

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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SUMMARY RECORD OF THE

ONE HUNDRED AND EIGHTY-SECOND MEETING

Held at Hussein House, Jerusalem, on Saturday, 2 September 1950, at 4.30 p.m.

Present:

Mr. Palmer

(United States of America) Chairman

Mr. de Boisanger

(France)

Mr. Aras

(Turkey)

Mr. de Azcarate

Principal Secretary

Mr. Aziz Shihadeh

(General Secretary of the Ramallah General Refugee Congress)

Mr. Yahya Hammoudeh

(Members of the

Sheikh Abdul Majid Azzeh)

Executive Committee)

Sheikh Abdul Hafez Abdul Latif

(Member of the General Council)

The CHAIRMAN opened the meeting by welcoming the representatives of the Ramallah Refugee Congress, and expressed the gratification of the Palestine Conciliation Commission at being able to give them an opportunity of explaining the views of the Palestine Arab Refugees, whose fate it was considering with close attention.

Mr. AZIZ SHIHADDEH (General Secretary of the Ramallah General Refugee Congress) thanked the Chairman for his words of welcome. He was glad to have the opportunity of acquainting the Conciliation Commission with the views of the refugees whose interests the Ramallah Congress was defending and who had had no possibility since the Lausanne meetings, or for about the space of one year, of making a statement before the Commission.

He would like first of all to mention the difficulties encountered by the Ramallah Congress in its task of protecting the refugees owing to the obstacles placed in its way by the Jordan Government, which had prevented it from collecting the necessary funds for continuing its work and just recently had actually forbidden it to hold meetings. He would also like to draw the Commission's attention to the fact that the Palestine Arab refugees should be considered party to all discussions or negotiations connected with the solution of their problems, and should be consulted as such in regard to any suggestions made by any of the negotiating parties on questions concerning them.

At the last interview it had had with the Conciliation Commission at Lausanne on 13 May 1949, the delegation of the General Refugee Congress had formulated a number of practical proposals. It had proposed, inter alia, the establishment of a Joint Investigation Commission to study locally -- in Palestine -- the present position in respect of Arab property. The Refugee Congress had expressed its readiness to supply the parties concerned with a factual study which would help to determine the practical basis on which compensation should be paid to refugee owners of property situated in Israel territory. Since the study required a thorough knowledge of the situation, the Refugee Congress had urged that the Arab members of the proposed Commission should be chosen from among those Palestinian Arabs primarily concerned with the question, with which they had long been familiar. The Ramallah Refugee Congress still took the view that a study of that kind was essential as a means of helping the refugees to examine and solve their problems in a realistic spirit.

Turning to the question of the assistance given to refugees, he pointed out that whereas, on the one hand, the United Nations had succeeded in obtaining the necessary funds for financing a large-scale works programme in the Near East which would provide a certain number of refugees with a livelihood, the Jews on the other hand had been actively engaged in filling the vacancies left by the exodus of the Arabs who had fled from the territories occupied by Israel, thus effectively rendering the return of the refugees impossible. That serious question, which required an immediate solution, had not been dealt with so far, except in academic discussions bearing mainly on the interpretation of the Commission's terms of reference in that field, but not going to the root of the problem.

The Refugee Congress, in a memorandum submitted to the Conciliation Commission on 1 February last (document ORG/33), had suggested the establishment of an ad hoc body to collect full particulars of the property of the refugees now in Israeli-occupied territory with a view to an assessment of the losses sustained by the Arabs who had been compelled to flee from that territory, and hence the payment of the compensation to which they were entitled. The financial resources of the refugee organizations were at present insufficient to cope with that task. Nevertheless, it would be idle to attempt to settle the question of compensation in the absence of a sound basis of assessment which only a study undertaken by a qualified body could provide. Furthermore, as the Conciliation Commission was aware, the Jews had recently begun liquidating Arab properties, the administration of which had been handed over to the Trustee for the property of absentee owners. A law had been adopted in Israel on 31 July 1950 authorizing the Minister of Finance to set up a "Development Authority" enjoying the sole right to acquire the property of absentee owners at a price not less than the official value of that property based on prices ruling in Palestine in 1945. That was an absolutely arbitrary violation of the sacred right of the individual to dispose freely of his property, and there was no known example of that kind of procedure in the history of any civilized country. Moreover that mass liquidation of Arab property had apparently been organized with the intention of paying a lump sum to the Arab States which had received a certain number of refugees in their territories. Thus the latter not only ran the risk of losing their property, but also of not receiving the financial compensation to which they were entitled. The Arab owners would like to inform

the Conciliation Commission that the solutions at present contemplated by the Jews were totally unacceptable; and they urged the Commission, through the agency of the Ramallah Congress, to use all its authority to protect Arab property from measures contrary to the most elementary justice. He also wished to point out that the position of the Arab refugees was becoming alarming. Only a very small number of them had been able to re-settle, and it was quite clear that the works programme recently proposed, while providing momentary relief, would not produce a final solution to the problem. It was impossible to close one's eyes to the fact that that long drawn out situation was having disturbing psychological effects on the Arabs generally which Communist propaganda had not failed to exploit. The Ramallah Refugee Congress felt that the time had come to prove to the Arab refugees by effective and vigorous measures that the democracies were capable of protecting their interests and solving their problems. The Ramallah Congress was well aware of the arduous nature of the Conciliation Commission's task, and it was for that reason that it wished to put forward the following proposals:

(a) The Conciliation Commission, in its final report to the General Assembly, should point out that the only solution for the refugee problem was the implementation of the 1947 Partition Plan by the Security Council which, after the recent events in Korea, could no longer claim that it lacked the means to enforce its decisions;

(b) Pending the implementation of that decision, the refugees domiciled or residing in Arab territory now under Israeli control should be authorized to return home immediately;

(c) The question of Arab property in Israeli-occupied territory could only be resolved by a solution taking due account of the owners' interests;

(d) Provision should be made, in the event of the establishment of a committee or sub-committee to handle the question of the return of the refugees or any questions relating to their property, for the representation of Palestine Arab refugees;

(e) Any solution providing for the payment of a lump sum to the Arab States which had received Palestine refugees would be unacceptable;

(f) Should any owner agree to accept monetary compensation, payment should be made either in dollars or pounds sterling;

(g) The official price should not be taken as a basis for property valuations;

(h) A body should be established to collect the documentation required for assessing the losses sustained by Arab owners as a result of Jewish aggression, compensation being paid to those concerned immediately all the necessary data had been collected;

(i) All United Nations recommendations should be implemented by the Security Council, regardless of opposition by any of the States concerned.

The CHAIRMAN thanked the General Secretary of the Ramallah Refugee Congress for his statement, which the Commission had heard with keen interest. It would be helpful, he thought, to know the estimated figure for Arab refugees in Palestine.

Mr. AZIZ SHIHADDEH (General Secretary of the Ramallah Refugee Congress) said that the number of Palestine Arabs who were at present refugees in the territories of the various Arab States might be estimated at approximately 500,000. He explained, in reply to the CHAIRMAN, that no statistics were at present available on the basis of which an exact estimate could be made of the percentage of refugee property owners to whom compensation should be paid, but that roughly about 75% of the refugees would be entitled to compensation.

The CHAIRMAN asked what would be the best method of collecting reliable information on the basis of which the number of persons entitled to compensation could be determined.

Mr. AZIZ SHIHADDEH (General Secretary of the Ramallah Refugee Congress) observed that in its memorandum sent to the Commission on 1 February last, the Congress had pointed out that the proper procedure would be to set up without delay a body which, with the co-operation of the refugee organizations in Jordan, Syria, Lebanon and Egypt and with the participation of the refugees themselves, would be responsible for collecting documentation enabling the number of persons entitled to compensation to be ascertained, and for checking the information supplied by the refugees themselves. The check, he explained, could be made on the basis of official documents such as the land registers and records of real estate transactions kept under the British Mandate, the communication of which could be requested, if necessary, from the Jewish authorities. For any parts of

Palestine where there were no such documents, the records of the local courts could be consulted. With regard to movable property, the information would be more difficult to obtain; but in any case use might be made of Customs documents, bank accounts, tax records and the ledgers of business firms.

Mr. de BOISANGER (France) merely wished to point out that the Conciliation Commission was bound to adhere to the terms of the General Assembly's resolution of 11 December 1948. Paragraph 11 of that resolution specifically stated that "compensation should be paid for the property of those (refugees) choosing not to return"; and it went on to state that such compensation should be paid "for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible". He would, however, stress the point that while it was comparatively easy to assess the value of immovable property or even of movable property, it was a much harder matter to estimate damage to or loss of property, and that that operation would be more complicated and require more time. He hoped that the refugees would realize how intricate it was.

Mr. AZIZ SEIHADDEH (General Secretary of the Ramallah Refugee Congress) said that the refugees were fully aware of the complexity of the task, and that was why it had been suggested that a committee should be set up to prepare the reliable statistics which were essential if the question was to be solved in a realistic spirit and with the maximum degree of equity.

He added, in reply to a question by the CHAIRMAN, that it was extremely difficult to give even an approximate figure for the value of Arab property in respect of which payment of compensation might be required. In point of fact, the committee advocated by the Refugee Congress would have to undertake an enquiry to ascertain which refugees wished to return and which would ask for payment of compensation. Obviously, if the Partition Plan were implemented, a certain number of refugees would be able to return and hence the figure representing the value of property for which compensation should be paid would be substantially reduced.

The CHAIRMAN asked whether large property owners made up the bulk of the refugees represented by the Ramallah Refugee Congress, or whether, on the other

hand, most of the refugees were small property owners.

Mr. AZIZ SHIHADDEH (General Secretary of the Ramallah Refugee Congress) explained that the great majority of the refugees represented by the Congress were small owners, only a few being large owners.

Mr. RUSTU ARAS (Turkey), referring to the statement by the General Secretary of the Ramallah Refugee Congress to the effect that the Congress should be considered party to the Palestine problem, asked whether that meant that the Congress wished to be considered party to the Palestine problem insofar as it concerned the refugees, or party to the Palestine problem as a whole.

Mr. AZIZ SHIHADDEH (General Secretary of the Ramallah Refugee Congress) explained that the Congress considered itself party to the Palestine problem insofar as the interests of the refugees and all questions relating to their return were concerned.

In reply to a further question by Mr. Rustu Aras, who asked whether in the Joint Committees the Refugee Congress wished to be considered a consultant member or as a member taking part in the discussions, Mr. Aziz Shihadeh said that the Congress should be regarded as a member participating in the negotiations insofar as they related to the refugee problem.

Mr. RUSTU ARAS (Turkey) wished to know what the Refugee Congress considered to be the best means of estimating the number of refugees opting for compensation for their property, and the number of those opting for return.

Mr. AZIZ SHIHADDEH (General Secretary of the Ramallah Refugee Congress) thought that the ad hoc committee proposed by the Congress, whose duty it would be to collect documentation on Palestine Arab property located in Israeli-occupied territory, might send those concerned a questionnaire enquiring, inter alia, whether they wished to "return to their homes and live in peace with their neighbours". The number of refugees wishing to return home and the number who

would accept compensation for their property could be ascertained from the replies received. The refugees, he stressed, considered property rights as sacred and protested strongly against the sale of their property by the Jewish authorities. Where the latter had completed a sale, the transaction should be considered as having been made on the basis of the value of the property in question at the time of the termination of the British Mandate.

Mr. RUSTU ARAS (Turkey) recognized the sanctity of property rights and added that the question of the sale of Arab property located in Jewish territory did not arise under the terms of the General Assembly's resolution of 11 December 1948, which simply dealt with the return of the refugees or the payment to them of compensation.

Mr. AZIZ SHIHADDEH (General Secretary of the Ramallah Refugee Congress) observed that the Congress, at its first meeting, had adopted a resolution expressing the refugees' insistent claim that their right to return home should be recognized without awaiting the settlement on the political level of questions outstanding between the Arab States and Israel. He also pointed out that the longer the delay in solving the refugee problem, the more involved it became, and that it was essential, in the interests of the refugees, to resolve it at the earliest possible moment: its solution had already been too long delayed. It was obvious, he added, that vigorous action by the United Nations in that direction could help to solve the problem which was of such vital concern to the thousands of Palestine Arabs who were the victims of a situation for which they were not responsible.

The CHAIRMAN thanked the delegation of the Ramallah Refugee Congress for its extremely useful information and assured it that the Conciliation Commission had taken careful note of its observations and would do its utmost to find the desired solution for the refugee problem, the importance of which it fully realized.

The meeting rose at 6 p.m.