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## MEMORANDUM

on the relations between the  
United Nations Relief and Works Agency  
for Palestine Refugees  
and the Conciliation Commission.

(Working Paper compiled by the Secretariat)

The Relief and Works Agency for Palestine Refugees was established by General Assembly resolution (No. 302-IV) of 8 December 1949, and will start to carry out its mandate almost immediately. That resolution, in defining the functions of the Agency, provides inter alia that the Director of the Agency shall

"consult with the United Nations Conciliation Commission for Palestine in the best interests of their respective tasks, with particular reference to paragraph 11 of General Assembly resolution 194(III) of 11 December 1948."

The resolution also confirms the one adopted on 11 December 1948, by which the Commission is instructed to facilitate the repatriation of the refugees. Hence there are two subsidiary bodies of the General Assembly charged with the refugee problem, each of them having been entrusted with precisely-defined duties. It may therefore be of some value to examine the field of activity reserved to each of those two bodies and to define the relations which ought to exist between them.

Mandate of the Conciliation Commission

The Conciliation Commission was instructed by the resolution of

11 December 1948 to settle several questions, one being the repatriation of the refugees. Its mandate in regard to this matter has been continued, for in the actual text of the resolution of 8 December 1949 establishing the Agency it is confirmed three times. The first paragraph, which refers to the former resolutions, confirms Article 11 of the resolution of 11 December 1948, defining the Commission's task. Article 5 expressly preserves the provisions of Article 11. Finally Article 20, directing the Agency to consult with the Commission in the best interests of their respective tasks, refers to it specifically.

Among the rights conferred on refugees, one of the most important is undoubtedly the return to their homes of refugees who desire it. For that purpose the first paragraph of Article 11 of the resolution of 11 December 1948 lays down the three following principles:

(1) Refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date.

(2) Refugees not choosing to return shall be entitled to compensation for the property they have abandoned.

(3) Refugees shall be compensated for all loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.

Those three principles derive from general rules of law. The exercise of those rights belongs to the refugees and to the refugees only, and the General Assembly recommends the States concerned, as members of the international community, not to oppose them. Neither the United Nations in general nor the Conciliation Commission in particular are guarantors of those rights. The Conciliation Commission is called upon under the terms of the resolution of 11 December 1948 to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees, and the payment of compensation due to them. That task may take different forms according to whether it concerns repatriation or the payment of compensation. Thus the

Commission may be called upon to lend its good offices for the appointment of such bodies as may appear necessary to secure the orderly repatriation of refugees wishing to return to their homes. Consequently the part played by the Commission is merely an accessory one. It could not be otherwise, for neither by its nature nor under its terms of reference does the Commission possess the characteristics of a true executive body. It has neither the means nor the power. After all, the specific task assigned to the Commission in regard to the refugees is implicit in the wording of the general mission entrusted to it by Article 6 of the resolution of 11 December 1948, whereby the Commission is instructed to "assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them."

#### Powers of the Agency

The resolution of 8 December 1949 assigned to the Agency the three following objectives:

- (1) To provide relief for the refugees in accordance with the programme laid down in the interim report of the Economic Survey Mission.
- (2) To execute the works project laid down in that report.
- (3) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the cessation of relief and to the execution of the works project.

In regard to relief to the refugees, as the Agency supersedes the United Nations Relief for Palestine Refugees, the respective tasks of the Agency and the Commission do not differ from those assigned respectively to the Commission and to the U.N.R.P.R.

In the execution of the works project provided for in the interim report of the Economic Survey Mission, the activities of the Agency on the one hand and of the Commission on the other are complementary. The object of that project is progressively to replace simple relief by a system which will enable the refugees to meet their own needs while awaiting repatriation or resettlement.

Such a change will be bound directly to affect the repatriation, as well as the resettlement and economic and social rehabilitation, of the refugees. Concerted action between the two bodies in this field therefore seems essential.

The consultations which the Agency will have to hold with the interested Near Eastern Governments preparatory to the cessation of the relief work and the execution of the works project must necessarily cover several points, of which the chief are repatriation, resettlement, rehabilitation and compensation. These problems will certainly dominate all others and will affect the present duties of the Agency and the Commission. It therefore seems necessary that in the holding of these consultations the two bodies should maintain close and constant collaboration.

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The preceding observations stress the need for continuous contact between the Agency and the Commission. Such contact should aim at securing concerted action between the Agency and the Commission on all questions of common interest, by as speedy and complete an exchange of information as possible on their respective activities. For this purpose the following arrangements might be made:

- (1) The Agency and the Commission will proceed to appoint by mutual agreement a liaison officer.
- (2) The liaison officer will reside at Beirut, at the headquarters of the Agency.
- (3) He will keep the Agency and the Commission informed, by such means as he considers most appropriate, of the work done by each side in which both have a common interest.

In addition, frequent direct contact should be arranged between the Conciliation Commission on the one hand and the Director of the Agency and the Advisory Commission on the other.