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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

Note dated 2 April 1953 addressed to the Conciliation
Commission for Palestine by the Ministry for Foreign
Affairs of the Hashemite Kingdom of Jordan

The Ministry of Foreign Affairs of the Hashemite Kingdom of Jordan presents its compliments to the United Nations Conciliation Commission for Palestine and has the honour to inform it of a serious matter which has come to its attention concerning the property of the Arab refugees from Palestine now in the possession of Israel. The Government has learnt from various sources that the Israel authorities have lately begun to dispose of the property of the Palestine refugees who were driven from their country by the events in Palestine, and that the proceeds are being handed over to the department in Israel concerned with settling Jewish immigrants.

The Government is greatly concerned at these reports realizing that this action constitutes a flagrant violation of the most elementary principles of law, justice and equity. The Commission is well aware that the refugees, as the original owners of their homes, are alone legitimately entitled to sell their property; any transaction of this kind which does not have their consent is null and void and is an act of confiscation not recognized by law. An aggravating circumstance is that the proceeds from this property are being used to finance the settlement of Jewish immigrants at a time when the owners of the property are unable to dispose of it or enjoy its produce. They have spent five years in misery and privation, with nothing to supply their needs save what they receive from the United Nations Relief and Works Agency.

The Ministry of Foreign Affairs wishes to point out to the Commission that, whatever the reasons and circumstances that led these refugees to leave their homes, their property rights cannot be affected in any way, especially as they

and their property existed in Palestine before any authority. International law enjoins respect for the property rights of citizens, regardless of changes in the situation and the authorities in their country. Moreover, the Declaration of Human Rights unanimously adopted by the United Nations speaks of respect for property rights, and article 17 of that Declaration states that no one shall be arbitrarily deprived of his property.

The Ministry of Foreign Affairs wishes to remind the Commission that the resolution on Palestine adopted by the United Nations on 29 November 1947 contained appropriate guarantees to safeguard the property rights of the Arabs against any violation. We need only point out that under section C of that resolution no law, regulation or official action may interfere with those rights. Israel has no right to violate the most important principles underlying that resolution, since Israel's foundation is based on it.

The Commission will undoubtedly recall that the General Assembly, in paragraph 11 of its resolution of 11 December 1948, confirmed the property rights of the refugees and restricted equitable compensation to those choosing not to return home. Israel cannot lawfully take power to sell refugees' property without their permission and consent. It is plain that the Conciliation Commission has clear responsibilities towards the refugees and their rights. Under paragraph 11 of the above-mentioned resolution the Commission was instructed to facilitate the repatriation of the refugees, to enable them to dispose of their property, and to promote their economic and social rehabilitation. In that same paragraph the United Nations appointed the Conciliation Commission as the guardian of the rights and property of the refugees, to be responsible in the name of the United Nations for helping the refugees to exercise all their rights.

This task was confirmed in paragraph 2(c) of the resolution of 14 December 1950, whereby the Conciliation Commission was directed to continue consultations with the parties concerned regarding measures for the protection of the rights and properties of the refugees.

The Commission is well aware that the property in Palestine of the Arab refugees has a value of hundreds of millions of pounds sterling. The refugees have left behind them towns, villages, farms and factories which constitute the greater part of the country's wealth. Israel cannot apply with respect to their

property the procedure normally applicable in the case of absentees. Since those refugees are insistently demanding to return to their homes they cannot be regarded as absentees; it is Israel which is now imposing on them the status of absentees, in violation of the United Nations resolutions.

In these circumstances the Jordanian Government feels bound to submit this memorandum to the Commission, in the hope that the Commission will give the matter its closest attention and take the necessary urgent steps to protect the property of the refugees and prevent its sale.

In conclusion the Jordanian Government wishes to state that this action by Israel is not calculated to assist the Commission in the discharge of its responsibilities under the resolutions of the United Nations, and flouts the basic principles of justice and human rights. The Government hopes that the Commission will keep it informed of the steps it undertakes in this connexion.
