

INDEX UNIT

21 DECI 1950

RESTRICTED
SR/LM.38
12 September 1949
ORIGINAL: ENGLISH

M.		
----	--	--

SUMMARY RECORD OF A MEETING BETWEEN
THE CONCILIATION COMMISSION AND THE
DELEGATIONS OF THE ARAB STATES

held in Lausanne on Monday,
12 September 1949, at 10.15 a.m.

Present:	Mr. de Boisanger (France)	- Chairman
	Mr. Yalcin (Turkey)	
	Mr. Rockwell* (U.S.A.)	
	Dr. Azcarate	- Principal Secretary
	Abdel Monem Mostafa Bey)	- Representatives
	Mr. Abdel Chafi El Labbane)	of Egypt
	Fawzi Pasha Mulki)	- Representatives
	Mr. Edmond Roch)	of the Hashemite
	Dr. Mussa Hussein)	Jordan Kingdom
	Mr. Fouad Ammoun)	- Representatives
	Mr. Mohamed Ali Hamade)	of Lebanon
	Mr. Ahmad Choukairi	- Representative of Syria

* Alternate

The CHAIRMAN wished first of all to inform the delegations that although the present meeting would be the last before the Commission adjourned, representatives of the Commission would be at the disposal of the Arab delegations until the end of the week. Moreover the Secretariat would continue to function in Lausanne and subsequently in Jerusalem during the recess and would maintain close contact with the members of the Commission. Therefore, if the Arab delegations wished to communicate any information or to formulate any enquiries, they would be able to call upon the Secretariat.

The main object of the present meeting was to transmit to the Arab delegations a note signed by the three members of the Commission and which was almost identical in form for all four delegations.

The note indicated that since the stage reached with regard to the territorial negotiations was not such as to lead to any successful settlement, the Commission considered it opportune to request the Governments concerned to make some modifications to their existing attitude or to put

/forward

forward some new proposals. The Commission was prepared to receive such suggestions and to accord them careful study.

The Chairman wished to emphasize strongly the fact that flexibility was an essential characteristic of negotiation and one which both parties would have to adopt if concrete results were to be achieved.

He expressed the sincere hope that the reply which the Commission expected from the Arab delegations on the resumption of its meetings between 15 and 20 October in New York would contain important elements contributing to the success of the negotiations. In view of the fact that the present note was of such great importance, the members of the Commission had asked their respective Governments to press the matter through the normal diplomatic channels with the Governments of the Arab States.

MOSTAFA BEY (Egypt) speaking for his own delegation, wished to express his disagreement, as he had already done in private conversations with members of the Commission, both with the decision to adjourn the Commission's work and with the choice of New York as the site for the resumption of the conversations. He had always stressed the importance of continuity in the Commission's work and, whenever necessary, his delegation had always communicated with its Government, even by sending a representative if that were desirable. If, as the Commission had stated, it had to be present at the General Assembly of the United Nations during the discussion of such matters as aid for Palestine refugees and the international regime for the Jerusalem area, it would surely have been preferable for the Commission to have delegated one of its members to represent it at the General Assembly and, in that way, it could have continued its work in Lausanne. In connection particularly with the instrument establishing a permanent international regime for the Jerusalem area, he stated that he had definite reservations regarding the proposals since no account had been taken in making them of the views of the Arab delegations.

MULKI PASHA (Hashemite Jordan Kingdom) said that his delegation's views on the question of the adjournment of the Commission's meetings and the decision to resume work in New York were contained in the letter his delegation had sent the Commission. With regard to the question of the proposals for Jerusalem, he supported the opinion voiced by the representative of Egypt and expressed his surprise that on a

/matter

matter of such concern to them, the Arab delegations had not been consulted or requested to supply information.

Mr. AMMOUN (Lebanon) agreed with the previous speakers and specifically noted that paragraph 14 of the General Assembly's resolution of 11 December 1948 called for the "cooperation" of the parties. He assured the Commission, however, that the instrument would receive careful study by his Government and would be commented upon either to the Commission itself or to the General Assembly. He wished to make it clear also that whatever statements were made by the Arab delegations on that matter, they appreciated the conscientious work done by those responsible for drawing up the instrument.

Mr. CHOUKAIRI (Syria) recalled that only two meetings had been held between the Committee on Jerusalem and the Arab delegations and that general exchanges of views had taken place. The Arab delegations had however been under the impression that any proposals made would be submitted to them for study and comment. Moreover, the Commission had said, in one of its Progress Reports, that the consent of both parties was a most valuable consideration. He thought that if the proposals had been shown previously to the Arab delegations, many changes would have been made. He therefore associated himself with the statements made by the representatives of the other Arab delegations.

The CHAIRMAN, in reply, said that he fully understood the points of view expressed but assured the delegations that an adjournment in the Commission's work had appeared inevitable in view of the period of time which would naturally elapse before a reply to the Commission's note of that day were received and also in view of the fact that some reports would then have been received from the Economic Survey Mission which would prove a valuable contribution in discussing the practical aspects of the problem. Such an adjournment should not then be envisaged in any way as a break in the Commission's work and the Secretariat would continue to function in Jerusalem. As for the choice of New York, he further emphasized the fact that the Commission was in all events bound to go there and that therefore such a procedure had seemed the most opportune.

In connection with the instrument establishing an international regime for the Jerusalem area, he wished to point out that the General Assembly's resolution of 11 December 1948 did not expressly provide for the consent of both

/parties.

parties. The Commission had always sought the cooperation of the parties in that aspect of its work, as in all others. However, it had considered it preferable not to consult the parties before submitting the instrument to the Secretary-General of the United Nations. The parties would of course have every opportunity to discuss the question and to raise any possible objections in the General Assembly. He maintained that the Commission had followed the wisest course.

The Chairman wished, at that juncture, to inform the Arab delegations that the United Nations representative in Jerusalem, of whose appointment and terms of reference they had been advised by letter by the Principal Secretary, would be arriving in Jerusalem at the beginning of the following week. He hoped that the United Nations representative would be given the utmost help in his task which was of paramount importance since it established the basis of a truly international regime in Jerusalem.

In reply to a query from MOSTAFA BEY (Egypt) who asked what were the motives behind the delay of eight months in appointing such a representative, the Chairman first of all called attention to the positive aspect of such a question since it clearly indicated that the representative of Egypt had regretted the fact that such an appointment had not been made previously. In point of fact, however, the Commission itself had remained in Jerusalem until April, and, in the intervening period, had not deemed it opportune to appoint a representative. Various reasons, such as the Israeli-Syrian armistice, the clearer view which had emerged from conversations as to his terms of reference, and the completion of the instrument for Jerusalem, had made his appointment more pressing at the present time.

MOSTAFA BEY (Egypt) maintained that since, by virtue of the General Assembly's resolution of 11 December 1948, it had been agreed that Jerusalem should be accorded international status and that since any change in the zone since the end of the British mandate would prejudice the future regime, it would have been desirable for a United Nations representative to have been present in Jerusalem to report directly to the Commission on certain acts by the Jews contrary to the international regime prescribed in the resolution, even if he had been unable to prevent such acts.

/The CHAIRMAN

The CHAIRMAN fully appreciated those considerations. At an earlier stage, however, the United Nations representative's task would have been more difficult in some respects, such as that of cooperation with the local authorities. However the Commission was convinced that the representative would be able to do much useful work in Jerusalem at the present time.

MULKI PASHA (Hashemite Jordan Kingdom) gave the Commission the assurance that the United Nations representative in Jerusalem would receive the fullest possible cooperation from the Jordanian authorities. Such action would not of course prejudice in any way the stand adopted by the Jordanian Government with regard to the Jerusalem question and he announced his Government's intention to discuss the instrument for an international regime in Jerusalem in the General Assembly.

Mr. AMMOUN (Lebanon), although his country was not so directly concerned, also assured the Commission that all possible support would be given the United Nations representative in Jerusalem, especially in restoring the status quo.

The CHAIRMAN recalled that copies of the Draft Declaration concerning guarantees for the protection of and free access to Holy Places with a covering letter had been submitted to the various delegations for transmission to their Governments. He asked the delegations to urge that replies be sent at the earliest possible opportunity to the Principal Secretary in Jerusalem.

MOSTAFA BEY (Egypt) wished to draw attention to the fact that, in a previous meeting, he had requested that the Commission raise the matter of the demilitarization of the Jerusalem zone, referred to in Paragraph 8, sub-paragraph 2 of the General Assembly's resolution of 11 December 1948, with the Security Council, where the Egyptian representative would naturally lend his support to such a step. He was astonished that no action had been taken in that respect.

The CHAIRMAN assured the Egyptian delegation that the Commission had fulfilled its duty in communicating with the Secretary-General and requesting him to inform the Security Council of the matter. The Commission could do nothing further. In that connection, he wished to point out that the Egyptian representative on the Security Council could himself have raised the matter. In any case, the Secretary-General

/could

could be informed further of the statement made by the Egyptian delegation at the present meeting.

In reply to a further request from MOSTAFA BEY that the Commission should report to the Security Council, with regard to Paragraph 9, sub-paragraph 2 of the resolution, stating that the Jews refused to allow the return of refugees to the Jerusalem zone, the CHAIRMAN emphasized the complex nature of that problem. The provision in question had always been stressed by the Commission in its conversations with the Israeli delegation. It would, however, be difficult to insist on the implementation of that provision, especially in view of the armistice agreement concluded between Israel and the Hashemite Jordan Kingdom.

Finally, he thanked the Arab delegations for the cooperation they had shown hitherto and expressed the hope that the Commission's work would achieve a greater measure of success on the resumption of conversations in New York. He also informed the delegations that the Commission's Fourth Progress Report would be transmitted to the Secretary-General of the United Nations at the time of the adjournment.

MOSTAFA BEY (Egypt), speaking personally as well as on behalf of his colleagues, wished to express his appreciation for the spirit of cooperation which the Commission had always shown. If the Arab delegations had shown a certain amount of rigidity in their conversations with the Commission, that should not be attributed to any lack of good will on their part, but rather to their adherence to the principles of the General Assembly's resolution and to their sincere desire that the final settlement to be reached should be a stable and durable peace, which could only be achieved if based on justice.

Mr. AMMOUN (Lebanon) thanked the Commission for its continued efforts. The Arab delegations were fully aware of the difficulty of the Commission's task and would continue to cooperate to the fullest possible extent, in the hope of reaching a satisfactory solution to the problem at the earliest opportunity.

MULKI PASHA (Hashemite Jordan Kingdom) also expressed his gratitude to the Commission, and expressed the hope that on the resumption of its work in New York the Commission would, in view of the urgency of finding a solution, indicate

its own opinions on certain matters and take the initiative in making proposals.

Mr. CHOUKAIRI (Syria) supported the previous speakers in expressing his appreciation of the Commission's work and of the patience its members had always shown.