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SUMMARY RECORD OF A MEETING BETWEEN
THE CONCILIATION COMMISSION AND
THE DELEGATION OF ISRAEL

held in Lausanne on Saturday,
14 May 1949, at 10:30 a.m.

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

Dr. Walter Eytan - Representatives
Mr. Eliahu Sasson - of Israel
Mr. Zalman Lifschitz

The CHAIRMAN stated that, with the agreement of the Arab and Israeli delegations, a General Committee had now been established, to lighten the Commission's task by carrying on preliminary discussions of various questions. The terms of reference conferred upon this Committee were now before the Israeli delegation; it had been decided to make those terms as broad and all-inclusive as possible. The Commission believed, moreover, that the study of all questions, both political and economic, should proceed at the same time. The Committee would be under the close supervision of the Commission and would receive precise instructions.

With regard to the refugee question, the Chairman informed the Israeli delegation that the Commission had received, the preceding day, delegations from two refugee committees, each of which had presented a statement embodying certain requests. The Commission would analyse these statements and prepare a memorandum based upon them, which would be transmitted to the Israeli delegation during the following week. He hoped that the Commission would be able to show evidence, both to the Arab delegations and to the refugees themselves, that progress was being made toward a solution of the most urgent problems involved.

The Chairman then asked the Israeli delegation whether it was prepared to give the Commission a statement on its Government's general approach to the boundary question.

Dr. EYTAN said that his delegation welcomed the establishment of the General Committee and hoped that from now on the work of the conference would progress rapidly. His delegation would do all in its power to assist the Committee and would state its views clearly on all questions. The terms of reference given to the Committee were extremely general in character; he admitted the tactical and political soundness of making them so. He pointed out, however, that the time would come when the discussions must progress from the general to the specific. When that happened, certain specific points which would arise might prove embarrassing; nevertheless, his delegation was ready to face the issues squarely, and he hoped the Arab delegations would do the same.

On the matter of the refugees, Dr. Eytan recalled his statement to the Commission on 3 May that Israel would cooperate as far as it was possible to do so; he wished to reiterate and stress that statement. He felt sure that some things could be done to alleviate the situation; several things had already been done. Two points must be clearly understood, however; first, whether anything could be done would depend upon the final settlement of the whole Palestine problem, and secondly, the amount that could be done would depend on the settlement of the territorial question. The Commission was already familiar with the arguments on which that position was based; it was unnecessary to repeat them. He had already expressed his willingness that any statements he made in meetings with the Commission should be transmitted to the Arab delegations; he now specifically requested that the position he had just explained should be so transmitted and should be made very clear by the Commission.

The CHAIRMAN asked whether it would not be more exact to say that Israeli action on the refugee question would "be closely linked with" the final settlement, rather than that it would "depend" upon it.

Dr. EYTAN agreed that the Chairman's phrasing was correct.

The CHAIRMAN pointed out that since the refugee problem was closely connected with the final settlement, the Commission, in order to carry out its specific task of expediting that final settlement, must also endeavour to expedite the solution of the refugee problem at the same time. The Commission was aware of

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The problems which the refugee question raised for the Government of Israel. Nevertheless, the Commission felt that a satisfactory arrangement must be achieved regarding a particular question raised by the refugees themselves; namely, that of the preservation of their property. The Israeli delegation must show a willingness to discuss that question; if possible, it should be discussed directly with the refugee representatives.

Dr. EYTAN declared that his delegation would certainly be willing to take up that question, either in the general Committee or directly with the refugees.

Dr. Eytan had certain remarks to make which he hoped the Commission would not consider either polemical or irrelevant. Now that Israel was a Member of the United Nations, its citizens were conscious that they had responsibilities of a more formal nature to the international community, and were directly subject to the terms of the Charter. He wished to explain two premises which underlay the thinking of his delegation. First, the Charter laid down the central principle that all Members of the United Nations should settle their international disputes by peaceful means. His delegation would welcome a formal statement from the Arab delegations to the effect that they had come to Lausanne on that basis and with that purpose. Secondly, the United Nations was founded on the principle of the sovereign equality of all its Members. He felt it should now be easier for the Arab States to recognize the existence of the State of Israel; indeed, being subject to the same Charter, they were under obligation to do so. Dr. Eytan felt that in this connection the Commission could be of assistance to the Arab States. Public opinion in those States would often accept an unpalatable situation if it were clearly imposed by an outside authority such as the United Nations. The Security Council's resolution of 16 November 1948 had thus been of great psychological value in bringing about the conclusion of the armistice agreements and the end of actual hostilities, since in the eyes of Arab public opinion the armistice had been imposed by the Security Council. Similarly, Dr. Eytan felt that if the fact of Israel's admission to membership were presented to Arab public opinion in the right way, the Arab States would thereby be materially assisted in achieving peace with Israel. He wished to suggest, with all due respect, that such presentation of the facts to the Arab delegations might well be undertaken by the Commission.

Dr. Eytan noted that the Commission had asked him for a statement of the general approach of his Government to the question of frontiers. The Commission and the delegations had

now agreed to take as a working basis for territorial discussions a map on which frontiers were drawn in accordance with the resolution of 29 November 1947. The basic principle of that resolution was the partition of Palestine and its division between two independent sovereign States, one Jewish and one Arab; it envisaged a territorial settlement between the Jews and the Arabs of Palestine. Many things had happened since this resolution was adopted; the State of Israel had come into being, despite the use of force by the Arab States to prevent its establishment, and the only result of that employment of force had been to prevent the establishment of an independent Arab State and to deprive the Palestine Arabs of the political independence recommended by the General Assembly. The position today was that the Jews of Palestine had their independence, while the Arabs of Palestine had not.

Dr. Eytan wished to stress the fact that the General Assembly had not sought to divide Palestine between the Jews and the neighbouring Arab States, but between the Jews and the Arabs of Palestine. Therefore the Arab States had no legal right to maintain armed forces in Palestine, nor had they any right to any part of the territory of Palestine. The maintenance of armed forces in Palestine by three of the Arab States was a temporary measure of a military nature and did not confer any political or territorial rights on the Governments of those States. The Israeli delegation considered it the first task of the new General Committee to face the problem created by this unwarranted military occupation of Palestinian territory. The problem was one which must directly affect any future territorial settlement between Israel and the Arab States, or between Israel and the Arabs of Palestine. The Israeli delegation would suggest to the General Committee at its first meeting that it should insist upon the withdrawal from the entire area of Palestine of all Arab forces now maintained there; unless this was done, the plan Israel had accepted as a working basis would have no reality.

Dr. Eytan affirmed that his statement was motivated by the desire of Israel to see peace restored in Palestine and stability return to the Middle East. His delegation hoped that the present negotiations would once and for all free the United Nations of the burden of the Palestine problem. He felt that the Commission should do more than simply present a report to

the General Assembly; it should do all in its power to present an agreed peace. The seemingly impossible could be achieved with the necessary effort and good will; his delegation was willing to make the effort, and now that a working basis had been agreed upon he felt confident that the Arabs would also cooperate to the fullest.

The CHAIRMAN was of the opinion that the Arab States might be left to draw their own conclusions regarding the fact of Israel's admission to membership. He agreed that the Security Council's resolution had facilitated the armistice negotiations, and that Israel's admission would probably facilitate the negotiation of a final peace settlement. He assured Dr. Eytan that all efforts would be made to arrive at such a settlement in Lausanne.

With regard to maintenance of Arab armed forces in Palestine, he raised the question of authority over the Arab areas of Palestine; if the forces were withdrawn, who would be the governing authority in those areas?

Dr. EYTAN said that he had referred both to the military occupation and to the administration of those areas; if one did not accept the legitimacy of the military occupation, one could not accept the administration, which was based on military exigency. The general view of his Government was that the future of the Arab regions of Palestine should be left to the inhabitants to decide. The principle of political independence for those areas must be conceded and supported. Before a legitimate authority or administration could be established, the people living in those districts had the right to be consulted concerning the form of that authority and that administration.

Mr. ETHRIDGE wished to put a hypothetical question. He pointed out that the debates concerning the admission of Israel had indicated that the General Assembly considered the resolution of 29 November 1947 as still valid. If the Commission were to insist on the withdrawal of Arab troops from Palestine, would it not be logical that Israel should withdraw its troops from that part of Palestine which lay beyond the territory allotted to it by the Partition Plan?

Dr. EYTAN conceded the logic of Mr. Ethridge's hypothesis. Speaking hypothetically, he said that if the forces of the Arab States were withdrawn from Palestine, and if thereby the Arab inhabitants of those areas were given an opportunity of establishing their independence, his delegation would be prepared to

discuss Mr. Ethridge's proposal in the General Committee.

Mr. ETHRIDGE asked whether the Commission would be authorized to inform the Arab delegations that if they gave an undertaking to withdraw their forces from Palestine, Israel would agree to withdraw to the Partition boundary.

Dr. EYTAN replied in the negative. There was a fundamental difference between Israel's general position in Palestine and that of the Arab States: Israel legitimately occupied a large area of Palestine, while the Arab States occupied no part of it legitimately. The resolution of 29 November 1947 had awarded no territory in Palestine to the neighbouring Arab States. Israel had accepted the Partition Plan in its entirety, at the time of its adoption, on the understanding that an independent Arab State would be created in Palestine; that State had not been created. He accepted the logic of Mr. Ethridge's hypothetical contention, but could not accept certain things which might be held to follow from it. Because of the logic of the statement, however, he would be willing to discuss the matter further in the General Committee.

The CHAIRMAN did not see what practical result such a discussion in the Committee could have. He agreed that the Arab inhabitants of the territory should be consulted regarding their future status; however, it was difficult to see how they could be consulted as long as the territory remained under Israeli administration. He preferred that the Committee should begin its work with discussion of another question, such as for example, the southern boundaries.

Dr. EYTAN did not think any useful purpose could be served by pursuing a hypothetical discussion at present. He reiterated that the Partition Plan map, which had been taken as a working document, did not provide for the occupation or administration of any part of Palestine by any of the Arab States. If the Plan were to be used as a working basis, it must be taken in its entirety and as it stood. The manner in which the Committee would present the problem to the other side was a matter for the Committee to decide. He had simply stated the position of his delegation and the reasons why Israel felt that the existing military situation should be terminated. His delegation naturally envisaged the working out of many specific points in the Committee, and would do its best to face those issues and find solutions.

Mr. ETHRIDGE agreed that the discussion should not be pursued further at present. He noted that Dr. Eytan had in effect asked the Commission to do two things: to insist upon withdrawal of Arab armed forces, and to organise a plebiscite. He hoped the Israeli delegation would take his hypothetical remarks into consideration, and also that it would consider the conditions under which a plebiscite would have to be conducted.