

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RESTRICTED  
SR/208  
10 March 1951  
ENGLISH  
ORIGINAL: FRENCH

SUMMARY RECORD OF THE TWO HUNDRED AND EIGHTH MEETING

held at Government House, Jerusalem, on Saturday,  
10 March 1951, at 10 a.m.

Present:	Mr. de Boisanger (France)	- Chairman
	Mr. Aras (Turkey)	
	Mr. Palmer (United States)	
	Mr. de Azcarate	- Principal Secretary

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1. Report of the General Committee.

The CHAIRMAN opened the discussion on the report of the General Committee (COM.GEN/17), which was to serve as the basis for establishing the directives to guide the work of the Office. He wondered whether it might not be advisable to include in such a document a definition of the expression "a refugee entitled to compensation".

Mr. PALMER (United States) had been under the impression that the document prepared by the General Committee was a draft on the basis of which the Commission would itself draw up a document to be handed to Mr. Andersen.

Mr. BARCO (United States)<sup>x</sup> explained that the Committee, in preparing the document, had primarily tried to define the lines which it considered that the Commission should follow, up to the date when the Head of the Office took up his duties.

The CHAIRMAN observed that it was necessary, on the one hand to decide on the Commission's plan of work up to the date when the Head of

the Office took up his duties, and on the other hand to establish the directives which would guide the work of the Office. In his opinion, those were two distinct questions which should be examined separately. As regards the directives to guide the work of the Office, it seemed to him to be preferable to prepare a draft for discussion with the Head of the Office, who might have some suggestions to put forward.

The PRINCIPAL SECRETARY agreed that those were the two problems to be dealt with. Regarding the plan of work to be carried out by the Commission pending the time when the Head of the Office took up his duties, the Principal Secretary had understood that the Commission intended to entrust to the General Committee, which would continue in session while the Commission was not holding plenary meetings, the task of carrying out the preparatory work contemplated for the period prior to the arrival of the Head of the Office.

As regards the directives to be given to the Head of the Office, the Principal Secretary wondered whether the Commission ought not to restrict itself for the present to approving the general lines of the directives proposed in document COM.GEN/17 and await the result of its exchange of views with Mr. Andersen before drawing them up in final form.

Mr. ARAS (Turkey) shared the view of the Principal Secretary but thought that it was desirable not to postpone a decision regarding the work to be done prior to the arrival of the Head of the Office.

The CHAIRMAN thought that it would perhaps be useful to hand to Mr. Andersen, when he visited Jerusalem in the near future, a document setting forth the Commission's general views regarding the lines along which the Office should work.

Mr. PALMER (United States) felt that the two questions referred to were two aspects of the same problem. The Commission should, as the first order of business, discuss the principles and practical considerations which would guide its work prior to the arrival of the Head of the Office, so as to be in a position to give Mr. Andersen a clear statement of its views on

the question. That statement, rounded off by the Commission's conclusions, might be the subject of a document to be handed to Mr. Andersen when he visited Jerusalem. After having studied it, the latter might submit his comments to the Commission when he took up his duties.

Mr. Palmer proposed taking the document prepared by the General Committee as the basis for discussion.

The CHAIRMAN agreed with Mr. Palmer and remarked, in connection with the definition of "a refugee entitled to compensation", that while it was desirable, as Mr. Aras had recommended, to take into account UNRWA's definition of a "refugee", it was nevertheless necessary to limit the definition to those refugees who were entitled to compensation.

He also remarked, in connection with sub-paragraph (iii) of paragraph (d) of the section dealing with the third phase of the functions of the Office (page 6 of document COM.GEN/17) that it might be premature to state that property given to refugees for purposes of resettlement would represent a loan subject to reimbursement. It would be useful to have the opinion of UNRWA on that point.

Mr. PALMER (United States) suggested deleting the second sentence of that paragraph, which dealt with a question falling within the competence of UNRWA.

The PRINCIPAL SECRETARY, referring to the definition of a "refugee", stated that the question had already been examined by the Secretariat in a document prepared by the legal adviser on compensation. The legal adviser might perhaps be requested to develop that definition and to prepare a document on the subject for consideration by the General Committee.

An exchange of views took place regarding the criteria for defining "a refugee entitled to compensation".

Mr. ARAS (Turkey) stated that a refugee entitled to compensation should not only have been forced by circumstances to leave territory at present under Israel jurisdiction, but should have had Palestinian nationality at the time of his departure. In fact, persons who, at the time of their departure, were domiciled in territory now under Israel

jurisdiction but were not Palestinian nationals did not depend on the Commission for the defence of their interests, but on their governments. Their case would be settled within the framework of peace negotiations, and any indemnities which might be paid to them would be considered as war damages and not as compensation.

Mr. PALMER (United States) thought that it was important to know precisely what the General Assembly meant by the term "a refugee". Moreover, the question of compensation was also linked with that of absentee property, and the Israeli definition of an "absentee" was based on the domicile and not necessarily on the nationality of the absentee.

The CHAIRMAN read the definition of an "absentee" according to Israel law, and remarked that the complexity of the question justified a thorough legal study. In his opinion, it was not so much a case of defining what was understood by a "refugee" as of enumerating the conditions under which a refugee would be entitled to compensation.

Following the exchange of views, the Chairman suggested that the legal adviser be requested to prepare a study which would enable a definition of "a refugee entitled to compensation" to be drawn up; such a definition would be very useful not only to the Commission, but also to the Head of the Office.

This was agreed.

Turning to the section of document COM.GEN/17 dealing with blocked accounts (page 8), Mr. PALMER (United States) stated that according to sub-paragraph 1 it might be thought that the Commission intended to limit its activities in the field of blocked accounts to negotiations between two states. It seemed to him to be premature to fix the Commission's position before having received the information which had been requested of the competent British authorities. In his opinion, the question of blocked accounts was a very important one, as if Israel did not agree to reconstitute the Arab accounts blocked in her banks, it would probably be difficult to obtain for Israel a loan for the compensation fund.

He therefore thought that sub-paragraph 1 should be deleted.

This was agreed.

Mr. ERALP (Turkey)<sup>x</sup> thought that Part One of document COM.GEN/17, when completed by the addition of the definition of a refugee entitled to compensation, and amended as proposed by Mr. Palmer, might be considered as suggestions put forward to the Commission by the General Committee. The Commission could discuss them with Mr. Andersen during his visit to Jerusalem and then perhaps adopt them as decisions.

The members of the Commission were in agreement with this view.

The CHAIRMAN, speaking to Part Two of document COM.GEN/17, wondered whether the Commission should, as suggested by the General Committee, concentrate mainly on trying to bring about an agreement between the Government of Israel and the Arab Governments on the principle of a compensation payment and the total amount, before the next session of the General Assembly. He stressed that there was no mention of the need for such an agreement in the relevant resolution of the General Assembly, which simply instructed the Commission to "facilitate" the payment of compensation.

Mr. PALMER (United States) did not consider that this passage of Part Two of the General Committee's report referred to the conclusion of an agreement between the Arab States and Israel, but rather to agreements between each of the parties concerned and the Commission on the principle of a compensation payment and the total amount. It might be that such agreements would not be reached during the coming months, but in his opinion it would be necessary for the Commission to make sure that during the next session of the General Assembly the Arab States would not oppose its proposals concerning compensation.

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<sup>x</sup> Alternate.

Mr. BARCO (United States) remarked that in Part Two of its report, the General Committee merely stated that it was essential that "progress should be made in reaching an agreement". As the Commission's plan for compensation would have to be approved by the General Assembly, it seemed to him to be important to make sure in advance that the delegations of the Arab States were favourably disposed to the plan.

The CHAIRMAN agreed with that view but thought that the submission of the plan to the General Assembly should not be made contingent on the prior agreement of the Arab Governments.

Mr. ARAS (Turkey) observed that, whatever sum it agreed to pay as compensation, the Government of Israel would not be able to pay such a sum without the assistance of a loan granted by an international fund, after authorization by the General Assembly. It would therefore be advisable to ensure that the Arab States did not oppose a favourable decision in that connection. Moreover, the problem of compensation might provide an opportunity for the Arab Governments and the Government of Israel to meet together to discuss certain questions of a practical, not a political, nature.

Mr. PALMER (United States) was in complete agreement with the representative of Turkey.

The CHAIRMAN felt that the Commission's feeling would be more accurately rendered by stating that it was "desirable" that progress should be made in "reaching agreement".

It was decided that the sentence beginning "It is essential ..." (COM.GEN/17, page 9, line 15) should be amended as proposed by the Chairman.

In reply to a question from the CHAIRMAN regarding the implementation of the measures proposed by the General Committee in Part Two of its report, the PRINCIPAL SECRETARY stated that if those measures were approved by the Commission, it would fall to the General Committee and to the Secretariat to carry them out.

The Commission then considered the measures proposed in Part Two of document COM.GEN/17 (pages 10-11) and approved paragraph 1, dealing with the establishment of an estimated total value of refugee property abandoned in Israel.

Paragraph 2, dealing with the consideration of means of collecting funds for the payment of compensation, was approved after an exchange of views during which the difficulties involved in making a study of Israel's financial potential were pointed out.

With regard to paragraph 3, the CHAIRMAN remarked that the sentence stating that the "Commission should instruct its experts to produce plans which would make it possible for the resettlement authorities to make use of compensation funds" seemed to him to be too positive. Such a decision, in effect, could only be taken in agreement with UNRWA.

The PRINCIPAL SECRETARY stated that all that was intended was for the Secretariats of the Commission and of UNRWA, in collaboration, to carry out exploratory studies. That was also the case for the repatriation plans which were the subject of paragraph 4.

The Commission approved paragraphs 3 and 4, and adopted a suggestion by Mr. ARAS (Turkey) that consideration of paragraph 5 should be postponed until the arrival of the Head of the Office.

## 2. Draft Ninth Progress Report

A few drafting changes were made in various paragraphs of the draft report.

The CHAIRMAN further proposed that paragraph 6 be amended, as in its original form it might possibly embarrass the Arab States.

After discussion, it was decided to redraft the second sentence of paragraph 6 as follows: "The Arab representatives reaffirmed the prime importance which they attach to the question of the Arab refugees, and declared their readiness to examine any plans which will be submitted to them in accordance with the resolutions adopted at the last session of the United Nations General Assembly."

Some drafting changes were made in paragraph 8. Concerning the last sentence of this paragraph, Mr. BARCO (United States)<sup>x</sup> remarked that it was important to stress the need for achieving concrete results in certain specific aspects of the refugee problem and not merely in the problem as a whole.

It was decided to redraft the sentence so that that idea would be clearly expressed.

3. Draft reply to Mr. Sa'ad's letter

After an exchange of views concerning the various drafts proposed in reply to the request for compensation submitted by Mr. Sa'ad and to any other request for compensation which might be received, the Commission approved the draft proposed by Mr. Palmer (United States), it being understood that the text of the General Assembly resolution would only be enclosed in certain special cases.

The meeting rose at 12.45 p.m.

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<sup>x</sup> Alternate.