

RESTRICTED

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SUMMARY RECORD OF THE SIXTY-SECOND MEETING

held in Lausanne on Tuesday,
24 May 1949, at 10.30 a.m.

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

Exchange of Memoranda with delegations

The PRINCIPAL SECRETARY explained that in accordance with the Commission's instructions a letter had been despatched on 21 May to all delegations stating that henceforth proposals or statements presented by one party would be transmitted to the other (documents IS/17 and AR/9). A reply from the Commission to the nine-point memorandum on refugees submitted by the Arab delegations had been despatched on the same day (document AR/10). The same afternoon a further memorandum had been received from the Arab delegations, which was now before the Commission (document AR/11). On 23 May the Secretariat had transmitted the first two communications under the terms of its letter; the Israeli proposals regarding frontiers with Lebanon and Egypt had been communicated to the Arab delegations (document AR/12), and the nine-point memorandum on refugees had been transmitted to the Israeli delegation (document AR/8).

The CHAIRMAN observed that the latest memorandum from the Arab delegations (document AR/11) should now be transmitted to the Israeli delegation. While in principle a verbal statement such as Dr. Eytan's concerning frontiers should be extracted and embodied in a new memorandum before transmittal, he agreed with Mr. Ethridge that a statement received in written form, such as the present one, should be communicated virtually in its original form. He requested the Principal Secretary to prepare a memorandum transmitting the substance of the letter from the Arab delegations and requesting an early reply from the Israeli delegation.

Arrangements for further meetings with the Arab and Israeli delegations

It was the view of the CHAIRMAN and Mr. YALCIN that no useful purpose could be served by convening further meetings with the delegations at present, since the Commission would have no precise basis for further discussions until replies had been received to the memoranda just transmitted.

Mr. ETHRIDGE expressed concern regarding the future of the negotiations and the present position of the Commission. At present the lines of thought followed by the two parties were running parallel and not meeting at any point. The Israeli delegation had put forth a demand for withdrawal of Arab troops, and proposals regarding the frontiers with Egypt and Lebanon; it had said nothing about the boundaries with Syria or the Hashemite Jordan Kingdom, nor about the disposition of Arab Palestine, nor the number of refugees who might be allowed to return to their homes. Israel, moreover, was proceeding from an illogical basis to an illogical position; while maintaining that the problem of the peace was indivisible and that all questions relating to the peace formed part of one pattern, it was now insisting on settling separate boundary lines without being willing to state its views on the situation as a whole.

The Arabs, on the other hand, were demonstrating no real desire to approach a peace settlement from a practical viewpoint. They were maintaining an unrealistic stand in insisting that the Commission, without force at its disposal, should itself implement the sections of the resolution which dealt with the refugee situation. In paragraph 3 of their memorandum of 21 May, they approached the territorial question obliquely, but only on the basis of the Partition map. It must be determined whether or not they intended to advance from that latest position into actual negotiations based on present realities.

Mr. Ethridge thought the time had come for the Commission to insist that the constant presenting of counter-claims should cease and that true positions should be clearly stated by both sides. The Commission must then decide for itself whether or not either side was in reality ready to conclude a peace. For his own part, he felt that the Arab States, with the possible exception of Lebanon and the Hashemite Jordan Kingdom, would be ready to continue for a certain time under the present armistice arrangements; Israel, although it needed and de-

sired peace, was unwilling to pay the price to achieve it.

Mr. Ethridge had certain suggestions to make regarding the future activities of the Commission. First, the General Committee might continue holding meetings with the delegations and endeavour to elicit further and more concrete opinions. Secondly, the Commission should place itself in a position to reply, in case of a continued stalemate, to a possible request from both sides for a proposal from the Commission. Thirdly, the Commission could endeavour to break the deadlock through further meetings with each delegation separately; it had, in any case, reserved the right to convene the Arab delegations separately. Fourthly, if all other measures failed, the Commission might consider convening a joint meeting of all five delegations, presided over by the Commission.

Mr. YALCIN approved Mr. Ethridge's suggestions, and proposed that the Commission should follow them, in succession, in an endeavour to exhaust all possibilities. The Commission might continue its efforts to conciliate the opposing positions during the following week or ten days; at the end of that time it might present to both parties its own draft of a peace settlement.

The CHAIRMAN drew attention to the fact that the Commission had submitted no report to the Secretary-General since its arrival in Lausanne; it might well draft such a report within the next few days, informing the Arab and Israeli delegations of its intention.

The Chairman agreed that the Israeli delegation should be pressed for a reply to the latest memorandum from the Arab delegations. In general, however, he felt that the Commission had perhaps allowed insufficient time for the achievement of a conciliatory atmosphere between the two parties; he hesitated to apply too much pressure at the present stage, lest more harm than good might result. He had the impression that neither side wished to break off the negotiations, but that neither wished to give the impression of yielding too quickly.

Mr. ETHRIDGE did not wish to propose any precipitate action on the part of the Commission; however, he drew attention to the fact that the Lausanne talks had now been in progress for four weeks. He felt that the attitudes of both parties to the negotiations had now crystallised, and that

the parties were under obligation to the Commission and to the United Nations to state those attitudes.

The CHAIRMAN agreed that the Commission must take the initiative in bringing matters to a head; the question of timing was what concerned him. For the time being the Commission must find a way to press both sides for more detailed statements without giving the impression that it was considering any drastic measures. He agreed that the General Committee should resume its meetings, with the understanding that its discussions would not be limited to the refugee question.

The PRINCIPAL SECRETARY suggested that on the basis of the exchange of memoranda the General Committee might establish a list of specific points for discussion with both sides in the course of its meetings. Regarding the suggested report to the Secretary-General, he thought that if the Commission were to let it be known that such a report was being drafted, the information might have a salutary effect upon the delegations, all of which were endeavouring to shift responsibility for the delay in the negotiations.

Mr. ETHRIDGE agreed to the suggestions; he thought it necessary, however, that the Commission should also hold meetings with each delegation separately in the course of the next ten days. Regarding the work of the General Committee, he pointed out that several matters were still outstanding; for example, the Israeli delegation should be asked to discuss the latest Arab memorandum of 21 May, and the Arab delegations should be requested to reply to the Israeli proposals on frontiers.

The CHAIRMAN suggested that, for purposes of the Commission's separate meetings with the Arab delegations, the General Committee should endeavour to establish a list of points for discussion which would be of specific interest to the individual delegations.

Technical Committee on Refugees

The PRINCIPAL SECRETARY reported on the present status of arrangements for the constitution of the Technical Committee on Refugees. As regards the French, United Kingdom and United States members, the situation was clear, and the necessary administrative measures were being taken at Lake Success to make their services available immediately. With regard to the Turkish member, it appeared that the initial misunderstanding had not yet been clarified. The Turkish Government apparently still held the view that the members of the Committee were to be nominated as representatives of Governments, rather than recruited and appointed as Secretariat officers by the Secretary-General; it had refused, on that ground, to approve the candidate proposed by the Secretary-General, who was a member of the Secretariat. The Secretary-General, however, on the basis of decisions of the General Assembly governing his authority, insisted that since the personnel in question were not government representatives, the responsibility for judging qualifications and making final appointments must rest with him. He now requested that if the misunderstanding were prolonged, the Geneva Office should despatch a cable to Ankara explaining the exact character of the Technical Committee.

Mr. YALCIN thought that the technical and non-political character of the Committee was clearly established and not in doubt. He pointed out that the Secretary-General had been offered ten names of possible candidates for the United States post, from which he had selected one; if the Secretary-General found the Turkish Government's candidate unacceptable, he had only to request that further names be proposed.

Mr. Yalcin had consulted the text of the General Assembly's resolution of 8 October 1948, which mentioned only budgetary matters; he could not see that it gave the Secretary-General authority to appoint the members of the Technical Committee.

Mr. ETHRIDGE made the observation that the Secretary-General was maintaining his prestige and authority at the expense of the Commission's work. Paragraph 12 of the resolution of 11 December 1948 authorized the Commission "to appoint such subsidiary bodies and to employ such technical experts" as it deemed necessary; in accordance with that authorization the Commission had cabled its needs to the Secretary-General on 8 April. The Commission had undertaken a commitment toward the Arab States, in Beirut, as regards the Technical Committee; a representative of the refugees had

suggested to Mr. Ethridge recently that the refugee committees could do little in Lausanne since the Commission had made no progress on the refugee question and the Technical Committee was not yet established. Mr. Ethridge felt that the good faith of the Commission had been jeopardized in the eyes of the Arab delegations because of an ill-founded contention of the Secretary-General.

The PRINCIPLE SECRETARY wished to clarify certain points. It was not a question of the Secretary-General's prestige, but rather a question of principle. If the members of the Committee were not representatives of Governments, they must receive a contract from the Secretary-General and form part of the Secretariat; he pointed out that the United States member had been recruited outside the United Nations but would become a member of the Secretariat when he received his contract. The right and duty of making such appointments was reserved to the Secretary-General by Article 101 of the Charter.

With regard to Mr. Yalcin's remarks, the Principal Secretary pointed out that the Secretary-General had taken the very action Mr. Yalcin suggested; being unable to accept the candidate nominated by the Turkish Government, he had in turn proposed a qualified candidate known to that Government. It appeared that the Turkish Government offered no grounds for its refusal of that candidate except the fact that he was not qualified to represent the Government of Turkey. The Principal Secretary cited extracts from a Lake Success cable which indicated that in a memorandum received on 11 May from the permanent Representative of Turkey to the United Nations, the Secretary-General had been informed that the candidate proposed by the Turkish Government, Mr. Zoglu, "was designated to represent Turkey. It was never intended to designate him as a candidate to be recruited by the Secretariat". That memorandum further stated in regard to the candidate considered qualified by the Secretary-General, Mr. Erim, that "Mr. Erim's qualifications and experience are well known to the Turkish Government and his nomination to that post is heartily welcome". The reference to "that post" was to the director of the Secretariat of the Refugee Committee which the Turkish Government had assumed would be set up at the same time as the Committee itself. Since the Turkish Government had thus withheld its approval of Mr. Erim's candidacy only on the grounds of his Secretariat status, which would preclude him from representing Turkey, and since there was no question of the members of the Committee representing Governments, the Secretary-General had interpreted the above-mentioned extract from the Turkish Government Representative's memorandum as indicating the Turkish Government's concurrence

in the appointment of Mr. Erim to the Technical Committee. The representative of Turkey at Lake Success had agreed that that interpretation was reasonable and had so advised his Government. The latest reply from the Turkish Government, however, indicated that it was still under the impression that members of the Committee would be appointed by the Commission and would represent their Governments.

Mr. YALCIN pointed out that in any case the members of the Committee should be appointed by the Commission and not in Lake Success.

The CHAIRMAN proposed that a cable should be despatched at once to the Secretary-General, in the name of the Commission, re-affirming that the members of the Committee were to be technicians and not government representatives, stating that the delay had already jeopardized the Commission's work, for the reasons set forth by Mr. Ethridge, and requesting that an agreed Turkish candidate should be proposed to the Commission within the following week. If the Committee was not constituted within that time, the Chairman thought the fact should be mentioned in the Commission's forthcoming report.

Mr. ETHRIDGE supported the Chairman's proposal. He felt it should also be brought to the attention of the Secretary-General that beyond the administrative principle involved, there existed the principle of the good faith of a United Nations Commission, which had already been prejudiced.

The PRINCIPAL SECRETARY felt that some confusion existed between the rights and duties of the Secretary-General under the Charter and the rights of the Commission under the resolution of 11 December 1948. He was convinced that the Secretary-General's only desire in the matter was to serve the Commission

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A N N E X

Note by the Principal Secretary: The following note concerning the Technical Committee on refugees was submitted ~~by~~ the Turkish member of the Commission for inclusion in the summary record of the sixty-second meeting:

At its meeting of April 8, the Conciliation Commission passed a resolution whereby, acting under the authority of Article 12 of the Resolution of December 11, 1948, it created a Technical Committee for the Palestine Refugees, as a "subsidiary body" of "Technical Experts" within the meaning of the abovementioned Article, and requested the Secretary-General to call upon the Governments of the United States, France and Turkey to nominate experts of their respective nationalities, in addition to others which the Secretary-General might refer to the Commission, to be submitted to the Commission for final appointment. These experts are to be "appointed" and "employed" by the Commission under the terms of the said Article: and the Secretary-General has been requested to "make appropriate arrangements and to provide the necessary funds" within the meaning of Article 15 of the said resolution.

Although all three Governments have already transmitted the names of their nominees to the Secretary-General, the list of nominees has not as yet been referred to the Commission, owing, allegedly, to certain administrative difficulties.

In view of the extreme urgency of the refugee situation, and in order to avoid the pernicious political effects of further delay, the Commission strongly urges the Secretary-General to expedite the necessary administrative arrangements, bearing in mind that the specific terms of the abovementioned resolution must, if necessary, be interpreted as modifying any preceding general provisions of a purely administrative nature.