UNITED NATIONS CONCILIATION COMMISSION

FOR PALESTINE

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SUMMARY RECORD OF A MEETING OF THE CONCILIATION COMMISSION AND THE ISRAELI DELEGATION

Held at the Palais des Nations, Geneva
on Monday, 30 January 1950, at 4 p.m.

Present:	Mr. Palmer	(United States)	- President
	Mr. de Boisanger	(France)	
	Mr. Eralp *	(Turkey)	
	Mr. de Azcarate		- Chief Secretary
	Mr. Gideon Raphael		- Israeli Representative

* Alternate

The PRESIDENT read the following statement to the Israeli delegation:

"As Chairman of the United Nations Conciliation Commission for Palestine at this time when the Commission is resuming its meetings with the Delegates of the Arab States now represented here and the Delegate of Israel, it has been my privilege, and I have been pleased to have the opportunity in company with my colleagues, to welcome each Delegate individually and separately at our recent informal meetings. In this official capacity at this formal inauguratory meeting with you, I now have much pleasure in extending a formal welcome to you in the name of the Commission.

But I do not wish to limit myself to a mere formal welcome, I feel that before we begin our work together in Geneva we might recall briefly certain important decisions taken during the recent session of the General Assembly in New York with regard to questions which had previously been entrusted to the

Conciliation Commission by the resolution of 11 December 1948, and that it might be helpful if, in anticipation of the further meetings with you to which we now look forward, we were to consider briefly today the extent to which these decisions bear upon the Commission's mandate.

The Commission's general mandate, "to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them," remains in full force.

As regards Jerusalem, the responsibility of the Commission under the General Assembly's resolution of 11 December 1948 was fulfilled by the presentation to the Assembly of the Commission's proposals regarding the establishment of an international regime for Jerusalem. By its resolution of 9 December 1949 the General Assembly charged the Trusteeship Council with the elaboration of an international regime for Jerusalem which would be based upon the statute drafted by the Council itself in 1947.

By its resolution of 8 December 1949 the Assembly created the United Nations Relief and Works Agency for Palestine Refugees in the Near East to deal with the relief, resettlement and rehabilitation aspects of the refugee question, and to carry out a specific program, as approved by this resolution, which through local works projects would provide for a considerable number of refugees a means of livelihood that would ensure their independence from direct relief.

With regard to resettlement, the Governments of Syria and Jordan have affirmed their readiness to accept the resettlement in their territory of refugees that may not desire repatriation. With regard to the repatriation of refugees, the Government of Israel has expressed its willingness to accept within the territory now under its control an Arab population of 250,000. The Government of Israel has accepted the principle of compensation of refugees for land abandoned by them. The principle of territorial compensation to the refugees has been advanced by the Arab Delegates.

The Conciliation Commission remains the organ seized with the problem of the return of the refugees to their homes and the problem of compensation according to the terms of paragraph 11 of the resolution of 11 December 1948, which was

reaffirmed by the Resolution of 8 December 1949. The Commission has had the question of compensation under study for some time and hopes that its continued consideration of various aspects of this question and their discussion in successive meetings with you and the Israeli Delegate (Arab delegates) may point the way to, and eventually result in, an equitable solution of this problem.

On the territorial question, the respective positions of the parties were made clear to the Commission in their notes of 29 and 31 August 1949. These positions were considered by the Commission to be too far removed from each other to offer a basis for effective conciliation, and in consequence both parties were invited to revise their positions.

In New York the Arab delegations conveyed to the Commission their desire that it should undertake, in conformity with the authority conferred upon it by the General Assembly's resolution of 11 December 1948, the functions of mediator. They suggested that the Commission submit for the consideration of the parties proposals or suggestions of its own. The Commission has not yet determined how it can most helpfully undertake and effectively discharge the functions of mediator, but it hopes that with the essential collaboration of the parties it may succeed in working out an initially promising and ultimately fruitful method of procedure.

As the Commission has abundantly made clear in the past, it favours the establishment of direct contact between the parties. Such a course appears to the Commission all the more indispensable if it is to mediate effectively between them. The Commission is ready to assist the parties in reaching agreements, whether collectively or separately both on the larger issues and on questions of a more local character.

In conclusion, as the Commission meets with you for the first time in formal session at the beginning of another year, keenly conscious of the divergent views and conflicting interests which make its task under its general mandate such a difficult one, it hopes not only that you will sense how earnest is its desire "to assist the Governments and authorities concerned to achieve a final

settlement of all questions outstanding between them", but also that all Delegates meeting with the Commission will through timely suggestions and ready collaboration in successive steps afford it opportunities to be of assistance to all concerned as envisaged in the 1948 Resolution of December 11."

Mr. RAPHAEL (Israel) then read the following statement, the text of which was later supplied to the Commission at the request of a member:

I wish to express my gratitude to the President and Members of the Commission for their kindly welcome which I deeply appreciate. I have the honour to convey to you the best wishes of my Government for the successful conclusion of the Commission's work.

We are beginning the fourth round of our fight for peace. So far it has been a rather curious contest. There has been a lot of sparring but the opponents have never come to grips. I believe that it is something entirely new in peacemaking for the parties assembled for a peace conference to use the letter box as a medium of communication instead of the conference table.

My colleagues and predecessors have done everything humanly possible, and have shown a great deal of goodwill, in order to induce the Arab Governments to adopt an attitude in conformity with the resolution of the Security Council of November 16 1948 and of the General Assembly of December 11 1948. These resolutions call upon the parties to enter into peace negotiations, into direct negotiations.

Gentlemen, Israel did not want this war, it did not start it and it did not lose it. It is amazing that under these circumstances the other party should have permitted itself or been permitted to refuse obstinately to sit down at the conference table with us, who successfully defended the basic principles of the Charter against greatly superior forces and without any material assistance from the United Nations. Allow me to recall no more than two outstanding examples of the spirit of accommodation shown by my Government throughout the Lausanne Conference.

When in the summer of 1949 the Government of Israel, as part of a comprehensive peace settlement, offered to increase the Arab population of Israel to approximately 250,000 (a process fraught with obvious risks for Israel's future security) it did so in the hope that negotiations would be given a more favourable turn and the conclusion of peace brought nearer. Its object in making this offer, for the sake of which it was ready to run the risks entailed, was to end the deadlock and open the way for progress. This purpose the offer most notably failed to achieve. It was rejected by the other party and did not advance the cause of peace. We held out our hand but the other side did not take it. How long can one stretch out one's hand without getting tired? We need both our hands for the tremendous task of building up our country.

The factual background against which the offer was made is not now the same. Far reaching changes have taken place in the ethnic pattern of Israel. In these circumstances the Government of Israel must resume its liberty of action as regards the question of the return of refugees to Israel. It must leave the exact extent of such repatriation to be determined by the nature of the peace concluded and by the relevant circumstances obtaining at that time.

As regards the territorial settlement, we must again emphasise that the signing of the Protocol of 12th May was a procedural device which it was hoped would help to set the process of negotiation in motion. The Protocol too failed to achieve its objective. It meant the recognition by the Arabs of the partition of Palestine. It provided a basis for discussion for an exchange of views which there would seem to be little point in pursuing now, after over eight months discussion on that basis has failed to result in any kind of progress. Be that as it may, had the representative of Israel had reason to fear that the signing of the Protocol would have the effect of prejudging the scope or course of free negotiations he would never have signed. From the outset the Government of Israel has insisted that peace negotiations should be free and untrammelled by any prior limitations.

The failure of both the Protocol and of the repatriation offer to bring about peace negotiations brings us to the crux of the problem, and has a direct bearing on the question of the procedure which the Commission appears to have contemplated.

The crucial question is - are the Arab Governments ready to negotiate a peace, or are they merely trying to evade the issue by pretending to be engaged in a peace-making effort under the cloak of the Commission? If they are ready to discuss peace, the negotiations can begin at once. We are ready to conduct these negotiations at any level and in any form conducive to success. We approach the question of the agenda of such a conference with an open mind. But if the Arab Government are not ready to negotiate peace, no amount of conciliation or mediation can be of any avail. Readiness to enter into direct negotiations must be considered as the only valid test of the sincerity of the desire for peace.

On the question of mediation, irrespective of the legal rights or wrongs of the problem within the terms of the Assembly's resolution, it should be clear that the formulation by the Commission itself of compromise proposals is liable to be of advantage to the recalcitrant party without in any way forcing it to become more amenable to peaceful counsels. The process of mediation so conceived must progressively prejudice the position of the party willing to negotiate without necessarily leading to peace or even to peace negotiations.

For these reasons the Government of Israel feels convinced that far from resolving the difficulty the initiation of proposals by the Commission itself would only add to the complexity of the problem and make the prospects of a settlement even more remote. The Government of Israel believes, therefore, that the only direction in which the efforts of the Commission can prove useful, as far as fulfilment of its main task is concerned, is to prevail upon the Arab Governments to enter into direct peace negotiations. If no negotiations eventuate the Commission would best serve the cause of peace by clearly indicating where the responsibility for refusal to negotiate rests.

The Government of Israel if most sincerely anxious to see the present situation replaced by an era of lasting peace and is ready, as in the past, to facilitate the work of the Commission and to co-operate with it with a view to hastening the attainment of that goal.

The PRESIDENT stated that the Commission would communicate the text of his statement to the press. The text had already been furnished to the Arab delegation and would also be furnished to the Israeli delegation.

Mr. RAPHAEL (Israel) asked whether the Commission would also furnish to the press the statement he had just made but Mr. de BOISANGER (France) and the PRESIDENT stated that the statement would first have to be studied thoroughly before a reply could be given to that question. The PRESIDENT explained the reasons which had led the Commission to authorise publication of his own statement.

Mr. RAPHAEL (Israel) then said that he was prepared to leave it to the Committee to decide in private whether the statement should be communicated to the press either as a whole or in part.

It was so decided.

The meeting rose at 4.45 p.m.