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

held at the Hôtel de Crillon, Paris,
on Wednesday 14 November 1951, at 4 p.m.

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PRESENT

<u>Chairman</u>	:	Mr. PALMER	United States of America
<u>Members</u>	:	Mr. MARCHAL	France
		Mr. ARAS	Turkey
<u>Alternates</u>	:	Mr. BARCO	United States of America
		Mr. de NICOLAY	France
		Mr. TEPEDELEN	Turkey
<u>Secretariat</u>	:	Mr. de AZCARATE	Principal Secretary
<u>Also present</u>	:	H.E. ABDEL MONEM MOSTAFA Bey	Egypt
		KHULUSI Bey EL KHAIRY	Hashemite Kingdom of Jordan
		H.E. AHMED Bey DAOUK	Lebanon
		H.E. ADNAN EL ATASSI	Syria

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COMMENTS OF THE ARAB DELEGATIONS CONCERNING THE QUESTIONS RAISED IN THE
STATEMENT MADE BY THE CHAIRMAN OF THE CONCILIATION COMMISSION ON
24 OCTOBER 1951 (SR/PM/9)

The CHAIRMAN welcomed the members of the delegations of the Arab countries and said the Commission would be glad to hear their comments concerning the Commission's proposals and the detailed explanations which had been given by the Chairman.

MOSTAFA Bey (Egypt) had carefully studied the Commission's proposals in the light of the explanations given by the Chairman, and wished to make the following observations:

"Point 1. Point 1 of the Commission's proposals aims at the conclusion of an agreement which would include the mutual cancellation of all war damage claims.

In putting forward this proposal the Commission states its belief that any attempt to go back to the origin of the conflict in order to determine the responsibility would be a step backwards.

My delegation regrets that it cannot agree with the Commission's reasoning, as the responsibility which the Commission thus wishes to avoid fixing has already been established by a higher organ of the United Nations, as the following explanation shows:

As soon as the Partition Plan was adopted by the United Nations General Assembly in November 1947, the Zionists decided to get rid of the Arabs living in territory which was to belong to their State. They did not shrink from any methods of dispersing that Arab population. Acts of terrorism and persecution vying in horror with the methods of Hitler were committed by Zionist bands of terrorists, to the full knowledge of the British Mandatory authorities, which were still responsible for maintaining order and security in the country. That state of affairs soon alarmed the Security Council, which, in its resolution of 17 April 1948 concerning the situation in Palestine, expressed itself in the following terms: "...the United Kingdom Government, so long as it remains the Mandatory Power, is responsible for the maintenance of peace and order in Palestine and should continue to take all steps necessary to that end".

Furthermore, on the termination of the British Mandate on 14 May 1948, the country was left a prey to anarchy, without any legitimate government capable of enforcing law and order and protecting life and property. The Zionists took advantage of that situation to strengthen their aggressive potential, by importing huge quantities of arms and war materials and by bringing into the country many immigrants, the majority of whom were ex-servicemen. They used this potential to spread terror, by committing the most odious crimes against the Arab population, which had been left defenceless. The memory of the pregnant women, children and helpless old people who were the victims of cowardly murder in their own homes, merely in order that Jewish immigrants could be

settled in their place, is still fresh in all our minds.

To take up arms for the purpose of putting an end to such barbarous acts is a duty imposed by humanitarian principles on all those who are conscious of human dignity, honour and solidarity.

This brief outline clearly proves that the damage that took place in Palestine as a result of the events following the adoption of the Partition Plan can be attributed to two main sources.

The first responsible party is the Mandatory Power, which failed to carry out the obligations deriving from its Mandate, by not having given the country, during its thirty years of government, the institutions necessary for the achievement of statehood, by favouring the Jews as against the Arabs and by abandoning the country at the end of the Mandate, thus leaving it a vacuum and handing it over to anarchy.

The second is the Zionist terrorist bands for which the present Jewish authorities are answerable.

Responsibility can also be attributed to a third party: the United Nations, which merely adopted the Partition Plan without taking the measures necessary to ensure its implementation.

To wipe out all these factors and merely to suggest the mutual cancellation of war damage claims does not appear to be a contribution to the settlement of the Palestine dispute on a just and lasting basis.

However that may be, the character and complexity of the problem and the nature of the interests it involves are outside the Commission's terms of reference. For all these reasons, my delegation considers that Point 1 of the Commission's proposals should not be the subject of mediation.

Point 2. Point 2 of the Commission's proposals reads as follows:

"That the Government of Israel agree to the repatriation of a specified number of Arab refugees in categories which can be integrated into the economy of the State of Israel and who wish to return and live in peace with their neighbours;"

This proposal has been carefully studied by my delegation, which has been struck by the fact that it is in complete conformity with the Israel attitude. This might be merely a coincidence.

After having offered, at the beginning of the Lausanne meetings, to agree to the repatriation of a fixed number of refugees, to be chosen from certain specific categories and according to specific criteria, Israel appears to have withdrawn that offer, judging by the statement made on 9 June 1949 to the Commission by the Chairman of the Israel delegation. That offer, reduced to its simplest terms and without its many reservations, involved the return of some 85,000 refugees to the whole of the territory administered by Israel. In addition, Israel reserved the right to choose these refugees and to resettle them in accordance with the requirements of its national and economic security.

The Commission, in formulating this proposal, seems to have adopted the same criterion as that on which the Israel offer was based. In so doing it has certainly lost sight of paragraph 11 of the General Assembly resolution of 11 December 1948, which was confirmed by other resolutions adopted by the General Assembly in December 1949 and in December 1950. That paragraph made the return of the refugees to their homes dependent only on their own wishes, freely expressed. There is no suggestion, whatsoever, in the resolution of 1948, or in the successive resolutions confirming it, of restricting the refugees' absolute right to their homes. There is no mention either of realities created by the existence of Israel or of any other restriction. The Commission is thus trying to set aside the right of the refugees to their ancient homeland, a right recognized by the community of civilized peoples and confirmed by the Universal Declaration of Human Rights adopted in 1948.

Further, this proposal represents an unjustified reversal of the Commission's attitude. As a result of arduous efforts and skilful methods of persuasion - as witnessed by the Commission's records - the Commission finally secured the signature of the parties to the Lausanne Protocol. The aim of that document, in the Commission's own words, was to achieve as quickly as possible the objectives of the General Assembly's resolution of 11 December 1948, regarding refugees, the respect for their rights and the preservation of their property. Since that document was signed, nearly three years ago, the Commission has not made the slightest reference to any steps it may have taken towards achieving those objectives or of the obstacles that may have prevented their achievement. Instead of doing so, the Commission is now trying to restrict the rights of the refugees. The least that can be said of this complete change in the Commission's policy is that it conforms to the Israel point of view, which was expressed most clearly in the statement of 9 June 1949 to which I referred earlier. It is true that the Commission puts forward as an explanation what it has called the realities of the situation in Palestine. But is this not tantamount to rewarding the policy of fait accompli condemned by the civilized world and by the United Nations? The Commission's attitude is an incitement to the Israelis to persist in their policy of mass immigration which, while making the return of the Arab refugees to their homes illusory, intensifies the causes of unrest in the Middle East and creates potential dangers for the Arab States. For lack of space in Palestine, the Jewish immigrants will inevitably try to spread into the neighbouring countries, thus achieving the ambitions entertained by Israel. I hope that the Commission and the Governments it claims to represent will not overlook the fact that the conciliatory tendencies of Israel diplomacy are shown more by words than by actions and that they always have their propaganda aspect.

It is obvious that the Commission's proposal sanctions a flagrant injustice, that it is beyond the Commission's terms of reference and that the solution it advocates is liable to perpetuate one of the causes of the unrest and instability which are unfortunately prevalent in the Middle East,

For all these reasons my delegation cannot subscribe to any limitation of the inalienable right of the refugees to return to their homes. That right must be respected in its entirety.

I should now like to remind the Commission of the note by the Arab delegations reproduced in the Commission's document No. AR/17 of 29 August 1949. That note deals with the whole Palestine question. Chapter B is

devoted to the refugee problem. I therefore refer back to that chapter, which still represents the only solution to the problem that is acceptable to my delegation.

The Commission would certainly be accomplishing something useful if it were to take immediately, without further delay, the steps indicated in that note concerning the return of the refugees, the preservation of their property, their personal protection and the protection of their rights. It is high time for the Commission to take positive action. The immobility which has marked the Commission's work must come to an end. The mass of refugees deprived of a decent life for more than three years is a prey to all evil and subversive propaganda. The first indispensable step, in the opinion of my delegation, is to take an immediate census of the refugees who wish to be repatriated. My Government is prepared to give its full assistance to that end. All refugees who express the wish to return to their homes should be allowed to do so, without any restriction or limitation of their absolute right to their homeland. Unless that solution is adopted, there can be no just peace in the Middle East. Any sincere plan for the re-establishment of peace in Palestine must include as a first and indispensable step the settlement of the refugee problem on that basis. As long as the Jews are opposed to the return of the refugees, the re-establishment of peace in the Middle East will remain nothing more than a wish.

Point 3. Point 3 of the Commission's proposals reads as follows:

"That the Government of Israel accept the obligation to pay, as compensation for property abandoned by those refugees not repatriated, a global sum based upon the evaluation arrived at by the Commission's Refugee Office; that a payment plan, taking into consideration the Government of Israel's ability to pay, be set up by a special committee of economic and financial experts to be established by a United Nations trustee through whom payment of individual claims for compensation would be made;"

This proposal raises a question of principle and a technical question of procedure and method.

1. The question of principle: In the first place, there is the right to compensation of refugees deciding not to return to their homes. This right is laid down in paragraph 11 of the General Assembly resolution of 11 December 1948 in which, after deciding that refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, the Assembly prescribed the payment of compensation for the property of those deciding not to return to their homes.

In the second place, there is the question of the compensation to be paid for all property lost or damaged.

My delegation rightly considers that this is an individual right of the refugees personally or of their beneficiaries. They should be able to exercise it without any limitation of time or space.

The principal responsibility for paying the amounts due under these two headings lies with Israel. Israel, moreover, acknowledged its obligation in that connection during the Lausanne conversations, and specifically on 6 May 1949.

The United Nations shares this responsibility with Israel. I have already had the opportunity of stating before the Commission that the present situation in Palestine has its origin in the United Nations intervention in the Palestine conflict and the fact that it failed to implement its resolutions concerning that conflict. Moreover, the United Nations has recognized its responsibility in that connection. It is only fair that it should pay the compensation due to the refugees for their property when the principal debtor is insolvent. The United Nations has, so to speak, taken upon itself this obligation which belongs mainly to Israel.

The Commission's proposal according to which payment of the compensation due to the refugees would be related to Israel's financial capacity calls forth the most categorical reservations by my delegation. Any attempt to establish a relationship of cause and effect between the payment of compensation and the financial capacity of Israel would be equivalent to a pure and simple confiscation of the property of the Arab refugees. Everyone knows that the policy of mass immigration which Israel is carrying out is leading to disastrous financial consequences for that country. Apart from the fact that the right to compensation of refugees not wishing to return to their homes should not be subject to any conditions and that the compensation should be paid without delay, it is obvious that these payments will represent for the refugees capital than can be invested and that will to some extent replace their abandoned property. To restrict this right or to make the payment of compensation dependent on the financial capacity of Israel would be to make this right an illusion and to make Israel a present of the refugees' property. And the unfortunate refugees would thus be deprived of their homeland and of their property. Would that not be equivalent to making theft lawful? Would it not be contrary to the demands of the most elementary justice?

For all these reasons my delegation cannot agree to the proposal that the payment of compensation should be conditional upon Israel's financial possibilities and maintains that the payment should be made without delay by Israel or, failing that, by the United Nations.

As regards the question of the procedure to be adopted for the evaluation of refugee property or for the payment of compensation to rightful claimants, my delegation wishes to make some comments.

Firstly, the compensation must represent the true value of the property.

Secondly, the refugees must be represented during the different stages of this operation for the purpose of seeing that their interests are protected and giving the benefit of their experience to the United Nations bodies entrusted with the operation.

Thirdly, a procedure must be set up through which the refugees can appeal.

My comments would be incomplete if I omitted the question of public property, roads, railway lines, ports, aerodromes, etc., situated in Palestine territory under Israel administration. It is well known that the established practice in the case of dismemberment of States is to divide such property. It is only fair to claim the value of that portion of such property which is due to the refugees who are not repatriated. This question might be studied by specialists.

Point 4. Point 4 of the Commission's proposals reads as follows:

"That the Governments of Egypt, Jordan, Lebanon and Syria and the Government of Israel agree upon the mutual release of all blocked accounts and to make them payable in pounds sterling;"

My delegation has no objection to make concerning this proposal, particular as the principle which underlies it was accepted by my delegation during the Lausanne conversations. The only desire of my delegation is that the formalities of unfreezing should be undertaken as soon as possible, for the freeing of the assets belonging to the Arab refugees would be of considerable assistance.

Point 5. Point 5 of the Commission's proposals reads as follows:

"That the Government of Israel and the Governments of Egypt, Jordan, Lebanon and Syria agree to consider, under United Nations auspices, and in the light of the experience gained during the past three years, the revision or amendment of the Armistice Agreements between them, especially with regard to the following questions:

- (a) territorial adjustments, including demilitarized zones;
- (b) the creation of an international water authority to deal with the problems of the use of the Jordan and Yarmuk Rivers and their tributaries, as well as the waters of Lake Tiberias;
- (c) the disposition of the Gaza strip;
- (d) the creation of a free port at Haifa;
- (e) border regulations between Israel and her neighbours with special attention to the need for free access to the Holy Places in the Jerusalem area, including Bethlehem;
- (f) health, narcotics and contraband control along the demarcation lines;
- (g) arrangements which will facilitate the economic development of the area : resumption of communications and economic relations between Israel and her neighbours."

My delegation does not object to the principle underlying this proposal.

However, if any real improvement on the present situation is to be accomplished by the revision and amendment of the Armistice Agreements as envisaged by the Commission, such revision and amendment must be based on certain guiding principles.

Any revision or amendment of those Agreements must be aimed at putting an end to the abnormal situation at present existing in Palestine and to the causes of friction between the parties concerned, in the light of the experience of the last three years.

They must have the object of righting - even if only partially - the wrongs done to the Arab world in general, and to the Arab population of Palestine in particular, without losing sight of the requirements of the security of the Middle East.

The first and most fundamental of these principles is the respect for the resolutions adopted by United Nations bodies - the General Assembly, the Security Council, the Trusteeship Council etc. - on the Palestine problem.

It should be noted that the Armistice Agreements themselves bear out this view. They were concluded on a purely military basis, without prejudice to the solution of the Palestine problem as a whole or to any claims which might be formulated at a later date.

This principle implies the respect for the instrument drawn up by the Conciliation Commission itself and submitted to the parties during the Lausanne conversations in May 1949. This was the Lausanne Protocol, to which I referred a moment ago. My delegation was therefore surprised that the Commission had set aside that instrument when formulating its proposals. That instrument, which was designed essentially as a basis and a starting-point for the implementation of the United Nations resolutions concerning the Palestine question, still bears the signatures of the members of the Commission and those of the parties. I imagine, in the light of the statement of the members of the Commission that they are acting on behalf of their Governments, that before signing the Protocol, they must have received authorization from their respective Governments. Has the Commission's attitude changed since that time? I shall not elaborate any further on this point at present.

Having thus made clear the position taken by my delegation, I should now like to refer to and comment on some of the examples given by the Commission of problems which might be included in the revision and amendment of the Armistice Agreements. In the opinion of my delegation, these examples sin both by commission and by omission.

In the first place, they sin by commission by including questions that fall within the sovereign jurisdiction of the Arab States. This is the case as regards the establishment of communications and economic relations between Israel and the States bordering on Palestine.

A striking feature characterizes the Commission's proposals. Each time there is a question of Israel's interests or of strengthening her position, the Commission proceeds to find in the United Nations resolutions pertinent arguments to back up its pre-Israel proposals. It is so in the case of this proposal for the resumption of economic relations and the re-establishment of communications. It is true that the United Nations resolutions provide for the re-establishment of normal conditions in Palestine. But each time the interests of the Arabs are involved - interests which are laid down and guaranteed by the same resolutions - the Commission attempts to diminish those interests and to weaken the relevant resolutions, entrenching itself behind a thousand arguments. Mr. Chairman, justice is indivisible and peace is indivisible. Does the Commission imagine or believe that it is possible to establish communications or relations between the Arab States and Israel while a million Arab refugees are wandering in the desert, deprived of any kind of decent life and able to see, a few hundred yards away, their homes and lands occupied

by Jewish immigrants from the four corners of the earth. Does the Commission sincerely believe in the possibility of establishing economic relations between the Arab States and Israel while the latter is carrying out a policy of aggression against the Arab world and defying the United Nations?

In the second place, the examples given by the Commission sin by omission in that they make no allusion whatever to the internationalization of the Jerusalem area or to the fate of the part of Palestine that is not under Israel administration. There might be an explanation of this silence on the part of the Commission. The Commission claims to represent the interests of its States members. The position taken by at least two of the States represented on the Commission, when the Jerusalem question came before the United Nations last year, is a matter of common knowledge. For my part, I consider that the Commission is a United Nations body which should obey nothing but the resolutions of United Nations organs. It is under the obligation to take those resolutions fully into consideration when submitting to the parties examples of questions which might be considered in the revision or amendment of the Armistice Agreements.

For this reason, my delegation demands the internationalization of the Jerusalem area.

As regards the part of Palestine not occupied by the Jews, its fate must be decided by the inhabitants in accordance with democratic principles and on the basis of self-determination, as laid down in the United Nations Charter and the Universal Declaration of Human Rights. Moreover, the reply of the Arab States to the Tripartite declaration of 25 May 1950 concerning the Middle East is based on the same idea. I quote the words of that reply: 'The Arab States wish to put on record the assurance that the three Governments did not desire by their declaration to encourage Israel to exercise pressure on the Arab States with a view to persuading them to negotiate with Israel, to prejudice in any way whatsoever the final solution of the Palestine problem or to maintain the status quo; but that their intention was to set themselves against the use of force or the violation of the established armistice lines.'

For the above reasons, my delegation believes that there is no point at the present time in considering the fate of the Gaza strip, the population of which is a hundred per cent Arab, as this question is linked to the final solution of the Palestine problem and to the fate of Arab Palestine.

My colleagues of the other Arab delegations are in a better position than I to comment on some of the other questions raised by the Commission."

In conclusion, the representative of Egypt asked the Commission to consider the observations he had just made and to take them into account in making its report to the General Assembly. He added that the delegation of Egypt remained at the Commission's disposal if it wished to continue the discussion.

Finally, he wished to assure the members of the Commission of his feelings of esteem and friendship which no difference of opinion resulting from the nature of the situation could affect.

KHULUSI Bey KHAIRY (Hashemite Jordan Kingdom) said he would limit himself to making some brief comments, as the objections formulated by the delegations of the Arab countries in the joint note they had addressed to the Commission (AR/60) also applied to the explanations given by the Chairman.

With reference to Point 1 of the proposals, the Jordan delegation wished to remark that there had been no "war", in the strict sense of the word, in Palestine, but rather what might be called a political war carried out according to a plan that had been prepared in detail beforehand. Obviously, the responsibility for the regrettable incidents that had taken place in Palestine rested, during the time of the Mandate, with the Mandatory Power, and afterwards with the United Nations. Indeed, as the representative of Egypt had pointed out, the United Nations, which had adopted the Partition Plan, should have taken the necessary measures for its implementation.

However, the Jordan delegation agreed with the Commission that it would be taking a step backwards to attempt to go back to the origin of the conflict in order to determine the responsibility; it was therefore in agreement with the delegation of Egypt that Point 1 should be withdrawn from the Commission's proposals.

As regards the question of repatriation dealt with in Point 2 of the Commission's proposals, the Jordan delegation could only recall the objection of principle contained in the joint note of the Arab delegations. It did not consider that the criteria suggested by the Commission offered a practical basis for a solution of the refugee problem.

With reference to Point 3 of the proposals, the representative of Jordan had to admit that its meaning had not been clear to him, nor to his Government, which would be glad to receive clarification on that subject.

The Commission's Refugee Office appeared to have estimated the total area of Arab lands in Israel at 16,324 square kilometres. As the total area of the territory occupied by Israel was 18,000 square kilometres, was it to be inferred that the Arabs possessed eight-ninths of that territory? As for the procedure for the payment of compensation which, according to those eloquent figures, must represent a large amount, the representative of Jordan wished to know how this proposal could fit in with a realistic view of the situation.

Finally, the Jordan delegation fully agreed with Egypt's views concerning blocked assets.

AHMED Bey DAOUK (Lebanon) who was in full accord with the opinions expressed by the preceding speakers, wished to clarify his Government's position with regard to the various points of the Commission's proposals.

The delegation of Lebanon considered that Point 1 could not be discussed at the present time for the reasons given by the previous speakers and because the question required a more thorough examination by the Arab Governments.

With regard to Point 2, concerning repatriation, the Lebanese Government could not agree to the limitation of the number of refugees who could be repatriated, or to the restriction of repatriation to certain categories of refugees who, it was considered, could be integrated into Israel's economic life.

Concerning Point 3, he considered that the payment of compensation should be effected not by a lump sum but on an individual basis and in cash, after a fair evaluation of the abandoned property.

The delegation of Lebanon agreed with Point 4 of the Commission's proposals. As regards Point 5, he stated that his delegation could only contemplate the revision of the Armistice Agreements within the framework of the clauses of those Agreements. It was opposed to the setting up of an international water authority to deal with the problems of the use of the Jordan and Yarmuk Rivers and Lake Tiberias. Nor could it agree that free access to the Holy Places be

mentioned only in connection with the Jerusalem area and Bethlehem, as in his opinion the only possible solution in the circumstances was the internationalization of all the Holy Places. Finally, the representative of Lebanon wondered why the Commission contemplated dealing with the future of the Gaza strip and not of other areas in a similar situation.

Mr. ADNAN el ATASSI (Syria) referred to the letter which the Commission had addressed to the Arab delegations asking them whether they were ready to discuss the Commission's proposals in the light of the explanations given by the Chairman. He believed that a similar letter had been addressed to the Israel delegation and asked the Commission whether the Arab delegations might be informed of Israel's reply, which was of interest to the Arab States, believing as they did that no attempt at conciliation could be made without the assurance that the co-operation of both parties to the dispute would be forthcoming.

Turning to the various points of the Commission's proposals, the representative of Syria stated that his Government's position in that connection was in complete accord with that of the Governments of Egypt, Jordan and Lebanon.

As regards Point 1, he felt, in contrast to the Commission's view, that it was easy to fix the responsibility for the events that had taken place in Palestine in 1948, by consulting a few dates. As was well known, the intervention of the Arab States had taken place on 15 May 1948. The greater part of the territory to which the Partition Plan applied had been occupied before that date by the Jewish forces, which at that time had been faced, not with the Arab forces, but with the civilian population. It was therefore obvious that it was the Jews who bore the responsibility for the conflict. The delegation of Syria agreed, however, with the Commission's view that it was useless to waste any more time studying that question.

With regard to Points 2 and 3, his delegation had nothing to add to the remarks of the previous speakers. It was prepared to accept Point 4 and

considered it essential that it should be put into practice without delay.

The representative of Syria wished to draw attention to the fact that Point 5 of the proposals once more brought into focus the Palestine problem as a whole. Such a proposal appeared to result from an intention purely and simply to recognize a fait accompli and to secure the final acceptance by one of the parties of a position gained by the other party through the use of force and by scorning the decisions of the United Nations. The delegation of Syria felt obliged to point out that such a procedure did not represent conciliation.

The CHAIRMAN thanked the delegations for having expressed their comments so clearly. The Commission had listened to them with the greatest interest and would study them carefully.

In reply to the representative of Syria, he stated that the Commission had that very morning heard the comments of Israel concerning the Commission's proposals, and concluded by saying that in the light of all those comments the Commission would soon have to take certain decisions, of which it would not fail to inform the delegations concerned immediately.

The meeting rose at 6 p.m.
