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The Structure and Competence of the Office

(Working Paper prepared by the Secretariat)

In pursuance of the resolution of 14 December 1950, the Conciliation Commission is directed to establish an Office which, "under the direction of the Commission, shall:

- "(a) Make such arrangements as it may consider necessary for the assessment and payment of compensation in pursuance of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948;
- "(b) Work out such arrangements as may be practicable for the implementation of the other objectives of paragraph 11 of said resolution;
- "(c) Continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees;"

It is left to the Commission to organize the Office as it sees fit. The fact that it is a subsidiary body of the Commission would seem to indicate that it should be headed by a person responsible to the Commission.

The Office is to be under the direction of the Conciliation Commission. Its Head, therefore, will not have the power to take final decisions on questions of a general nature. With this reservation, and except for matters falling within the competence of other United Nations bodies, he will nevertheless be free to decide on the most appropriate ways of obtaining the collaboration of the parties. In particular, as concerns the provisions of paragraph (a) above (assessment and payment of compensation), the Head of the Office will not be competent to make

arrangements which would be binding on the parties. Neither the Office nor the Conciliation Commission itself possesses such powers. In this respect the task of the Office can be compared to that of a committee of investigation. Its conclusions can be rejected by one or other of the parties or by both.

As regards paragraph (b) above, which instructs the Office "to work out such arrangements as may be practicable for the implementation of the other objectives of paragraph 11" of General Assembly resolution 194 (III), its principal aim is to make arrangements for the repatriation of the refugees and for the payment to them of compensation due them for damage to their property.

It appears that there is no question here of setting up suitable bodies to carry out the actual repatriation. The rôle of the Office appears to be that of a regulating agent between, on the one hand, Israel and the refugees and, on the other hand, Israel and the authorities of the countries in whose territory the refugees to be repatriated are at present residing. Its rôle consists, in effect, according to the terms of paragraph (b) above, in assisting the repatriation of the refugees. In this connection it will consult with the Government of Israel, the Arab authorities and UNRWA. In agreement with the latter Agency it will draw up a plan for repatriation which will be submitted to the authorities concerned for approval.

As regards the payment of compensation due to refugees who return to Israel, the Office could help in this connection by proposing to the Government of Israel that an international body be set up to give final judgments regarding claims made by repatriated refugees. If this proposal is not accepted, the Office could suggest the acceptance of certain criteria which would permit the assessment of a lump sum, to be allocated among individual refugees.

The resettlement of the repatriated refugees and their economic and social rehabilitation will depend to a great extent on collaboration with

UNRWA. If repatriation is to be in the form of resettlement in Israel, the United Nations body directly concerned in such an operation is UNRWA. That Agency is, in fact, caring for refugees who are at present in Israel but away from their homes.

With regard to the economic and social rehabilitation of the refugees, whether repatriated or reintegrated in the Arab countries, the Office could assist by making recommendations to the Government of Israel or to the Arab Governments. The recommendations which it might make would deal, for example, with the rights of minorities, the personal and legal status of the refugees, labour legislation and social security, and any other similar questions.

Paragraph (c) above envisages that the Office will continue consultations with the parties, i.e. with Israel and with the Arab States, with a view to the protection of the rights, property and interests of the refugees. This does not involve an extension of the functions given to the Office by paragraphs (a) and (b), which already cover the principal rights, property and interests of the refugees. Paragraph (c) has, therefore, a subsidiary character. Moreover, the final paragraph of the resolution of 14 December 1950 calls upon the governments concerned to undertake measures to guarantee to the refugees equality of rights. It is on these lines, and under the guidance of the Conciliation Commission, that the Head of the Office will undertake his consultations.