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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

SUMMARY RECORD OF A MEETING BETWEEN THE CONCILIATION COMMISSION  
AND THE DELEGATION OF ISRAEL  
Held at the Hotel de Carillon, Paris,  
On Wednesday, 14 November 1951  
at 10.45 a.m.

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- Comments of the delegation of Israel concerning the points raised in the statement made by the Chairman of the Conciliation Commission on 26 October 1951 ( [SR/PM/10](#) )

PRESENT

|                       |                 |                          |
|-----------------------|-----------------|--------------------------|
| <u>Chairman</u> :     | Mr. PALMER      | United States of America |
| <u>Members</u> :      | Mr. MARCHAL     | France                   |
|                       | Mr. ARAS        | Turkey                   |
| <u>Alternates</u> :   | Mr. BARCO       | United States of America |
|                       | Mr. DE NICOLAY  | France                   |
|                       | Mr. TEPEDELIN   |                          |
| <u>Secretariat</u> :  | Mr. De AZCARATE | Principal Secretary      |
| <u>Also Present</u> : | Mr. FISCHER     | Israel                   |
|                       | Mr. NAJAR       | Israel                   |
|                       | Mr. DIVON       | Israel                   |

COMMENTS OF THE DELEGATION OF ISRAEL CONCERNING THE POINTS RAISED IN THE STATEMENT MADE BY THE CHAIRMAN OF THE  
CONCILIATION COMMISSION ON 26 OCTOBER 1951 ( [SR/PM/10](#) )

The CHAIRMAN welcomed the members of the Israel delegation and said the Commission would be glad to hear its comments concerning the Commission's proposals and the explanations given by the Chairman on 26 October.

Mr. FISCHER (Israel) read the following statement:

"In [my letter of 7 November 1951](#), in reply to the [Commission's letter of 31 October 1951](#), I stated that the delegation of Israel was prepared to submit to the Conciliation Commission its comments on the questions dealt with in your communication of 26 October.

I now have the honour to submit those comments.

Before doing so, I feel it advisable to point out that the supplementary explanations of the Commission's proposals that you gave to the Israel delegation on [26 October](#) did not refer to the preamble which formed part of the document handed to that delegation on [21 September](#).

The text of the preamble is indeed perfectly clear, and the fact that it has been accepted by the Israel delegation and rejected by the Arab delegations shows unequivocally the respective intentions of the governments invited to this conference.

The position of the Government of Israel on this matter has already been made known to the Commission.

However, I should like to recall that the Israel delegation had at one time hoped that it would be possible for the preliminary declaration requested by the Commission to take the form of non-aggression pacts

between Israel and each of the four Arab States concerned.

On 5 October, while still unaware of the inadmissible proposal put forward by the Arab delegations on 3 October 1951, the Israel delegation told the Commission, substantially, that it was worth while attempting to persuade the Arab delegations to agree to the signature of such pacts, but that if such efforts proved unsuccessful it would not insist on the contractual form it had proposed and would accept the Commission's text. Insofar as it may be necessary, the Israel delegation now restated its acceptance of that text.

I now turn to the various points dealt with in your explanatory statement.

1. The Israel delegation considers it impossible to discuss, or even to refer to, the question of the damages resulting from the war undertaken by the Arab States against the State of Israel without speaking of the fact of Arab aggression. No discussion is necessary to prove this fact, which is recognized by international public opinion and by the Security Council.

It is an established fact that both before and after the resolution of the United Nations general assembly of 29 November 1947 the Arab States loudly proclaimed their intention of destroying the Jewish State by force of arms; that Arab bands fired the first shots in Palestine after 29 November 1947 and that as early as December 1947 armed groups from the Arab States infiltrated into the country and carried out large-scale military actions. Finally, it is a fact that on 15 May 1948, the day after the end of the British Mandate and the proclamation of the State of Israel, regular troops of the Arab States crossed the frontiers into Palestine from every side. The resulting Arab-Israel war involved human misery, sorrow and destruction, outside the borders of the Arab States and within the borders of Israel.

The Arab States still maintain that a state of war exists between them and the States of Israel. They openly claim the right to undertake any acts of hostility against Israel not requiring the direct use of armed force, and are carrying on against that State economic warfare and a blockade of international waterways.

Arab aggression against Israel is thus still continuing, in violation of the Armistice Agreements concluded under the auspices of the United Nations, and in violation of decisions of the Security Council and the Charter of the United Nations.

The Israel delegation does not see how it would be possible to examine the problems outstanding between Israel and the Arab States if these essential and undeniable facts are passed over.

To wish to ignore these facts is just as unthinkable as to wish to ignore the fact that in 1914 it was Germany that violated Belgium's neutrality or that twenty-five years later it was the Third Reich that invaded Poland.

The United Nations recently decided that North Korea had been guilty of aggression against South Korea. On the basis of that decision, United Nations forces went to the assistance of the South Korea military forces. Could any United Nations body now fail to take into account, in studying the question of Korea, the responsibility for the conflict as defined by the United Nations?

The Israel delegation cannot agree with the view that to waive war damages would be in accordance with the general principles and purposes of the United Nations.

Those principles and purposes are to prohibit or to prevent the resort to force or threats in international relations. It would appear to be an elementary consequence of those principles and purposes that States violating them should be held responsible for damage caused by their actions.

Once the fact of Arab aggression against the State of Israel has been established there can be no justification for freeing the Arab States from responsibility -- not only moral but also material -- for their acts of belligerency.

For these reasons, the Israel delegation considers that the question of war damages is undoubtedly of the utmost importance and that it should be included in the agenda of eventual negotiations between Israel and the Arab States.

2. It is a basic principle of public international law that in certain fields, in particular those of military, political and economic security, States exercise absolute sovereignty. Each State is in command of and responsible for the protection and control of its frontiers and the maintenance within those frontiers of the conditions necessary for the well-being and security of its population. Those are matters which fall essentially within its national jurisdiction.

In the light of these principles, and of existing conditions, the Government of Israel would be failing its fundamental responsibilities if were to open the frontiers of the State of Israel to the Arab masses who have left the country since 29 November 1947.

The State of Israel is no longer the same country which this Arab population left during the hostilities, and major considerations of security and of political and economic stability stand in the way of their return.

The political and military war launched by the Arab States had certain material and psychological consequences which have not disappeared but, on the contrary, have become worse.

Those who, deluded by the Arab leaders, chose to leave through fear or in the hope of a speedy victory by the Arab armies, are today even further estranged than in 1948 from the population of Israel, which chose to resist, which imposed the existence of its State and which is unremittingly continuing its constructive work in spite of the violent antagonism of the Arab States.

Until this day the majority of these Arabs who immigrated into countries under Arab control are living in camps or in restricted areas in conditions which are hardly likely to pacify them, and for which the very States that claim to be their protectors are responsible.

In those circumstances the possibility of their integration into the national life of Israel is incompatible with the realities of the situation.

Therefore the daily increasing responsibility for the normalization of the life of these Arabs and for their resettlement devolves upon the Arab States and not upon the State of Israel.

The policy of the Arab Governments has also provoked another exodus: that of almost 200,000 Jews belonging to ancient communities in the Near East who have had to flee from intolerable living conditions in order to save their lives and to recover their dignity in Israel.

Deprived of their property almost without exception, they find in the State of Israel the welcome, the

brotherly support and the citizenship which they had a right to expect.

This represents a positive contribution by Israel towards a solution of the difficulties caused by the movements of population resulting directly or indirectly from the Arab-Israel war, and should be carefully taken into account.

On the other hand, the creation -- from now on an artificial one -- of a large Arab minority in the State of Israel would be detrimental to the interests of peace and stability in the area, particularly in the existing atmosphere of tension in the Middle East. Finally, it is clear that it would not be possible, even in principles, to suggest that the State of Israel should contemplate opening its frontiers to any Arab population when the Arab States consider themselves at war with Israel and refuse to take the steps towards peace recommended by the United Nations General Assembly and by the Security Council.

The Israel delegation today reaffirms that intention.

This question should certainly be discussed in a concrete way between the Government of Israel and the Conciliation Commission or any other United Nations body appointed for that purpose. The Israel delegation considers it indispensable that in such discussions the evaluation of abandoned Arab lands should be taken up first. To that end exchanges view with the Commission would be necessary, and the Israel delegation is ready to start them immediately.

This evaluation will be an important factor in the determination of the extent of Israel's contribution. Other no less important factors will, however, also have to be borne in mind.

The fact that there is abandoned Arab property in Israel is a direct consequence of the war undertaken by the Arab States against the State of Israel. It is not by virtue of a land transaction entered into at a time freely chosen and under conditions freely agreed to, that these lands are in the possession of the Israel authorities. Moreover, the state of preservation and the conditions of exploitation of the property were seriously affected by the military events of 1948 and their consequences. The problem of abandoned Arab property cannot be completely dissociated from the facts of the Palestine war and the responsibility of those who set it in motion.

Moreover, the total Israel contribution and the methods of payment will be directly dependent on the capacity of the State of Israel to meet this charge mainly resulting from the Arab war, without harming its economic stability. The economic warfare carried on against the State of Israel by the Arab States, the blockade of the Suez Canal and the economic blockade are essential factors in estimating that capacity. Likewise, the hostile policy of the Arab Governments towards their Jewish minorities has resulted in a rapid collective exodus of these minorities to Israel, thus imposing heavy material charges on the Government of Israel.

Finally, it cannot be forgotten that not only are there Arab lands abandoned in Israel territory but there are also Jewish lands abandoned in territory under Arab control, and that, further a large amount of property was also abandoned by its Jewish owners in certain Arab States, in particular Iraq.

In any event, final agreement regarding the total Israel contribution to compensation for abandoned Arab property will, in the opinion of the Israel delegation, have to put an end to the whole problem of the Arab refugees in all its aspects, both humanitarian and material, so far as the State Of Israel is concerned. More particularly it is to the United Nations body charged with settling the question of compensation that the Arab owners concerned will have to address any individual claims they may have.

4. The Conciliation Commission is aware that the question of unfreezing blocked accounts in Egypt, Jordan, Lebanon, Syria and Israel is the only one on which direct negotiations have taken place between Arab and Israel delegates under the auspices of the Commission. Those negotiations resulted, in February 1950, in a technical agreement made possible by the conciliatory attitude of the Israel Government. This agreement, however, could not be put into practice owing to lack of co-operation by the Arab Governments in implementing it.

Since that time serious events have taken place in Iraq. Almost all the Jews of that country have immigrated to Israel. They have been deprived of their property and their assets have been frozen. Any settlement of the question of blocked accounts which might well result from the present discussions, would therefore have to include the freeing of Jewish accounts blocked in Iraq.

5. The Israel delegation has had the opportunity of expressing its Government's concern that the integrity of the armistice system set up under the auspices of the United Nations should be preserved. The Israel delegation welcomes the initiative taken by the Commission in asking the parties to meet as soon as possible for the purpose of extending the scope of the 1949 Armistice Agreements.

It is true that such an extension of the Armistice Agreements would not constitute peace, but at the very least, it would represent a further step towards the establishment of peace and would thus be in conformity with the decisions of the Security Council.

It would, however, be necessary, fore considering any extension of the Armistice Agreements, first to ensure that the Arab Governments signatory to these Agreements will respect them in their present form and in conformity with the decisions of the Security Council.

The Commission lists a certain number of questions which it suggests might usefully be included in the agenda of possible negotiations. The Israel delegation hereby declares that the Government of Israel will not fail to give careful consideration to the Commission's suggestions when an agreement between Israel and the Arab States on the agenda for these negotiations is discussed.

The Commission's suggestions obviously do not have to be retained *in toto* or without amendment.

For instance, it does not seem to the Israel delegation that the question of territorial adjustments should be discussed at the same time as that of the demilitarized zones; the control of the waters of the Jordan and Yarmuk rivers does not require the creation of an international authority but should merely be the subject of direct agreements between the riparian States; the nature and conditions of the facilities to be granted in the port of Haifa must be studied with a view to a possible arrangement concerning them being included in a general agreement regarding economic relations between Israel and the Arab States.

However that may be, those are problems which can best be fully analyzed during the discussion of the agenda for the proposed negotiations.

In conclusion, the Israel delegation wishes to say how much the explanations given by the Commission on

26 October have contributed towards the progress of the discussions. The Israel delegation has been able, without changing its attitude as defined at the [meeting on 26 October](#), to express its views concerning those explanations all the more freely, since the Commission's proposals were submitted to it not as a rigid formula for a settlement but as a series of suggestions intended to guide the parties in the establishment of the agenda for possible negotiations."

The CHAIRMAN had listened with the greatest attention to the statement made by Mr. Fischer. For his part -- and he thought the other members of the Commission felt the same way -- he would like to examine the statement at leisure in order to be able to go more deeply into the various points dealt with.

For the present, therefore, he thanked the Israel delegation for having presented its comments to the Commission, which appreciated their importance.

*The meeting rose at 12 noon.*

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