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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE
SUMMARY RECORD OF THE THREE HUNDRED AND THIRTY-FOURTH MEETING (CLOSED)

Held at Headquarters, New York,
on 24 April 1958, at 3.00 p.m.

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PRESENT:

<u>Chairman:</u>	Mr. MENEMENCIOGLU	Turkey
<u>Members:</u>	Mr. DAUGE	France
	Mr. PEDERSEN (Acting)	United States
<u>Secretariat:</u>	Mr. CHAI	Acting Principal Secretary

1. ADOPTION OF THE AGENDA

The agenda was adopted.

2. IDENTIFICATION OF ARAB OWNED PROPERTY IN ISRAEL

The CHAIRMAN drew attention to the memorandum from the Acting Principal Secretary. He welcomed the indication that the identification programme would soon be completed. As was noted in the memorandum, there were two issues before the Commission: (1) the question of the progress report; (2) should the Commission proceed to carry out a programme of valuation? There appeared to be little doubt that a progress report was in order.

Mr. DAUGE (France) likewise expressed pleasure concerning the progress of the identification programme. He agreed that the Commission should submit a progress report to the General Assembly, in sufficient time for delegations to study it prior to the next session. He also felt that it was desirable to proceed as soon as possible to valuation. The technical aspects of valuation, of course, might present some problems, and he would be glad to have the views of the Secretariat on that aspect.

Mr. PEDERSEN (United States) also was gratified that the identification programme was soon to be completed. He felt that the Commission must submit a progress report in time for the next session of the General Assembly, and that it would be appropriate to have such a report cover other aspects of the Commission's work, in particular valuation plans and blocked accounts. Valuation, he thought, represented a definite responsibility of the Commission. His delegation would support a full-scale programme to be initiated as soon as possible.

The CHAIRMAN, speaking as representative of Turkey, agreed that the Commission should submit a progress report covering all the current phases of its work. He also fully supported a programme of valuation which, as had been noted, really represented a continuation of the process of identification. Valuation was indeed the real concern of the Commission.

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Speaking as Chairman, he noted that the members of the Commission seemed agreed that there should be a progress report in time for the next session of the Assembly.

Mr. CHAI (Acting Principal Secretary) presumed that the progress report would be factual and brief. A draft would be prepared and circulated as soon as possible. As regards valuation, he noted that the subject was a technical one on which there were very few qualified experts. The identification work had been planned and directed originally by Mr. John Berncastle, who had been seconded to the Commission as Land Specialist by the United Kingdom Government. Before undertaking a valuation programme, Mr. Chai felt that Mr. Berncastle's views should be sought, particularly concerning the availability of the necessary qualified expert staff. He would therefore like to study the matter and report to the Commission as soon as possible.

The CHAIRMAN agreed that the report should be brief and factual. Like the previous report, which, for the benefit of new Members of the Organization, had given some indication of what the Commission could and could not do, it should recapitulate briefly the background of the Commission's work. Indeed, the work accomplished had taken some time, and the difficulties encountered might not be apparent to those unfamiliar with the facts. In connexion with valuation, he thought that the Commission should take a decision in principle, subject, of course, to any technical difficulties and to the availability of qualified personnel. The Commission would welcome a report on those matters as soon as possible, before any final decision was taken.

Mr. DAUGE (France) agreed with the Chairman that the report should cover the role of the Commission, the limitations on its competence, and the kind of work that had been done. He also agreed that the Commission could now decide in principle on the question of valuation, while waiting for a report from the Secretariat on the technical side.

Mr. PEDERSEN (United States) shared the views of the other members of the Commission on the nature of the progress report. It would also be very useful to have an introductory paragraph covering the background of each of the items to be dealt with. The report should also include elements of the Secretariat appreciation of the problem of evaluation.

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The Commission decided in principle to proceed with a full programme of valuation, and to await the submission of a report by the Secretariat on the technical aspects of the matter and on the availability of qualified experts before taking a final decision on the details.

3. RELEASE OF ARAB REFUGEE ACCOUNTS BLOCKED IN BANKS IN ISRAEL AND TRANSFER OF SAFE DEPOSITS AND VALUABLES

The CHAIRMAN observed that the action taken by the Commission had so far been very successful. The balances outstanding were not notably significant as a sum. There had been an indication from its Foreign Ministry that Israel might now be willing to proceed to the release of accounts blocked in banks other than Barclay's and the Ottoman Bank, and he invited the members of the Commission to express their views on what the Commission could and should do in that connexion.

Mr. PEDERSEN (United States) said that the progress achieved on blocked accounts made it all the more desirable to try to finish the task of securing their release. In view of the encouraging information which had come informally from the Israel Foreign Ministry, the Commission might follow up its previous action in the matter with another letter asking if further progress could be made.

Mr. DAUGE (France) welcomed the results accomplished and felt that it would be desirable to complete the release of the accounts. Although he had not considered the possibility of a letter such as the United States representative had suggested, he would have no objection if the other members of the Commission felt it was appropriate.

The CHAIRMAN, speaking as the representative of Turkey, thought that it would be useful to try to make further progress on the release of the remaining amounts before the Commission submitted its report. He therefore agreed that a letter should be sent to the representative of Israel.

The Commission decided that its Chairman should send a letter to the representative of Israel and that that representative should be informed orally of the Commission's interest in making further progress concerning the release of blocked accounts prior to the submission of its progress report.

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Mr. CHAI (Acting Principal Secretary) said that in the report received from Jerusalem regarding the transfer of safe deposits and valuables, it was not clear why many parcels and documents remained unclaimed. However, the Commission had received no complaints. Possibly some were of little value and others might not have been the subject of requests. He also noted that arrangements for transfer in the Gaza area had been interrupted by the events in October 1956. In reply to an inquiry by the Chairman, he recalled that the question of transfer of safe deposits and valuables, which had originally been raised by the Commission, had been publicized by UNRWA and that the Commission had participated to a considerable extent in the practical arrangements in the area.

The CHAIRMAN said that it appeared that the Commission did not have to take any immediate action. However, he felt that the matter should be covered in the report.

Mr. PEDERSEN (United States) assumed that those concerned in the area were still continuing to work on the transfer.

Mr. DAUGE (France) asked whether the fact that there had been no complaints meant that no requests had been received concerning the items outstanding.

Mr. CHAI (Acting Principal Secretary) explained that after agreement had been reached with the Israel Government concerning the release the requests were submitted directly to the banks concerned. The Commission, to his knowledge, had received no complaints from the refugees or anyone else that their requests had been disregarded.

4. LETTER DATED 11 MARCH 1958 ADDRESSED TO THE CHAIRMAN OF THE COMMISSION FROM THE PERMANENT REPRESENTATIVE OF LEBANON

The CHAIRMAN did not recall any particular precedents or practice in the Commission directly relevant to the question posed by the communication from the Lebanon.

Mr. DAUGE (France) wondered whether the Lebanese request could be entertained or whether it might be beyond the competence of the Commission.

Mr. PEDERSEN (United States) said that he had been unable to find any specific precedents on the matter.

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The CHAIRMAN said that so far the Commission and the Secretariat had mostly been concerned with immovable property, although much movable property had been left behind by the refugees. Indeed, he had been told privately that many refugees had registered lists of movable property with the local authorities before leaving the area. He did not know whether the Lebanese claim had ever been transmitted to Israel. In view of the complex nature of the problem, he was glad to see that the members of the Commission did not wish to hurry any decision on the matter. Was it desirable or advisable for the Commission to take any action in such a new domain? If it was not desirable, should the Commission act as a kind of postman between the Arab countries and Israel, and would that have any consequences detrimental to the work of the Commission? He understood that the Lebanese representative expected some kind of answer.

Mr. CHAI (Acting Principal Secretary) noted that he had made a preliminary acknowledgement of receipt of the letter, informing the Lebanese representative that it had been forwarded to the members of the Commission. The Secretariat had also tried to find a relevant precedent, but the case appeared to be unique. Pointing out that the Commission's Refugee Office established in 1951 had submitted estimates covering both the immovable and the movable property of the Arab refugees, he observed that the present case concerned property claimed by Lebanese citizens. As such, it would normally be dealt with directly by the Governments concerned. That was impossible in the present instance because there were no diplomatic relations between Lebanon and Israel. The problem was a perplexing one for the Commission since its duties had been defined by the General Assembly in such a broad manner that it would be debatable to say whether the question could or could not be regarded as falling within its competence. Thus, resolution 512 (VI) of 26 January 1952 urged the governments concerned to make full use of United Nations facilities in seeking an early settlement of their outstanding differences and also requested the Commission to be available to the parties to assist them in reaching agreement on outstanding questions. Therefore, he was not able to offer any definite advice on the matter.

The CHAIRMAN pointed out that the claim stemmed from the hostilities that had taken place in 1948.

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Mr. PEDERSEN (United States) said that it was not clear whether those claiming the assets had been in the area at the time or had merely purchased the property.

Mr. DAUGE (France) said that since the claim had arisen from the 1948 conflict the Commission must study the question very carefully. It was not clear that the Commission was competent to deal with all claims resulting from that conflict. There could be many other cases of the same nature, involving other Arab countries as well. Therefore, he suggested that the Commission should delay sending any reply so as to avoid creating any expectations that could not be fulfilled.

The CHAIRMAN said that the Commission was requested to register the claim. A simple acknowledgement from it might have that effect. He inquired whether there was any precedent for registering such claims.

Mr. CHAI (Acting Principal Secretary) said he was unable to find any similar claim in the files.

Mr. PEDERSEN (United States) agreed that the matter should be given careful study. He recalled that in 1951 the Commission had recommended that war damage claims should be mutually cancelled by the parties, but that the parties had been opposed to this. It was not clear whether the present case fell in that category, but there must be a good deal of such material in the Commission's records which might be relevant for the problem.

Mr. DAUGE (France) suggested that the Lebanese representative might be informed orally that the Commission was studying the question.

Mr. PEDERSEN (United States) agreed, but suggested that the question of receivability should be kept open.

The Commission decided that careful consideration should be given to the item on the Lebanese letter and that the Secretariat should be requested to study the matter with regard to the question of competence, precedents and other legal implications.

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5. NEXT MEETING

The Commission decided that the Acting Principal Secretary would get in touch with the members of the Commission concerning the time of the next meeting and that the Secretariat report on the technical aspects of valuation should be submitted sufficiently early to allow the members of the Commission to obtain any instructions that might prove necessary.

The meeting rose at 4.05 p.m.