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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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SUMMARY RECORD OF THE ONE HUNDRED AND THIRTY-SECOND MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 2 March 1950, at 11 a.m.

Present:

Mr. de BOISANGER (France)	Chairman
Mr. PALMER (United States of America)	
Mr. YALCIN (Turkey)	
Mr. BARCO (United States of America)	Chairman of the General Committee
Mr. de AZCARATE	Principal Secretary

Establishment of a Joint Committee to Study the Egyptian Proposals Concerning  
the Gaza Refugees (continued)

The CHAIRMAN invited the Commission to examine a draft letter addressed to Mr. Rafael, a member of the Israeli delegation.

The Commission unanimously approved the draft letter with slight drafting changes.

The CHAIRMAN announced that the letter would be sent without delay to the addressee and a copy to the Egyptian delegation.

Compensation for damage to Arab property

The CHAIRMAN recalled the fact that the Commission had been expressly instructed by the General Assembly to study the question of compensation for damage to Arab property and to bring any conclusions it might reach to the attention of the Israeli delegation.

Mr. PALMER (United States of America) said that, generally speaking, the view of the United States delegation coincided with that of the French. It would be desirable to determine the extent of the damage, and to come to some conclusion on the technical aspects of the compensation procedure and the mode of settlement of claims.

The problem of compensation should definitely be considered as distinct from that of reparations and the two questions should not be linked together.

Mr. YALCIN (Turkey) pointed out that the Israeli delegation did not seem in any way disposed to accept the principle of a separate solution of the compensation question.

The CHAIRMAN, speaking as representative of France, replied that his Government would naturally be opposed to any step which seemed doomed to rejection from the outset. It would, however, be helpful to determine the extent of the damage to be compensated and to settle the payment procedure.

There was no objection to informing the Israeli delegation that the Commission adopted the principle that compensation and reparations were two independent questions. Should the Israeli delegation reply that it considered the questions as linked, the Commission could request it, without prejudice to the question of principle, to agree to collaborate with a view to studying the manner in which compensation might be effected.

He had already had occasion to point out to Mr. Eban that it was in the interests of the Israeli Government to adopt a liberal attitude on the matter and Mr. Eban's reaction on that occasion had not been definitely unfavourable.

Mr. PALMER (United States of America) also thought that it would be preferable, if agreement on the point were not at present attainable, to leave the question of principle provisionally in abeyance and to study problems of detail. It was in any case possible that the attitude of the Israeli Government might change in course of time, in which case the question of principle could then be broached.

While he considered that informal conversations might be fruitful, he could not but wonder whether it was really necessary to know in advance what the reaction of the Israeli delegation would be, before undertaking the study of the technical aspects of the problem of compensation. It would, it seemed to him, be sufficient to notify the Israeli delegation that the Commission intended to undertake a general study of the compensation problem without touching on the principle of the separation of compensation and reparations. Since it was indispensable to have the support of the Israeli authorities in order to hold a Commission of Enquiry on the spot, he thought it preferable not to dwell too much on the attitude of the Commission on the question of principle.

The CHAIRMAN, while he agreed with the view of the United States representative, pointed out that, should the Israeli delegation, on being informed of the Commission's intentions, raise the question of the principle of compensation, it would be difficult to avoid disclosing the attitude of the Commission. The latter might later find itself in an embarrassing position through not having its attitude clear.

He enquired whether members were prepared to advocate the implementation of the suggestions contained in the Clapp Report.

Mr. PALMER (United States of America) replied that he would make a detailed study of the suggestions and might perhaps not be entirely in favour of all of them.

Mr. BARCO (United States of America) added that the United States delegation considered that the question of compensation was not yet sufficiently advanced for the Commission to undertake raising the question of principle with the parties concerned, or even the implementation of the suggestions of Mr. Clapp. His delegation thought it advisable first to determine the amount of damage to be compensated. Such a study, which would not depend on the agreement of the Israeli delegation on the principle of compensation itself, was an indispensable preliminary. In the event of the Israeli and Arab authorities agreeing amongst themselves to link up the question of compensation with that of reparations, the Commission certainly should accept such an arrangement.

Mr. PALMER (United States of America) observed that such an eventuality, however unlikely it might be, would not entirely solve the question. The persons with claims to compensation had in many cases no nationality and it was questionable whether any State would be prepared to make payments to such people.

Mr. SERUP (Secretariat) said that the problem of compensation for damage to Arab property was dealt with in two Working Papers prepared by the Secretariat (W/33 and W/36). Another Working Paper dealing with the historical precedents in the matter of compensation, particularly in cases of damage to Jewish property, was in course of preparation.

Without the collaboration of the Israeli Authorities and consultations on the spot, in particular with the Custodian of Absentee Property in Tel-Aviv, the Secretariat would find it difficult to continue its work on the question.

The CHAIRMAN emphasized that the Commission had received definite instructions to study the problem of compensation, and suggested that it would be a good thing to put certain questions at least to the members of the Israeli delegation.

Mr. PALMER (United States of America) suggested it would be preferable to wait until the Commission's negotiations for the establishment of a Joint Committee on questions concerning the Gaza area were more advanced. The Commission should avoid giving the impression that it was abandoning that scheme and passing on to another problem.

The PRINCIPAL SECRETARY suggested that the Commission examine questions which might be taken up without having to seek the collaboration of the Israeli Authorities. It was possible that out of such a study might come a programme which the Commission could carry out until the time was ripe to approach the Israeli delegation. The document in course of preparation on the historical precedents in the matter of compensation might provide the Commission with arguments in support of its attitude on the question of principle as to the interdependence of the problems of compensation and war reparations.

After discussion on the most favourable moment for raising the question of compensation with the Israeli delegation,

the Commission decided to resume examination of the question at a subsequent meeting.

The PRINCIPAL SECRETARY, replying to Mr. Palmer (United States of America), remarked that, once the Commission had fixed its plan of work, it could begin studying the question of the staff of experts to be placed at the disposal of the Commission. On that point the Commission could rest assured that it would receive the fullest support from the Secretary-General of the United Nations.

The meeting rose at 1 p.m.