

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RESTRICTED
SR/BM/2
22 March 1949
Original: English

SUMMARY RECORD OF A MEETING BETWEEN THE CONCILIATION
COMMISSION AND H.E. KHALED EL AZEM, PRIME MINISTER
AND MINISTER FOR FOREIGN AFFAIRS OF SYRIA,

held at Beirut on 22 March 1949.

Present: Mr. de Boisanger (France) - Chairman
Mr. Yalcin (Turkey)
Mr. Ethridge (U.S.A.)
Mr. Azcarate - Principal Secretary
H.E. Khaled el Azem - Prime Minister and
Minister for Foreign
Affairs of Syria
H.E. Dr. Farid Zein ed Din - Minister Plenipotentiary

The CHAIRMAN, Mr. de Boisanger, said that it was an excellent suggestion to meet here to discuss freely the question of refugees, which was an essential problem. After having considered the refugee problem, he said, it might be possible to consider other outstanding problems. He recalled that while the Commission was in Damascus the Syrian authorities had said that the Arab Governments desired a reply from Israel as to whether Israel accepted the resolution of the Assembly, which provides that Arab refugees desiring to return would be able to do so. The Commission had put this question to the Israeli Government. The reply was not satisfactory. The Government of Israel had declared, however, that it was not opposed to the idea of the return of a certain number of refugees to territories now occupied by Israel. The question of the number would have to be discussed later on.

/Dr. FARID

Dr. FARID ZEIN ED DIN replied that the Chairman's last remark was extremely important. It went to the heart of the problem. The basis of the situation was the resolution of the United Nations. It was mandatory upon all concerned. Moreover it called upon the Governments and authorities concerned to assist in its implementation. Among those authorities were the Jewish authorities in Palestine. The present situation was the result of their activities and the measures taken by them to prevent the refugees from returning. He considered that it would be basically unsound to seek a solution of the refugee problem that would only be acceptable to the Jewish authorities. The solution must be equitable and objective, taking into account the many aspects of the refugee problem.

The Syrian representative analyzed briefly the United Nations decisions on the refugee problem, and indicated the responsibilities incumbent upon each party. In the beginning, he said, there was the resolution of 29 November 1947 on the partition plan. According to this plan, certain areas went to the Jewish state. At the same time, the non-Jewish inhabitants of Palestine were granted certain safeguards. The details of these safeguards were to be found in Chapters I and II of the partition resolution. They concerned property, freedom, right to their own language, and status. What was of fundamental importance was that this obligation was not of an internal character; it fell outside the domestic jurisdiction of the State of Israel; it was a matter of international agreement and no measure on a national level could be taken to obstruct it.

Dr. Farid Zein ed Din read from the text of the partition resolution to illustrate his point.

/He said

He said the Jewish authorities had availed themselves of the partition scheme and pretended to comply with the United Nations decision. Their state was even recognized by some states.

He said that he was not speaking of international principles of justice, which were, of course, the basis of the Charter and of international law. It was necessary to be practical. However, it must be recognized that the Jews accepted a decision only if it was convenient to them. When there was a decision of the United Nations it was necessary to comply with all parts of it. A change in an international agreement could not be made without a decision by the United Nations.

The Syrian representative again read from the text of the November 29 resolution.

Continuing, he said that since the adoption of the partition scheme, the number of refugees had increased. There were now 756,000 and a few hundred receiving assistance. Others were destitute, without aid. The total amounted to about 800,000. Their only asset was the United Nations resolution, which the Jews refused to respect. As the refugee problem increased, it had appealed to the human conscience. Count Bernadotte had made a suggestion to solve the problem and that may have been one of the reasons why he lost his life.

The resolution was exceptionally clear. It gave the refugees the right to return to Palestine if they so desired, under the condition that they would live at peace with their neighbours. They should be returned at the earliest possible date. Those who did not return should receive compensation. However, a choice could not ever be a real choice unless it was free. In order to have a free choice the refugees should be in a different position from that which prevailed at the time they became refugees. They did

/not

not choose to be refugees but were forced to be; and before they returned the conditions which compelled them to leave should be corrected. This was the only way to respect the resolution.

There was a second consideration which involved the main task of the Commission. This was to repatriate, resettle and rehabilitate, economically and socially, and to compensate the refugees. Therein, the Syrian representative saw a positive approach to the problem. This was not only a recommendation but an instruction given to the Commission and it must be carried out by the Commission for a peaceful settlement of the Palestine problem. The resolution went further - it not only set the goal but provided the means. In paragraph twelve of the resolution the Commission was authorized to establish such auxiliary bodies and to invite the assistance of such experts as might be necessary to discharge its functions.

The Syrian representative said that the final consideration was that the resolution called upon the Governments to cooperate with the Commission and to assist it in implementing the present resolution. The Syrian Government would do all in its power to assist the Commission.

He said that it was unnecessary to find a solution. A solution was already at hand. It was clear from the functions of the Commission that machinery could be created and governments be asked to provide assistance. The application of this idea was, in his opinion, the touchstone of the entire Palestine problem. If the idea were not applied, there would be no hindrance to the Jewish authorities in carrying out their expansionist policy, which caused fear among her neighbours.

The Syrian representative said his delegation was prepared to reply to any questions the Commission might wish to ask. His Government had no proposal for a solution but was prepared to define its stand.

/He said

He said he would like to draw attention to certain facts and legal measures taken by the Jews which had not only hindered the return of the refugees but had prevented the resolution from becoming effective. First, there was lack of security for Arabs in Israel due to intimidation. Arabs in Jewish territory were insecure with respect to their persons, property, honour and so on. This was one of the reasons why so many became refugees. Count Bernadotte in his report spoke of barbarous treatment. He was not an Arab and the Arabs had not received his report favourably. Second, there was the occupation of Arab property by the Jews, who had handed it over to Jewish immigrants or Jewish residents of Palestine. Third, there was the destruction of property. Villages and city sections had been wiped out.

He referred to the citrus industry which covered a territory of 170,000 dunams, or approximately 17,000 hectares. This land was watered mainly by pumping machines. Last summer it had not been watered and if it were not watered this summer it would be completely destroyed. Some machinery had already been destroyed. This lack of security and destruction of property seemed to follow a plan which was corroborated by law. He said he referred to the absentee law, the gist of which was that a person who had not been at home after November 1948 was considered an absentee. The property of an absentee was not treated as enemy property. The refugees, however, would prefer to see their property treated as enemy property because they would then have a custodian. In the case of absentees, an administrator was named with full power to dispose of the property. When an absentee returned to Palestine his status continued until the Jewish authorities decided that he was no longer an absentee. It was obvious that the Jews could do anything with the refugees and their rights. Although a number of Arabs were still in Palestine, it was impossible for refugees

/to give

to give them a power of attorney to look after their property. Even when they were no longer absentees, they could not recapture their property which had meanwhile been turned over to immigrants.

He referred also to the question of bank accounts, which were blocked and which were evaluated at many millions of Palestinian pounds.

He declared that deliberate measures of this kind on the part of the Jews continued. His Government had heard that 482 refugees had recently been ejected by Jewish authorities into the Iraqi lines. This took place at a time when the Conciliation Commission was working to find a solution of the problem.

As to the attitude of the Jews, there was no doubt that it was what Mr. de Boisanger had stated it to be, and that the Israelis wished that the refugees be resettled in Arab territory. However, this was not the United Nations decision and not a practical solution. The Jews were creating space for their immigrants, and not only in the Negev, which was an empty area. They had already forgotten about their old pretensions of making the desert bloom. They were making space in Arab villages erected by the sweat of Arab brows. It was not the persecution of Jews elsewhere in the world that brought new Jewish immigrants to Palestine, but the persecution of Arabs in Palestine. It was sad for the world that these things could happen while the United Nations existed.

As to the right of compensation, indemnities should be assessed by impartial bodies which would take into account all damages caused. It would also be necessary that refugees not wishing to return should be able to retain property in Palestine even if they did not reside there. This was the case with all other States.

/Recently

Recently the resolution on human rights was adopted by the General Assembly. It should also apply to Palestinian refugees. Among other rights mentioned in this resolution there was the right of property in many circumstances (Art. 17), the guarantee of security, the prohibition of exile (Art. 13), the right to assume public functions (Art. 21), the right to work (Art. 23). All these rights applied to the Arab refugees, but not in the minds of the Jewish authorities. The refugees should continue to exercise their rights even if they chose not to return to Palestine.

The Syrian representative then suggested how the Commission might facilitate the return of refugees. In the instruction given to the Commission there was the word "facilitate" the repatriation, resettlement and rehabilitation of refugees. This implied without question that the impediments to the return of the refugees should be removed. Therefore the first thing to do was to remove the obstacles, which were either factual measures or the attitude of the Jews. He added that when the Commission should feel it necessary, it could discuss with the Syrian Delegation how to remove these obstacles as it (the Syrian Delegation) had some remarks and some proposals to make. The expression "to facilitate" meant also a positive approach to the problem involved in the economic and social rehabilitation of the refugees after the destitution they had suffered. Funds would be necessary for this purpose. Yesterday the Chairman of the Commission had referred to the refugee problem, and something had struck the attention of the Syrian Delegation concerning the different stages of the practical solution of this problem. He had mentioned 1) relief, which is to be taken care of by Mr. Griffis; 2) measures to relieve the refugees of their enforced idleness which, in the opinion of the Syrian representative, could be attained best by sending the refugees back home to work.

/Ho wanted

He wanted to be corrected on whether he had understood the attitude of the Commission correctly on the refugee problem and whether it thought to undertake the above mentioned measures before resettlement, repatriation and rehabilitation. In the opinion of the Syrian Delegation, all these steps went hand in hand and should be undertaken at the same time and not in succession. The impression had been created by yesterday's statement, however, that the Commission expected to deal with this problem stage by stage. He added that if the United Nations decision was to be respected the United Nations itself should respect its own decision.

The situation could arise in which the Commission could not act because the Jewish authorities would not allow it to act. They would refuse to cooperate under the pretence that peace had not yet returned. In that case the Commission should report to the United Nations that it had done its best but could not implement the resolution.

The Syrian Prime Minister, H.E. KHALED EL AZEM, wished to add only a few words. A friend had told him a story which had happened in a country where laws of democracy, justice and freedom were not applied. The house of this friend had been invaded by some strangers. The case came before the judge, the verdict was to expel these strangers. But as nothing happened, the friend went to the judge and said that the intruders did not wish to leave. He requested the judge to apply the verdict but the judge advised him to go to his parents and wait there until events developed. In the Prime Minister's opinion, the Arab States were in a similar position as they were the parents of the Arabs of Palestine. They were full of goodwill to apply the resolution of the United Nations and ready to do all that was in their power.

The other question referred to by the Prime Minister was the Arab Higher Committee, which the Commission would hear on 24 March.

/He reminded

He reminded the Commission that this Committee had received a favoured treatment in the United Nations and was recognized in the General Assembly and Security Council as representing effectively the Arab inhabitants of Palestine. He would request the Commission to grant this Committee the same treatment as it enjoyed in the General Assembly and the Security Council.

Mr. de BOISANGER thanked the Syrian representatives for the statements they had made and assured them that from the legal point of view the Syrian Delegation was right but that the Commission wanted to approach the problem from a practical angle. The Commissioners had tried individually, and the Commission as a whole, to change the attitude of the Jews, if not in principle at least in fact. From a humanitarian point of view the situation of the refugees was shocking. He added that even if the Israeli Government would change its recent laws and reserve the same treatment to Jews and Arabs and enforce democratic laws the atmosphere in Israel would be different from that which prevailed at the time when the refugees lived in Palestine. Equitable laws were not sufficient, an atmosphere of happiness was necessary. But now the situation had changed and the Commission thought that certain refugees would not return even if they should be permitted to do so. This problem should, therefore, be examined.

M. de Boisanger then said that he could not agree with one legal point mentioned in the Syrian statement, namely, that the refugees should remain owners of their property even if they should choose not to return to Palestine. This was not in conformity with the resolution, which said explicitly that the refugees might be reimbursed.

As to the last remark of the Syrian representative to refer the matter back to the United Nations, this was not a good solution, as the United Nations could only ask the Commission to

/undertake

undertake again the study of the case. It would, therefore, be better for the Governments to assist the Commission as the Prime Minister had suggested himself. As to the allusion made to the Chairman's inaugural speech, a clarification was necessary. The Commission did not intend to solve the refugee problem in successive stages. The various points had been mentioned because there was first the problem faced by the United Nations Organization headed by Mr. Griffis, which was concerned with how to help the refugees in the coming months. Further, there was the problem of the refugees who were idle in the camps, and finally, there was the problem of the economic and social rehabilitation of the refugees. The Commission had already looked into these problems and would continue to give them its attention. At this stage the Chairman remarked that the text of the resolution on the refugees was even more categorical, as it stated that indemnities must be paid. As to those refugees who did not wish to return to Palestine, M. de Boisanger said he would prefer not to discuss the legal side of the problem at present. The Syrian Delegation had made its point of view clear, but the Jews had their own thesis that the Arabs had invaded Palestine and that they were no longer bound by previous agreements.

Mr. ETHRIDGE said that the Chairman had already mentioned several points he wished to raise. The statement of the Syrian Delegation had been a very able one from a legal point of view, but the Jews had equally made a very able statement on the invasion of Palestine by the Arabs. He therefore would like to leave aside juridical aspects and limit himself to consider the problem from a practical angle.

There were 800,000 refugees whose situation was deteriorating. Money allocated for their relief was being exhausted. Furthermore, they were idle. In his opinion it was not possible

/and not

and not desirable to have them return immediately to Palestine. The Arabs themselves spoke of persecution. He said that a particular aspect of the refugee problem should be considered. When the present relief appropriation was exhausted a new kind of relief should be considered both by Arab countries and the Jews. This second kind of relief would be more difficult to obtain than the first. The American Congress would recess from July until January and it was impossible to ask from the same Congress a second appropriation. Practically speaking, relief from this source could not be forthcoming before March 1950, even if the United Nations should request it. The Arab Governments would therefore have to take into consideration intermediate relief even if they had to ask for help from outside. Therefore they should envisage both resettlement and repatriation. As to the question of where the refugees should be resettled, the situation was deteriorating as long as there was no peace. He had already said to the Prime Minister that the Arab position, which consisted in requesting a solution of the refugee problem as a condition sine qua non for further talks, was unrealistic. As long as territorial questions were not settled, incursions could take place narrowing down the limits of the territory where the refugees could be settled. Many refugees did not originate in Jewish-held territory. In Ramallah there were some refugees from the Arab part of Jerusalem, in Gaza there were some refugees from Arab-held parts of Palestine. The total number of refugees could be reduced only if the situation were stabilized. Mr. Ethridge added that he did not know, of course, how great this number would be. He did not wish to argue about the juridical or legal aspects of the problem. But if the Arabs felt that the United Nations had failed in implementing its decision they had the right to claim help from the United Nations, both for the intermediate stage of relief and for long-term projects.

/He wished

He wished to make two things clear. First, that he had been no less diligent than the other Commissioners in insisting that the Jews must agree to the resolution and that he was going to maintain his attitude. Second, that in his own mind the problem of refugees was linked with the entire problem of the Middle East.

He invited the Syrian delegation to examine in particular paragraph ten of the resolution.

Mr. de BOISANGER agreed entirely with what had been said by Mr. Ethridge and assured the Syrians that what had been said of the Commission as a whole applied also to each member individually. He regretted that the next meeting with the Lebanese Delegation, fixed at 11.30 a.m., prevented the present discussions from continuing. He hoped that another meeting with the Syrian Delegation could be arranged before their departure from Beirut.