since it was in direct conflict with a decision of the United Nations General Assembly, and with fundamental concepts, of human rights. It was the Commission's duty to declare firmly that repatriation of the refugees was an empty wish as long as the Act was in force. The present widespread efforts to find homes, farms and funds for the refugees would no longer be needed if, by repeal of the Act, they were enabled to repossess themselves of their own property and savings.

Mr. LABBANE (Egypt) endorsed the views of the Syrian representative. It was the duty of the Commission to make it clear to Israel that its liberty was conditioned and limited by the liberty of others, and that it was not alone in the world. Actions such as the application of the Absentee Act were a constant threat to the peace which the Commission was trying to establish.

Mr. WILKINS referred to a comment by Mr. Choukairi concerning the maintenance of educational and charitable institutions in Palestine by Americans, as being in contrast to certain other uses to which American dollars had been put in Palestine. He pointed out that legislation existed in the United States against the exportation of arms to Palestine, and that resolutions had been taken in the Security Council on the same subject. If the Syrian representative had facts at his command, they could be presented to the Acting Mediator, or through the Syrian representatives to the United States Government, for investigation.

Mr. CHOUKAIRI replied that he had referred in passing to certain abuses of American democracy by some organisations in the United States which had sent arms and munitions into Palestine. Such abuses, however, did not prevent him from admiring and praising United States contributions in the Middle East in the fields of education and charity.

Point 1

Mr. SAD (Syria) had some further statistics to communicate, to supplement those given at the preceding meeting.

The total area under citrus cultivation in Palestine was 250,002 dunums. Of this area, 54%, or 134,567 dunums, was owned by Arabs. All of the Arab-owned area, with the exception of 3,000 dunums in Gaza, was now under Israeli control. Production per dunum in the Arab-owned groves amounted to 60 boxes, or a total production of about 8 million boxes. In 1947-48 the Arab-owned groves had produced about 6 million boxes, but this lower figure was considered to be due to the neglect suffered by the groves during the Second World War. The net income for 1947-48 had been £3,500,000 sterling.

In order to determine the value of the Arab groves, it was desirable to divide them into categories. (1) The groves in the vicinity of Jaffa and Tel Aviv were valuable more for the land than for the crop, since they were near municipal areas; the extent of the groves was 22,000 dunums, and the value ranged from £400 to £1,000 per dunum. (2) In the neighbouring area of 50,000 dunums, the value was between £250 and £400 per dunum. (3) In the area further inland, amounting to 63,000 dunums, the value was £200 to £250 per dunum.

With regard to the loans advanced by the Palestine Administration to the orange growers, it had been decided that the loans would be spread over a period of 30 years, to be paid by the citrus growers without interest.

The CHAIRMAN suggested that the following meeting should be given over to a discussion of point 9, as related to point 3 of the memorandum of 21 May.