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SUMMARY RECORD OF THE TWO HUNDRED AND THIRTEENTH MEETING

held at Government House, Jerusalem, on Tuesday,  
1 May 1951, at 10.30 a.m.

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Present:

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

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1. Note by the Principal Secretary concerning the relationship between compensation and reintegration

Mr. ARAS (Turkey) stated that according to the General Assembly resolution, the Conciliation Commission was not in a position to make a decision on the question of the relationship between compensation and reintegration without having first referred the matter to the General Assembly, which would decide whether to pass a new resolution giving full instructions on the subject or to indicate the interpretation to be given to the resolution of 14 December 1950. He was convinced that it would be contrary to the Commission's efforts and to the cause of the United Nations to let it be understood that henceforth compensation was no longer to be envisaged on an individual basis and that consequently the refugees should give up all hope of receiving compensation for the losses they had suffered.

Mr. de BOISANGER (France) was inclined to agree with Mr. Aras that it would be advisable not to take any decision on the question before having referred it to the General Assembly, if the Commission were not more or less obliged to indicate its position, since the question had been raised by the Relief and Works Agency.

The principles laid down in the Principal Secretary's note seemed to him to be perfectly sound. Another hypothesis could be added to the three mentioned, concerning refugees not reintegrated by the Relief and Works Agency but who nevertheless had a right to compensation. It might perhaps be stated that the Commission recognized that in certain cases it would be possible to establish a relationship between compensation and reintegration in the sense that there might be confusion in payment but never confusion on the principle, in order not to depart from the General Assembly resolution.

Mr. ARAS (Turkey) remarked that the Commission would not be in a position to define its attitude before having heard the opinion of the Head and the members of the Refugee Office. For the present, perhaps, the Relief and Works Agency might be informed verbally of the Commission's preliminary views. He stressed that in his recent talks with the Prime Minister of Syria the latter had made his agreement to the reintegration of a certain number of refugees conditional on an assurance that reintegration would not jeopardize the refugees' right to compensation.

The PRINCIPAL SECRETARY wished to state that the question of the relationship between compensation and reintegration was one of the four points of the programme of work prepared by the General Committee and approved by the Commission (COM.GEN./17/Rev.1). He recalled that when the Commission and the General Committee had discussed the steps to be taken with a view to carrying out that programme, he had observed that it would perhaps be preferable to raise the question in the first instance during preliminary conversations which he himself might have with members of the Relief and Works Agency, which would avoid the necessity for the Commission to state its views officially. The Principal Secretary had therefore had a purely personal conversation with Mr. Kennedy and Mr. Fabre in Beirut, an outline of which was given in a note which had been handed to the Commission. It did not appear necessary for the Commission to confirm that conversation officially, but it would, however, be advisable to consider what reply should be made if the question were raised during the next joint meeting in Beirut.

Mr. de BOISANGER (France) had reason to believe that the Agency would raise the question during the next meeting between the two bodies, and that was why he also felt it useful for the Commission to agree on the attitude which it would adopt in that event. However, he agreed with Mr. Aras that the Commission could not express a final opinion until it had consulted Mr. Andersen, but in the event of the Agency expressing its opinions it would perhaps be necessary to agree immediately on certain reservations.

The CHAIRMAN also thought that the question would be raised during the forthcoming meeting with the Relief and Works Agency and it would in any case, since the question had been informally discussed by members of the two bodies, be preferable to raise it in order to find out what measure of agreement there was between the views of the Commission and those of the Agency.

On the basis of the foregoing exchange of views, the members of the Commission were in agreement that, in view of its terms of reference, the Commission should uphold the principle of compensation and could not agree to the funds accruing from compensation being paid en bloc into the Reintegration Fund. The Commission should emphasize that important point to the Relief and Works Agency and indicate that it would, however, be prepared to consider working out a formula by which, in certain cases, a portion of the funds accruing from compensation might be used for resettlement. It was obvious that the way in which compensation would be linked with reintegration would be influenced by the way in which compensation was financed. It was difficult to imagine that the Members of the United Nations would grant Israel a loan merely for the purpose of paying compensation unless they felt that, without prejudice to the principle of compensation, part of the sum would also be used for reintegration. A formula would have to be found which would conciliate the two aspects of the problem.

The PRINCIPAL SECRETARY observed that for the present it would be premature to take up a final position and in his opinion it would be preferable to defer a decision.

The CHAIRMAN stated that at present the official view of the Commission on the subject was clearly expressed in its future work programme, which had been communicated to the Relief and Works Agency, and to which the Commission might restrict itself.

Mr. ERIM (Legal Adviser) wished to observe that in the question of the relationship between compensation and reintegration there was a factor which should not be ignored, namely, the tacit agreement of those concerned. Would tacit agreement be sufficient, or would it be necessary to obtain their formal assent? If a refugee who had been resettled by the Relief and Works Agency agreed that the amount due to him as compensation should be used for his reintegration, then obviously no problem arose. If not, the Commission would be in a dilemma, as it was obliged to abide by the terms of the General Assembly resolution providing for the assessment of the property of dispossessed persons and for the payment of compensation to them. New instructions would have to be given by the General Assembly to resolve the dilemma.

Mr. ARAS (Turkey) and Mr. de BOISANGER (France) agreed with that view and suggested that if necessary the Commission should discuss the question on the basis of its programme of work. In connection with the second point of the programme of work, dealing with the financing of compensation, they pointed out that no position could be taken on the subject without the advice of a financial expert.

The CHAIRMAN said that the assessment of the value of refugee property should be carried out before the question of procuring the funds was considered. Only then would the Commission need the collaboration of a financial expert, and in that connection he wished to point out that as the task of the financial expert was clearly defined and relatively restricted in scope, it would perhaps suffice for the Commission to ask the Secretary-General for the services of a highly qualified financial expert, but only on a temporary basis. It would certainly be easier to find a competent expert on a temporary basis than on a permanent basis. The preliminary work, such as the study of Israel's financial potential, could be carried out by the Commission's economic expert.

Mr. ARAS (Turkey) fully agreed with the Chairman's opinion, as did Mr. de BOISANGER (France), who felt that an effort might

be made immediately to find a highly qualified person who would agree to collaborate temporarily with the Commission.

The PRINCIPAL SECRETARY thought that the Commission's conclusions concerning the financial expert were quite correct and stated that the economic expert might now undertake without further delay a preliminary study of Israel's financial potential.

2. Consideration of Working Paper W/61, prepared by the legal adviser, concerning the definition of a "refugee" under the resolution of the General Assembly of 11 December 1948.

After an exchange of views, it was decided to postpone consideration of item 2 until the afternoon's meeting.

3. Request by Mr. Andersen concerning the Development Authority Law (W/58) (continuation of discussion)

The PRINCIPAL SECRETARY submitted to the Commission a new draft letter prepared by the legal adviser, drawing the attention of the Government of Israel to the application of the Development Authority Law in relation to the property of Arab refugees. After an exchange of views during which the members of the Commission expressed a desire to examine the text of the draft more thoroughly, it was decided to consider it at a later meeting, when a memorandum prepared by Mr. Berncastle, land specialist, submitting some preliminary considerations on the possible methods of assessing refugee property, would also be examined.

The meeting rose at 12.45 p.m.

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