

RESTRICTED
SR/223
31 May 1951
ENGLISH
ORIGINAL: FRENCH

SUMMARY RECORD OF THE TWO HUNDRED AND TWENTY-THIRD MEETING

held at Government House, Jerusalem, on Monday,
31 May 1951, at 9.45 a.m.

Present:

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

1. Assessment of property abandoned in Israel by the Arab refugees

Before opening the discussion on the first item of the agenda, the CHAIRMAN thought it necessary to stress that all the exchanges of views which took place on the subject were strictly confidential. He felt, moreover, that the members of the Commission would agree with him that it was preferable for the Office not to inform them of the figure arrived at for the total amount of compensation until the date of submission of its report to the Commission.

Mr. de BOISANGER (France) and Mr. PALMER (United States) fully agreed with the Chairman's view. Mr. Palmer added that for his part he could see no necessity for setting up strict rules for the work of the Office. It was sufficient to assure Mr. Andersen and the Committee of Experts that the Commission would always be ready to discuss with them any particularly delicate questions.

Mr. BERNCASTLE (Land Specialist) wished to say, before replying to the questions raised by Mr. de Boisanger during the previous meeting, that the work which he had carried out up to the present was in no way final and that the orientation of his work could naturally be changed as the

Commission might indicate.

Replying to Mr. de Boisanger's first question, concerning the method used to assess abandoned property in towns which had been partially evacuated by the Arabs, such as Jaffa and Haifa, he explained that he had examined the demographic data contained in the Israel Yearbook published in 1949 by the Israel administrative services, and had found that the non-Jewish population of the various towns concerned amounted to 143,000 inhabitants. If this figure were compared with that of 154,000, representing the total Arab population at present living in Israel, it would be seen that there remained 7,000 non-Jewish persons of undetermined residence; that figure probably represented the Arab population of Jaffa and Acre and perhaps also a small number of Beduins.

Mr. de BOISANGER (France) stated that the French Minister in Tel Aviv had recently told him that the Arab population of Jaffa was estimated at approximately 5,000 and the Arab population of Acre at approximately 3,400; the total of those two figures corresponded very nearly to the figure given by Mr. Berncastle for the Arab population of undetermined residence.

Mr. BERNCASTLE (Land Specialist), replying to Mr. de Boisanger's second question, concerning the difficulties of assessing abandoned Arab property in the no man's land, explained that up to now in his work of valuation he had used the map supplied by the Israel cadastral services, on which the northern territorial limits of the State of Israel were those in force during the Mandatory period. Up to the present he had not, therefore, taken into account the demilitarized zone between Israel and Syria, nor had he made any valuation for the Jerusalem no man's land or for the Gaza strip.

Mr. de BOISANGER (France) remarked that if, for practical purposes and in order not to delay the work of reaching a global estimate representing the approximate amount of compensation to be paid, it were felt preferable not to take into account property abandoned by Arabs in the no man's land, in the demilitarized zone or in the Gaza strip, it would be indispensable,

at the time of informing the parties concerned of the global figure arrived at, to state clearly that the Commission reserved the right to correct that figure when the existing situation in certain areas was clarified. If such a reservation were not made, the Commission might give the impression of deciding a question of sovereignty, which it was very important to avoid doing.

An exchange of views took place concerning the advisability of making an assessment of the value of property abandoned by Arabs in the above mentioned territories. The advantages and disadvantages of several different procedures were considered. Finally, the members of the Commission agreed that in order not to complicate the task of the experts it would be preferable not to include in the global figure the value of property abandoned by Arab refugees in the no man's land, in the demilitarized zones or in the Gaza strip. If the question were to arise later, the possibility of carrying out a valuation might be examined, perhaps with the help of the Truce Supervision Organization, which had a thorough knowledge of the areas in question.

Mr. ANDERSEN (Head of the Refugee Office) wished to ask whether, after hearing Mr. Berncastle's statement, the Commission felt that it could authorize the Office to continue its work according to the procedure combining methods B and E, which had been used up to the present. The Office would naturally conform to the decision which the Commission had just taken concerning the demilitarized zones, the no man's land and the Gaza strip.

The CHAIRMAN thought that after Mr. Berncastle's explanation, the members of the Commission would agree to request the Office to proceed with its work of assessment according to the procedure proposed by Mr. Andersen and the land specialist.

This was agreed.

The CHAIRMAN then drew the Commission's attention to the fact that the decision which had just been taken only concerned the valuation of immovable property and not that of movable property, the loss of which should also be compensated under the General Assembly resolution of 11 December 1948.

It would therefore appear necessary to take a decision on that point.

Mr. PALMER (United States) thought that the Office might be requested to proceed in due course to assess the value of the movable property abandoned in Israel by the Arab refugees. However, it should not be forgotten that it would be a much more complicated task than that of assessing the value of immovable property.

Mr. de BOISANGER (France) stated that during a recent conversation which he had had with the Prime Minister of Jordan, the latter, while admitting the difficulty of the task, had remarked that in all justice the assessment of movable property should not be neglected, as for a certain number of refugees it constituted the major part of their property. It was highly probable that during the conversations which the Head of the Office was to have with members of the Arab Governments, the latter would raise the question. Such assessment would undoubtedly necessitate long and complicated studies, but it could be left to Mr. Andersen to judge what it was possible to do in that connection, so that the Commission would be able to mention it in its report to the General Assembly.

Mr. ANDERSEN (Head of the Refugee Office) stated that as regards the assessment of movable property, he would certainly be unable to present either reasoned conclusions or practical suggestions in the few months which remained before the date of submission of his report to the Commission.

Although in the case of the assessment of immovable property it was possible to make a global estimate, it appeared that the only way to assess movable property would be on the basis of individual claims, the checking of which would be a long and difficult process. Moreover, it would be necessary to reach agreement on what was to be understood by "movable property". That question would raise delicate legal problems.

He therefore felt that it would be wiser for the Commission, in its report to the General Assembly, not to enter into the question but merely to state that any procedure which did not take into account the extreme complexity of the problem might give rise to grave difficulties.

Mr. de BOISANGER (France) fully understood the concern of the Head of the Office. However, he wished to point out that the Commission should not only report on the subject, but, in the first instance, investigate the matter with the Government of Israel. The latter had clearly stated its intention to pay compensation to the refugees for rural landed property abandoned in Israel. It had given much less categorical assurances concerning the payment of compensation for urban landed property. The question of compensation for movable property had not been raised up to the present. For that reason it was important to indicate to the Israel authorities that the Commission, in accordance with the resolution of 11 December 1948, considered that movable property was included in the category of property for which compensation should be paid.

It would, therefore, be advisable to find a way of informing the Government of Israel of the Commission's view on the subject, in order to obtain a reply which the Commission could include in its report to the General Assembly.

Mr. ANDERSEN (Head of the Refugee Office) was glad that the question had been raised, as he personally thought it a very important one. It was, therefore, understood that it would be on the agenda of the Office and would be examined in its various aspects. However, he felt it necessary to draw the Commission's attention to the necessity for exercising great care in that connection, and for avoiding a partial solution of the problem which might benefit certain refugees at the expense of others and which would not fail to provoke criticism.

Mr. PALMER (United States) was in complete agreement with that point of view, as was Mr. de BOISANGER (France), who remarked, however, that the fact of envisaging the compensation of owners of immovable property before having found a solution to the problem of compensation to owners of movable

property already constituted a partial solution.

Mr. SERVOISE (Economic Adviser), giving some details on the subject, recalled that the Custodian of Absentee Property had only been set up by the Government of Israel in December 1948. During the whole period of hostilities there had been no body charged with the task of collecting and administering the movable property belonging to refugees. The Custodian of Absentee Property had himself admitted that during the period of hostilities there had been an enormous amount of looting. Part of the movable property which had been salvaged had been collected in warehouses and placed at the disposal of the army, the hospitals and public services, while another part had been sold to private individuals in public auction. Some information might be found by consulting the records of such sales. However, the information thus obtained would relate only to an extremely small percentage of the movable property that had been abandoned and would in any case be of only minor interest, since the names of the purchasers had not been recorded.

There was, however, a further category of movable property which might more easily be valued: the deposits and bank accounts belonging to the Arab refugees. In that case the problem would be relatively simple, as it would be merely a question of restitution.

2. Definition of a "refugee" under paragraph 11 of the resolution of 11 December 1948

Mr. PALMER (United States) stated that he had read the French text of the addendum prepared by the legal adviser to the draft definition, but in view of the technical nature of the subject he would prefer to study the English text before taking part in a discussion of the question.

The CHAIRMAN therefore proposed postponing consideration of the addendum prepared by the legal adviser to the definition of a refugee under paragraph 11 of the resolution of 11 December 1948 until the next meeting.

This was agreed.