

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

ORG/39
6 August 1951
ORIGINAL : ENGLISH

Memorandum dated July 1951
received from the Secretary
of the General Refugee Congress, Ramallah.

Dear Sir,

We refer to our interview with you on Friday afternoon, the 6th of July, 1951, at which we discussed various matters relating to the return of Arab refugees to their homes and their compensation for losses sustained as a result of the occupation of Palestine by the Jews, and, as requested, we have the honour to submit to you, hereunder, our views and proposals for the settlement of the Palestine refugee problem.

2. It is clear from the conversation we had with you that your terms of reference are still subject to the United Nations Resolutions concerning Palestine, taken in November, 1947, regarding the partition of the country between Arabs and Jews, and that of December, 1950, regarding the return of refugees and their compensation. Our present views and proposals are, therefore, submitted in conformity with these Resolutions, and we should like to point out that the general attitude of refugees regarding the Palestine problem remains the same as expressed to the Palestine Conciliation Commission in our memorandum dated 2nd September, 1950.

3. We need hardly stress the necessity for immediate action; you have by now seen for yourself the plight of the Arab refugees and the conditions under which they exist in the neighbouring Arab countries; which, after over three years of dispersion, have now become intolerable. And yet, because of UNRWA help, it is believed

Chairman,
Compensation Office,
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Jerusalem.

in United Nations circles that the refugees can continue to remain in their present state indefinitely. This state of affairs cannot, in our opinion, be allowed to continue any longer, more especially since UNRWA help does not reach all classes of refugees. We should like to draw your attention to another class of the refugees who receive no help from the UNRWA; who have lost all their belongings and means of livelihood; and who cannot yet take it upon themselves to extend their hand to obtain relief from the United Nations.

This class of refugee is what previously comprised the cream of the Palestine people. They may be few in number compared to the bulk of the Palestine Arabs, but they certainly formed the intelligentsia of the country. Their situation, which is unknown to the United Nations, has now become pathetic, and the conditions under which they exist, at a time when they possess so much property in Palestine which is now being exploited by total strangers without any justification, make it an unforgivable crime for any institution to allow such a state of affairs to continue.

4. It will be observed that the second Resolution of the United Nations was taken as far back as last December, and although seven months have already past, no effective action has been taken to implement that decision and arrange for the return of the refugees to their homes, or at least to arrange, in the interval, to give them the incomes derived from their property in Palestine to which they are legally and justly entitled, to enable them to maintain themselves and their families pending the settlement of their future. Your belated arrival in the country is to be deprecated, and we feel with you personally that with the time at your disposal, it is physically impossible for you to understand our problems in detail and to be able to submit concrete suggestions to the United Nations to alleviate the sufferings of the hundreds of thousands of refugees and at the same time provide an equitable and just solution to our problem.

5. We fail, however, to understand why it is necessary for the Palestine case to be referred again to the General Assembly of the United Nations at its session in October next, since there is a definite Resolution which, for reasons beyond our comprehension, is not being implemented. We can only gather, from what we observe going on around us, that it is a laid down policy of the United Nations to dilly-dally with our problem until "Time" solves it.

6. It is no secret to say that the Arabs in general, and the Palestine Arabs in particular, have lost all faith in the United Nations as such, but we still believe that there exist some individuals connected with it who still stand up for the principles for which that world Organization was created. The Jews are world powerful; their financial resources are beyond our means; and their methods of propaganda are world-wide and strong, but, notwithstanding, we believe, with the aid of the lovers of peace and justice, we can still pull down that formidable force of destruction and plundering to which we have become a prey. We refugees, who find ourselves like one tossed about in an angry sea, appeal to your sense of justice to do all in your power with the United Nations to convince them in the name of humanity to uphold the principles for which that Organization stands and to take firm action, as it did in Korea, to stop further aggression and exploitation of our rights by the Jews in a manner which is unprecedented in History.

7. Our demands are, therefore, to say the least, that the decisions of the United Nations should be implemented without further delay. These demands may be summarized as follows :-

- (a) The partition of Palestine in accordance with the United Nations Resolution of November, 1947;
- (b) Refugees should be allowed to return to their homes;
- (c) Compensation of those refugees who do not wish to return to Palestine; and
- (d) Compensation of refugees for losses sustained as a result of Jewish occupation of the country.

8. With regard to :-

(a) Partition of Palestine.

The effect of the United Nations Resolution was that Palestine, which comprised an area of over 27 million dunums, should be divided in terms of dunums roughly as follows :-

Arab State 11,594,000 dunums;

Jewish State 15,260,000 dunums;

Jerusalem 170,000 dunums.

(Note:- One dunum equals 1000 square metres, and 1000 dunums equal one square kilometre).

In defiance of this Resolution, the Jews have occupied territory beyond the area allotted to them, and, in consequence of the Armistice Agreements to which the Palestine Arabs were not a party, came into possession of an area of 20.9 million dunums, whilst the area remaining to the Arabs dwindled down to

only 6.1 million dunums, including the Gaza area now held by Egypt.

The meaning of the word "Armistice" in the Dictionary is given to be "A SHORT SUSPENSION OF HOSTILITIES". It appears that both the United Nations and the Jews have given a different meaning to the Armistice Agreements signed in regard to Palestine to be "A PERMANENT CESSATION OF RIGHTS OF ONE PARTY TO THE OTHER".

It was believed, when the Armistice Agreements were signed, that nothing would be done to prejudice Arab rights, whether general or individual, in the area allotted to the Arab State but temporarily occupied by Israel under the terms of these Agreements, but instead we find that the Jews have obliterated the identity of most Arab villages, if not all, and have constructed new Settlements on lands which are neither theirs by ownership nor by allotment under the United Nations Resolution. And all this is going on with the full knowledge of the United Nations, if not also with their blessings.

We therefore demand, in the name of the principles for which the United Nations was created, that the Jews should be prevented forthwith from further colonizing the area outside the limits of the area allotted the Jewish State, as any such further colonization can only add to complicate the Palestine problem and make its solution more difficult.

We further demand that steps be taken immediately to allow those refugees who previously resided within the territory allotted to the Arab State to return to their homes, in compliance with the Resolution of the United Nations dated December, 1950.

(b) Return of Refugees to their homes.

The question which is always on the lips of the refugee is "Why does not the United Nations implement its decision with the same speed that it did in Korea". This question hardly needs an answer, but is it in the interests of the United Nations to deal out justice by two measures? And is their action in conformity with their principles and allow "might to over-ride right" ?

We are aware that the Jews do not wish to allow the return of the refugees to their homes, and will continue to oppose and obstruct any such return. At the same time there may be difficulties in allowing the general return of refugees at one time when immigration of Jews into Palestine is taking place on a scale without consideration to absorptive capacity, accomodation,

employment, etc. for these new immigrants. Is it fair or legal for total strangers to be allowed in and made to reside in property of individuals who have full right to the country and yet are kept out of it? And is this forced occupation of property with all benefits accruing therefrom to be allowed to pass to the aggressors while the United Nations looks on?

We demand that the United Nations, in conformity with its Resolution of December, 1950, should compel the Jews to accept, as a first step, the return of a proportion of the refugees from the area allotted to the Jewish State, and that this proportion should be those persons and their families who possess property within that area up to a certain value, and that these persons should be handed back their properties and, allowed to administer them similar to other residents of Israel.

We also demand that, pending the return of all refugees to their homes, that the United Nations should appoint an administrator to administer the properties of absentees pending their return instead of, as at present, the Jewish Custodian; that these properties should be leased at existing market values; and that any incomes derived therefrom should be paid through the agency of the United Nations to the owners many of whom are already financially embarrassed while others are on the verge of total collapse.

(c) Compensation of those who do not wish to return:

To find out what refugees do not wish to return to Palestine, it will be necessary to carry out investigation, to show :-

- (i) the number of such persons;
- (ii) what properties they possess in Palestine;
- (iii) what losses they have incurred in movable and immovable property;
- (iv) the value of these.

A memorandum, written by Mr. Sami Hadawi, M.B.E., Land Expert, suggesting the carrying out of an investigation into Arab property in Palestine and losses sustained as a result of Jewish occupation of the country, was submitted by our Arab Refugee Congress to the Palestine Conciliation Commission as far back as February, 1950, and although all those representatives of the United Nations with whom we got in touch admitted the necessity and importance of carrying out such an investigation, nothing has so far been done. As has already been stated above,

the Jews have done everything to make Arab property lose its identity and to hamper such investigation, and therefore continued delay can only result in increased losses to the Arabs, and it will become more difficult, as time goes on to say with any degree of accuracy what was the nature of the holding at the time of its occupation by the Jews.

A further memorandum by Mr. Sami Hadawi, dated 18th October, 1950, containing proposals for the method of valuation of immovable property and the procedure to be followed in the investigation, was presented to the Palestine Conciliation Commission. With these proposals we are in complete agreement.

We learnt, during the course of our interview with you, that Mr. J.M. Berncastle, has been delegated to carry out a "global" assessment of Arab property in the whole area occupied by the Jews. We believe that such an assessment, owing to the limited time at his disposal, can only be very approximate and might reflect adversely on the value and interests of the Arabs. We maintain that the method and principles proposed in Mr. Hadawi's memorandum are the only means to obtain an accurate of Arab property in Palestine and its value.

We further learnt that if an investigation is at all carried out, that it is proposed to be performed under the auspices of the UNRWA. We do not consider that that Agency is capable of undertaking this duty satisfactorily, as the investigation requires the employment of specially selected staff with knowledge of land tenure and valuation. We regret to say that the system of administration followed in the UNRWA leaves much to be desired and we urge that this investigation should be conducted under the control of the Palestine Conciliation Commission.

We therefore demand :-

(i) that our Congress should be given the opportunity of studying the method and principles that are being followed by Mr. Berncastle in his "global" assessment of Arab property;

(ii) that any "global" valuation made should be divided to show separately the extent and value of property within :-

(1) the Jewish State area as decided upon under the Partition Scheme;

(2) that part of the Arab State area now under Jewish control; and

(3) Arab property within that part of Jerusalem which is now occupied by the Jews.

(iii) that a special organization, as proposed in paragraph 17 of Mr. Hadawi's memorandum dated 18th October, 1950, should be set up at once to carry out the investigation into Arab property in Palestine; that this organization should not be connected in any way with UNRWA; and that specially selected qualified personnel should be employed for the purpose;

(iv) that the investigation should cover the immovable property of all absentees and should be carried out in such a way as to enable :-

- (1) the return, in due course, of refugees from the area allotted to the Arab State, to their homes;
- (2) the return of refugees to the area allotted to the Jewish State and the payment of the value of property of refugees who do not wish to return;
- (3) the return of refugees from the occupied part of Jerusalem to their homes.

(d) Compensation for losses sustained.

The types of losses sustained by the Arabs as a result of Jewish occupation of Palestine, may be tabulated under the following headings :-

- (i) Contents of household effects;
- (ii) Contents of business premises and shops, such as merchandise, office furniture, machinery, etc.;
- (iii) Livestock and agricultural implements;
- (iv) Agricultural produce, such as citrus and other fruits, grain, vegetables, etc.;
- (v) Rents from immovable property, and
- (vi) Losses incurred as a result of destruction or damage to immovable property.

The estimation of such losses is far more difficult than that of immovable property, and it is suggested that an expert in such matters should be appointed to assess such losses under the heading shown above and that such investigation should be conducted independent of the investigation into immovable property.

9. We drew your attention, during the course of our meeting, to the question of Arab frozen credits in Banks in Israel. We should like to point out that these credits belong to the class of refugee who is not being cared for by UNRWA. It is adding

injury to injustice to continue to allow the Jews to keep freezing these credits. This class of refugee is being prevented to enjoy the income from his property; surely he should at least be allowed to maintain himself and family decently.

We therefore demand that the United Nations should issue instructions at once to the Jews to release these credits and that payment should be made to the creditors in either sterling or dollars.

10. You asked us to furnish you with land values in the East Bank of the Jordan. An enquiry is being made into this subject and we hope to supply you with the information required within the next few days.

S/ Aziz Ehehadeh
Secretary
General Refugee Congress.