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## UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

### SUMMARY RECORD OF THE THREE HUNDRED AND FIFTY-FIRST MEETING (CLOSED)

Held at Headquarters, New York,  
on Friday, 4 September 1962 at 3 p.m.

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#### PRESENT:

<u>Chairman:</u>	Mr. ASIROGLU	Turkey
<u>Members:</u>	Mr. DAUGE	France
	Mr. PEDERSEN	United States of America
<u>Also present:</u>	Dr. Joseph E. JOHNSON	Special Representative
	Mr. MOE	Senior Adviser to the Special Representative
<u>Secretariat:</u>	Mr. GAILLARD	Acting Principal Secretary
	Mr. JARVIS	Land Expert

#### CHAIRMANSHIP

The CHAIRMAN said that, at the request of the representatives of France and the United States, he had agreed to take over the chairmanship, his predecessor Ambassador Eldem having been reassigned, on a temporary basis.

Mr. DAUGE (France), referring to the happy recollections the Commission had of its two preceding Turkish Chairmen Ambassadors Menemencioglu and Eldem and its knowledge of Mr. Asiroglu, expressed pleasure at the latter's acceptance.

Mr. PEDERSEN (United States of America) associated himself with the remarks of the French representative and expressed gratification at the prospect of working with Mr. Asiroglu as he had done on other United Nations bodies.

The CHAIRMAN expressed pleasure at the tributes to his predecessors. He hoped that in the near future the question of chairmanship would be decided definitely in favour of a colleague more experienced in the affairs of the Commission.

#### ADOPTION OF THE AGENDA

The agenda was adopted.

#### REMARKS BY DR. JOSEPH E. JOHNSON, SPECIAL REPRESENTATIVE

The CHAIRMAN thanked Dr. Johnson for the remarkable work he had done in submitting his valuable report and hoped that his great efforts would be appreciated by the States concerned and help solve the difficult refugee question.

Dr. JOHNSON (Special Representative) thanked the Chairman for his kind remarks and hoped that they would prove justified. He explained that the document entitled "Communication from Dr. Joseph E. Johnson, Special Representative", which he had submitted under cover of a letter to the Chairman dated 31 August, consisted of six items: (1) a letter explaining his role as Special Representative and some of the considerations on which the following items were based, (2) a brief two-page Proposals for the implementation of paragraph 11 of resolution 19<sup>4</sup> (III), (3) a longer Explanation of Proposals, (4) a suggested Notice to all Palestine refugees,

and (5) and (6) two questionnaires - one relating to the refugees' indications of preference, the other an information questionnaire relating to properties which they might claim to have left behind them.

Dr. Johnson then drew attention to a number of minor editorial changes which had been made in his Communication since the earlier text which had been circulated informally and confidentially to the members of the Commission.

There were two basic considerations, he said, that underlay his approach to the problem. They were spelled out in the first part of his Communication. First, he had tried his best to concentrate on carrying out paragraph 11 as he interpreted it in the light of the existing situation. To him that had meant primarily to implement the preference of the individual refugees. He observed parenthetically that he had just received some indications that people thought he had been talking in terms of a plebiscite of the refugees with a view to following up the wishes of the majority. That had been the farthest thing from his mind. As he interpreted it, the idea behind paragraph 11 was what the refugees as individuals wanted to do. The most mysterious question was what the refugees wanted. There were many interpretations of what the refugees would like to do. No one knew for certain at the present time. It would be misleading to suggest that he himself knew what they now wanted. His approach was to try to give the refugees an opportunity to indicate their preferences between repatriation, on the one hand, and compensation and resettlement, on the other, and to do so in a way in which they themselves as individuals or heads of families could make a free choice uninfluenced by outside forces. That was why a two-step process, with the questionnaire to begin with and consultations to follow, had been proposed.

His second basic consideration was that if any progress was to be made within the terms of the mandate of the Assembly to the Commission under resolution 1725 (XVI) and the Commission's mandate to him as Special Representative, the proposals should be so framed as not to require formal approval by the States concerned, but to permit them to acquiesce in actions taken without having to stand up and be counted. He felt that if the Arab host States or Israel were asked a specific question: "Will you agree to this, yes or no?", it would be much easier

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in almost all circumstances to say "no" than to say "yes". The problem had been therefore one of making it unnecessary for them to say "no" out of hand.

Another consideration implied in his approach was that his proposals, if put forward, were essentially not negotiable with the parties. What he had had to do, with some reluctance, after having talked with the parties at length - and having listened at even greater length - was to work out a scheme that seemed at least to have possibilities of acceptance. If he or the Commission were to get into a situation of negotiating the proposals with the parties, he believed the result would be stagnation or failure. He did not, however, suggest that they be put forward on a "take it or leave it" basis. They were put forward as his best estimate as to what could be done to bring about progress. If they were to be negotiated on this point or that, it was probable that the Commission would return to the status quo ante.

In order to facilitate early implementation and in order to minimize the necessity for formal agreement, the Proposals included the idea that the initial headquarters should, on a temporary basis at least, be in Government House in Jerusalem. This was the only United Nations territory in that part of the world. It lay between Israel and at least one of the major Arab host countries; it had communications. It seemed to him from all points of view the one place from which to start operating. Since it was United Nations territory, it would not require reaching an agreement with one of the parties. If the parties acquiesced, it should not then be difficult to move fairly quickly into more permanent headquarters. If Jerusalem were not considered acceptable, some place else, perhaps Beirut, might be selected.

The suggestion of Government House, he pointed out, posed problems. They had been discussed in a preliminary way with Dr. Bunche and the Acting Secretary-General. The latter had not yet approved the idea. It remained an open question. It could not be assumed as a fact in talking about the Proposals to parties concerned.

Obviously, the implementation of his proposals would have an impact on the status and role of UNRWA. A week ago he had sent confidentially to Dr. Davis a copy of his Communication under cover of a long explanatory letter. No reply had

yet been received. He merely wished to remind the Commission that he had had an obligation to consult with Dr. Davis.

With respect to his Proposals Dr. Johnson declared that he had felt himself confronted with only three possible alternatives. First there were many reasons to justify saying that it was impossible to try to implement paragraph 11 at the present time. He had been tempted at times to write a two-sentence report to the Commission: "The situation is hopeless. Thank you for the opportunity of trying." Second, he could have concluded that there was no hope of progress but explained why at length, or, third, he could have done what he had done. It seemed to him that if progress was to be made within the mandate of paragraph 11, it had to be along lines very close to what he was proposing. He had so stated in his "Communication". He had concluded that he should submit what he had submitted rather than to report failure.

Having decided on his Proposals, there then came the question of timing. It was theoretically possible to try to initiate the Questionnaire phase before the Assembly. It would be possible for the Commission to submit a report based upon his Proposals for debate in the Assembly. It would be possible to postpone any action until after the Assembly. The second alternative seemed likely to end in failure. He could not imagine that a debate would lead to anything but such a hardening of the positions on both sides that it would be more than likely that any effort in this field would have to be postponed for quite a long period of time - several years presumably.

With respect to waiting until after the Assembly, there were certain disadvantages. One was the knowledge of what might be expected to happen during the period of the Assembly. Another was the inevitable time-lag after the Assembly before action could be begun. A third was the likelihood that heated debate in the Assembly would have produced a climate probably less favourable than prevailed now. Therefore he had concluded that it was desirable to try to get operations under way before the Assembly debate took place so as to learn in advance whether the attitude was one of acceptance, rejection or acquiescence.

Concerning the question of what action the Commission should take with respect to these documents, Dr. Johnson requested that he now be authorized to talk with the representatives at the United Nations of Israel and the Arab host

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States to give them some indication of what was going on and to permit them to consider the Proposals concurrently with consideration by the Governments of the members of the Commission. He doubted if the Commission would be disposed to approve the Proposals today - indeed he would discourage their so doing because it seemed important that there should be an opportunity for explaining, for studying, for consulting with the parties before the Commission took its own final decision.

In connexion with such conversations, the Special Representative raised the question of what portion of his Communication should be handed over. He suggested the short text of the Proposals themselves and the Explanation of the Proposals, with the modification or elimination of a few phrases, it being clearly explained that the Explanation was an entirely personal document. His reason for preferring a written to an oral explanation was the danger of misinterpretation. Also he felt that it would be difficult for the States concerned to agree or to acquiesce without some clearer indication of what the brief Proposals involved. There would remain the question of what to do with the rest of his "Communication". From his personal point of view he regarded its first part as a very important document. It was not important to hand it over now to the five countries; he thought that would be a mistake. It was bound to make all of them angry, one way or another, and he assumed that the Commission and he were not trying to make them angry while trying to get them to acquiesce to an idea. On the other hand, he was sure that members would appreciate that the statement of his philosophy with regard to the refugee question was of very great personal importance to him.

Dr. Johnson then sketched a number of important and difficult questions that the Commission would have to face should it decide to proceed with the Proposals after consideration by the members and the reaction of the five States concerned became known.

(1) The question of the choice of the senior administering official who he thought should be called "Acting Administrator" until the Assembly had reacted.

(2) The question of whether any Assembly action was desirable or necessary and, if so, what that action should be.

(3) More immediate was the question of appropriate instructions to the Acting Administrator who, in his view, should in effect be the representative and the appointee of the Conciliation Commission itself.

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(4) Before any such appointment and instructions, decisions would be needed on the Administrator's relationship to the Commission itself and his relationship, if any, to the Special Representative. It seemed to him desirable that the appointee be an individual who was understood to be a civil servant carrying out instructions and specifically precluded from dealing with political questions. He ought to be able to fall back on somebody else by saying "This is not my bailiwick". Whether that body should be the Commission itself or whether the Commission would wish to give the Special Representative certain political responsibilities in that connexion should in his opinion be considered. If it were decided to give the Special Representative - and if he were the Special Representative - some responsibility for political questions, he would try his best to distinguish between those questions that ought to be brought to the Commission's attention and those on which he could avoid troubling the Commission.

The Acting Administrator should know that he could ask the Special Representative to come to the Middle East should real need arise.

(5) Another very significant question, curiously unanswered for fourteen years, was the meaning of "refugee" with the terms of paragraph 11. A working paper on the subject existed but there had been no definition adopted by the Commission. The only established definition so far was the working definition used by UNRWA for its purposes: "A person whose normal residence was Palestine for a minimum period of two years immediately preceding the outbreak of the conflict in 1948 and who, as a result of this conflict, has lost both his home and his means of livelihood." Under the resolution it was perfectly clear that every Jew who lived in what is now Jordan was also a refugee. Whether a citizen of Turkey who left and went back to Turkey, or a Syrian who formerly lived on property which he owned in Palestine - whether these were refugees within the terms of the resolution had never been decided.

Another facet of the problem was the economic refugee - whom UNRWA treated in part as a refugee - persons who had not lost their homes but had lost their property or livelihood. The Commission would need to decide such questions and give the Acting Administrator instructions as to whom he was to regard as a refugee.

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(6) There were several open questions relating to compensation.

(a) The bases for compensation set forth in the Explanation of the Proposals have never been the subject of an UNCCP decision.

(b) The text did not suggest whether the effort should be made to satisfy the claims up to 100 per cent.

(c) Indeed there was no mention of what might be the total amount of compensation if all refugees preferred compensation. Mr. Jarvis, the Commission's Land Expert, had prepared last year a paper providing a basis for computing the value of immovable property; he would submit shortly a supplementary report on progress with respect to identification and valuation since his last year's Interim Report (A/AC.25/W.83). The Commission last year decided not to publish that report because it was felt the bases upon which he had arrived at estimates of the total immovable property might be subject to controversy. At this stage two obvious questions confronted the Commission. Could it withhold this information indefinitely, particularly in the light of paragraph 1 (b) of resolution 1725 (XVI)? If not, who should receive information, and when, with respect both to the bases and amounts of compensation envisaged by the Commission?

(d) Further questions related to the method of payment of compensation. Paragraph 16 of the Explanation suggested that Governments might wish to have some say in the way in which a refugee used his compensation. There was the possibility of withholding payment, at least of the reintegration allowance, until resettlement of a refugee had taken place.

(7) Another question concerned that of the organization and budget of an Administrator's Office, both on a temporary initial basis and on a longer term basis should the operation progress satisfactorily. Working Papers had been prepared by the Commission's secretariat setting forth a possible organization and a possible budget. Last week those papers were handed informally to Dr. Bunche in the presence of the Secretary-General. In the interest of limiting distribution they had not been vetted either by the Office of the Legal Counsel or by the Controller. The Special Representative thought it highly desirable that the Commission authorize Mr. Gaillard to proceed to refine these drafts with appropriate specialists within the Secretariat and make sure that they conformed with United Nations practice and procedures.

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In conclusion, Dr. Johnson pointed to the further question of whether or not the Commission wanted to approve any part of the Proposals, and if so, in what form and how soon.

Mr. PEDERSEN (United States of America) declared that it was no surprise to hear from Dr. Johnson such a detailed, thorough and valuable report on his extremely delicate task. He was impressed with the patience and skill and great attention to detail shown in the report. In the final analysis it was on detail that success depended. The Commission was faced with the question of what action it might take to allow Dr. Johnson to proceed with his work.

The United States representative requested that the summary record reflect in detail the problems itemized by Dr. Johnson on which decisions were needed. It would be useful to have an opportunity to look at these detailed questions as soon as possible.

Regarding Dr. Johnson's requests for authorization and advice, he thought that the Commission should authorize him to go ahead and talk to the parties on the basis of the two-page Proposals so that they would have an opportunity to consider the proposals at the same time as members of the Commission. With respect to the Explanation of the Proposals, he believed it would be best, at least initially, to give any explanation orally. After learning what the reactions were, the Commission could consider whether it would be desirable to provide explanations in writing. He felt the oral explanation would probably minimize the tendency of the parties to react formally and make it more likely that they would acquiesce in the plan.

Concerning the secondary problem of what the Commission and the Special Representative should at this time say publicly about the substance of the meeting, he considered that the proposals should be kept confidential and that there was no need to say more than that a progress report had been received from Dr. Johnson and his consultations were continuing.

Mr. DAUGE (France), associating himself with the Chairman and the representative of the United States, expressed most sincere thanks to Dr. Johnson for the remarkable piece of work he had performed and admiration for the author's complete and imaginative honesty, his precision and sympathetic understanding of the drama of the refugees. The Commission's trust had been very well placed.

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On the question of transmission of the Proposals to the Governments concerned, he believed the answer to be found in the first part of Dr. Johnson's report where in paragraph 15 Dr. Johnson recalled his own terms of reference. The transmission of the Proposals appeared to be within his mandate. In the opinion of the French Government, he needed no special authority but he was grateful to Dr. Johnson for consulting with the Commission. Since such authority was requested, he was happy to give it.

His Government was studying very carefully the substance of the Proposals. When first reactions from the Governments concerned were received, they should be made known to our Governments so as to facilitate their decisions and instructions on the matter. He believed that it would be good policy to give Member Governments some time to make up their minds.

As regards the documentation to be communicated to the countries concerned, he agreed with what Dr. Johnson and the representative of the United States had said about the Proposals themselves. As to the Explanation, of course it might be wise to give them in writing to avoid any possible misunderstanding. On the other hand, he shared the concern of the representative of the United States that too much written material might tend to harden the positions of the parties. If explanations were to be given in writing, the Explanation of Proposals should be checked, shortened and possibly some passages revised, e.g. references to texts of the questionnaires should be deleted.

On the question of the confidential character of the "Communication" of Dr. Johnson, he agreed with Mr. Pedersen that the Commission should be utterly discreet when approached by journalists and other delegations.

The CHAIRMAN thanked Dr. Johnson for his very useful explanation about the magnificent work he had done. Before making any further comment, he wished to know the reaction of the Secretary-General concerning the establishment of the suggested Administrator's office.

Dr. JOHNSON (Special Representative) replied that the Secretary-General's agenda had been so full that he had not read the whole "Communication" and therefore only a preliminary reaction had been obtained. With respect to setting up the office and to budgetary and financial implications the second and third paragraphs of Mr. Gaillard's memorandum of 31 August, just circulated to the

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Commission, set forth what he understood to be the position of the Acting Secretary-General. On a budget request from the CCP he would feel morally obliged to consult with the representatives of the States concerned prior to requesting the concurrence of the Advisory Committee. He believed that the Acting Secretary-General felt that such an important political question was involved that, even though he might have legally, and specifically, the authority to assist in setting up of the office under resolution 1725, he would not wish to do so without taking a sounding with Israel and the Arab States. The word "consultation" was used. While recognizing the point made by U Thant, it seemed to him that if the CCP discovered, as a result of discussions of the Proposals, that there was not going to be strong objection, the consultation which the Acting Secretary-General undertook might be confined essentially to learning whether or not they would acquiesce. He believed that U Thant would support his idea of authorizing the Secretariat to proceed to further study of both the proposed organization and budget. Prerequisite to any final decision by the Secretary-General was such a study and a definite request from the CCP for budgetary assistance.

The Acting Secretary-General's chief concern was on the question of issues relating to the use of Government House. There were both practical and political problems. Government House was already bursting at the seams and UNTSO had already requested additional space for its own staff.

Politically, Dr. Bunche had raised two questions. The first was the more general one that UNTSO by its very nature was a subject of controversy between Israel and the Arabs. UNTSO was the organization with which Government House had always been associated and there might be unfortunate repercussions on the work both of UNTSO and of the Acting Administrator in associating the two bodies under the same roof. The other more immediate question arose from UNTSO's policy of keeping Government House as far as possible out of bounds for both Israelis and Arabs and to limit the number of people from both sides who came there. His Proposals might involve the need for Arabs to have contact with people in Government House, although there was the possibility of establishing sub-offices elsewhere.

These were the major issues raised in this preliminary talk with the Secretary-General. There was no real discussion. A preliminary inquiry had been directed to the Acting Chief of Staff at the suggestion of Dr. Bunche. The reply

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had pointed to most serious difficulties and limitations on facilities that might be provided on a temporary basis for an initial staff of up to fifteen persons. A decision from the 38th floor would require further discussion after the views of General von Horn had been received.

The CHAIRMAN thanked the Special Representative and said that it was his understanding that the Acting Secretary-General was not yet ready to take a decision on the question of a Government House office.

Speaking as representative of Turkey, he declared that his Government had not yet been able to study the "Communication" and he had received only some preliminary instructions. His Government shared the opinion of the French Government that it was not necessary for the Commission to authorize Dr. Johnson to talk with the parties concerning the Proposals. It would prefer the Special Representative to get in touch on his own initiative with both parties. As Dr. Johnson's report had mentioned as a basic condition the acceptance of both parties - Israel and the Arab countries - his Government thought it would be better to have their reactions before taking any further step in that matter, such as endorsing the Proposals. He shared the view of Mr. Dauge that the Commission should not take a definite step today but wait for further developments and especially instructions from their Governments.

Dr. JOHNSON (Special Representative) interjected that he had mentioned as a basic condition acquiescence by the parties, not acceptance.

The representative of Turkey said that he had no objection to Dr. Johnson's transmitting the Proposals. As to the Explanation, he believed that a detailed explanation in writing would be the more useful approach, so as to avoid, in so far as possible, any misunderstanding in the future. The Chairman added that in his opinion the "Communication" and the Proposals should be kept confidential to the maximum degree possible.

Mr. DAUGE (France) proceeded to make some preliminary observations on the Proposals which, he emphasized, should not be construed as the final stand of his Government.

First, concerning the role appropriate to the CCP. It was true that since resolution 512 (VI) the Commission had taken some initiatives. There was no

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doubt, however, that the Proposals put forward by Dr. Johnson exceeded by a very broad margin, in importance and in scope, all such previous initiatives. Therefore, the Commission was agreed that it would be wise for the Proposals to be passed on to the Governments concerned before the Commission took a decision or Governments made up their minds. Resolution 512 (VI) had, after all, placed the "primary responsibility" upon the parties concerned. He believed that it would be lacking in realism if the Commission proceeded with this plan without at least getting the acquiescence - if not the agreement - of the parties. He was quite interested to hear that the Acting Secretary-General seemed to share that view.

Even at first glance, it appeared that the plan was bound to give rise to a number of difficulties in its implementation. He was sure that Dr. Johnson was second to none in being aware of all such difficulties. For instance, he believed that it would be rather difficult to expect that the projected consultations with refugees could take place without the total agreement of the Governments concerned and without any moral or other pressure being exercised upon those refugees. Second, it was one thing to have the Arab States concur in UNRWA vocational training projects, but it was a completely different matter for those States to agree to the terms of compensation and to resettlement. Third, what would happen when the alternative of repatriation was not available due to lack of agreement by Israel? Other difficulties were apparent in the question of an Acting Administrator who would have as his task to consult with refugees and in the matter of the financing.

Approval by the parties of the whole scheme would probably be required. In any case their comments would be necessary before the Commission endorsed the plan. Recent experience would tend to make him fear that the parties might be reluctant. The Arab States certainly wanted to keep the refugees on their territories well in hand and they might not want to let them participate in the consultations suggested by the Plan. The task to be performed by the Administrator might increase the responsibilities of the CCP and it might not be well within its terms of reference. Besides, there might be the risk of the Administrator's job overlapping that of the Director of UNRWA. Finally, he voiced his Government's usual reservations about the setting up of anything having financial implications.

Stressing that these were only preliminary impressions, the French representative concluded by stating that the decision of his Government would take some time, involving as it would study of the plan itself and consideration of the reactions to the Proposals of the States concerned. While reserving his Government's position on the substance of the plan, he confirmed his Government's authorization for Dr. Johnson to pass on the Proposals to the parties concerned.

The CHAIRMAN stated that his Government believed that no further authorization was required. If members of the Commission believed that it was needed, his Government would see no difficulty in reiterating the authority of Dr. Johnson to contact the parties concerned, it being understood that such contact would be on his own initiative and not on behalf of the Commission.

Dr. JOHNSON (Special Representative) observed that he was a little concerned about how precise the authorization should be. In talking to the parties he would obviously not suggest that the Commission had approved the plan in any sense at all. On the other hand, he did not want to be in a position of having to say to the parties that the Commission had taken no responsibility with respect to them at all. It would be more satisfactory if he could say that the plan had been placed before the Commission, that the members were consulting their own Governments and had fallen in with his suggestion that, while the Governments were considering it, he might simultaneously submit it to the interested States for consideration.

Mr. PEDERSEN (United States of America) said that his Government would agree that Dr. Johnson go ahead and give the parties the Proposals with the understanding that the Commission was studying Dr. Johnson's plan.

After a further exchange of views on the advantages and disadvantages of having Dr. Johnson transmit the Proposals with an oral or a written explanation, it was decided that Dr. Johnson should submit a modified version of the Explanation of the Proposals, which would be characterized as his personal explanation, as the basis for an informal Commission decision on the problem.

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It was also decided that, pending study by the members of the Memorandum to the Acting Secretary-General and the Working Paper on the Organization of the Office of the Administrator and Plan of Operations together with Estimated Budgetary Requirements, both dated 21 August, the Principal Secretary would not consult with Secretariat experts in administration with a view to refining the Working Paper. Approval of such action could, it was agreed, be given informally at an early date.

An exchange of views took place on the type and contents of a communiqué to be issued on the meeting.

It was decided to issue a very brief communiqué. Members, in reply to questions, would say that the meeting was a normal one to receive a progress report and that Dr. Johnson was continuing his contacts with representatives of the States concerned. It was agreed that should a serious leak occur, the question of publicity for the Proposals would require reconsideration.

The meeting rose at 5.40 p.m.