

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RESTRICTED

SR/PM/6

25 September 1951

ENGLISH

ORIGINAL : FRENCH

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

held at the Hôtel de Crillon, Paris,
on Tuesday, 25 September 1951, at 5.15 p.m.

CONTENTS

- Discussion of the Commission's comprehensive proposals
with the Arab Governments

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
		H.E. FAWZI Pasha MULKI	Hashemite Kingdom of Jordan
		H.E. AHMED Bey DAOUK	Lebanon
		Mr. AHMAD SHUKAIRI	Syria

DISCUSSION OF THE COMMISSION'S COMPREHENSIVE PROPOSALS WITH THE ARAB GOVERNMENTS

The CHAIRMAN stated that when the possibility of calling the present conference was first considered, he conceived the Commission's function and his own as a constructive one which would represent a real effort to reach a solution of the problem. The essential condition of success was that the parties should believe in the Commission's sincerity and try to understand its intentions. If it was essential that the parties should give evidence of understanding, it was equally essential that they should have confidence in the Commission's integrity. Such an atmosphere was vital to the success of the joint effort, and the Commission was convinced that it could count upon the sincere cooperation of the parties.

At their last meeting with the Commission, the Arab delegations had expressed the desire to receive more detailed explanations of the comprehensive proposals which the Commission had submitted for consideration by the parties. Incomplete and one-sided press reports which had appeared since had made it even more desirable that the Commission's intentions in submitting the proposals be clarified and explained in greater detail. In order to avoid any misunderstanding of its intentions, the Commission had decided to make public the full text of its proposals, emphasizing their integral character.

If it was important that the public should understand the purpose and meaning of the Commission's plan for the present conference, it was even more important that the participants should be fully aware of them. The main point he wanted to make in explaining the proposals was that they were intended for consideration and discussion. The Commission considered that they offered the possibility of a solution on a give-and-take basis; they were not a take-it-or-leave-it proposition. The Commission had no authority to impose a solution on the parties; it made proposals, and the parties considered them.

But consideration, in order to be useful, should be planned consideration. The plan the Commission had envisaged for a purposeful consideration of its pattern of proposals was a simple

one, hinging on two basic ideas: (a) no useful settlement could be considered in an atmosphere of hostility; (b) no useful settlement could be reached unless it viewed the Palestine problem in its entirety.

The Commission was sincerely convinced that the Palestine problem must be approached as a whole; hence its reason for couching its proposals in general terms. As the specific points came up for discussion, the Commission would disclose in greater detail its proposals concerning each point, as for instance, compensation and repatriation. It felt that disclosure of such details at the present stage would not aid the common purpose of finding an overall solution. The search for that solution must, first of all, be based on a general readiness by the parties to consider in its entirety the pattern of proposals submitted to them.

The other fundamental idea underlying the Commission's pattern of proposals was the conviction that consideration of such an agreement could not progress in an atmosphere of hostility. That was why the proposals were preceded by a preamble in which the parties were asked to abandon mutual suspicions. The preamble was intended as the affirmation of a spirit free from suspicion and hostility, a spirit which the Commission, in all its previous contacts with the parties, had always considered a necessary preliminary for creating an atmosphere of good will favourable to any search for the solution of the Palestine problem as a whole.

That was the underlying philosophy which had made the Commission place the preamble before the pattern of proposals. In the light of that philosophy, the Chairman asked the Arab delegations to consider and accept the preamble, so that it would be possible to proceed from there and seek a comprehensive solution to the Palestine problem along the lines set forth in the Commission's pattern of proposals.

H.E. Abdel Monem MOSTAFA Bey (Egypt) proposed to give a brief historical survey of the relations between the parties and the Commission. The Conciliation Commission was established in pursuance of a General Assembly resolution adopted in 1948 after consideration of the report by the United Nations Mediator

emphasizing the special importance of the refugee problem and its influence on the whole Palestine question. The General Assembly could not but concur with the Mediator's conclusions and adopt the resolution. At the same time the Security Council was considering the question of military operations in Palestine; it had adopted resolutions on the subject (on 4 and 16 November 1948), including one which requested the armed forces of Israel to withdraw to the positions they had been occupying before the adoption of the resolutions and further requested the Arab Governments and Israel to enter to negotiations through the Mediator with a view to concluding Armistice Agreements.

Israel had not conformed to the Council's decision. The Arab Governments, on the other hand, desirous of promoting the return of peace, began negotiations for the conclusion of Armistice Agreements. The Armistice Agreement concluded between Egypt and the Government of Israel - Mostafa Bey used that term because it figured in the official text - had been analyzed and commented upon by various publicists who had considered Articles I and II of the Agreement as non-aggression undertakings; in addition, he drew the Commission's attention to Article XII, paragraph 3, of the Agreement, which stated that the parties to the Agreement might, by mutual consent, revise the Agreement or any of its provisions or might suspend its application, other than Articles I and II.

After the signing of the Armistice Agreements, the Arab Governments had adopted a pacific attitude and had conformed to the provisions of the Agreements. Israel, on the other hand, had engaged in a policy of systematic violation of the Armistice provisions, which explained why the Egyptian-Israel Mixed Armistice Commission had a number of complaints before it at the present time. In this connection Mostafa Bey recalled the expulsion of Arabs from the Beersheba area and the raids by Israel into the Gaza strip. He thought the other Arab delegations would find no difficulty in citing other examples of Israel's policy.

Hence, Egypt considered the Armistice Agreement an agreement of non-aggression. She was entirely ready to respect it, as was

clear from the Arab Governments' reply to the tripartite declaration by France, the United Kingdom and the United States. In their reply the Arab States had said that no one was more anxious than they for the establishment and maintenance of peace and stability in the Middle East. Foremost among the peace-loving countries, the Arab States had given repeated proof of their respect for the United Nations Charter. On their own initiative, before the three Governments had thought of publishing their tripartite statement, the Arab Governments had had occasion to express their peaceful aims and to give the lie to statements constantly spread by Israel to the effect that the Arab States were only arming for offensive purposes. The Arab States therefore had thought it appropriate to reaffirm their peaceful intentions and make clear that the arms for which they had asked, or would ask, the three Governments making the declaration, or any other States, would only be used for purely defensive purposes. The Arab States, in their reply had continued by saying that they wished to take note of the assurance given by the three Governments to the effect that the latter had no intention, by their declaration, of favouring Israel, exercising pressure upon the Arab States to compel them to negotiate with Israel, prejudging in any way the final solution of the Palestine problem, or maintaining the status quo, but simply wished to oppose the use of force or the violation of the established armistice lines. The Arab States had further stated that the best and surest way of safeguarding the peace and stability of the Middle East was to settle the problems outstanding in that area on a basis of right and justice, re-establish the understanding and harmony which formerly prevailed and hasten the implementation of the General Assembly resolution concerning the return of the Palestine refugees to their homes and compensation for the loss of their property and fortunes.

With regard to the Commission's concern as to the pacific intentions of the Arab States, the representative of Egypt could only reaffirm the undertaking to which he had just referred. Egypt had no aggressive intentions and would remain faithful to her answer to the tripartite declaration. She would respect the

Armistice Agreements so long as the other party did the same. If the Commission wished to have a further affirmation of Egypt's pacific intentions, Mostafa Bey was prepared to give it. Indeed, he had just done so. Nevertheless, an affirmation of pacific intentions should not be a gratuitous statement, a mere formality. It must be accompanied by acts. But Israel's attitude, as exemplified in her treatment of the Arabs under her administration, her activities against the Arabs in the frontier areas and her refusal to allow the refugees to return, was not such as to promote the necessary atmosphere for the demonstration of peaceful intentions.

H.E. Fawzi Pasha MULKI (Jordan) recalled that, at the Commission's last meeting with the Arab delegations, during which they had received the Commission's proposals, he had asked whether the Commission was expecting the Arab delegations to comment on the proposals. As he had understood it, the Commission considered its comprehensive proposals as an agenda, so to speak, in which case it was really essential that the Commission should offer some enlightenment and explanations. He thought the proposals readily lent themselves to comment and criticism and that was why he asked whether they were to be considered as a basis for discussion in themselves.

He was struck by the insistence with which the Arab Governments were asked to affirm their pacific intentions. At every meeting in the past, the Arab delegations had been invited to make similar declarations. They had already said that their Governments had authorized them to affirm that their countries had no intention of engaging in hostile acts.

On taking over the chairmanship of the Conciliation Commission in Lausanne, Mr. Paul Porter had given the Arab delegations the assurance that if they agreed clearly to state their pacific intentions, it would be possible to obtain certain concessions from the other party. The Conciliation Commission had then prepared a draft text in that sense; the Arab delegations had examined it and it had then been published. At the present conference, the Arab delegations had been invited to reply to the Chairman's opening statement. In their joint reply, they had reaffirmed their pacific intentions; moreover, the existence of Armistice Agreements concluded

under the auspices of the Security Council seemed to have been forgotten. The Jordan Government had always respected the provisions of those Agreements and continued to consider them as binding. He was convinced that the other three Arab Governments held the same attitude and would respect the Agreements so long as the other party did the same.

In the circumstances it would be of advantage to wait until the Chairman give further details, which, it was to be hoped, would conform to the decisions of the high authorities of the United Nations. It was also to be hoped that the Conciliation Commission would take account of the observations which had been made. In conclusion, the representative of Jordan stated that any further declaration by the Arab Governments would only be a repetition of what had already been said on the subject.

Mr. Ahmad SHUKAIRI (Syria) assured the Chairman that the Arab delegations had never doubted the sincerity or rectitude of the Commission's intentions. They might, of course, disagree with the Commission on its attitude or its interpretation of a subject under discussion, but there could be no doubt of the Commission's integrity and the Chairman could rightly expect the Arab delegations to have confidence in him.

In his statement at the beginning of the meeting, the Chairman had emphasized the need to reach a solution by give-and-take methods. Mr. Shukairi was not against that principle but it should be applied solely in the solution of problems not yet settled by an express decision of the General Assembly. It was inconceivable that questions which had been settled by a higher organ of the United Nations should be reconsidered according to that principle. Was it intended that discussion should be reopened on formal resolutions of the General Assembly and that they should be revised with a view to arranging mutual concessions? The Commission would be going much too far if it were to assume such a right. On the other hand, the Arab Governments were perfectly prepared to study the solution of the outstanding problems on the basis of that principle. In that connection, he pointed out that when the Palestine question was first placed before the United Nations in 1947, the General Assembly had naturally not yet defined its attitude to the question and it would

have been possible at that time to speak of a solution on a give-and-take basis. But the problem was now governed by certain General Assembly resolutions which the Assembly alone could retract. The Commission had no authority to alter decisions of the General Assembly; it had specific terms of reference which required it to settle the question within the framework of the Assembly resolutions.

The Chairman had stated that, needless to say, the Commission could not impose a solution upon the parties. Neither could it, however, revise resolutions adopted by the General Assembly on the pretext that one of the parties did not agree to them. The only thing to be done was to report to the General Assembly.

The Chairman had likewise announced that he would give explanations and details concerning the Commission's comprehensive pattern of proposals. Mr. Shukairi wished to point out in that connection that the proposals, in his opinion, were in part incompatible with the General Assembly resolutions, and in part with the Commission's terms of reference. However, as the Chairman had promised to provide details, Mr. Shukairi awaited them with impatience, for he hoped they would enable him to determine whether or not his interpretation was correct. If after the Chairman's explanations he was convinced that the Commission's proposals were, on the contrary, in accordance both with the Assembly's resolutions and the Commission's terms of reference, he would be perfectly ready to consider them.

Turning to the question of the preamble, he recalled the Commission's view that the Palestine question should be dealt with as a whole. That being so, he found it difficult to understand how it was proposed to deal with separate aspects. In his opinion, it was too early either to accept or reject the preamble. The preamble was, in fact, a sort of ceremony - a conclusion or result : peace was the state of mind resulting from success. He felt that to begin with the preamble would be to begin with what ought to be the end. If at some stage in the discussions, even if it were only next year, agreement was reached, that would be the time at which the preamble could serve as the instrument for finding a formula for expressing the pacific intentions of the parties. He made it clear that his argument must not be taken to mean that the Arab Governments

refused to reaffirm their pacific intentions - quite the contrary - but he thought it was premature to accept or reject the preamble.

The representatives of Egypt and Jordan had already spoken of the Arab Governments's intentions. If the Commission insisted upon those Governments reiterating the declaration contained in the Armistice Agreements, they had no objection. However, he took the liberty of reminding the Commission that in the joint reply he had made on 17 September 1951 on behalf of the four Arab delegations, he had stated the following: "Yet it is worth while ... to point out that the provisions of the Armistice Agreements have taken due care of the security situation in Palestine. Ample injunction has been made in the said Agreements against resort to military force or any aggressive action. As parties to these Agreements, we shall continue to respect the obligations thereunder. This undertaking of no aggression, no resumption of hostilities and no resort to force of arms is the sole obligation that the United Nations Charter can dictate over States Members."

Mr. Shukairi asked to have that statement dated 19 instead of 17 September in order to indicate clearly that the Arab delegations had affirmed their pacific intentions after having received the proposals.

He fully supported all the statements of the representatives of Egypt and Jordan, especially the Egyptian representative's observation to the effect that the provisions concerning security in the Armistice Agreements could not be altered. The permanent nature of those provisions was therefore clear, as they could not even be altered by the parties in joint agreement. They constituted the first example of an instrument which could not be altered even by the signatories to it. He thought the Arab Governments could not make a more satisfactory declaration than that contained in the Agreements. That seemed to him an adequate answer to the question of the preamble, which formed an integral part of the proposals.

H.E. Ahmed Bey DAOUK (Lebanon) said there could be no doubt of the pacific intentions of the Arab Governments. The latter had signed agreements containing clear and specific provisions and

could not be said to have infringed them. Israel was the one which had committed violations. It was therefore obvious that the Arab Governments' intentions had always been pacific, and the Lebanese representative could affirm that they would remain so. He wondered why the Arab States were asked for assurances of their pacific intentions. Why was Israel not asked to do the same? If the Government of that country really desired to reach a fair solution, it should agree to repatriate the Arab refugees, to compensate those not wishing to return to their homes and to respect the frontiers established by the United Nations. Specific decisions had been taken concerning the matters in question, but Israel did not conform to them. Why were the Arab States asked to agree to sacrifices on the pretext that Israel was not respecting those decisions? The Arab States were not prepared to receive new proposals incompatible with United Nations' decisions.

It was true that the Arab delegations had received the Commission's comprehensive proposals, but before studying them they were waiting for detailed explanations from the Chairman. In their present form, the proposals did not keep to the General Assembly's decisions; whereas the intention of the Arab States had always been strictly to respect United Nations' decisions. H.E. Ahmed Bey Daouk associated himself with the statements of the three other Arab Governments.

H.E. Fawzi Pasha MULKI (Jordan) expressed his delegation's support for all that the representatives of Egypt, Syria and Lebanon had said, including any points which he might have overlooked in his own statement.

H.E. Abdel Monem MOSTAFA Bey (Egypt) recalled that he had confined his own remarks to the question of the preamble. He had not dealt with the proposals properly speaking, as his Government's attitude concerning them had yet to be defined. However, he wished to make clear that in his view they were open to criticism.

He recalled that immediately after the Commission was established, he had asked whether it was to act as a body composed of Government representatives or United Nations representatives. The reply had been that ~~the~~ members of the Commission were appointed

as representatives of their Governments. He had protested on that occasion against such a conception; the Commission was a United Nations organ which ought not to represent the interests of specific States and should confine itself to acting within the framework of the relevant General Assembly resolutions.

Reverting to the Commission's comprehensive proposals, he wished to say there and then that his attitude to certain of them would be one of refusal from the outset, for instance those providing for an amendment of the Armistice Agreements and the conclusion of a non-aggression pact, the latter being exclusively a matter of relations between States.

The CHAIRMAN thanked the representatives of the Arab Governments for their statements, which merited careful study by the Commission. He therefore proposed to adjourn the meeting and reconvene it later in the evening, to enable the Commission to study the statements in the interval.

It was so decided.

The meeting was suspended at 7 p.m. and resumed at 8 p.m.

The CHAIRMAN said that the Commission had hoped that the private talks which had taken place during the suspension of the meeting would have enabled an agreement to be reached as to the preamble, which the Commission had always considered a very important part of its proposals. In addition, he wished to thank the Arab delegations for their suggestions concerning the draft press communiqué.

However, as agreement had not been reached, the Commission had decided not to publish any communiqué.

He added that the statements made by the Arab delegations at the preceding meeting had been most interesting. The Commission would study them carefully and would arrange another meeting later with the Arab delegations in order to have the opportunity of asking them for any further information which it might find necessary for a better understanding of the statements.

The Chairman asked the Arab representatives how they would prefer the programme of future meetings to be arranged. The

Commission's view was that it would be practical to have two meetings a week with them, with a day's interval in between, so that the various delegations might have more time.

H.E. Abdel Monem MOSTAFA Bey (Egypt) said he was entirely at the Commission's disposal. He only asked to receive notice of meetings as early in the day as possible. He thought the Chairman's suggestion to hold two meetings a week quite satisfactory.

Mr. Ahmad SHUKAIRI (Syria) also asked that, whenever possible, he should be notified of meetings sufficiently in advance. He informed the Commission that he was leaving for Cairo on 29 September 1951 and asked that all documents be addressed to his successor. He also approved the programme of meetings proposed by the Chairman.

H.E. Ahmed Bey DAOUK (Lebanon) and Fawzi Pasha MULKI (Jordan) also agreed to the proposed programme of meetings.

The meeting rose at 8.15 p.m.
