

RESTRICTED
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SUMMARY RECORD OF THE ONE HUNDRED AND NINTH MEETING

held in New York on Wednesday,
9 November 1949, at 10 a.m.

Present: Mr. Yalcin (Turkey) - Chairman
Mr. de Boisanger (France)
Mr. Palmer (U.S.A.)
* Mr. Rockwell (U.S.A.)
Mr. Ladas - Secretariat
Mr. Serup "
Mr. Erim "

* Alternate

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The CHAIRMAN, on behalf of the Commission, extended a welcome to the new United States representative, expressing confidence that his experience of the Middle East would prove of great assistance to the Commission in its work.

Consideration of draft reply to Israeli note of 27 October

Mr. ROCKWELL expressed the view that the second sub-paragraph of paragraph 1 was too long, and proposed a shorter text as a substitute.

As an alternative to the last sentence of the second sub-paragraph of paragraph 2, Mr. Rockwell proposed a text which stressed the Commission's intention that the "territorial adjustments" envisaged by the Protocol of 12 May should include renunciation of territory by both parties on a basis of compensation, not merely by Israel. He felt that the point should be emphasized more strongly, since the Commission had already made such a statement to both parties.

With regard to paragraph 3, Mr. Rockwell pointed out that there had been no Israeli "delegation" to the third session of the Assembly, and that the word "representative" should be substituted.

Mr. de BOISANGER proposed the deletion of the third and fourth sentences of paragraph 4 and the substitution of an alternative text, with a quotation from the Protocol of 12 May.

Mr. ROCKWELL favoured the deletion of the second sub-paragraph of paragraph 4, as being too sharp in tone and unnecessary to the argument being presented.

Mr. de BOISANGER agreed that the language of the paragraph might be revised but opposed the deletion of the paragraph; the Israeli Government's remarks upon the non-validity of the resolution of 29 November 1947 had no connection with its

acceptance of the Protocol, and he felt that the irrelevancy of the Israeli argument should be pointed out and stressed by the Commission in its reply.

The Commission agreed to maintain the paragraph, in a re-drafted form.

Mr. ROCKWELL requested the deletion, in paragraph 5, of the reference to Israeli military activity during the truce periods, which could serve no useful purpose and would only reopen discussions which had taken place in the Security Council. He also wished to omit the reference to the gaining of Israel's present territory by force of arms against an aggressor, and to add a sentence stating that in the circumstances the Commission could not accept Israel's assertion of title to that territory. He felt that the present text did not lay sufficient stress upon the latter point.

Mr. de BOISANGER agreed with Mr. Rockwell concerning the proposed deletions, but considered that the Commission's attitude had already been made sufficiently clear through the references to the terms of the Armistice Agreements. He would not object, however, to the addition of a sentence stating that the Armistice Agreements gave no right to the Government of Israel to claim all the territory in question.

Mr. ROCKWELL then proposed the deletion of the entire text of paragraphs 6 and 7 and read an alternative text which he wished to substitute. In particular he stressed the fact that the Arab delegations had always claimed to represent the Arabs of Palestine, and that the Israeli statement regarding the rights of the Arab States could hardly apply to the rights of the Arabs of Palestine.

Mr. de BOISANGER did not consider it useful nor desirable for the Commission to enter into a detailed discussion of the points covered by Mr. Rockwell's proposed text. The Commission was not under obligation to reply to all the points raised in the Israeli note, and it should not make itself the interpreter of the point of view of the Arab States. He proposed an alternative text, to be substituted for the present paragraphs 6, 7 and 8, indicating that the Commission did not wish to enter into a discussion of certain points in the Israeli note.

Mr. ROCKWELL objected to the phrasing of the second sub-paragraph of paragraph 9, and suggested a revision stressing the fact that according to the terms of the resolution negotiations could be carried on either directly or through the Commission, and that the Arabs had expressed a strong desire to continue negotiating through the Commission.

As regards the second sub-paragraph of paragraph 10, the CHAIRMAN preferred to delete the paragraph and make the declaration to the parties regarding mediation verbally.

Mr. de BOISANGER felt strongly that a verbal statement was not sufficient, and that the Commission should reassure the Israeli Government with clear indications of the way in which it intended to proceed in the matter of mediation.

He considered, therefore, that the reference to prudence should not be deleted. He proposed a substitute text incorporating that reference, mentioning the fact that the Arab delegations had urgently requested the Commission to undertake mediation and that it was proposed that such mediation should deal with certain concrete questions, and recalling that the Israeli Government had often reiterated its desire to cooperate with the Commission toward the establishment of peace in Palestine.

Mr. ROCKWELL having also presented an alternative text, the CHAIRMAN suggested that the paragraph should be redrafted in consultation with both the French and American representatives.

It was agreed that the re-drafted text of the letter would be examined by the Commission at a meeting the following morning.

Consideration of the draft press release concerning the Instrument for Jerusalem

Mr. PALMER offered his congratulations on the drafting of the press release, which he thought would be most helpful to him as a new member of the Commission, in understanding certain points which had been unclear.

With certain minor drafting amendments, the Commission approved the text of the draft communique.

After considerable discussion regarding the date and manner of release, it was agreed that the communique should be issued as an official document of the Commission, after consultation with the Secretary-General's office, and that it should be released, through the Press Division of the Secretariat, as soon as it had been circulated to the Members of the General Assembly and, if possible, on Friday, 11 November.

Next meetings of the Commission

Mr. de BOISANGER pointed out that meetings should be convened with the Arab and Israeli delegations for the purpose of presenting the new American representative on the Commission, as well as of handing the Israeli note and the Commission's reply to the Arab delegations. He suggested a meeting with the Israeli delegation on Monday morning and with the Arab delegations Monday afternoon. The Arab delegations had also requested a meeting to discuss their proposed declaration regarding protection of the Holy Places; if desired, a meeting could be convened on Friday for that purpose.

The meeting rose at 12:15 p.m.