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RELATIONS BETWEEN
THE CONCILIATION COMMISSION
AND UNRWA

Analysis of Relevant Texts of Assembly Resolutions

(Working paper prepared by the Secretariat)

A. "Facilitating" reintegration

1. In view of the resolutions passed by the General Assembly in December 1950 (See Annex), it seems desirable to define more clearly some of the relative functions of the Conciliation Commission and UNRWA in order to ensure the most friendly and fruitful co-operation between the two organisations.

2. Paragraph 2 of the resolution of 14 December 1950 (A/1754) directs the Conciliation Commission to establish an Office which, under the direction of the Commission, shall

- (a) make arrangements for the assessment and payment of compensation to refugees, and
- (b) work out practicable arrangements for the implementation of the other objectives of paragraph 11 of the General Assembly resolution of 11 December 1948.

Paramount among these "other objectives" is the Commission's task of facilitating the "repatriation, resettlement and economic and social rehabilitation of the refugees".

3. On the other hand, paragraph 5 of the resolution of 2 December 1950 (A/1603) instructs UNRWA to establish a reintegration fund which shall be utilized for projects requested by any government in the Near East and approved by the Agency for the permanent re-establishment of refugees. (The correlated paragraph 4 of the same resolution defines that such re-establishment shall be brought about either by repatriation or resettlement. It also states that this re-establishment of refugees shall not prejudice the provisions of paragraph 11 of the General Assembly resolution of 11 December 1948).

4. While the Conciliation Commission has thus been charged with the general task of facilitating the re-establishment of the refugees, UNRWA has been given the more specific task of "facilitating" their re-establishment by appropriating and administering a reintegration fund.

5. It appears, therefore, that in the light of the recent General Assembly resolutions the term "facilitate" must now be carefully re-defined if an overlapping of tasks of the two organizations is to be avoided.

6. The key to the required definition is seen in the phrase of paragraph 5 in A/1603, "requested by any government...". This phrase puts it up to the Near Eastern governments to take the initiative in requesting reintegration projects. However, the Conciliation Commission, by its terms of reference, has the opportunity of raising the issue in negotiations with the governments, of promoting the submission of such projects to UNRWA, and of thus facilitating the re-establishment of refugees in accordance with paragraph 11 of the resolution of 11 December 1948.

7. The desirability of such intervention by the Conciliation Commission is underscored by the fact that the readiness of Near Eastern governments to request projects under the reintegration fund may be made contingent on requests in other, predominantly political, spheres. For example, it is possible that an Arab government would be prepared to submit a reintegration project if, at the same time, machinery is set into motion to secure compensation for the resettled refugees. Or Israel may express readiness to reintegrate within her borders some refugees, with the aid of the reintegration fund, if Arab governments consent to discuss political aspects of the Palestine problem.

8. It seems, therefore, desirable that the Conciliation Commission should now interpret the term "facilitate" - as applied to the reintegration of refugees - as meaning: to negotiate with governments their readiness to request the utilization of UNRWA's fund for reintegration projects.

B. Compensation and Reintegration Fund

9. All matters concerning compensation fall clearly under the exclusive jurisdiction of the Conciliation Commission and its refugee Office according to the resolutions passed by the General Assembly. It is, however, possible that in the practical implementation of reintegration, certain uses of the UNRWA re-

integration fund and of compensation payment will overlap, because re-establishment may be financed by the reintegration fund or through compensation payments, and in some instances may be financed out of both sources. Discussions between UNRWA and the Conciliation Commission will have to establish an effective procedure to be applied to projects which involve financing out of both sources.

C. Conclusions

10. As far as the refugee problem is concerned, United Nations bodies in the Near East have been given three specific tasks;

- (a) to provide interim relief and work-relief for the refugees;
- (b) to implement the Assembly recommendation that compensation should be paid for loss of or damage to property;
- (c) to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees, bearing in mind the General Assembly's recommendation that refugees wishing to return to their homes etc. should be allowed to do so at the earliest practicable date.

11. Point (a) falls clearly and entirely under the jurisdiction of UNRWA.

12. Point (b) falls clearly and entirely under the jurisdiction of the Conciliation Commission. It will, however, be necessary to establish a procedure to be applied to reintegration projects which involve double financing out of UNRWA funds and compensation payments.

13. As for point (c), it seems that its political implementation falls under the jurisdiction of the Conciliation Commission, its technical implementation under the authority of UNRWA.

14. For all practical purposes that would mean that the Conciliation Commission would limit its functions to negotiating with governments the general conditions under which they would submit reintegration projects to UNRWA. The approving of such projects and their technical implementation would be entirely within the province of UNRWA.

If these definitions are accepted and maintained, no misunderstanding is likely to occur between the two organizations; indeed, the Conciliation Commission would be in a position of rendering a valuable service to UNRWA by promoting, through political

negotiations, the submission of reintegration projects. On the other hand, UNRWA would be in a position to render an equally important service to the Commission by carrying out reintegration projects whose success would, no doubt, greatly improve the atmosphere in which the Commission has to carry out its political task.

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

Annex

RELEVANT EXCERPTS FROM GENERAL ASSEMBLY
RESOLUTIONS - FOR DISCUSSIONS WITH UNRWA
CONCERNING PRACTICAL ARRANGEMENTS FOR
COLLABORATION

1. United Nations Relief and Works Agency:

a) Resolution of 8 December 1949:

"...7. Establishes the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

(a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission;

(b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available.

20. Directs the United Nations Relief and Works Agency for Palestine Refugees in the Near East to 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; "

b) Resolution of 2 December 1950:

"...4. Considers that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, is essential in preparation for the time when international assistance is no longer available, and for the realization of conditions of peace and stability in the area;

5. Instructs the Agency to establish a reintegration fund which shall be utilized for projects requested by any Government in the Near East and approved by the Agency for the permanent re-establishment of refugees and their removal from relief; "

2. Palestine Conciliation Commission:

a) Resolution of 11 December 1948:

"...11. RESOLVES that the 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, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to the property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

INSTRUCTS the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations; "

b) Resolution of 14 December 1950:

"...2. Directs the United Nations Conciliation Commission for Palestine to establish an office which, under the direction of the Commission, shall:

- (a) Make such arrangements as it may consider necessary for the assessment and payment of compensation in pursuance of paragraph 11 of General Assembly resolution 194 (III);
- (b) Work out such arrangements as may be practicable for the implementation of the other objectives of paragraph 11 of the said resolution;
- (c) Continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees. "