UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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SUMMARY RECORD OF THE TWO HUNDRED AND EIGHTEENTH MEETING

Held at Government House, Jerusalem, on Monday 21 May 1951, at 10.15 a.m.

Present :

Mr. Aras	(Turkey)	- Chairman
Mr. de Boisanger	(France)	
Mr. Palmer	(United States)	
Mr. de Azcarate		- Principal Secretary

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1. Terms of reference of the Refugee Office (draft prepared by the Committee of Experts)

The CHAIRMAN submitted to the Commission the draft terms of reference of the Refugee Office, which had been drawn up by the Committee of Experts.

Mr. PALMER (United States) remarked that in Section I of the draft, which dealt with the task of the Office with regard to the assessment of refugee property, it was stated that the Head of the Refugee Office should submit his report to the Commission at a date to be fixed by the Commission. He pointed out in that connection that the Commission should receive the report early enough to study it before writing its own report to the General Assembly, which it would probably do at the beginning of October. He therefore proposed to fix at 1 September the latest date for the submission to the Commission of the report of the Head of the Office.

After an exchange of views, it was agreed that the latest date for submission of the Office's report to the Commission should be fixed at 1 September, it being understood that the

decision was provisional and that the date would be finally fixed in agreement with Mr. Andersen when he arrived.

Mr. PALMER (United States) also wished to draw the Commission's attention to the second paragraph of the preamble to the draft terms of reference, where it was stated that "all questions concerning the personnel of the Office shall be examined by the Head of the Office with the Principal Secretary for possible submission by the latter to the Secretary General." He observed that the Commission should, if necessary, be able to intervene in questions of personnel which particularly concerned the task of the Office, and he suggested inserting a sentence to the effect that such questions would be examined by the Head of the Office "with the Commission" and the Principal Secretary. When, for example, a land specialist had been sought for the Committee of Experts, the intervention of the Commission had proved to have some value.

The PRINCIPAL SECRETARY observed that from the administrative point of view, the personnel of the Refugee Office was in the same position as the other Secretariat personnel, and he feared that if the words "with the Commission" were inserted, as suggested by Mr. Palmer, the result might be to make an unwarranted distinction between staff members. The Commission could naturally intervene whenever it considered it necessary, as had always been the case in the past, but he felt that the terms of reference of the Office should not contain a sentence giving the impression that the Commission should intervene as a general rule in personnel matters, which would constitute an exception to the established principle that administrative questions fell within the competence of the Principal Secretary and, at the higher level, of the Secretary-General.

In connection with the example given by Mr. Palmer of the appointment of the land specialist, he observed that that case had involved the nomination of a member of a committee set up by the Commission.

Mr. de BOISANGER (France) thought that the views expressed by Mr. Palmer and those of the Principal Secretary were not incompatible. What the Commission desired was that its intervention, either to facilitate the nomination of an expert or to offer any comments which it might think fit in that connection, should be considered as natural.

In the second paragraph of the preamble, it was laid down that "The Office shall be under the direction of the Commission". That sentence, he felt, adequately implied that the Commission had complete freedom to intervene in any question concerning the Office.

After an exchange of views during which Mr. Palmer and the Principal Secretary in turn explained their views, it was decided to omit the third sentence of the second paragraph of the preamble to the terms of reference of the Refugee Office.

Mr. de BOISANGER (France) wished to point out, in connection with Section II of the draft terms of reference, dealing with the other objectives of paragraph 11 of the General Assembly resolution of 11 December 1948, that in the third paragraph of that section it was stated, in relation to the economic and social rehabilitation of the refugees, that "the Office shall formulate recommendations concerning the minority rights and the legal status of refugees in their countries of residence". He was afraid that such a formula might restrict the tasks and duties of the Commission, which might well be called upon, not only to formulate recommendations, but to take other steps. For that reason, he suggested inserting, after the words "the Office shall", the words "among other things".

This was agreed.

2. Incidents between Israel and Syria : Note by the Principal Secretary (W/65 and W/65/Add.1) and W/67.

Before opening the discussion on this item, the CHAIRMAN wished to refer to the informal meeting which the Commission had held on Saturday, 19 May, with General Riley, Chief of Staff of the Truce Supervision Organization. During that meeting, General Riley had informed the Commission of the details of this delicate matter and had explained its origin, the attitudes of the parties and the prospects of an agreement on the basis of the resolution recently adopted by the Security Council. General Riley had announced his intention of keeping the Commission fully informed of the development of the negotiations taking place with the parties. This was a question which the Commission could not disregard, and the Chairman wished to send to General Riley, on behalf of the members of the Commission, their best wishes for his success.

The Chairman, for his part, was glad that General Riley's friendly attitude had remedied the lack of coordination which had existed between the Conciliation Commission and certain other United Nations bodies, in particular the Truce Supervision Organization, about which he had expressed regret in the presence of the Secretary-General, and in a recent meeting of the Commission.

Mr. de BOISANGER (France) felt that before discussing the Note by the Principal Secretary (W/65 and W/65/Add.1) the Commission should first decide what use it wished to make of that document. In that connection, he remarked that, on the one hand, it seemed to him that it would be difficult for the Commission officially to seize the Secretary-General, and even less the Security Council, of its views on the situation created by the incidents between Syria and Israel, and on the other hand, that the Commission could not adopt a negative attitude in a matter which involved questions in which it was obliged to take an interest.

For that reason Mr. de Boisanger wondered whether a new procedure might not be adopted whereby the Commission, after studying all the aspects of the Israelo-Syrian dispute in relation to the Commission's task, would summarize its views in a confidential joint note which the members of the Commission would address to their respective governments and which would be communicated for information to the Secretary-General of the United Nations. Such a step would be consistent with the task entrusted to the Commission by the General Assembly.

Mr. PALMER (United States) shared Mr. de Boisanger's view and thought his suggestion a good one.

The CHAIRMAN welcomed Mr. de Boisanger's suggestion and wished to make certain observations concerning the Israelo-Syrian dispute which might possibly form the basis of an exchange of views.

In the first place, he agreed with the other members of the Commission that the incidents in the demilitarized zone between Israel and Syria were of interest to the Commission from the point of view of its task of conciliation.

He wished to draw the Commission's attention, first to the temporary nature of the Armistice Agreements, secondly to the attitude of the governments concerned to the establishment of

peace, and finally to the question of peace negotiations.

The first point was not worth expanding, as it merely stated an obvious fact. As regards the second point, he recalled the existence of the Special Committee between Israel and Jordan, which could deal with problems outside the framework of the Armistice Agreement between the two countries. He also remarked that the failure of that Committee was to be attributed not so much to the parties' lack of good will, but to the fact that it did not work under a neutral chairman. In his opinion, such special committees should be set up for each Armistice Agreement, as he was convinced that under neutral chairmanship they would be able to prepare the way for peace negotiations.

The Chairman then came to the third point which he wished to deal with, that is, the question of negotiations leading to a peace settlement. He felt, as the Commission had indicated in its Supplementary Report addressed to the Secretary-General on 23 October 1950, and as the representative of Turkey had declared in the Security Council, that the incidents between Israel and Syria were mainly due to the delay in beginning peace negotiations.

It was desirable, in the event of the question being raised in the General Assembly or in the Security Council, that the governments of the countries represented on the Commission should be able to give appropriate instructions to their delegations, and for that purpose it would be useful for them to know the views of the Commission. For that reason he suggested asking the Principal Secretary to prepare a draft joint note, setting forth the views of the members of the Commission, which the latter might then review and send to their respective governments with their personal comments.

Following a remark by Mr. Palmer, the PRINCIPAL SECRETARY stated that working paper W/67 had not been drafted with a view to suggesting any action by the Commission, but as the basis for a discussion which would bring to light the views of the members of the Commission regarding the Israelo-Syrian conflict.

Mr. de BOISANGER (France) felt that if it were decided in principle to send a note concerning the Israelo-Syrian dispute to the governments of the countries represented on the Commission and to communicate that note to the Secretary-General, then working paper W/67 might very well form the basis for discussion. In his opinion, it would be well not to delay too long in addressing such a note to the governments of the countries

represented on the Commission; however, it would be necessary before doing so to await the reactions of the parties to General Riley's negotiations.

There was a further question which also called for consideration. Should the note be restricted to setting forth certain general considerations regarding the Commission's concern at the Israelo-Syrian dispute and stating that the members of the Commission would be in a position to make proposals if requested to do so by their governments, or should the Commission immediately make such proposals? At first sight he felt that the first solution would be the best, but the question would have to be considered further.

Mr. PALMER (United States) and the CHAIRMAN both expressed the opinion that it would be preferable for the Commission, in drafting the note, merely to set forth general considerations and to indicate that it would be prepared, should the occasion arise, to formulate proposals.

Mr. de BOISANGER (France) agreed with the Chairman's view, but he remarked that, on the basis of the ideas put forward by the latter, the members of the Commission might nevertheless work out some proposals which they would then be ready to submit to their governments in case of need.

The CHAIRMAN, summarizing the discussion, stated that the members of the Commission felt it advisable to draft, on the basis of working paper W/67 prepared by the Principal Secretary, a joint note for their respective governments, setting forth their views concerning the incidents between Syria and Israel, and to await the first results of General Riley's negotiations before sending the note.

The CHAIRMAN proposed that consideration of working paper W/67 should be postponed until the following day.

This was agreed.

The meeting rose at 12.15 p.m.