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9 February 1949

Original : English

SUMMARY RECORD OF A MEETING
BETWEEN THE CONCILIATION COMMISSION
AND HIS EXCELLENCY MR. SHERTOK,
MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

held in Jerusalem on 7 February 1949

Present: H.E. Mr. Shertok - Minister for Foreign Affairs of Israel

Mr. de Boisanger (France) - Chairman
Mr. Yalchin (Turkey)
Mr. Ethridge (U.S.A.)
Mr. Azcarate - Principal Secretary

Mr. SHERTOK welcomed the Commission. Before beginning the discussion, he suggested that it might be advisable to issue a brief communiqué, as the Press was already curious about his presence in Jerusalem and, without accurate information, might speculate erroneously about the meeting.

The CHAIRMAN thanked Mr. Shertok for having come to meet the Commission in Jerusalem. He agreed, on behalf of the Commission, that a brief communiqué should be issued, stating that the meeting had been held for the purpose of a preliminary discussion regarding the Commission's work.

The Chairman then made a preliminary statement on behalf of the Commission, pointing out that the Commission believed the best approach to its task was through a direct exchange of views with all parties. He said the Commission planned to leave on the following Saturday for a series of official visits to the Arab and Israeli capitals. The Commission felt, however, that a preliminary, informal discussion with Mr. Shertok would be useful in order to learn the position of the Israeli Government on general and

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specific questions which might arise during the official visits. The Chairman said that the Commission would appreciate a review of all problems, but in view of certain facts, would like to discuss first the problem of Jerusalem. He asked the United States delegate, Mr. Ethridge, to open the discussion on this question.

Mr. ETHRIDGE stated that certain recent developments had led to some natural apprehension on the part of the Commission concerning Jerusalem. The Commission felt a specific responsibility for the City, in the light of the terms of reference given to the Commission by the General Assembly. The Commission was not sure of the intentions of the Provisional Government of Israel with respect to Jerusalem, however, and hoped that Mr. Shertok would be able to reassure the Commission regarding them. The Commission's apprehension arose, Mr. Ethridge stated, out of several recent events, namely, the decision of the Government of Israel to hold the opening meeting of the Constituent Assembly in Jerusalem, the possibility of actions which might be taken by the Constituent Assembly with respect to Jerusalem, recent statements by responsible Ministers, and the application of Israeli Civil Law to Jerusalem. In addition, Mr. Ethridge said the Commission was somewhat concerned about rumours that the Israeli Government intended to hold municipal elections in Jerusalem next March.

In view of these circumstances, Mr. Ethridge said he thought Mr. Shertok would be able to understand the Commission's apprehension. Such actions, at least in the moral sense, would seem to violate the spirit of the resolution of the General Assembly. They would appear to transcend the purport of the resolution insofar as it pertained to Jerusalem.

Mr. SHERTOK replied that he had stated the views of
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the Israeli Government regarding Jerusalem repeatedly during the General Assembly in Paris. The Government of Israel, he said, had agreed that universal interests in Jerusalem should take precedence and had acquiesced in the 1947 resolution, which provided for an international regime in Jerusalem. The Jewish Agency had cooperated in the work of the Trusteeship Council on the Statute for Jerusalem, and had sincerely tried to make the internationalization of Jerusalem operative and effective. The Jews, he said, had hoped that the international community would act to assure this result. Unfortunately, the reverse had happened. The international community had abandoned Jerusalem to its fate. The resolution was challenged by brute force, the lives of the inhabitants of Jerusalem were placed in jeopardy and nothing stood between them and annihilation but their own force of arms. This was a tragic experience from which the Jews had learned that they could rely only on themselves in time of crisis.

Mr. Shertok asserted that Jerusalem had always been an organic part of Jewish Palestine and was unaware in its consciousness of being apart from the rest of the Jewish population. It was a hard blow to have been severed, he said, and the population was now unwilling to contemplate a new separation. The people of Jerusalem felt that they could trust their security only to their own defence force, and believed that their economic interests could be safeguarded only by integration in the total life of Israel.

Mr. Shertok said, however, that the Government of Israel was conscious of the unique character of the City in the eyes of the international community, and was fully prepared to consider appropriate safeguards for the universal interests which centered in the Holy Places. These were concentrated mainly in the Walled City, he pointed out,

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and for that reason the Israeli Government felt that direct internationalization should be restricted to the Old City. This international control could be extended to the Holy Places outside.

With respect to the application of Israeli Civil Law to Jerusalem, Mr. Shertok pointed out that the Decree making this effective had been issued about five months ago. He said that the New City of Jerusalem had come under the control of the State of Israel by virtue of the fact that the State had protected the people during the battle of Jerusalem. It was inconceivable that two sets of laws should apply in Israel - one to the people of Jerusalem and the other to those elsewhere in the country. The Government of Israel, which exercised control over Jerusalem, had no alternative but to apply its own laws to the City. Thus, the extension of Israeli Civil Law to the City was a logical concomitant of the situation which had been created by preceding events. Today the Jewish part of Jerusalem formed integral part of the State of Israel, and he saw no reason to attach particular political significance to the extension of Israeli Civil Law to the City.

Turning to the question of opening the Constituent Assembly in Jerusalem, Mr. Shertok said that, in the eyes of the Jewish people, it would have been historically irreverent and illogical to hold the first sessions of the Assembly elsewhere. He said this decision did not in itself alter or affect the status of the City. No transfer of the seat of government was contemplated, and the decision signified no more than an expression of the reverence of the Jewish people for their great historical centre. He said, however, that certain Departments of the Israeli Government which are directly concerned with current problems in Jerusalem, such as social welfare, might open offices in the City.

Mr. Shertok said he, too, had heard rumours that the
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occasion of the holding of the Constituent Assembly in Jerusalem would be used for the purpose of making an announcement annexing the City to the State of Israel. The Government of Israel had no such intention, he said. Only two or three meetings were to be held in Jerusalem; and the agenda for the Assembly, decided upon the previous day, included many urgent matters but made no mention whatever of the incorporation of the City in the Jewish State. While the Assembly was, of course, a free body which could act as it saw fit, the present Government commanded a substantial majority in the Assembly. It was unthinkable, he said, that any action could be taken contrary to the wishes of the present Government.

Concerning the holding of municipal elections in Jerusalem, Mr. Shertok pointed out that, from the standpoint of the Israeli Government, it was absolutely essential to carry on the municipal functions of Jerusalem which were necessary for the civic life of the population. It had been many years since an election to the Municipal Council had been held, and in the interim period, a number of Arab Council members had left the City as a result of the war. In order to carry on the work of the Council, the remaining Jewish representatives had been obliged to co-opt new members for the Council. As many as twelve members had been co-opted. The population was dissatisfied with this situation and was increasingly critical of the administration of the City by the Municipal Council. Moreover, the individuals who had been co-opted to serve on the Council, realized that they were not elected officers and were more and more reluctant to continue to serve. For these reasons, the Israeli Government felt it essential to hold elections, so that the Municipal Council of the City could be re-established by democratic processes. The holding of these elections, he

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said, would in no way affect the future status of Jerusalem. This would, of course, remain an open question which the Conciliation Commission was instructed to explore. But meanwhile the municipal life of the City had to proceed.

Mr. ETHRIDGE, in reply to Mr. Shertok, stated that he found some assurance in what the Foreign Minister had said, but that he had also found in his statement several disturbing factors. He had found assurance in what Mr. Shertok had reported with respect to the agenda already established for the Constituent Assembly. At the same time, he found disturbing Mr. Shertok's reservation as to what might happen in Tel Aviv when the Assembly moved there. He realized that the Constituent Assembly was a free Assembly and could act as it saw fit with respect to the status of Jerusalem. It was the possibility of some such action which caused his concern.

Mr. Ethridge said it was obvious that the meeting of the Constituent Assembly in Jerusalem would stir the wheels of history, so to speak, and tend to develop a psychology or tendency which might lead toward annexation. He then asked for information concerning the present status of Jerusalem. Was it, he enquired, under military government or not?

Mr. SHERTOK replied that the Military Government had ended several days previously because the functions of the Military Governor had been superseded. The regular departments of the Government--education, supply, health, etc.--were now capable of taking over from the Military Government in meeting many of the needs of Jerusalem. Certain functions of the Military Government had become superfluous as a result of a process of evolution, and it was therefore necessary to establish a civil government for the City.

Mr. ETHRIDGE stated that it might be considered that the Israeli Government had embarked upon a process of
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gradualism.

The CHAIRMAN said that he had found comfort in many points in Mr. Shertok's statement, but that he would like to raise several specific questions, as it was necessary to be able to reply to Arab leaders concerning the Israeli attitude. He said that he understood from Mr. Shertok's statement that there was no intention of altering the status quo in Jerusalem.

Mr. SHERTOK told the Commission that he wanted to be understood with perfect clarity in order not to mislead the Commission. It was important, he said, to make it known that the Israeli Government was refraining voluntarily from the issuance of a proclamation of annexation, and not merely because of the Commission's disapproval. The decision was self-imposed and must be made to so appear. If the Commission assured the Arab Governments that no Israeli proclamation of annexation would be forthcoming, the Arab Governments might be lulled into a false sense of security concerning Israeli claims and might assume that the Israeli Government had relinquished claims to Jerusalem. Such an assumption would be unfortunate, and he warned that no false prospects should be entertained.

Mr. Shertok emphasized again that he could not commit the Assembly to a definite course of action but could only express facts. The question of the Assembly prolonging its Jerusalem meetings did not arise, he said, since this was not provided for in the definite plans already made for the Assembly. Moreover, extensive preparations for the main meetings were being made in Tel Aviv. On the other hand, there was nothing to prevent the Assembly, in the future, from issuing a proclamation regarding Jerusalem. He assured the Commission that it was not the intention of the present Government to make any spectacular proclamations, but added that it should be clearly understood that Jerusalem was, /in actuality ..

in actuality, a part of Israel.

Mr. ETHRIDGE asked whether the Israeli recognition of actuality extended to the General Assembly's resolution. There were, he said, two actualities - the physical and the political. He said he was prepared to recognize the physical actuality of Israeli occupation of Jerusalem and wondered whether Mr. Shertok, in turn, recognized the political actuality of the Assembly's resolution, which the Israeli Government had supported in principle.

Mr. SHERTOK replied by reviewing the assumptions of the Israeli Government regarding the 1947 resolution, and said that the Jewish people had thought that the international community would enforce that resolution. Instead they had been obliged to carve out their own independence at an enormous cost in blood and treasure.

Mr. YALCHIN interposed to suggest that two questions were being confused. The first, and most urgent, he suggested, was the question of the meaning of the holding of the Constituent Assembly in Jerusalem. The second was the broad question of the future status of Jerusalem; and this was not at present under discussion. Concerning the first question, the Commission had been somewhat reassured by Mr. Shertok's statement, but would like an assurance that the Commission would not be presented with a fait accompli.

Mr. SHERTOK replied, in connection with the reference to a fait accompli, that he could not formally commit the future Government of Israel, nor the Constituent Assembly, to any definite course of action. He could, however, state the policy of the present Government. He could also say, in the light of the recent elections, that a change in the present Government appeared to be politically out of the question. The last thing this Government wanted was a direct

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clash between Israel and the international community. No State could give a positive guarantee against such a clash because decisions of the international community might be directly contrary to the interests of that State. But there was a determination on the part of the Israeli Government so to conduct its policy as, in the final analysis, to reach a satisfactory solution of the Jerusalem question. Every possibility of reaching a harmonious solution would be explored, because it was clearly in the interests of Israel to avoid a headlong clash with the international community. This being so, he assured the Commission that the Israeli Government had no intention of jeopardizing a peaceful solution by attempting now to create a fait accompli.

Mr. Shertok repeated that he could only state the policy of the present Government. He told the Commission, however, that it would be advisable, in the long run, to keep in mind the attitude of the Provisional Government and the entire people of Israel toward the question of Jerusalem. But, he said, the Commission need not labour under any apprehension of an immediate, spectacular proclamation of annexation.

Mr. YALCHIN said he was satisfied with this assurance on the immediate questions pertaining to Jerusalem.

Mr. ETHRIDGE said that, while he was not wholly satisfied, he was at least partially reassured.

The CHAIRMAN then outlined certain other questions which the Commission must consider and about which the Commission might be asked during its forthcoming visits to Arab capitals. The first of these was the general question of peace; the second was the question of refugees; the third was the question of the Holy Places and the guarantees to be given regarding them, and the fourth was a series of economic problems to be dealt with.

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Mr. ETHRIDGE said he also wanted to raise the question of designating Commission observers to participate in the current conversations between the Military Commanders of both sides in Jerusalem. He suggested that the Consuls of France, Turkey and the United States might be designated to participate in these talks as observers of the Commission.

Mr. SHERTOK replied that reports of these talks would, of course, be made to the Commission.

Mr. ETHRIDGE said, however, that Mr. Shertok must be aware of the specific duty of the Commission to demilitarize Jerusalem, and, therefore, of its direct interest in any action relating to the situation in Jerusalem.

Mr. SHERTOK replied that the discussions between the local Commanders did not involve demilitarization, but merely armistice and a reduction of armed forces. He said, however, that he would think about the proposal and advise the Commission at an early date.

Concerning the general problem of peace, Mr. Shertok stated that the Israeli Government was most anxious to achieve a peaceful settlement. His Government would prefer direct negotiations between Israel and the Arab countries, he said, and would prefer separate negotiations with each of the Arab States. Inasmuch as there were different problems to be solved with each State, it was logical, natural and practical to hold separate discussions. Mr. Shertok said he had received an invitation from the Acting Mediator to talk with six Arab States on the question of an armistice, and had answered that the Israeli Government was ready to discuss the question with representatives of the Lebanon, Syria, Iraq and Trans-jordan, but not with Saudi Arabia or Yemen. The Israeli Government, he said, had nothing to discuss with the latter two Governments.

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With respect to the Israeli position on refugees, Mr. Shertok pointed out that the problem had been completely transformed by the war of aggression undertaken by the Arab States. As a result of this aggression, an entirely different set of conditions now prevailed in Israel. Had Israel come into existence in an orderly way under the 1947 resolution, it would have included a large Arab minority which would necessarily have become an important factor in the new State. It was no fault of the Jews, however, that events had not taken that course and that a war of aggression had been launched against Israel. The Arab population had been reduced to very small proportions and, as a result, Israel was now a totally different State. If the refugees were returned, they would come back to an entirely different kind of State than that which would have existed if they had not left. He pointed out that they were moved to leave, not by the State of Israel, but because of an attempt to crush the State of Israel. To return them now to Israel en masse would be to recreate the set of circumstances which had very nearly been the State's undoing. Consequently, there could be no question of any mass return of Arab refugees before a peace was concluded. In the event of successful peace negotiations, the Israeli Government would not, however, take the attitude that there could be no return whatever of Arab refugees; a partial return of limited numbers might be considered. Much would depend on the circumstances of the peace.

If a solution of the refugee problem were to be looked for in larger perspective, Mr. Shertok was of the opinion that it should be sought in the resettlement of the refugees in neighbouring countries, rather than in their return to Israel. The latter course would bring about an economic upset in a State which had developed without these people in its economy, and the effort

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entailed in their reintegration might better be spent, he felt, in their resettlement in Arab countries which actually need population.

Mr. Shertok considered that Israel would owe compensation for land left by the Arabs who had left Israel. The question of responsibility for property of other kinds was a difficult question and would have to be considered at some length. It would also be necessary to consider the burden of war which had been placed on Israel by the aggressor countries. But the land left in Israel must be paid for and would be. Mr. Shertok suggested that the method of compensation might be worked out in two ways: first, by individual payment direct to the owners who left their land; or second, by the payment of all monies into a central resettlement fund, which would then settle individual claims. He warned, however, that Israel could not alone take on the burden of resettlement, and that the Arab countries, as well as the international community, would have to share the financial responsibility. Mr. Shertok indicated that the Israeli Government intended to claim war damages resulting from aggression by the Arab States.

With respect to the territorial question, Mr. Shertok said the Israeli Government felt that a settlement need not entail an increase in the total area of Israel. A most important question, however, was whether the Arab area of Palestine was to be merged with another Arab State or become an independent entity. In the former event, a readjustment of boundaries would be necessary in order to establish Israeli security. As an illustration, he pointed out that the security of Israel would be far greater if the central plain area between Haifa and Tel Aviv, extending to within twelve miles of the sea, were to become part of a new, independent

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Arab State than if it were given to Transjordan. In the latter event, he said, a redefinition of boundaries would be necessary from the standpoint of security.

The CHAIRMAN made a reservation concerning separate peace negotiations between the Israeli and Arab Governments, pointing out that it might be possible, at some future time, to discuss common problems jointly and then undertake separate discussions on questions involving only one of the Arab countries.
