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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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5 May 1949

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NOTE

On Thursday, 5 May 1949, at 10 a.m. the Conciliation Commission held a private meeting with Dr. Eytan of the delegation of Israel. No summary record was issued.

NOTES ON A CONVERSATION BETWEEN THE CHAIRMAN
OF THE CONCILIATION COMMISSION AND DR. EYTAN

5 May 1949

Mr. EYTHRIDGE noted Dr. Eytan's statement that Israel was prepared to issue authorisations for return to Israel to members of families which had been separated. He asked whether the Israeli Government could issue such authorisations at once and set up a service to organise the return of such refugees.

Dr. EYTAN doubted the possibility of carrying out the operation physically at present, since it was envisaged as part of the overall peace settlement. If the Chairman considered it would be helpful, however, he would ask his Government if it would make the decision public and have inquiries made as to how many refugees would be affected, etc.

Mr. EYTHRIDGE replied that such action would certainly be helpful both to the Commission and to the refugee organisations caring for the refugees.

On the question of payment of indemnities for refugee lands, he asked whether it was the Government's intention to reimburse the refugees on the basis of the value of their lands before their departure. He had gathered from Dr. Eytan's statement that Israel did not reject the idea of a mixed claims commission.

Dr. EYTAN confirmed the Chairman's understanding; his Government expected that as a result of the Lausanne talks and the general agreements emerging therefrom, some sort of board would be set up to assess the lands in question.

Mr. EYTHRIDGE asked for further clarification regarding payment of indemnities to the refugees for urban real property and personal property such as household goods, cattle, machinery etc.

Dr. EYTAN said he had gone as far on this question as his instructions permitted. The question of urban real property was a complicated one which he thought had not yet been sufficiently studied. He thought it might be assumed that his Government would not pay indemnities for personal property, since there was no possible way of establishing or assessing claims.

Mr. EYTHRIDGE asked whether Dr. Eytan had received any further details from his Government concerning those points in the memorandum of 11 April which had not yet been covered, particularly points (4) and (6) (Arab blocked credits; depreciation in value of refugee property).

Dr. EYTAN said he had not yet received the information he had requested; he hoped it would be forthcoming soon.

Mr. EYTHRIDGE recalled that Mr. Eban, in a press statement made in New York, had mentioned the question of reparations for

war damages. He asked whether this question would be handled in the course of the Lausanne talks, or separately between the Governments concerned.

Dr. EYTAN stated that his Government would, at some stage, put forward a claim for reparations for the damage done to Israeli territory as a result of the war. The way the question would be handled would depend on the course taken by the Lausanne negotiations. If the present talks went into the details of compensation by Israel for the value of refugee lands and property, Israel would in turn put forward an assessment of its war damages; if the final settlement covered the question of compensation it should also cover the matter of reparations. If, on the other hand, the final settlement was a general one, not touching details, the reparations question would probably be left for later settlement between Governments.

Mr. ETHERIDGE asked whether Dr. Etan could state the Israeli position on the territorial question, on the basis of the General Assembly's resolution of 29 November 1947, which was still in force.

Dr. EYTAN said that his Government's position had been stated recently by the Foreign Minister: Israel would claim the territory allotted to it under the terms of that resolution, together with all territory now administered by it in fact. He recalled that conditions prevailing at the time the resolution was adopted differed greatly from present conditions. The Jewish Agency had accepted the resolution on the understanding that it would be carried out in all its provisions/, which included partition, establishment of an Arab State, economic union, etc. The only provision which had been carried out was the establishment of the State of Israel; the other provisions had proved to be unworkable in practice. Therefore the Government of Israel held the plan as adopted to be inapplicable at present.

Mr. ETHERIDGE made the comment that in that case it might be assumed that the existing armistice lines would be maintained.

Dr. EYTAN replied that that was a not unreasonable assumption. However, he pointed out that because an armistice line with, for example, Transjordan existed as a physical fact, Israel was not thereby committed to acceptance of a Transjordan regime on the other side of that line. What might happen in the nature of allocation, annexation, or administration on the other side of the line would be a subject for discussion. Israel's attitude on the question was elastic; its final views regarding border settlements must depend partly on the nature of the regime on the other side of those borders,--on the kind of neighbours it would have. In principle, the nature of the administration of the Arab parts of Palestine would influence Israel's attitude concerning the boundary question.

The question was asked whether the Israeli Government took

account of the fact that certain zones might be demilitarized.

Dr. EYTAN did not feel himself in a position to make a final reply on that point. He pointed out that Israel's major consideration in the boundary question had always been the matter of her security; his Government must do all it could to achieve the most favorable position for the future. For example, it must take into account the fact that its eastern neighbour had a military alliance with a major power. The position would be different if the neighbour were a small power without such alliances, or if the border region were a large demilitarized area under international guarantees.

When asked whether his statement might be taken as an official position of his Government, Dr. Eytan replied that the answer would depend on the probability or possibility of such demilitarisation being effected. It was easy to envisage it as a temporary measure under the terms of an armistice, but he was not sure whether it was a practical possibility under a permanent peace settlement.

Mr. ETHRIDGE asked what information Dr. Eytan could give regarding the "special committee" on Jerusalem--what it was doing, what were its functions, and how deeply it would be involved in political questions.

Dr. EYTAN explained that the committee had been set up under article 8 of the Israeli-Transjordan armistice agreement, but with different functions from those of the Mixed Armistice Commission. It had been established to deal with certain territorial and non-political matters which had not been solved during the Rhodes talks. It comprised two Israeli and two Transjordan members. It had made a promising beginning, which had been interrupted when the two Transjordan members were sent to Lausanne; however, deputies had been appointed and work was proceeding. Agreement had been reached on several points; one of these was the Lydda-Jerusalem railway, which had now been handed over in its entirety to Israeli control. In consequence of this agreement it was hoped that rail traffic to Jerusalem would soon be resumed. Other points which were still under consideration included access to Mt. Scopus, claimed by Israel, and access to Bethlehem, desired by Transjordan. The questions under discussion were of a purely territorial nature and would in no way, Dr. Eytan thought, affect the political settlement or the work of the Commission in Lausanne. The committee's work might have some effect on the boundary settlement; if so, it would be of a positive nature.

Mr. ETHRIDGE informed Dr. Eytan that information received from the refugee organisations indicated that 900,000 refugees were now being cared for by those organisations, of whom about

200,000 came from territory now a part of Israel. The remaining 200,000 were refugees in the sense that they had left their homes as a consequence of the war and had moved from one part to another of Arab Palestine.

Dr. EYTAN said he would not refute the figures given by the ~~xxfx~~ relief organisations, although officially he could not accept the view that the 200,000 now being cared for were all "refugees".

Dr. Eytan then informed the Chairman that in the past few days his delegation had made direct contact with the Arab delegations and had held conversations with representatives of Egypt and Trans-jordan. He felt sure that future talks would be held in a ~~free~~ ~~an~~ friendly and reasonable spirit, and that contact would also be established with the Lebanese delegation. The conversations so far had been preliminary exchanges of views which had shown that the Arab delegations had come to Lausanne with the sincere desire to achieve a settlement. He considered it a very encouraging beginning. He assured the Chairman that these direct contacts did not imply any desire to by-pass or exclude the Commission, which had a definite function of its own.

Concerning the draft "Preamble" submitted by his delegation, Dr. Eytan said that although the document was provisional in nature, he felt that it could be discussed at this stage with the Arabs as a basis for exchange of views. It had been drafted in such a way as to be acceptable, he hoped, to the Arab delegations.

Mr. EHRIDGE expressed his satisfaction that direct contact had been established between the Israeli delegation and two Arab delegations.

On Regarding the "Preamble", he drew attention to article II, paragraph 3, which he felt might rouse the fears of the Arabs with regard to what they considered to be Israel's expansionist tendencies.

Dr. EYTAN explained that the paragraph in question was a two-way clause which could operate as much in the interests of the Arab States as of Israel. His Government did not feel that an attempt should be made to settle all the detailed questions involved in an agreement on boundaries during the Lausanne talks; many minor points should be left for later settlement ~~by~~ between the Governments. This clause left the way open for such later negotiations, ~~xxxxxx~~ and for possible border changes which might be desired by the Arab States as much as by Israel. He did not feel that the paragraph should give rise to any fears on the part of the Arabs.
