

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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SUMMARY RECORD OF A MEETING BETWEEN THE COMMISSION AND
THE ARAB DELEGATIONS

held at the Hôtel de Crillon, Paris, on Wednesday,
24 October 1951, at 11 a.m.

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PRESENT

<u>Chairman</u>	:	Mr. PALMER	United States of America
<u>Members</u>	:	Mr. MARCHAL	France
		Mr. ARAS	Turkey
<u>Alternates</u>	:	Mr. BARCO	United States of America
		Mr. de NICOLAY	France
		Mr. TEPEDELEN	Turkey
<u>Secretariat</u>	:	Mr. de AZCARATE	Principal Secretary
<u>Also present</u>	:	H.E. ABDEL MONEM MOSTAFA Bey	Egypt
		H.E. FAWZI Pasha MULKI	Hashemite Kingdom of Jordan
		H.E. AHMED Bey DACUK	Lebanon
		H.E. ADNAN el ATASSI	Syria

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COMMISSION'S DETAILED EXPLANATIONS OF ITS COMPREHENSIVE PROPOSALS

The CHAIRMAN made the following statement:

" We are glad to meet you again and to have the opportunity of giving you certain explanations regarding the Commission's comprehensive proposals.

1. Point One of the Commission's proposals reads as follows:

'That an agreement be reached concerning war damages arising out of the hostilities of 1948, such an agreement to include, in the Commission's opinion, mutual cancellation of such claims, by the Governments of Egypt, Jordan, Lebanon and Syria and the Government of Israel;'

The Commission has given careful consideration to the principles of international law bearing upon war damage claims. An effort to determine such claims between the parties engaged in the Palestine hostilities of 1948 on the basis of violations of rules of international law would, in the Commission's opinion, lead to no practical result. Charges by one side that the other has committed acts contrary to the law of war are generally countered by the defence that the alleged violations took place as the natural result of the hostilities. Such charges in the present instance would lead the negotiations along a path further removed from a peaceful settlement. Likewise, if either side were to present war damage claims based upon the contention that the other must accept the responsibility for the outbreak of the hostilities, and has therefore a duty to compensate the claimant State for losses borne by itself and its nationals, a political debate would ensue which would again postpone and possibly jeopardize the solution of the Palestine problem.

The Conciliation Commission believes that the best interests of peace and the United Nations would be served by a forward-looking approach whereby both parties should endeavour to solve each of the various concrete problems which are still outstanding. At this point any attempt to go back to the origin of the conflict in order to determine the responsibility for the outbreak of the hostilities would be, in the Commission's opinion, a step backwards.

While throughout history there have been precedents for the exaction of reparations following armed conflict between States, there have been other instances where, in the interest of lasting peace, claims for war damages have been mutually waived by those States legally entitled to assert such claims for damages borne by them or their nationals. The Commission considers that in the present instance a mutual waiver of war damage claims would be consonant with the general principles and purposes of the United Nations. Therefore, in the light of the desire expressed by both sides to facilitate a pacific settlement, the Conciliation Commission urges the parties to agree to a mutual cancellation of their claims for damages arising out of the hostilities of 1948. The Commission is confident that such an agreement would facilitate a solution of the outstanding differences and would contribute to the return of peace in Palestine.

2. Point Two of the Commission's comprehensive proposals reads as follows:

'That the Government of Israel agree to the repatriation of a specified number of Arab refugees in categories which can be integrated into the economy of the State of Israel and who wish to return and live in peace with their neighbours;'

In submitting the above text, the Conciliation Commission had in mind the need for agreement upon a practical method of proceeding with the actual repatriation of refugees in accordance with the General Assembly's directives.

In working out practical procedures for actual repatriation, consideration must be given to the refugees' choice and the expressed intention of those choosing to return to live at peace with their neighbours; and to the possibilities of the integration of the returning refugees into the national life of Israel. The Commission proposes therefore to pursue with Israel the consideration of methods for the determination of the number of refugees that can be repatriated with these criteria in mind.

3. Point Three of the Commission's comprehensive proposals reads as follows:

'That the Government of Israel accept the obligation to pay, as compensation for property abandoned by those refugees not repatriated, a global sum based upon the evaluation arrived at by the Commission's Refugee Office; that a payment plan, taking into consideration the Government of Israel's ability to pay, be set up by a special committee of economic and financial experts to be established by a United Nations trustee through whom payment of individual claims for compensation would be made;'

Before making this proposal, the Commission has undertaken to estimate the value of abandoned Arab property now in Israel. The Commission's Refugee Office has been engaged in this task in accordance with the General Assembly's resolution of 14 December 1950 and has completed its estimate of the value of abandoned Arab immovable property. This estimate is based on the present territorial situation and on the present location of the refugees.

The Office has estimated that the extent of abandoned Arab lands is 16,324 square kilometres, of which 4,574 square kilometres are cultivable. The demilitarized areas and the Jerusalem no man's land were not included in this estimate. The term "land" denotes immovable property; buildings and trees have been regarded as an integral part of the soil on which they stand and valued together with it.

The valuation made by the Office was based on a study of the assessments made for the Rural Property Tax and Urban Property Tax of the Mandatory Government and on the opinions of experts in the matter with experience of conditions in Palestine during the last years of the Mandate.

The valuation was based on the value of the land for its existing use, as measured by the revenue which it would produce. Any development value,

other than the normal development value which attaches to vacant sites within the boundaries of towns, was not included. The valuation was made by reference to the level of values prevailing on 29 November 1947 and to the condition of the property on that date. No value was placed on uncultivable land outside urban areas. The Refugee Office is at present preparing an estimate of abandoned Arab movable property.

Under Point Three the Commission proposes, as a first step, that in agreement with the Commission and on the basis of the estimated value of abandoned Arab property as established by the Commission's Refugee Office, the Government of Israel obligate itself to pay a global sum of money for compensation for property abandoned by Arab refugees who are not repatriated.

The Commission further proposes that after agreement as to the global sum which Israel obligates itself to pay, procedures be agreed upon for the providing of funds in the sum agreed upon and for their disbursement. In working out the procedures for providing these funds, Israel's ability to raise those funds would have to be taken into consideration, as well as in establishing the method and rate of disbursement on the basis of individual claims.

Point Four of the Commission's comprehensive proposals reads as follows:

That the Governments of Egypt, Jordan, Lebanon and Syria and the Government of Israel agree upon the mutual release of all blocked accounts and to make them payable in pounds sterling.

This question has been the subject of negotiations between the Commission and the parties since June 1949. In August 1949 a special Mixed Committee of two experts, one appointed by the Arab Governments and the other appointed by the Government of Israel, was established under the chairmanship of a representative of the Commission. These negotiations were not productive. Efforts to arrive at a formula for partial release of Arab bank accounts blocked in Israel were unsuccessful.

In the case of blocked accounts, the ownership, the identity of the owners and the amount of each account are established. In this regard there are no questions for negotiation and under these conditions payment to the individual owners of the accounts can be readily effected. The Commission therefore has proposed the mutual release of blocked accounts in their total amounts in a currency equivalent to that of the original accounts and readily convertible. An agreement in this sense would contribute to the well-being of needy refugees and be a step in the development of peaceful relations.

5. Point Five of the Commission's comprehensive proposals reads as follows:

That the Government of Israel and the Governments of Egypt, Jordan, Lebanon and Syria agree to consider, under United Nations auspices, and in the light of the experience gained during the past three years, the revision or amendment of the Armistice Agreements between them, especially with regard to the following questions:

- (a) territorial adjustments, including demilitarized zones;
- (b) the creation of an international water authority to deal with the problems of the use of the Jordan and Yarmuk Rivers and their tributaries, as well as the waters of Lake Tiberias;
- (c) the disposition of the Gaza strip;
- (d) the creation of a free port at Haifa;
- (e) border regulations between Israel and her neighbours with special attention to the need for free access to the Holy Places in the Jerusalem area, including Bethlehem;
- (f) health, narcotics and contraband control along the demarcation lines;
- (g) arrangements which will facilitate the economic development of the area : resumption of communications and economic relations between Israel and her neighbours.'

The Commission's intention in submitting this proposal was to obtain the agreement of Israel and Egypt, Jordan, Lebanon and Syria to negotiate, at a time and place to be determined, the revision or amendment of their respective Armistice Agreements or the conclusion of additional agreements. The Commission has listed certain questions in this proposal which in its opinion might be usefully included in the respective agenda for these negotiations.

Nothing in this explanation of the Commission's proposal should be taken to mean that, if agreement to enter into such discussions were promptly reached by the parties, the actual negotiations could not take place immediately."

The Chairman hoped that the above statement would give the Arab delegations a clearer understanding of the nature of the Commission's comprehensive proposals. It was not the Commission's intention to invite their comments at the present meeting, as the Arab delegations would probably wish to study the statement first, but it was hoped that the proposals could be discussed at subsequent meetings,

Copies of the statement would be sent to the Arab delegations after the Commission's meeting with the Israel delegation on the afternoon of 26 October. The Commission did not intend to give the statement to the press, or to disclose its contents to the press, until after it had been handed to the parties.

ABDEL MONEM MOSTAFA Bey (Egypt) had listened with great interest to the explanations given by the Chairman, which had helped to clarify the Commission's proposals. As the Chairman had said, the Arab delegations would require some time to study them before making any comments.

The delegate of Egypt wished to profit by the occasion of the sixth anniversary of the United Nations to reaffirm the faith of the Arab States in the principles and high ideals of the Organisation and their continuing desire to collaborate in a spirit of goodwill with the Conciliation Commission in finding a just solution to the Palestine problem. In that connection, he wished to state that the memorandum which the Commission had addressed to the Arab delegations on 4 October, setting forth the way in which it interpreted its terms of reference, had been studied with great care. The reply of the Arab delegations to that memorandum, which had already been sent to the Commission, should be considered as expressing their desire to clear up any misunderstanding concerning the manner in which they considered that the Commission's task should be carried out.

The CHAIRMAN thanked Mostafa Bey for his expression of goodwill. The Commission, in turn, had carefully studied the reply of the Arab delegations and would certainly read it again in the light of the remarks made by the delegate of Egypt. The Commission had prepared, for its own use and archives, a memorandum concerning the way in which it viewed its task, which had been based on a legal study and careful examination of the records. Copies of that memorandum would be given to the Arab delegations after the present meeting, and it was hoped that it would help to remove any misunderstanding that might exist.

Mr. ADNAN el ATASSI (Syria) wished to draw the Commission's attention to the rumours in the press emanating from the delegation of Israel. The Arab

delegations had never published any of the correspondence exchanged between them and the Commission. The Israel delegation, however, had just published the text of a letter they had addressed to the Commission, in which they refused to continue to collaborate with the Commission if the Arab delegations were not prepared to sign a non-aggression pact in the form proposed by the delegation of Israel and alleged that the declaration submitted by the Arab delegations revealed their aggressive intentions.

In the opinion of the Arab delegations, the Commission should consider the question of the publication by the Israel delegation of material liable to hinder the work of the Commission.

The CHAIRMAN replied that the Commission did not approve of the publication of such correspondence. However, as certain correspondence had been published, the Commission had felt obliged to publish its response.

So long as the Commission continued to meet with the parties, the Arab delegations could rest assured that it maintained the hope of obtaining their collaboration towards the solution of some of the outstanding problems.

ABDEL MONEM MOSTAFA Bey (Egypt) wished to suggest that, as the Commission had taken a position regarding the attitudes of the parties in relation to the preamble to its proposals, it should publish all the correspondence it had exchanged with the parties on that subject, thus clarifying the situation.

The CHAIRMAN replied that the correspondence in question had in fact been released to the press. He would inform the Arab delegations of the details of the release after he had an opportunity of verifying them.

FAWZI Pasha MULKI (Jordan) requested that copies of the statement made by the Chairman at the beginning of the meeting be given immediately to each of the Arab delegations. Such a procedure would save time by enabling them to study the statement with their Governments. The Commission could naturally rest assured

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that the contents of the statement would be regarded as confidential; as the delegate of Syria had observed, the Arab delegations had never published any communication of the Commission.

The CHAIRMAN said that he naturally did not doubt the intention of the Arab delegations to protect the statement. The Commission had considered that the best interests of all concerned would be served if the statement were not distributed until it had been delivered to both parties. However, in view of the request made by the delegate of Jordan, and as the Commission was also anxious that no time should be wasted, the question would be reconsidered immediately. If it were decided to give the text to the Arab delegations, they would receive copies later that day.

The meeting rose at 12.45 p.m.
