

RESTRICTED
SR/NYM.3
26 October 1949
ORIGINAL: ENGLISH

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

held in New York, on Monday
24 October 1949, at 4 p.m.

Present: Mr. de Boisanger (France) -- Chairman
Mr. Yalcin (Turkey)
Mr. Rockwell (U.S.A.)
Dr. Azcarate -- Principal Secretary
H.E. Abdel Monem Mostafa Bey - Representative of Egypt
H.E. Fawzi Pasha Mulki -- Representative of the Hashemite
Jordan Kingdom
Mr. Edward Ghorra -- Representative of Lebanon
Mr. Ahmad Shoukairi -- Representative of Syria

MOSTAFA BEY (Egypt) recalled that in its first contacts with the Conciliation Commission, in Cairo and later in Beirut, his Government had maintained the view that the return of the refugees to their homes was the keystone and essential prerequisite of any peace settlement. Later, in Lausanne, although the Arab delegations had accepted the Protocol of 12 May without condition, their attitude in connection with the refugees had been held to be intransigent and a hindrance to the Commission's work. Following the Commission's first recess, the Arab delegations had returned with new instructions and had signed a declaration by which they agreed to consider the refugee question within the framework of the general problem and to work toward its solution as one part of that problem. When the Commission had subsequently requested the views of the Arab delegations on all parts of the problem, including the territorial question, their reply had been based on an acceptance of the Commission's own view that all parts of the problem were closely inter-related.

When the Commission had established the Economic Survey Mission, which was to investigate the capacity of the various Arab States to absorb refugees for resettlement, the Arab delegations had again agreed to the project and promised their cooperation. On the occasion of the Mission's three-day visit to Alexandria, the Prime Minister of Egypt had informed the Mission that Egypt was already facing grave problems of over-population and was not in a position to accept refugees for resettlement. The Mission had explained that its task

was two-fold: first, to find immediate productive work for the refugees, in order to lighten the financial burden upon the international community of continuing emergency aid; and secondly, to solve the problem of long-term rehabilitation of the refugees. In connection with the first task, Mostafa Bey assigned by his Government to assist the Mission, had made three proposals. First, he had pointed out that some refugees coming from Gaza had lands in the hinterland, on the other side of the lines, which were at present unoccupied and deteriorating. If these refugees were allowed to traverse the lines and cultivate their lands, the burden upon the international community would be lightened. Secondly, the Israeli-Egyptian armistice agreement provided for a no-man's-land in the north of the Gaza region; the inhabitants of that region also should be allowed to return to their lands and cultivate them. Thirdly, many of the refugees at present in the Gaza zone came from the Beersheba region, which was cultivable land those refugees should be allowed to establish themselves provisionally in that area, pending a final settlement. The Economic Survey Mission had promised to study these three proposals and communicate them to the Conciliation Commission.

The Commission, in its letter of 12 September, had told the Arab delegations that some of their territorial demands were excessive. The Egyptian delegation did not understand how territorial proposals could be elaborated without reference to the question of the refugees' future; it was pointed out that the Commission itself had referred, in its Third Progress Report, to the inter-relationship of all parts of the Palestine problem. Mostafa Bey requested the advice and guidance of the Commission on this point.

With regard to the Commission's note concerning protection of the Holy Places outside Jerusalem, the Egyptian representative recalled that for many years the Holy Places had been guarded and administered without discrimination by the Arabs and the Ottoman Government; except for the present regrettable situation in Palestine, that guardianship would have continued. If the Commission required formal undertakings regarding the respect and protection of the Holy Places, he did not feel that it was to the Arab States that such a demand should be addressed; their past history spoke for itself. Nevertheless, he had been instructed by his Government to reply to the Commission that such respect for Holy Places and religious edifices was entirely in the tradition of the Arab Governments, and that when the United Nations took a decision concerning the future of Jerusalem Egypt would support that decision.

The Commission had spoken of international guarantees of the rights and property of the refugees. In that connection, the Egyptian Government demanded that the rights and property of refugees should be guaranteed by Israel in accordance with the provisions of the Declaration of Human Rights and the Convention of Genocide, and that the Israeli Government should issue a proclamation concerning the protection of minorities, based upon those two documents. The Egyptian Government had prepared a draft proclamation to serve as a guide; a copy of that document would be furnished to the Commission.

The CHAIRMAN, referring to the Egyptian representative's statement that the territorial question could not be settled independently of the refugee problem, affirmed that such had always been the Commission's view. The Commission hoped, however, that the reports of the Economic Survey Mission would help to advance the work on the refugee question; in the meantime the Commission and the delegations could continue working toward

a solution of the other questions. He considered the proposals made by the Egyptian representative to the Economic Survey Mission as most interesting; the Commission had been unaware of those proposals, having as yet received no reports from the Mission.

With regard to the Holy Places, the Commission had hoped to be able to report to the General Assembly on the question at the present session. The Commission could transmit to the General Assembly the reply just made by the Egyptian delegation, but he had hoped for a more precise declaration. He asked whether the Arab delegations preferred not to sign the declaration formulated by the Commission.

As regards the proposed proclamation concerning protection of minorities, the Commission would be glad to study it when a copy was made available.

MOSTAFA BEY (Egypt) did not wish any misunderstanding to exist concerning the attitude of his Government on the question of protection of the Holy Places. Such protection had always been a traditional policy with his Government, and the official verbal statement he had made had been considered as sufficient. He pointed out that in his Government's view the question was far less important than other problems within the competence of the Commission which had not yet been solved.

Mr. SHOUKAIRI (Syria) felt that the present discussion raised an important point which must be clarified. As regards protection of the Holy Places, the traditional policy and attitude of the Arab States was well known throughout the world. In his opinion, the terms of the General Assembly's resolution of 11 December 1948 did not require a formal declaration as such; the intention underlying the resolution had been not merely protection of edifices, but protection of the rights of the worshippers. It was meaningless to issue declarations so long as

the places of worship remained empty; the question, therefore, was inextricably linked with the whole refugee problem. He interpreted the resolution as meaning that, first, the refugees must be allowed to return to their homes, and that, subsequently, their freedom of worship must be protected; otherwise, protection of the Holy Places as such would have no significance. If the Commission failed to enforce the rights of the refugees, any formal declarations would be fruitless. In any case, however, the Arab delegations did not refuse to sign the declaration in question; they were ready to declare their intention to respect and protect the Holy Places, without reservation and without condition, because they considered such protection their traditional function and duty. The Arab delegations had no criticism to make of the terms of the declaration formulated by the Commission; their position, however, was that they were more concerned with concrete solutions to urgent problems than with formal declarations on paper.

MULKI PASHA (Hashemite Jordan Kingdom) supported the statements of his colleagues; he felt that the Commission should accept the verbal commitments just made and not press the Arab delegations further for formal declarations.

Mr. GHORRA (Lebanon) also expressed his support of the statements made by his three colleagues. He felt that a formal declaration on the question at the moment was unimportant, and that priority should be given to the most urgent and basic questions, e.g. the refugee problem and the internationalisation of Jerusalem. His Government's views on those problems had been clearly stated by Mr. Charles Malik in the General Assembly (document A/SR.228) and he had been instructed to request the Commission to take note of those views as reported.

The CHAIRMAN observed that the Commission would discuss in a private meeting the objections of the Arab delegations to

signing a formal declaration regarding protection of the Holy Places, and would also take note, as requested, of the views of the Lebanese Government as expressed in the General Assembly.

The meeting rose at 5.45 p.m.