

GENERAL COMMITTEE

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SUMMARY RECORD OF A MEETING BETWEEN
THE GENERAL COMMITTEE AND
THE DELEGATION OF ISRAEL

held in Lausanne on Wednesday,
29 June 1949, at 4.p.m.

Present : Mr. de la Tour du Pin (France) - Chairman
 Mr. Eralp (Turkey)
 Mr. Wilkins (U.S.A.)

 Dr. Azcàrate - Principal Secretary
 Mr. Milner - Committee Secretary

 Mr. Elias Sasson }
 Mr. Gershon Hirsch } - Representatives of
 Israel

Consideration of the reply dated 27 June of the Israeli Delegation
(document IS/31) to the memorandum dated 18 May of the Arab
Delegations (document AR/8)

Mr. SASSON said that his delegation had no objection to the Commission communicating the stand taken by the Israeli delegation to the Arab delegations. He thought it would be preferable, however, to follow a procedure which had already been used and to submit those views in the form of a memorandum rather than as a copy of Dr. Eytan's letter (document IS/31). He also thought it preferable for the Israeli delegation to see a copy of the memorandum before it was sent to the Arab delegations.

Commenting on the first of the nine points dealt with in Dr. Eytan's letter, he agreed that his delegation had stressed the fact that the orange groves had fallen into a state of dereliction beyond recovery. That was a conclusion which had been reached after much study. It should not be considered final however. It was in the Israeli Government's own interests to make further examinations and to see whether a larger proportion of the groves could not be saved. The Israeli expert on the matter,

Mr. Lifshitz, had said that 25 per cent of the groves could still be cultivated. All possible efforts would be made to increase that proportion.

Mr. Sasson drew the Committee's attention to the following two sentences of point 1 of Dr. Eytan's letter: "Apart from these specific considerations, the Commission will recall that it is my Government's policy not to favour the re-admission of Arab refugees unless it be in the context of a peace settlement. This policy applies to the owners of orange groves and to their workmen and technicians as much as it does to any other category of refugees." He pointed out that those sentences had been included for the Commission's information but that it would be advisable to omit them before submitting the Israeli views to the Arab delegations.

With regard to point 2, his delegation would consider it of extreme importance if a positive reply could be obtained from the Arab States in connexion with the two Arab banks which had transferred their funds to countries outside Israel.

Mr. HIRSCH hoped it was clear that his delegation wished the remarks made at the present meeting to be incorporated in the memorandum to be sent to the Arab delegations.

Commenting on point 1, he said that, inasmuch as it was clear from subsequent research and examination that some groves could be recovered, his Government would be willing to employ Arab labour at present in Israel for that purpose. Unemployment was not heavy but it did exist to a certain extent. The question of the state of the groves could be looked into further in Israel by Israeli experts and the Commission's Technical Committee on Refugees.

He wished to lay particular stress on the statement in point 5 of Dr. Eytan's letter to the effect that compassionate cases would be considered. That phrase had a deep and sincere significance and showed that the reply was in no way intended to be restrictive in character. In the absence of any existing definition of a family, his Government had put forward one which it believed to be reasonable and basic.

Mr. SASSON drew the Committee's attention to the statement in point 5 that there could be no guarantee that the families would be reunited actually "in their homes". Through changed circumstances, the breadwinner of the family might find himself working

and living in a locality other than that which was originally his home. His family could join him there but it would not follow that they would be able necessarily to return to their former home before the war. He wished to be absolutely frank on that score and make the Israeli Government's commitments quite clear.

With reference to the first and second points in Dr. Eytan's letter of June 27, Mr. WILKINS wished to refer to the General Committee meeting of June 14. At that time Mr. Sassoon and Mr. Hirsch had given further details relating to the return of orange grove workers and the care of orange groves as well as the unblocking of Arab accounts in Israel.

Mr. Wilkins recalled that the Israeli delegation had explained that Israel was unable to consider the return of refugees including orange grove workers outside the context of a general peace settlement but that certain limited steps would be taken to preserve the orange groves. In the latter connection it was pointed out that Israel had a general economic plan which might provide for less than the former acreage in orange groves. As a result, some Arab orange groves, including those lacking care or destroyed, would probably be put to other use.

Mr. Wilkins also recalled that the Israeli delegation had stated that present Israeli currency regulations would prevent the unblocking of Arab accounts. It was at that time that the Israeli delegation made its suggestion regarding the funds of the International Red Cross. Mr. Wilkins said that in the opinion of his delegation, the Israeli views regarding orange groves and blocked accounts appeared to be a clear violation of the spirit of the General Assembly's resolution of 11 December 1949. It was true that all States had the right to confiscate the property of their own citizens. On the other hand, the applicable portions of the Assembly's resolution were based on equity as well as law. Refugees had a position equivalent to that of aliens whose property was entitled to protection. Meanwhile Arab property should not be misused contrary to the principles of law or equity.

Mr. Wilkins noted that Dr. Eytan's letter of June 27 made no reference to care as previously described on June 14. Mr. Wilkins wondered whether such care was still in effect.

Regarding the return of orange grove workers, Mr. Wilkins understood that in general refugees could not return outside the context of a peace settlement. He wondered, however, whether orange grove workers could not be made an exception as might be the case with regard to separated families.

Mr. Wilkins inquired whether it would be possible for a Mixed Israeli-Arab Commission under United Nations chairmanship not only to handle the return of workers but also to make arrangements for the care of orange groves.

Regarding blocked accounts, he asked whether the term "resident", as used in paragraph 2 line 4 of Dr. Eytan's letter, was equivalent to "refugee". He wondered if it was to be understood that accounts of such persons were frozen whereas those of Arabs in Israel were not.

Mr. SASSON said that interpretation was correct. He saw no contradiction between the statements made by the Israeli delegation on 14 June and the letter sent by Dr. Eytan. Regarding the efforts to be made for the preservation of orange groves, he pointed out that there would be no need to import workers or technicians for such a task since there were sufficient, both Arab and Jews, in Israel itself. Indeed many Arabs were already employed on the work.

In connexion with the Israeli economic plan, he reminded the Committee that any scheme to convert orange groves to industry or to any other form of production was part of the economic development of the State. Any such conversion would affect Jews as well as Arabs if necessary and did not in any way aim at depriving Arabs of their property.

He was fully acquainted with the General Assembly's resolution of 11 December which covered the refugee question but did not make any provision for internal economic planning in Israel.

On the question of separated families he said that an official statement would be issued by his Government within a few days, making provision for their return independently of a peace settlement.

Mr. WILKINS said he had not stated there was any contradiction between Mr. Sasson's remarks on June 14 and Dr. Eytan's letter of June 27; nor that there was any reference to Israel's internal economic planning in the General Assembly's resolution. He had approached the problem of orange groves and frozen accounts in the spirit of the resolution. That resolution provided that refugees should be permitted to return. Meanwhile international law and equity required protection of their property. Those refugees who decided freely not to return were entitled to compensation under international law and in equity.

Mr. HIRSCH, in reply, said the position of the Custodian of absentee property had been in no way changed. Any proceeds from the export of fruit was being held for the owners in the blocked accounts. The main problem was to decide which of the groves were recoverable and that could be ascertained by the Technical Committee in co-operation with the Israeli liaison officers who had been appointed.

With regard to the question of the repatriation of those connected with the orange groves, he wished to point out, without prejudice to any decision which might be taken later, that the Israeli Government had agreed to the return of members of separated families only, since that had been accepted as an urgent humanitarian problem. The administrative working of that scheme would be noted but, in any case, the Israeli Government did not think the case of the owners of groves was either a humanitarian or economic consideration since the groves were being looked after.

On the question of blocked assets and releasing funds to an international organization, he said that his Government had considered the present proposal for reciprocity as the best way of approaching the Arab delegations.

He wished to make it clear to the Committee that if in Dr. Eytan's letter the word "compensation" was not used, it was because it did not appear in the Arab nine-point memorandum, but naturally his Government's assurances still stood to the effect that compensation would be paid for land abandoned. Differences would have to be made with regard to movable property. With regard to houses and groves, some acceptable formula must be found. It was of course understood that his Government did not accept responsibility for war damages. He assured Mr. Wilkins that his delegation would bear in mind the international legal arguments which he had mentioned.

Mr. ERALP could not reconcile the reservations made in point 5 of Dr. Eytan's letter with the spirit of the General Assembly resolution. He thought the only case for a refugee not to be able to return to his home should be when that home had been destroyed and, in that case, he would naturally receive compensation. Otherwise he considered the resolution should be interpreted literally. He also found it difficult to reconcile the statement in point 8 of the letter to the effect that it was not possible to give free rein to the custodians to manage Wakf property at will, with the maintenance of property rights.

He supported the representative of the United States in asking the Israeli delegation to make an exception and allow the workers and owners of orange groves to return.

The CHAIRMAN, on the question of the procedure to be followed in communicating Dr. Eytan's statement to the Arab delegations, agreed to omit the last two sentences of point 1. The General Committee would decide what procedure it would adopt, but he could assure the Israeli representatives that the Committee would act with the greatest caution, as it had always done.

With regard to Dr. Eytan's frank remarks that it might not be possible to repatriate refugees, the Committee had thought it wiser not to communicate that to the Arab delegations since it would certainly have hampered negotiations. Speaking for the French delegation, he considered such an attitude contrary to the spirit of article 11 of the General Assembly's resolution. He supported Mr. Eralp in thinking the question of the return of the refugees to their homes to be one of capital importance which would also greatly influence the problem of separated families.

In connexion with the destruction of the orange groves, he pointed out that the financial problem of compensation would have to be dealt with and some satisfactory basis found for calculating the value of the groves.

Mr. SASSON said that according to his understanding of the resolution, it did not require the return of each individual refugee to his own house or to his own orange grove. He thought it possible to interpret "home" in this case as meaning mother-country, in the same way that the Balfour Declaration spoke of the "National Home". He thought the resolution should be studied very carefully on this point, in a special refugee sub-committee such as his delegation had proposed. He did not see how Israel could be asked to return a refugee to his own house if that house had been destroyed, or to move him back to his village of origin if he was at present installed and earning his living elsewhere.

If the Commission accepted his two suggestions, for the constitution of a refugee sub-committee and the examination of the resolution article by article, and forwarded those suggestions to the Arab delegations, Mr. Sasson thought it would be possible to solve many of the problems involved in the refugee question.

Commenting on Mr. Sasson's reply, Mr. ERALP thought that even if an Arab were at present established elsewhere than in his original home, the circumstances in which he had left that home, and his present desires as regards returning to it or remaining in his new location, should be taken into consideration. He could not interpret "home" in the present case as being other than the refugee's own original property.

On the subject of compensation and responsibility for war damage, Mr. Eralp thought a clear distinction must be made between that responsibility as regards reparations and as regards the rights of individuals. Both sides had a definite international obligation to protect the rights of individuals.

Mr. Eralp thought Mr. Sasson's two suggestions were useful ones which deserved study.

The CHAIRMAN asked whether, in transmitting the Israeli reply to point 1 of the nine-point memorandum, the Committee might indicate that the groves were for the most part in very poor condition, but that the presence of the Technical Committee in Palestine and the establishment of close liaison between it and the Israeli Government made possible the receipt of further details regarding the situation.

Mr. HIRSCH said his delegation agreed fully to the substitution of such an explanation in place of the two sentences which he had asked to have deleted. If it were deemed useful, it could also be mentioned that Arab labour would be utilised in restoring the groves.

Turning to point 2 of the letter, the CHAIRMAN considered the idea of reciprocity introduced therein as a most interesting one. He pointed out that the Committee lacked information as to the amount of the accounts on either side; if the Israeli delegation could supply such information, the Committee would be grateful. He wondered also whether Mr. Hirsch's previous suggestion concerning possible use of blocked funds by the relief agencies would now be dropped.

Mr. HIRSCH said his delegation was not in a position to discuss the details of a plan at present; they preferred to obtain the opinion of the Arab delegations on the general principle

involved, before making a detailed study on the matter. His previous suggestion would remain a point to be studied, but his Government preferred for the time being to put the matter as it was in the letter.

In reply to a question from the Chairman, Mr. SASSON declared that the technical details of a plan could be worked out by Arab and Israeli experts working together; this could be one of the questions to be studied by the economic sub-committee which had been proposed.

In the same connection, Mr. WILKINS read extracts from a letter sent to the Commission by one of the Arab refugee groups (document ORG/19) proposing another plan.

Mr. SASSON asked that the proposal read should be communicated to his delegation in writing. He thought both proposals could be studied together.

The CHAIRMAN observed that the Committee would transmit Dr. Eytan's proposal in its entirety to the Arab delegations, at the same time informing them that the refugees' proposal had been communicated to the Israeli delegation, which would study both together.

With regard to paragraphs 3 and 4 of the letter under discussion, the Chairman thought they could be transmitted with the comment that present conditions did not permit the Government of Israel to modify the existing legislation.

As regards paragraph 5, he asked whether upon his return a refugee could be assured of receiving a certificate which would end his absentee status and enable him to have access to his property now in custody. Paragraph 5, moreover, was based upon the assumption that the father of the family was in Israel; in a case where the mother and children were in Israel and the father outside, he wondered whether the father would be re-admitted.

Mr. SASSON stated, in reply to the first question of the Chairman, that all Arabs who returned to Israel would automatically become citizens of Israel and would therefore have equal rights with all other Israeli citizens. In answer to the second question, he pointed out that there might be a question of security involved. Such a case, as well as others

involving widows, elderly dependents, etc.. would be taken up on its own merits as a special case, upon application to the Government of Israel. In reply to a further question from the Chairman, he said that the age-limit for children to be re-admitted would be 18 years. He hoped that all such details would be set forth in the official announcement which his Government intended to publish shortly on the question.

In reply to a question from the Chairman as to whether a joint Arab-Israeli-United Nations commission might not be of assistance in the administration of such a project, Mr. SASSON said that according to his understanding his Government's intention was to enlist the cooperation of the Mixed Armistice Commissions, which had already had experience of a similar nature in arranging the transfer of prisoners of war.

Concerning paragraph 9, the CHAIRMAN asked whether it could be understood from this that any refugees who chose to return were thereby choosing Israeli citizenship.

Mr. SASSON replied that that was the case, provided they had no other nationality.

The CHAIRMAN desired to bring to the attention of the Israeli delegation an incident which had been reported to the Commission the preceding day by the head of the Hashemite Jordan delegation, concerning 1500 Arab villagers who were alleged to have been recently driven from their homes in the village of Baqa al Gharbiya, in the Tulkarm region of central Palestine. The Commission had asked the Hashemite Jordan delegation to obtain full particulars of the incident, and he now asked the Israeli delegation whether they could furnish any information. The Committee would like an eventual reply on the matter from the Israeli delegation.

Mr. SASSON replied that his delegation had no information on the matter, but that he would inform himself.

Mr. Sasson then made a brief declaration concerning the matter of Israel's frontiers. He recalled that at an earlier meeting Mr. Lifshitz had made certain explanations of Israel's reasons for asking for a particular frontier with Lebanon. Mr. Lifshitz had also made some confidential comments, omitted from the record, concerning the canal, and had stated that the implementation of the plan did not require the use of the waters

of the Litani. In spite of the confidential nature of those remarks, the Israeli delegation had expressed its willingness that the Committee should explain its point of view to the Arab delegations. A few days later, however, the entire plan had appeared in the Lebanese press, which had taken the opportunity of stating that Israel was making claims against Lebanon. The matter had even, he understood, been the subject of discussion in the Lebanese parliament. Mr. Sasson wished to take this occasion to state categorically that Israel entertained no claims upon nor ambitions concerning the Litani or Lebanese territory. He requested the Committee to transmit his formal official statement to the Lebanese delegation.

The CHAIRMAN recalled that Mr. Lifshitz' remarks had not been transmitted officially to the Arab delegations by the Committee; those delegations had simply been informed of the general boundary line favoured by the Israeli delegation. He pointed out also that Lebanese fears regarding the Litani were of long standing; he himself had heard similar rumours in Beirut three months before. In any case he felt certain that the Lebanese delegation in Lausanne was not connected in any way with the incident, and he promised to convey Mr. Sasson's statement to that delegation verbally.