

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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SUMMARY RECORD OF A MEETING
BETWEEN THE CONCILIATION COMMISSION
AND THE REPRESENTATIVES OF THE ARAB GOVERNMENTS

held at the Hôtel de Crillon, Paris,
on Monday, 17 September 1951, at 12.15 p.m.

CONTENTS

- Reply of the Arab Governments to the opening statement of the Chairman and presentation of the comprehensive proposals of the Commission

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. TEFEELEN	Turkey
<u>Secretariat</u>	:	Mr. de AZCARATE	Principal Secretary
<u>Also present</u>	:	H.E. ABDEL MONEM MOSTAFA Bey	Egypt
		H.E. AHMED Bey DAOUK	Lebanon
		H.E. FAWZI Pasha MULKI	Hashemite Jordan Kingdom
		Mr. AHMAD SHUKAIRI	Syria

REPLY OF THE ARAB GOVERNMENTS TO THE OPENING STATEMENT OF THE
CHAIRMAN AND PRESENTATION OF THE COMMISSION'S COMPREHENSIVE
PROPOSALS

The CHAIRMAN said it was a pleasure for the Commission to welcome the representatives of the Arab Governments once more and informed them that, as agreed, the Commission's draft proposals would be presented to them after they had replied to the opening statement.

H.E. Ahmed Bey DAOUK (Lebanon), on behalf of the Arab delegations, thanked the Chairman for his words of welcome. They had studied the statement carefully and had drafted a joint reply which the Syrian representative would read to the Commission. They hoped it would be well received.

Mr. Ahmad SHUKAIRI (Syria) wished first of all to thank the Commission on behalf of the Arab Governments for its cordial welcome. The four delegations also wished to thank the Chairman for his explanation of the term "conference", which dissipated all misunderstanding. They repeated their intention to collaborate with the Commission in seeking a fair solution to the Palestine question. From the beginning the Arab delegations had not failed to respond to invitations to the meetings at Beirut, Lausanne, Geneva and New York, and it was in the same spirit that they had come to Paris to resume meetings with the Commission.

They had given careful study to the statement made by the Chairman at the opening meeting. The comprehensive proposals which the Commission wished to place before them were so wide that it was not appropriate to attempt a detailed analysis of them at that stage. The Arab delegations thought they would not be in a position to define their final attitude until they had received specific proposals.

However, the Chairman's statement introduced certain criteria and considerations foreign to the General Assembly resolution and not within the context of the Palestine question. At the outset, the Arab delegations took the liberty of respectfully submitting that the Palestine Conciliation Commission, as its name and terms

of reference implied, should confine itself to dealing with the Palestine question. All the outstanding questions, including the problem of the refugees, were part and parcel of that question. As such, the problem did not concern the rights, duties or relations of States. Relations between States were governed by the established principles of international law, inasmuch as they were acts of sovereignty exercised at will and discretion. The creation, cessation or absence of relations between States were exclusively within the domestic jurisdiction of each State. Such relations, which ranged from recognition to "good neighbour" agreements fell exclusively within the orbit of national sovereignty and, as such, could not be subjected to the cognizance of the United Nations or any of its organs. The Arab delegations were convinced that the Commission did not contest that principle and consequently they felt assured that the Commission's proposals would be restricted to the issues strictly relevant to the Palestine question. The Arab delegations believed that the Commission would refrain from touching upon any matter relating to the rights, duties and relations of States. Nevertheless, it was worth while in that connection, to point out that the provisions of the Armistice Agreements had taken due care of the question of security in Palestine. Ample injunction had been made in the Agreements against resort to military force or any aggressive action. As parties to those Agreements, the Governments of the Arab States would continue to respect their obligations thereunder. The undertaking of non-aggression, of non-resumption of hostilities and non-resort to force of arms was the sole obligation the United Nations could impose upon States Members.

Secondly, the Arab delegations wished to point out that the Commission's proposals should remain within the framework of the General Assembly resolutions. With regard to the problem of refugees, the Commission's task was expressly stated in paragraph 11 of the resolution of 11 December 1948. It was well understood that the fairness and realism referred to in the Chairman's statement would be applied in the direction of implementing the General Assembly resolutions. Any other interpretation would lead to the

frustration of the resolutions. It must be remembered, however, that the rôle of the Commission with regard to paragraph 11 was implementation and not conciliation. The General Assembly had already decided the issue in fairness and realism, also taking into account any other criteria it had to apply. The problem of the refugees was res judicata and had been passed to the Commission for effective implementation.

Lastly, without discussing the interdependence of the various aspects of the Palestine question, the Arab delegations deemed it necessary to emphasize the priority and urgency of the refugee problem. The rights of the refugees had been recognised by the General Assembly and should not depend upon what Israel might have to say. The only condition which should be required of the refugee when opting to return to his home was his readiness to live at peace with his neighbours. Peace there should emanate from the refugee himself. It was obvious that the rights of refugees did not constitute commitments by Israel. Israel's respect of those rights, apart from being fundamental and imperative, did not place upon the Arab States obligations not imposed under the Charter or international law. Under the General Assembly resolution of 1947, the rights of the Arabs in Israel prevailed over any constitution or enactment of law. To ask the Arab States to provide assurances for the economic security of Israel in return for respect of the rights of the refugees was an innovation in international dealings. The economic security of Israel was her own concern. She claimed to be a sovereign State and it was for her to build up her own economic system; the Arab States had no part in that. The deplorable plight of the refugees should not be used as a lever to strengthen the economy which Israel herself had planned. The rights of the refugees existed before the creation of Israel and the Arab delegations legitimately considered themselves under no obligation with regard to Israel's economic development, stability or security.

In conclusion, the Syrian representative said it was appropriate to recall that the Arab delegations had discussed with the Commission the various aspects of the Palestine question. Refugees, territorial

problems, blocked accounts, separated families and various other conservatory measures had all been exhaustively examined. Study had not been exclusively confined to one aspect or another. The failure so far was not due to certain procedures nor to concentration on one item or its isolation from the general context. The reason was to be found primarily in the negative attitude of Israel and its determination not to go back upon the fait accompli. The incessant and sincere efforts of the Commission to achieve acceptance by Israel of the General Assembly resolutions had not succeeded. Israel had ignored the Protocol of 12 May. Contrary to the express provisions of the Armistice Agreements, Israel considered the Armistice lines as final, to say nothing of her expansionist intentions. Her attitude as shown in the various documents of the Commission, had contributed to bring about the failure of the conciliation efforts.

It was thus clear that in the conciliation process, one party was in default. Until Israel had consented to respond to the United Nations appeal for cooperation with the Commission under the General Assembly resolutions, conciliation efforts would remain fruitless. For their part, the Arab delegations would continue to cooperate with the Commission in good will, faith and determination.

The CHAIRMAN thanked the Arab delegations for the statement made on their behalf by the Syrian representative and assured them that the Commission would study it with care. He particularly appreciated the intention of those delegations to cooperate in the work with good will, faith and determination and added that the Commission was resolved to do likewise. He expressed the hope that this joint effort would lead to satisfactory results.

He recalled that, in accordance with the Commission's decision, he would present to the parties the comprehensive proposals prepared by the Commission. He hoped that they would help the parties to a better understanding of the purpose of the conference and that after studying them, they would be able to

make useful suggestions. After emphasizing the confidential nature of the proposals - in view of the fact that they had not yet been communicated to the Israel delegation - he read the text (AR/54) and added that the Commission was ready to give further information concerning them at the next meeting.

Mr. SHUKAIRI (Syria) said he had nothing more to add concerning the proposals. As they were general, and the Commission intended to present more detailed ones, it would perhaps be better for the Arab delegations to await the detailed proposals, which might perhaps be communicated to them at the next meeting, so that they would have before them all the elements necessary for discussion.

The CHAIRMAN stated that the Commission intended to study the proposals in detail with the parties in the course of several meetings. It was true that the Commission intended to develop its proposals at the next meeting, but the parties were entirely free to reply at the present meeting if they so desired.

The meeting rose at 1 p.m.
