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SUMMARY RECORD

OF THE TWO HUNDRED AND FIFTY-EIGHTH MEETING

held at the Hôtel de Crillon, Paris,  
on Monday, 29 October 1951, at 4 p.m.

CONTENTS

- Future activities of the Commission

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. TEPEDELEN	Turkey
Secretariat	: Mr. de AZCARATE	Principal Secretary
	Mr. LADAS	Political Officer

## FUTURE ACTIVITIES OF THE COMMISSION

The CHAIRMAN said the Commission would have to consider its next step. He recalled that at the last meeting with the Arab delegations the Commission had expressed the hope that the explanations of its comprehensive proposals would form the basis for discussion at subsequent meetings. It would therefore be only courteous for the Commission to indicate to them its readiness to hear any comments they might wish to make concerning its proposals, and their views on the present situation.

The Chairman felt that, while the Commission should not hasten to the conclusion that the conference should be terminated, it should not hesitate to take a decision to that effect if it were convinced that no further possibilities of progress remained. An opportunity might present itself, outside the framework of the conference, for useful discussions with the Israel delegation concerning refugees. Although other outstanding questions were also of great importance, the refugee problem was considered by a large body of opinion in the General Assembly to be the most important aspect of the Palestine question, and the Commission would naturally wish to be able to report some concrete progress in at least that direction.

Mr. ARAS (Turkey) considered that, although the conference appeared to have come to an end, the Commission's obligations continued. The conference represented a special effort on the part of the Commission to achieve progress towards peace. But even if the Commission had not taken that initiative, it would have continued, and should still continue, its discussions with the parties concerning certain aspects of its task, and in particular

the refugee question. He suggested that the Commission might defer taking a decision as to the desirability of declaring the conference at an end until it had heard any comments that the delegations wished to make concerning its proposals.

Mr. MARCHAL (France), while agreeing with the Chairman that a hasty decision to close the conference should be avoided, felt that it did not, at present seem as though much more progress could be made. The Commission might now receive the comments of the parties concerning the further explanations of its proposals. In his opinion, it might well be that a better possibility of success in discussions with the Israel delegation concerning refugees and, in particular, the question of compensation would be found outside the framework of the present conference.

However, he wished to suggest that the conference should merely be adjourned instead of closed. By so doing the Commission would be in a position, if events were to take a favourable turn during the General Assembly, to reopen its discussions without loss of time.

Mr. Marchal also proposed that the Commission should begin drafting its report to the General Assembly immediately, while at the same time carrying on talks with the Israel delegation concerning compensation.

The CHAIRMAN referred to the necessity for adopting the section of the Refugee Office's report dealing with the evaluation of Arab immovable property and suggested that Mr. Berncastle, the Land Specialist, should come to Paris to give any necessary explanations, and at the same time to inform the Commission of the progress of his study concerning Arab movable property.

Mr. de AZCARATE (Principal Secretary) fully agreed with the views expressed by the members of the Commission concerning the closing or adjourning of the conference. He felt that in the present circumstances, which seemed to offer only small hopes of success, the continuation of the conference could not be justified. He wished to point out that from an administrative point of view a decision on this point was important. The conference was taking place in Paris with the approval of the Secretary-General and any further arrangements which the Commission wished to make would have to be approved by him.

With regard to the Chapter on evaluation in the Refugee Office's Report, he agreed that it should be approved as soon as possible. He would make arrangements for Mr. Berncastle to come to Paris in the near future.

The Principal Secretary wished to know the Commission's intentions concerning the statement made by the Israel delegation at the meeting with the Commission on 26 October. He recalled that in that statement the Israel delegation had repeated even more strongly its objections concerning the preliminary non-aggression declaration and had formally asked the Commission to continue its efforts to obtain from the Arab delegations an explicit recognition of their obligations under the Armistice Agreements, the Security Council decisions and the United Nations Charter. The statement had also contained a clear suggestion for discussions between the Commission and the delegation of Israel until such time as the Arab delegations were ready to reaffirm those obligations.

He suggested that the Commission might wish to consider the desirability of communicating the Israel statement to the Arab

delegations. The Israel delegation had published the statement in the press, and if the Commission were to communicate it officially, for information, to the Arab delegations the latter would thus be given an opportunity to comment on it. He felt it would be undesirable for the Commission to give the impression of refraining from communicating to the Arab delegations anything they might wish to study and comment on.

A further suggestion he wished to submit for the Commission's consideration was the possibility of a reply to the substance of the Israel statement. He was well aware of the difficulties involved but felt that if no reply were made the Commission's silence might be interpreted by Israel before the General Assembly as a tacit acceptance.

Mr. ARAS (Turkey) felt that the suggestion to communicate the Israel statement to the Arab delegations, purely for information, was a good one, in that it would enable them to comment if they so desired.

With regard to the suggestion that a reply be made to the Israel statement, the Commission should bear in mind the fact that its task involved more than merely trying to prove itself in the right. The Commission should avoid taking any action that might tend to put any of the delegations in the wrong, or worsen the relations between the parties. It would be difficult for the Israel delegation to maintain that the Commission agreed with its statement, in view of the clear explanation of the Commission's attitude given in its correspondence with the Israel delegation. The Commission would also make its position clear in the report to the General Assembly.

Mr. Aras agreed that Mr. Berncastle's presence in Paris when the Commission considered the report of the Refugee Office would be useful. In that connection, he suggested that the Commission should merely examine the report as containing the conclusions and decisions of the Refugee Office. The Commission would have more latitude in later negotiations if it did not take a formal decision approving the report.

The CHAIRMAN agreed with Mr. Aras that it was not necessary for the Commission to reply to criticisms coming from the delegations. It had previously been decided not to send to one party textual copies of communications emanating from the other party, and he agreed with that decision. In the present instance there were two possibilities. Firstly, it had been suggested that a copy of the Israel statement be sent to the Arab delegations for their information. Secondly, he proposed that the Commission should consider whether certain extracts only of that statement might usefully be communicated to the Arab delegations, as being suggestions of the Israel delegation. In his opinion, the fact that the statement had already appeared in the press made it difficult for the Commission to send the entire statement to the Arab delegations, even if it had wished to do so. He therefore favoured the second alternative.

Mr. ARAS (Turkey) agreed with the Chairman that the second alternative was preferable.

Mr. MARCHAL (France) did not think the Commission needed to take any action on the Israel statement. The Commission had made it quite clear in its letter of 6 October that discussion of the preamble was closed. The Israel delegation had raised

certain objections, and the Commission had replied. The Israel delegation had returned to the question again, and in order to avoid a protracted argument, the Commission had agreed to listen to a statement of the Israel views. The matter should therefore be dropped. Although the Israel delegation had made a suggestion for communication to the Arab delegations, that suggestion concerned a stage of the discussions which had been closed by decision of the Commission and therefore required no action by the Commission.

The CHAIRMAN pointed out that his suggestion had merely been that the Commission should study the question of whether some extracts from the Israel statement could usefully be communicated to the Arab delegations. It might be decided that no communication should be made at all.

His personal opinion was that any further correspondence would serve little purpose and would be contrary to the firm position taken by the Commission that discussion of the preamble was closed. The fact that the Israel delegation had published the statement did not make it necessary for the Commission to communicate it to the Arab delegations.

Mr. LADAS (Political Officer) pointed out that, although it was agreed that discussion of the preamble was closed, the Israel delegation had gone a step further and had interpreted the declaration of the Arab delegations. In giving that interpretation it had launched certain accusations against the Arab States, who might wish to justify themselves to the Commission. It might, therefore, be courteous to give the Arab States the opportunity of giving their own interpretation of their declaration.

Mr. BARCO (United States) shared the Commission's opinion as regards the general principle. However, there were certain points to be considered before a decision was taken in the particular case under discussion. The Commission might be assisted in taking a decision to close or adjourn the conference by the reaction of the Arab delegations to Israel's suggestion to take up certain questions unilaterally with the Commission. It might be that the Arab delegations would raise objections to the idea of unilateral discussions between the Commission and Israel concerning the refugee question, particularly in view of the Commission's declared belief that all the points of its proposals should be considered as an ensemble. On the other hand, it was also possible that the Arab delegations would raise no objection and merely say that the refugee question was not a matter for negotiation but one for discussion between the Commission and Israel. While he did not mean to say that it was necessary for the Commission to ask the opinion of the Arab delegations, he believed that an official expression of their views on the subject would be useful to the Commission.

As regards the point raised by Mr. Ladas, he agreed that it would be desirable to give the Arab delegations an opportunity to comment on the Israel interpretation of their non-aggression declaration. He felt that in the present instance the Commission might consider making an exception to its general rule, with which he was in complete accord.

Mr. de AZCARATE (Principal Secretary) agreed with the two preceding speakers. He thought that some communication of the Israel statement should be made to the Arab delegations. The



question of whether the statement should be communicated in whole or in part could be studied. The Commission would, he felt, be in a vulnerable position if no communication were made at all, and if the Arab delegations were thus given no opportunity of making their comments to the Commission. In referring to the publication of the statement in the press, he had not meant to suggest that it was for that reason that the statement should be sent to the Arab delegations, he had merely mentioned it as a fact which facilitated, but did not motivate, the communication.

With regard to his previous remarks on the question of replying to the Israel statement, the Principal Secretary had naturally not intended to suggest that the Commission should enter into a polemic with the Israel delegation. He could see no reason why the Commission, if it felt that some of the arguments put forward by the Israel delegation were unfounded, should not, in a calm and friendly way, try to clarify the situation by putting forward its own opinions. Such a procedure could only facilitate the efforts to achieve peace.

It was true that the Commission had decided that discussion of the preamble was closed. It was, however, clear from the text of the Israel statement<sup>ⓧ</sup> (particularly the twentieth and last paragraphs) that the Israel delegation did not consider the matter closed. Certain suggestions had been made in that statement, and if no reply were made, the Israel delegation might be to some extent justified in assuming that the Commission accepted the ideas put forward.

The CHAIRMAN wondered what the Commission might hope to achieve by communicating the Israel statement to the Arab

ⓧ See SR/PM/10

delegations. Was it expected that they would give separate replies concerning their intentions in relation to their respective Armistice Agreements? He feared that the Commission might thus be placing the Arab delegations in a position where they could not easily answer.

Mr. BARCO (United States) said that two issues were involved. The first - that of the non-aggression declaration - was already closed, and no purpose would be served by reopening it.

The question that should now be considered by the Commission was that of the procedure it should adopt in the future. The Israel delegation had made an important suggestion for unilateral discussions with the Commission concerning one or two points.

The Commission had an obligation to communicate that part of the statement officially to the Arab delegations. Unless the Commission had an idea of the Arab reaction to that suggestion it would not be in a position to determine its course of action. That new suggestion was a radical departure from the idea propounded by the Commission in calling the conference: that only by taking up all the problems together could any progress be made. The Commission could not change the procedure it had adopted without informing the Arab delegations. He did not suggest asking the Arab delegations for their reactions, but merely giving them certain information officially.

The CHAIRMAN agreed with the point made by Mr. Barco. He also felt it might be reasonable to give the Arab delegations an opportunity to indicate their own interpretation of their non-aggression declaration.

At the suggestion of the Chairman, the Secretariat was requested to prepare a draft letter to the Arab delegations, accompanied by a short explanation of the purpose of such a communication, for consideration by the Commission at its next meeting.

The meeting rose at 6 p.m.

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