

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINEGENERAL COMMITTEE

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

held in Lausanne on Tuesday,
 31 May 1949, at 11 a.m.

Present: Mr. de la Tour du Pin (France) - Chairman
 Mr. Yenisey (Turkey)
 Mr. Wilkins (U.S.A.)
 Mr. Milner - Committee Secretary
 Mr. Elias Sasson)
 Mr. Hershon Meron) - Representatives of
 Mr. Zalman Lifshitz) Israel
 Mr. Gershon Hirsch)

Mr. LIFSHITZ in explanation of previous Israeli proposals in regard to the boundaries of the Triangle, said the same problem presented itself as in 1936, when the Peel Commission had suggested the division of Palestine into two independent States. He himself had taken part in the 1936 discussions, as an expert of the Jewish Agency, which had submitted various amendments to the proposal advanced by the Commission, all based on the fact that the partition line, running from North and South, divided a plain area on the West from a hilly, though not mountainous area, on the East.

A line separating the hilly country from the plain would run zigzag, over broken ground, leaving to the East a number of hills commanding the coastal area the whole way from Ramle to Beisan. The Jewish Agency had therefore suggested a line running along the crest of the most westerly chain of hills. This suggestion had been motivated not only by the primary question of defence but also by economic considerations and certain problems connected with the land -- ownership of villages in the coastal area.

In regard to the economic, agricultural aspects of the question, a fundamental fact was that whereas the source of water were all in the North (the main tributaries of the Jordan), the land suitable for irrigation was all in the South. Any large-scale development scheme would have to relate the two. Though projects for carrying the water from North to South might vary, every scheme

without exception must be founded on a canal running from the North to a point in the Northern Negev. The scheme worked out by James Hayes, the well-known TVA engineer, a moderate scheme which did not attempt to exploit maximum potentialities, was founded precisely on such a canal which, starting fairly high, would run along the foothills of the coastal plain, carrying the water under gravity flow to the Gaza-Beersheba region of the Negev. Its course, indicated on a map which Mr. Lifshitz presented, was determined by the topography of the area. No other solution was possible. To the East of its course was only hilly country, (it would run East of Tulkarm, Qalqiliya and most of the villages of the coastal plain) so that West of it lay all the land requiring irrigation.

When partition had been suggested as a solution for the Palestine question, no one had envisaged the possibility of any scheme that did not take into account the actual distribution of population at the time of the proposal. Whereas in 1936, as in 1946-47, the main bulk of the Jewish settlements had been in the coastal plain (Eastern Galilee, the Jezreel Valley, the Beisan area), in 1947 a number of settlements had been established in the Northern Negev. It was impossible to draw a line of partition determined by purely ethnic criteria, such as would separate the two nations without including a number of Arabs in the Jewish State and vice-versa. All bodies that had dealt with the question of partition had had to face that problem. The Peel Commission in 1936 had sought to solve it by transfers of population, and had suggested concentrating the Jews in Galilee, the Jezreel Valley and most of the coastal plain, transferring the Arab population of those areas elsewhere. The UNSCOP line had been based on the assumption that a peaceful settlement would be possible; it had therefore provided for no compulsory transfers of population and had not taken economic or defence problems into account, in the anticipation that the two States would be economically united and have common defence services. The Jewish Agency had objected to both schemes, suggesting modifications some of which had been accepted, some rejected. Its opposition to the Peel scheme had been less radical, since the line of partition proposed approximated fairly closely the main course of the proposed canal. The UNSCOP scheme on the other hand failed to take the problem of irrigation into account, assuming even that the canal could run across national boundaries. The present position was that it was essential for the canal to run entirely through Israeli territory. Only Jewish areas would benefit by it so that it held no common interest for both parties. His delegation therefore had to insist that the necessity of keeping the whole course of the

canal within the State of Israel, with the inclusion of certain small areas to the East commanding the canal, should be taken into consideration in determining the frontier between Israel and the rest of Palestine. The scheme, he repeated, was a moderate one and provided for a minimum area of irrigation though other schemes existed which envisaged the irrigation of much larger areas, especially in the flat regions of the Negev. It was based on the conservation of only a part of the Jordan floodwaters and did not provide for water storage along the coastal plain or the use of large quantities of underground water. It required, however, a canal running a certain height above the coastal plain, thus determining a minimum frontier line.

A further agreement in favor of the line proposed was that many villages, (like Baqa el Gharbiya) were situated, as could be seen on the map, on the foothills, while their land extended deep into the coastal plain, in some cases even reaching the sea. That situation had various historical and social causes into which he did not propose to enter. If the frontier were to follow the line proposed by UNSCOP, such villages would be separated from their agricultural land, even though UNSCOP had sought to adjust the frontier-line to village boundaries, making it follow a very irregular course between hill villages and plain villages. The question had been discussed at Lake Success but no valid solution had been found; the land of 47 villages was divided between the Arab and Jewish States by the Partition Plan.

The irregular frontier proposed was not acceptable. They tried at Lake Success to persuade the Ad Hoc Committee and the First Committee of the Assembly to agree to adjustments, required by both purely agrarian and by defence reasons, but without complete success, mainly because the First Committee expected a peaceful implementation of its findings. This expectation had not materialized and therefore these two considerations arose again.

It was not by chance that the Jewish forces had stopped their advance at such a line as was now being proposed. Such a line had been their objective; they had no desire to encroach on the territory of the future Arab State. Had it been otherwise, the war would have had another outcome. The desire to assure to the State of Israel a boundary situated at the minimum height necessary for its defensive and economic requirements had guided its whole policy where the settlement of territorial problems was concerned. The line reached by the Jewish forces could be considered the right line

for such a boundary, with certain very small modifications to ensure the protection of the canal. That boundary was indispensable for the minimum defence plans of the State. It would constitute not indeed a strategic line, since the only possible strategic line was constituted by the Jordan, but a tactical line, sufficient for protection against raids and for the prevention of contraband. Such a line, running from Beisan along the Gilboa hills and touching the mountains of Samaria, would be acceptable to Israel. It practically coincided with the Armistice Line, which should therefore be considered as providing the basis for the future frontier in the area in question. More detailed proposals, with suggested rectifications, could be made at a later stage, but the line as it existed should be recognized as coming very close to what should form the permanent frontier between Israel and the Triangle.

Mr. Lifshitz wished to add that all the coastal villages and small towns had suffered during the war from the fact of finding themselves under sniper fire from the low hills to the East, bringing a threat to their communications. There was a danger that the State might be cut in two in the coastal plain. Therefore, it was essential that the low hills in question should come within the Jewish State.

Mr. YENISEY thanked the Jewish representative for his interesting statement on Israeli claims. He felt, however, that such claims were inconsistent with the Protocol of 12 May and its attached document which had been signed by the Commission and by both the Arab and Jewish delegations and which accepted the Partition Plan map as basis for further discussion. The Israeli proposal was to the effect that Israel should have twice the area of territory that had previously been accorded to it if the Negev were not taken into consideration. This proposal constituted too radical a departure from the original plan to be covered by the margin left for "territorial adjustments", which could be expected to imply only relatively small modifications. The General Committee would be unable to endorse a proposal that ignored a document signed by the Commission only three weeks earlier.

Mr. WILKINS stated that unless he was mistaken, the Israeli proposal for frontiers between Israel and Jordan in central Palestine was a proposal based on the Protocol of 12 May.

Mr. SASSON pointed out that the terms of the Protocol read "territorial adjustments"; it was not specified whether they were to be major or minor adjustments. The Israeli delegation could

re-phrase its proposals in such a way as to refer specifically to the Protocol and to define the suggested boundary point by point. He reminded the Committee, however, that before signing the Protocol Dr. Eytan had submitted a letter to the Commission (letter of 9 May 1949) stating that while his delegation accepted the Protocol and the attached map as a basis for discussion, it did not consider itself bound thereby to accept the frontiers drawn on the map. The Israeli delegation remained free to suggest other boundary lines or necessary modifications, as long as the map attached to the Protocol was taken as a starting point.

Mr. YENISEY felt that the reading of the term "territorial adjustments" to mean either major or minor adjustments was a free interpretation. In general, if the map in question was taken as a basis for discussion, it should be adhered to as closely as possible and should remain the basis and centre of all proposals advanced.

Mr. SASSON felt that the Israeli delegation must maintain the reservation stated by Dr. Eytan. If the Committee insisted on adhering closely to the Partition map and the Protocol, it would be necessary to return to discussions of the nature of the authority to be recognized in Arab Palestine, and the rights of the Arab States in that territory. The Israeli delegation could, if desired, return to its previous demand for evacuation of Arab troops from Palestine as a prerequisite to discussion of frontiers; it seemed, however, that such a course was impractical and would not advance the negotiations.

Mr. WILKINS recalled three reservations made by the Israeli delegation: one concerning Syria, one concerning release of information to the press, and the third regarding the right of either side to present its views on any question. He asked which of these three reservations was referred to.

Mr. HIRSCH explained that the reference was to the third reservation. If the Committee desired, the present proposal could easily and logically be linked with the Protocol and its attached map. The original proposal for the withdrawal of Arab troops from Palestine had been directly linked with the principle of Partition and the decision of 29 November 1947; that proposal had been deemed to be impractical and was therefore replaced by the present plan.

The CHAIRMAN pointed out that the Commission and the Committee referred to the document attached to the Protocol simply as a map, not as the Partition Plan map of 29 November 1947.

The reservation made by the Israeli delegation could be taken into account, and the delegation could establish that it interpreted the term "territorial adjustments" in a broad sense as covering the type of modifications it had suggested in connection with the present proposals. He would prefer that the proposals should be linked to the Protocol and should not mention the term "Armistice Lines", since the latter presentation could not be reconciled with the agreed basis of discussion.

As regards certain technical matters, the Chairman drew attention to the fact that the canal in question would probably originate in Lebanon; he asked whether the plan would presuppose an agreement with the Lebanese Government for the building of the canal. He also pointed out that the irrigation plan envisaged the building of reservoirs to the east of the canal, and that the canal itself would pass to the east of Tulkarm; it would seem, therefore, that the reservoirs and part of the canal itself would be in Arab territory.

Mr. SASSON stated that if it were purely a question of the form of presentation, the Israeli delegation would have no objection to linking its proposals to the terms of the Protocol, in an effort to advance the negotiations. It must be quite clear, however, that in so doing the Israeli delegation did not commit itself to acceptance of the lines drawn on the map annexed to the Protocol. That map could be considered in two different ways; the Chairman had said he looked upon it simply as a map upon which certain boundary lines were drawn, but it could also be taken as the map of the Partition Plan of 29 November 1947 and hence a map to be discussed in terms of the rights of both sides concerned. If the latter interpretation were maintained by either party, no progress could be made. It was the function of the Committee and of the Commission to transmit to each of the parties the viewpoints of the other and the requests and proposals advanced; in Mr. Sasson's opinion the common cause could be best served if Israel's practical proposals were transmitted directly to the Arab delegations and their direct expressions of opinion solicited, with a minimum of formality and juridical circumlocution.

Mr. LIFSHITZ, replying to the Chairman's technical questions, pointed out that the hydroelectric plan he had referred to was a highly complex one; he had mentioned only the minimum requirements of the scheme, which could be implemented immediately without an agreement with the Lebanese Government.

The scheme did envisage possible use of the high waters in Lebanese territory, but their use was not a prerequisite for

implementation of the plan. Even if only the waters within the boundaries of Israel were utilized, the canal must still follow the topographical line which he had indicated.

It was true that the canal would run to the eastward of Tulkarm; it would therefore be necessary that that town should be included within the boundaries of Israel. The actual territorial adjustments to be made were not now under discussion, but it was intended that the entire course of the canal, plus a strip on the east for defense purposes, should be inside the Israeli frontier.

Mr. WILKINS expressed entire agreement with Mr. Sasson's statement that the function of the Commission was to transmit opinions and proposals from one party to the other; that was exactly the function which the Commission was endeavouring to carry out. As he understood the situation, the reservation referred to by Mr. Sasson and Mr. Hirsch had not been a specific reservation in connection with the withdrawal of Arab troops or the determination of the governing authority in Arab Palestine, but simply a part of the general reservation concerning the right of each side to express its views on any subject.

Mr. HIRSCH agreed that that understanding was correct.

Mr. SASSON wished to point out that the Commission had placed the Arab delegations in a delicate situation in the eyes of their own public opinion, as could be seen from a study of the Arab press. That press had published the news that the two parties had agreed to accept the Partition Plan map as a basis for discussion, thereby implying a retreat from the original Arab position. Since it was well known that Israel would not accept the Partition Plan, any slight modification in the frontier would be looked upon by the Arab world as a further Arab retreat. If the Commission wished to advance the negotiations, therefore, he suggested that it should avoid, insofar as possible, any reference to the Partition Plan of 29 November 1947.

The CHAIRMAN pointed out that the Commission and all the delegations present in Lausanne had signed a document to which was annexed a map; he himself referred to this map as the map of 12 May, and had never designated it as the map of 29 November 1947. He personally felt that the signing of the Protocol represented a certain progress in the talks. What concerned him at present, however, was the function of the Committee, which was to discuss all questions referred to it by the Commission within the terms of the Protocol. The members of the Committee were obliged to refer to the Protocol and the map in the course of their discussions; the question therefore concerned the actual existence of the Committee. He could not

agree with the Israeli delegation on the matter, since he could not discuss an initiative or a decision taken by the Commission.

Mr. WILKINS observed that while the Commission was aware of the statements appearing in the Arab press, such publications in the Arab or Israeli press could not be considered a responsibility of the Commission or the Committee.

Mr. HIRSCH felt that no real difficulty or disagreement existed between his delegation and the Committee; both agreed that the most important question was the practical task to be accomplished. He believed that it was entirely possible to link Mr. Sasson's proposal regarding the eastern frontier with the Protocol, while keeping in mind the reservation maintained by his delegation.

On 12 May the Commission and the delegations had come to an agreement concerning a document and a map. Dr. Eytan had made it clear that no map showing the boundaries of Israel and of Palestine could fail to link the Palestine problem with the authorities in power in the territory; the map was therefore important and must be taken into consideration.

There were two different sets of circumstances which had given rise to the proposals of the Israeli delegation. First, there had been the Partition Plan of 29 November 1947, envisaging two independent States in Palestine. Mr. Sharett had stated openly that Israel would prefer full implementation of this original plan and the establishment of an independent Arab State in Palestine; such a course was still possible, at least in theory. It was in an effort to make possible the implementation of that plan that his delegation had made its first proposal regarding the withdrawal of Arab troops from Palestine; once such a withdrawal had been effected, Israel would have advanced further proposals. That first suggestion, however, had not been well received, because it had not been fully understood. Since that time the Israeli delegation had come to feel that a return to the principle of the Partition Plan was impractical and that withdrawal of the troops would be difficult to achieve. It was therefore basing its new proposals on a different set of circumstances, namely, the major "territorial adjustments" brought about by the Arab States during their invasion of Palestine in May 1948. If the Commission could find a way of returning to the original principle of partition of Palestine between Israel and an independent Arab State, Israel might be able to offer other proposals; for the time being, however, it could only base itself on the situation as it existed.

Mr. SASSON understood that the Committee must keep within the terms of reference handed to it by the Commission; he wondered, however, whether it would not be useful for the Committee to request a change in those terms of reference. In any case, the Israeli delegation could not be asked to refrain from expressing its view on any question. It must be clearly understood that in signing the Protocol Israel had not accepted the boundaries indicated on the map, but had merely accepted the map as a starting point for discussion. The common task facing the Commission and all the delegations was the finding of a solution to the Palestine problem, and the Commission could best serve that common purpose by acquainting each of the parties with the opinions of the other. The Arab delegations might not accept the demands of the Israeli delegation, but they must in any case be familiar with those demands and with the reasons why they were made. It was the function of the Israeli delegation to make known its proposals to the Committee; it was not the function of the Committee to pass upon those proposals in any way.

The CHAIRMAN thought there was some misunderstanding regarding the request he had made. The Committee desired simply that the Israeli proposals should be put in a form which the Committee, under its terms of reference, could receive and transmit to the Arab delegations. It should not be difficult to establish a link between the proposals and the Protocol; he felt that adherence to the Protocol would aid rather than hinder the progress of the talks. The Committee's only desire was that the proposals of one party should be made known to the other; the Chairman therefore reiterated his request that the proposed frontier should be defined point by point, or indicated on a map which could be drawn with the assistance of the Commission's Map Officer.

Mr. SASSON expressed his agreement with the Chairman's request.

Mr. YENISEY asked whether the Israeli delegation would be prepared to make a declaration at a subsequent meeting on the number of refugees the State of Israel would be prepared to receive - a point on which the Arabs were laying particular stress. Mr. Sharett had said repeatedly that once the boundaries of the State of Israel were known, the Government of Israel would be able to reach a decision on the question. Since Israel's frontier claims were more or less known, with the exception of the Israeli-Syrian frontier, which was of minor importance, would she not be prepared to state how many refugees would be received if those claims were satisfied? The question of the refugees had been discussed with Mr. Eytan by Mr. de Boisanger, Mr. Ethridge and Mr. Yenisey during their last unofficial meeting. Mr. Eytan had said that if Gaza were incorporated in Israel, Israel would accept the refugees at present in the area, together with the hundred thousand inhabitants of the area plus the members of separated refugee families from other areas. To a query whether, in the event of Gaza remaining outside the boundaries of Israel, only the separated families would be accepted, Mr. Eytan had replied that in that case another proposal would be possible.

Mr. SASSON said that Mr. Eytan's letter on Gaza sent to the Commission two days before had clarified the Israeli position on this subject. The view of his delegation was that the meaning of Mr. Sharett's declaration turned on the interpretation of the word "known". If it was enough for Israel to present her claims and have the eventual frontiers accepted, the question of the refugees could be discussed at once. If on the other hand the frontiers could not be known till agreement had been reached, the reaching of such an agreement was a prerequisite. That position, however, would not prevent discussion of particular aspects of the refugee problem, though not of the problem as a whole, in a subsequent meeting. On such aspects he would be prepared to make a statement.

Mr. YENISEY recalled that Israel had always maintained that the problem of Palestine had to be faced as a whole. He had therefore asked for a statement relating the question of the refugees to the frontier question. If the Israeli delegation declared that, should certain conditions

regarding the frontier question be accepted, Israel would admit a certain definite number of refugees, it would not be committing itself and would facilitate the communication of its proposals to the Arabs.

Mr. SASSON said that for his delegation the problem of the refugees had no relation to frontier questions. It was not in order to be enabled to take back a certain number of refugees that Israel was advancing her frontier proposals; there might possibly be certain cases where territory would be required for refugees, but the frontier claims advanced rested on quite different arguments - as had been made plain in Mr. Lifshitz's statement, in which the refugees had not been mentioned. Precisely because the question of the refugees constituted so grave a human problem, it could not be a matter for bargaining. Israelis and Arabs must share in finding a solution for it, irrespective of whether or not certain frontiers were established.

The CHAIRMAN enquired in what form the Israeli delegation wished its proposals to be transmitted to the Commission. Should they be illustrated by a tracing on a map, or simply defined point by point? He suggested that the Map Officer might prepare a map, for which the responsibility would rest with the Committee, not with the delegation.

Mr. LIFSHITZ said that the time was not ripe for proposing a complete and precise frontier line. How soon that could be done would depend on whether the frontier was to be considered as a whole or in sections. He thought his reference to the "Armistice Line", the location of which was known, would make clear what was intended. The term "Armistice Line" could be avoided if the Committee wished. It should however be realized that such a line could be accepted only in principle and as a working basis and would require certain minor modifications.