

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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SUMMARY RECORD OF THE TWO HUNDRED AND ELEVENTH MEETING

Held at Government House, Jerusalem,
on Friday, 27 April 1951,
at 10.30 a.m.

Present:

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

1. Letter dated 29 March 1951 from Mr. Eytan, Director-General of the Ministry for Foreign Affairs of Israel (IS/60) (continuation of discussion)

After an exchange of views, the Commission approved the draft letter prepared by the Secretariat in acknowledgment of the note dated 29 March 1951 from the Government of Israel (IS/60), as well as draft letters transmitting the note to the Government of Iraq and, for information, to the other Arab governments.

2. Notes from the Egyptian Government, dated 19 April 1951 (AR/42) and from the Lebanese Government, dated 16 April 1951 (AR/44) concerning the problem of refugees, and Note from the Egyptian Government dated 19 April 1951 (AR/43) concerning blocked accounts

The CHAIRMAN submitted to the Commission two Notes from, respectively, the Egyptian Government (AR/42) dated 19 April 1951 and the Lebanese Government (AR/44) dated 16 April 1951, concerning the refugee problem.

After an exchange of views during which Mr. de BOISANGER (France) remarked that this Note gave the impression that the settlement of the refugee problem now depended in a large measure

on the solution of the financial aspect of the question, it was decided to hand the Notes to the Secretary-General of the United Nations when he visited Government House on 28 April 1951, with a letter requesting him after his return to New York to invite the Negotiating Committee on Contributions to study the financial problem involved.

The CHAIRMAN then submitted to the Commission a Note from the Egyptian Government dated 19 April 1951 (AR/43) concerning the question of Arab bank accounts blocked in Israel, and stated that the Note had been addressed by the Egyptian Government to the British Government and communicated to the Commission for information.

Mr. de BOISANGER (France) thought that a letter might be sent to the British Government stating that the Commission had received a copy of the Note concerning blocked accounts which had been sent to that Government by the Government of Egypt. The Commission might also ask to be kept informed of any action taken on the Note.

This was agreed.

3. Report by the Principal Secretary on the execution of the work programme approved by the Commission
(W/60, W/61, W/62, Note by the Principal Secretary)

The PRINCIPAL SECRETARY informed the Commission that following the instructions proposed by the General Committee, and approved by the Commission, for carrying out the programme of work set up for the period before the Commission resumed its meetings and before the Head of the Refugee Office took up his functions, the Secretariat had prepared a certain number of studies which had been handed to the members of the Commission.

The Principal Secretary commented on those documents, which dealt respectively with a statistical sampling concerning the property of refugees (W/60), the definition of a "refugee" under paragraph 11 of the General Assembly resolution of 11 December 1948 (W/61) and the question of Arab accounts blocked in Israel banks (W/62).

He added that the Commission would shortly receive a document giving a historical survey of the question of repatriation and an account of the development of the attitudes of the parties on that subject, and two other documents dealing with compensation and reintegration.

The CHAIRMAN stated that at first sight the documents prepared by the Secretariat appeared to be very interesting. At the suggestion of Mr. Aras, he proposed that discussion of the documents should be postponed until a later meeting in order to give the members of the Commission time to study them more thoroughly.

Mr. de BOISANGER (France), referred to the document relating to the definition of a "refugee" (W/61), which, with certain reservations, appeared to him excellent, and wondered whether it would not be advisable to submit a draft definition, approved by the Commission, to the Legal Department of the United Nations. It should be recognized that it would be rather difficult to work out such a definition, affecting a very large number of people, and it would not be possible for the Commission to have too many authoritative opinions before deciding on the final definition.

The CHAIRMAN agreed with the view expressed by the representative of France and added, in reply to Mr. Erim (Legal Adviser), who had remarked that in order to judge the draft definition, the Legal Department in New York would have to apply to the same authorities whose advice he had himself taken in Geneva before establishing the definition, that it was less a matter of the Commission's asking for a criticism of its definition than of obtaining a formal confirmation by the competent services in New York.

He also felt that it would be interesting to study the difference in status according to Israel law between a "refugee" and an "absentee". He suggested asking the Secretariat to prepare such a study, which might then be carefully examined.

This was agreed.

4. Letter from the Relief and Works Agency for Palestine Refugees in the Near East dated 19 April 1951, transmitting a communication from the Direction of Protocol of the Egyptian Ministry for Foreign Affairs concerning plans for the settlement of refugees in Sinai.

Mr. de BOISANGER (France) stated that the letter under discussion gave an inaccurate account of a conversation he had had some time ago with the Egyptian Minister for Foreign Affairs, in the presence of the Principal Secretary of the Commission and of Mr. de Nicolay. During that conversation the question of a possible consultation of the refugees concerning resettlement had been raised. He had indicated the reasons why, in his opinion, such a consultation was not desirable, and the Minister for Foreign Affairs had finally agreed with his view, although the writer of the letter stated the contrary. He thought the Principal Secretary might be requested to reply to Mr. Fabre, Assistant to the Director of the Relief and Works Agency, informing him of the inaccuracy of the statement and inviting him to refer to the minutes of the conversation in question, which had previously been communicated to the Relief and Works Agency.

This was agreed.

5. Action to be taken on Mr. Andersen's request concerning the application of the Development Authority Law (W/58)

The CHAIRMAN submitted for the approval of the Commission a draft letter prepared by the legal adviser to request the Custodian of Absentee Property not to apply to Arab-owned property the provisions of the law passed by the Government of Israel on 31 July 1950, setting up a "Development Authority" empowered to dispose, for purposes of public utility, of private property, including that placed at his disposal by the Custodian of Absentee Property.

Mr. ERIM (Legal Adviser) recalled that during his visit to Jerusalem Mr. Andersen had suggested that such a letter be sent to the competent Israel authorities. It would appear, moreover, that such a step should have been taken at the time of the promulgation of the law setting up an administration authorized to dispose of property, including that belonging to Arab refugees as such action might hinder the Commission's task in the field of compensation.

An exchange of views took place, during which Mr. ARAS (Turkey) recalled that the matter had been raised on the occasion of a conversation between the Commission and members of the Government of Israel the previous August, that is to say immediately following the promulgation of the law in question, while Mr. de BOISANGER (France) remarked that in a letter of the type which it was proposed to send it would perhaps be preferable not to refer to the Head of the Refugee Office, so that he would not be placed in a difficult position vis-à-vis the Israel authorities as a consequence.

The CHAIRMAN fully agreed with the views expressed by the members of the Commission and thought that the letter should, on the contrary, be drafted in such a way as to facilitate Mr. Andersen's relations with the competent Israel authorities. Moreover, it seemed difficult to ask for suspension of the application of a public utility law which, as was known, applied both to Jewish and to Arab property. For that reason he thought that the question should be raised from the point of view of the identification of Arab refugee property by the Refugee Office, and that the Government of Israel should be requested to facilitate the work of the Office.

After a further exchange of views, the Chairman proposed that discussion of this item of the agenda should be postponed until the Principal Secretary had given the Commission copies of the summary record of the conversation which the Commission had had in Tel Aviv the previous August, during which this point had been raised.

This was agreed.

The meeting rose at 12.45 p.m.