

RESTRICTED
W/25
8 September 1949
ENGLISH
ORIGINAL: FRENCH

NOTE ON CERTAIN "CONSERVATORY MEASURES"

In a memorandum addressed to the Commission on 18 May 1949, the Arab delegations requested that urgent measures should be taken by the Commission to safeguard the property, rights and interests of the refugees, measures relating, among other things, to the reassembling in their homes of refugees of the same family, to the repatriation of owners of citrus groves, and to the unfreezing of Arab assets.

A. Reuniting of families

An agreement in principle was achieved between Israelis and Arabs for the return to Israel, before the conclusion of a final settlement, of members of families of which the breadwinner is located in Israel. However, the definition of the family advanced by the Arab delegations and that furnished by the Israeli delegation were not compatible. To the Arabs, the family should be considered according to the tradition of oriental countries, a tradition based upon a patriarchal family organization. The Israelis, on the other hand, would consider as members of a family only the wife and male children under 16 years of age, as well as unmarried daughters even if over the age of 21. Nevertheless, the parties came to an agreement in order to ensure the immediate return of members of the same family according to the Israeli formula, while awaiting study by the authorities in Tel Aviv of the compromise proposal advanced by the Commission. This proposal broadened the Israeli formula in that it introduced the idea of economic interdependence between the head of the family and its other members, to the effect that all those who were financially dependent upon the head of the family would have the right to rejoin him in Israel, with the exception of those who had borne arms against Israel. This proposal has not, up to the present moment, been accepted by the Israeli Government, although the latter has promised to examine with sympathetic attention those compassionate cases which seem to it worthy of consideration.

In signifying its agreement to the immediate return of certain members of the same family, the Israeli delegation has

at the same time made known the procedure which would be followed to achieve this end. According to this procedure, lists of persons authorised to rejoin the head of their family would be drawn up by the Israeli authorities. These lists, once established, would be transmitted to the Israeli representatives on the various Mixed Armistice Commissions; the latter would communicate them to their Arab colleagues, and would, in collaboration with the Arab members, take the necessary measures for admission of the authorised persons to Israeli territory.

This procedure, which, on various points, appeared defective, and even impracticable, was nevertheless accepted by the Arab delegations. It appeared defective because it made of the authorities of the various Arab States little more than agents to carry out the plans of the Israeli authorities; impracticable, since it would be unrealistic to expect collaboration between the authorities of the two parties, who refused even to meet around the same table. In the expectation of a failure which appeared certain, the Commission considered the creation of a mixed committee which, upon agreement between the parties, would be charged with the implementation of the decisions taken. This committee would be under the chairmanship of a neutral person and would be composed of an Israeli member and a member chosen by the Arab States. It would have the power to set up sub-committees or roving teams, whose task it would be to identify the persons who had been chosen to return to Israel.

The difficulties which were foreseen have been evident since the beginning: delay in the transmission of instructions by the Arab Governments to their representatives on the various Mixed Armistice Commissions; delay in the transmission of lists by the Israeli authorities; misunderstandings concerning the powers of the representatives of the two parties on the Armistice Commissions. Thus several weeks have passed without a single refugee having been able to cross the armistice lines.

B. Orange groves

The orange groves constitute the principal wealth of the Arabs in territory at present occupied by the Israelis. According to the representatives of the refugees, the value of these groves is approximately £150,000,000 sterling. The Technical Committee was instructed by the Commission to visit the groves and to submit a preliminary report on their present condition.

According to the report presented by the consulting expert, M. Delbes, to the Technical Committee, more than half the groves must be considered as definitely lost, either owing to the hostilities or because of destruction of the hydraulic installations. Of the remaining 50%, about 25% appear to be under the care of the Israeli authorities. There would seem to remain, therefore, about 25% which could still be saved if urgent measures were taken to preserve them, measures such as the repair of the hydraulic installations and the repatriation of a certain number of skilled Arab workers.

To this end, the Commission has just proposed to the parties the establishment of a mixed committee, to be composed of an Israeli member, and a member representing the Arab States, under the chairmanship of a neutral person, and whose function it would be to make recommendations concerning the emergency measures which should be taken. This Committee, which would have the assistance of experts of its own choice, would have the additional task of estimating the damage to the orange groves, whatever the cause, whether the damage in question was incurred through the war, through neglect or through the mismanagement of the custodian. The Conciliation Commission has considered it necessary to invest such a Committee with authority to estimate damage, since Arab property is deteriorating with the passage of time and will soon become a total loss. In order to obtain the consent of the Israeli delegation in this connection, the Conciliation Commission has proposed merely to take note of the damage incurred in order to avoid, in the present circumstances, any discussion of the question of responsibility.

It is doubtful, however, that even with this reservation, the Israelis will accept the above-mentioned proposal.

C. UNFREEZING OF ASSETS

On 18 May 1949, the Arab delegations requested the Israeli authorities to unfreeze Arab assets (document AR/8, para. 2). After numerous exchanges of view with the Arab and Israeli delegations and after receiving memoranda from the Palestinian refugees on the subject (summarized in document Com.Gen./W.4), the Commission decided to establish a Mixed Committee of Experts on Blocked Accounts.

The Arab Governments, Syria, Lebanon, Egypt and Jordania, agreed that all the Arab interests should be represented on the Technical Committee by an Egyptian Representative. The representation of those concerned - in particular, the Palestinian Arab refugees owning assets-set a delicate problem which was solved by asking the Arab delegations to take into account the wishes of the refugees in the choice of the Arab representative. On behalf of Israel, an Israeli member represents the Government of Israel and the Arabs at present in Israel or Israeli-controlled territory. The third member of the Mixed Committee of Experts, who is also the Chairman, represents the Commission.

Under its terms of reference, the Mixed Committee of Experts is required to present to the Commission the basis of a procedure for the unfreezing of assets. The principle by which this unfreezing will be put into application was proposed by the delegation of Israel and was accepted by each of the Arab delegations separately. According to this principle, unfreezing should be effected on a proportional basis of one for one. At the present time, the parties have agreed that 1) Palestinian Arab refugees outside Israel and 2) Arabs resident in Israel will benefit from these measures.

The first meeting of the Committee was held on 16 August 1949 under the chairmanship of Dr. Azcárate, Principal Secretary of the Commission. Since then, both parties have been requested to supply further information in order to determine 1) the sum totals of assets blocked on both sides and the breakdown of these totals, and 2) the measures taken by the parties preventing the free circulation of capital. Up to the present time, only the Israeli delegation has sent an expert and given financial and legal information. The Committee is, however, still awaiting the Arab expert and information on blocked accounts, particularly those in Egypt.

Realizing now the considerable lack of proportion between the two sum totals - further aggravated by the fact that the smaller sum, which would serve as the basis of the agreement and would constitute the maximum total, would have to be divided between all the Arab refugees - the Arab representative on the Committee does not seem to be opposed to the idea of a later unblocking of merchandise belonging to Palestinians and which has been blocked by the Arab States (in Egypt and Lebanon)..

The Economic Adviser has, in a personal capacity, established contact with Mr. van Zeeland and Mr. Royot of the Bank of International Settlements. Mr. van Zeeland is ready to give favourable consideration to every request for assistance which will be submitted to him when the Committee enters into a more technical phase of its work. Until proposals from the parties are forthcoming, the Economic Adviser has proposed a procedure for unfreezing which will, as far as possible, take advantage of the services of the private banks operating in the Near East, and which envisages that governments will have only a supervisory role over the operations as a whole (see MCA/SR.4).