

SUMMARY RECORD OF THE TWELFTH MEETING

held in the King David Hotel, Jerusalem,
on 7 February 1949 at 1500 hours

Present: Mr. de Boisanger (France) - Chairman
Mr. Yalchin (Turkey)
Mr. Ethridge (U.S.A.)
Mr. Azcarate - Principal Secretary

Discussion concerning the attitude to be adopted by the Commission during its meeting with Mr. Shertok, Minister of Foreign Affairs of Israel.

The CHAIRMAN submitted for the Commission's consideration the following document, containing suggestions with regard to the way in which the Commission should address Mr. Shertok. The document was not to be presented or even produced during the meeting, but was only to serve as a basis for the Commission's discussion:

"Suggestions concerning the meeting with Mr. Shertok"

The Commission might indicate to Mr. Shertok that it wished to see him in order to inform him of its intentions, and the manner in which it proposes to carry out the task entrusted to it by the General Assembly of the United Nations.

The task of the Commission consists essentially in assisting the parties concerned to settle, if possible directly among themselves, the conflict which separates them.

On the other hand, the Commission has received a specific task from the General Assembly with regard to Jerusalem, the Holy Places, certain economic problems and the problem of the refugees.

The Commission has decided, in order to enlighten itself of the intentions of both sides, not only as far as the general problem of peace is concerned, but also with regard to the various points mentioned above, to visit the capitals of the Arab States, and Tel Aviv. This would permit the Commission to enter into immediate contact with all the interested Governments.

/The Commission

The Commission has also considered it necessary, before paying its first official visit to Cairo, to make a preliminary contact with Mr. Shertok, so that the Minister for Foreign Affairs of Israel could indicate to it in outline the points of view of his Government. The Commission believes, in fact, that it will be questioned in the Arab countries on the intentions of the State of Israel, and that its contact with these countries would therefore be more fruitful if the Commission already knew what to expect with regard to the views of the Government of Israel.

When the Commission conceived the thought of a preliminary meeting with Mr. Shertok, it intended merely to make a general survey, in which all the problems would be rapidly reviewed.

Unfortunately, certain events have taken place during the past week which oblige the Commission to raise the problem of Jerusalem in advance.

The Commission has, in fact, learned that the Government of Israel had the intention of opening the Constituent Assembly in Jerusalem and that it had decided to extend civil law to Jerusalem.

These two decisions appear to the Commission extremely regrettable, and indeed contrary to the spirit, if not to the letter, of the General Assembly's resolution.

The Commission considers, in fact, that once the General Assembly had made a decision regarding the fate of Jerusalem and had outlined to the Commission a precise task with regard to the future status of the Holy City, the parties concerned had the duty to abstain from undertaking any action tending to alter the status quo of the City.

Indeed, how could the Commission intervene between the parties concerned in order to install an international regime, acceptable to each one of them and taking into account the clearly expressed desire of the very large majority of the United Nations to see the Jerusalem Area placed under international control, if, while the Commission is proceeding with its task, one of the parties takes official decisions which are in opposition to the resolution of the General Assembly?

Furthermore, any such action by the Israeli authorities might lead the Arabs to take analogous steps, and thus render any effort at conciliation impossible. Such an action might also provoke the resumption of the conflict in Jerusalem.

The Commission has weighty reasons for believing that it will be able to obtain the agreement of the Arab Governments for the execution of the General Assembly's resolution, if Israel, on its side, were equally to

manifest the intention of accepting. The Commission, therefore, must ask the authorities of Israel, in view of the emotion produced by their two already mentioned decisions, how these should be interpreted. Can the Commission consider and can it say that the Government of Israel has the intention of conforming to the spirit of the resolution of the General Assembly?

If the assurances that the Commission requests from the Minister for Foreign Affairs of Israel are not sufficient, the Commission will be compelled, much to its regret, to report on this matter to the Secretary-General of the United Nations before its departure for Cairo. In this report the Commission will indicate that it considered it necessary to meet with the Minister for Foreign Affairs of Israel, during the course of which meeting the question of Jerusalem was examined and Mr. Shertok, having been asked to give the Commission certain clarifications with regard to the position of the Government of Israel vis a vis Jerusalem, has not given the explanation that the Commission expected.

The Commission naturally reserves its right, should the necessity arise, to inform the Security Council that the modifications brought upon the situation in the Holy City have rendered impossible the accomplishment of the task entrusted to it by the General Assembly, and that it requests the Assembly to re-examine the question of Jerusalem during its April session.

Furthermore, the Commission has learned that the military commanders of troops in the Jerusalem area have recently discussed the re-adjustment of the situation in the City from a military and administrative point of view. The Commission has already informed the two commanders that it viewed with satisfaction the opening of these conversations and that it would be happy to contribute to their success by appointing observers. The Commission would desire to know whether Mr. Shertok is prepared to accept this proposal."

The Commission agreed to follow the main lines laid down in the Chairman's document, but to proceed in the following manner: The Chairman would first address Mr. Shertok on the general problems and would conclude by pointing out that the situation which had arisen with regard to Jerusalem compelled the Commission to consider that problem in advance. The conversation would then be taken over by Mr. Ethridge, who would explain the Commission's standpoint with regard to Jerusalem and request certain assurances from the representative of the Government of Israel. Should the assurances received be satisfactory, the United States delegate would proceed no further on the subject. If, however, the assurances proved unsatisfactory, he would continue along the lines of the latter part of

/Mr. de Boisanger's

Mr. de Boisanger's document and state the steps that the Commission proposed to take in the matter.

The Commission further agreed that if the conversation regarding Jerusalem were short and there were time left, it would proceed with its original intention of reviewing with Mr. Shertok the other aspects of the Palestine problem entrusted to it, namely, the general peace settlement, the question of the Holy Places, certain economic aspects of the situation in Palestine and the refugee problem.

The meeting rose at 1630 hours.