UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

DOCUMENTS INDEX UNIT MASTER

21 DEC 1950

RESTRICTED
SR/LM.16
1 June 1949
Original: English

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

held in Lausanne on Wednesday,
1 June 1949, at 11 a.m.

Present: Mr. de Boisanger (France) - Chairman
*Mr. Yenisey (Turkey)
Mr. Ethridge (U.S.A.)

Mr. Azcarate - Principal Secretary

H.E. Abdel Monem Mostafa Bey, Mr. Abdel Chafi El Labbane) Representatives of Egypt

H.E. Fawzi Pasha Mulki, Mr. Jemal Tukan) Representatives of the Hashemite Jordan Kingdom

H.E. Fouad Bey Ammoun, H.E. Jamil Mekkaoui) Representatives of Lebanon

H.E. Dr. Adnan El Atassi, H.E. Dr. Farid Zeineddine, Mr. Omar Ojabri) Representatives of Syria

* Alternate

- - - - -

The CHAIRMAN observed that the only item on the agenda was the discussion of the Arab memorandum of 21 May, since the meeting had been called as the result of a request by the Arab delegations that that memorandum should be discussed in the Commission rather than in the General Committee.

The Chairman also drew attention to the fact that in a letter despatched to the Arab delegations the preceding day, the Commission had expressed a desire to hear their views on territorial questions; that question could be taken up at another meeting, when the delegations had had time to prepare statements.

MOSTAFA BEY (Egypt) referred to the latest Arab memorandum, dated 28 May, to which the Commission had replied the preceding day; he wished to clarify a misunderstanding which seemed to exist. In that memorandum the Arab delegations had expressed the view that the Commission's memorandum of 23 May, transmitting the proposals of the Israeli delegation concerning frontiers, was contrary to the terms of the Protocol of 12 May. The Arab delegations had based that statement on the fact that while the Protocol was founded on a map setting forth certain territorial divisions between Arabs and Jews, the Israeli proposals had disregarded those divisions and suggested others. The Protocol referred to territorial, not

political considerations; the Arab delegations therefore felt that the Commission, in transmitting the Israeli proposals, had run counter to the letter and spirit of the Protocol.

The Commission, in its reply, had expressed disagreement with that view, and the Arab delegations were willing to accede to the Commission's interpretation, since the Protocol did mention territorial adjustments. They maintained their opinion, however, that the Israeli proposals were not in conformity with the terms of the Protocol.

Mr. AMMOUN (Lebanon) added that the Commission in its letter of 30 May had stated that it considered the Israeli proposals as coming within the terms of the Protocol. He asked whether the Commission had transmitted the proposals because they dealt with the territorial question, or because it considered the proposals themselves as falling within the terms of the Protocol.

The CHAIRMAN hoped that there would not be a prolonged discussion of the Commission's letter; he considered such discussion unnecessary, and asked if a reply were thought necessary it should be made in writing. As regards Mostafa Bey's and Mr. Ammoun's questions, the Chairman replied to the first in the affirmative and to the second in the negative. He reiterated that the Commission did not concern itself with the substance of the proposals submitted to it; it had not even examined the proposals now under discussion. It was for the delegations to present suggestions or proposals; the Commission's function was to transmit them to the other party.

Dr. ATASSI (Syria) felt that the question raised by his colleagues was an important one; the Arab delegations intended to send the Commission a letter stating in detail their point of view on the subject.

Mr. AMMOUN (Lebanon) made the request that all opinions expressed on the subject at the present meeting should appear in detail in the records.

The CHAIRMAN observed that at the present stage of its work the Commission was not required to study the various views presented to it. It might ask for certain explanations or clarifications, but its function was to solicit and transmit suggestions and proposals, without making a study of them.

Mr. AMMOUN (Lebanon) requested that the Commission memorandum of 23 May should be withdrawn from the General Committee, recalling that at an earlier meeting it had been agreed by the

Commission that when a document or question was passed to the Committee, any delegation had the right to ask that it be referred back to the Commission.

The CHAIRMAN pointed out that a question could be allowed to remain on the agenda of the General Committee for an indefinite length of time without coming up for discussion. In any case, if the matter were taken up again, he promised that it would be discussed in the Commission before being considered by the Committee, in accordance with the request of the Arab delegations.

Mr. AMMOUN (Lebanon) maintained his firm request that the matter should be withdrawn entirely from the agenda of the Committee.

The CHAIRMAN observed that Mr. Ammoun's request was a matter to be decided by the Commission when it next met. He assured the Lebanese representative that for the moment the question would not be discussed in the General Committee.

Consideration of Arab memorandum of 21 May (AR/11)

Dr. ATASSI (Syria) asked for the opinion of the Commission on the memorandum. The text as it stood was clear, in the opinion of the Arab delegations, and needed no supplementary explanation unless desired by the Commission.

Mr. ETHRIDGE had several questions to put concerning the memorandum. As regards point 1, the Commission admitted the right of the Arab delegations to negotiate collectively, and accepted their contention that the Palestine problem was of equal concern to all the Arab States. The Commission had always made it clear that the negotiations might proceed in any manner desired, either directly or through the Commission, and that the Arab delegations were free to negotiate separately or together. He assumed that point 1 was simply a reaffirmation of the Arab position.

Regarding point 2, Mr. Ethridge pointed out that Dr. Eytan had communicated the Arab memorandum of 18 May to the Government in Tel Aviv; the Commission was not aware that any reply had been received as yet.

Mr. Ethridge was not certain that he had fully understood the meaning of point 3. He asked for clarification of the difference between a political question and a territorial question when frontiers were under discussion. Further, when the request was made that refugees should be allowed to return forthwith to certain areas of Palestine, the areas mentioned were those which were not allocated to Israel on the Protocol map. He asked

whether, aside from the refugee aspect of the question, the suggestion might be taken as a proposal that Israel should withdraw from those areas. Finally, he asked whether in the opinion of the Arab delegations the signing of the Protocol precluded any rectification or alteration of the frontiers defined on the Protocol map. If so, it would seem that the Arab delegations were declaring themselves in favour of those frontiers. If that were not the case, he wondered whether, at an appropriate time, the Arab delegations would put forward counter-proposals.

MOSTAFA BEY (Egypt) stated that Mr. Ethridge's interpretation of point 1 of the memorandum of 21 May was correct. He replied to Mr. Ethridge's question concerning the difference between frontiers in a political and in a territorial sense as follows: In referring to frontiers in that manner, he had been speaking from the point of view of the refugees. In asking for the return of the refugees, the Arab delegations had expected that that return would present them with a de facto situation and a certain distribution of population. It was in the light of this definition that territorial adjustments would be made. If, for instance, the refugees from a particular town were not allowed to return to that town, territorial compensations would be necessary; those compensations would spring from the situation as it would exist at that time.

MULKI PASHA (Hashemite Jordan Kingdom) explained that in signing the Protocol, the Arab delegations had expected that questions would be discussed in the order in which they were mentioned in the Protocol. The Arab delegations had studied the matter carefully, and presented two memoranda. The first had dealt with certain emergency measures for conservation of refugee property; that memorandum had been considered in the General Committee, and it was hoped that a satisfactory reply would soon be received. Secondly, the Arab delegations had often been told that the refugee question was closely linked with the territorial question, and that they should endeavour to present constructive suggestions along those lines. They had considered that their second memorandum constituted a contribution of that nature; it was consistent with the Protocol, and it envisaged the refugee question in connection with the territorial problem, while still maintaining the priority of the refugee question. For that purpose the problem had been divided; once the first and most urgent category of refugees were returned to their homes, consideration could be given to the second category, which was related to the territorial areas mentioned.

It was now nine days since the memorandum of 21 May had been submitted, and no results had been forthcoming. Indeed, reports were being received that the Government of Israel was preparing to settle Jewish immigrants in some of the areas mentioned. Such a course of action would fill the regions with Jews and enable the Israeli Government to say, at a later moment, that repatriation of the original Arab inhabitants would create a Jewish refugee problem. It did not seem that this could be considered an indication of good faith on the part of the Government of Israel.

When the Arab delegations spoke of the withdrawal of Israel from the areas in question, it was in the nature of a necessary measure. The refugees should be returned to the regions of their origin, and suitable guarantees of their security should be given for the period before Israel's withdrawal. The Arab delegations would discuss the territorial question in the proportion in which it related to the refugees.

Mr. ETHRIDGE gave a brief comparison between certain arguments advanced by the two parties. In point 3 of the memorandum under discussion, the Arab delegations had in fact requested the return of all the refugees and the creation of a de facto situation with regard to distribution of population. Israel, however, considered itself still in a state of armistice, and had made it clear that any refugees who might be allowed to return would be accepted only under the terms of a general peace settlement.

Israel was at present considering the nine-point memorandum presented by the Arab delegations, and had advanced certain proposals concerning frontiers with Egypt, Lebanon, the Hashemite Jordan Kingdom and Arab Palestine. No definitive answer had as yet been received concerning the refugees, except as regards the area of the "Gaza strip". On the other hand, the Commission had no evidence that the Arab delegations were considering the Israeli territorial suggestions. The two parties were still proceeding, as far as a settlement was concerned, along parallel lines; the Commission's most urgent task was to find a point at which those lines could merge. If the Arab delegations continued to discuss the refugee situation to the exclusion of all other questions, little progress would be made; point 3 as it stood offered an unsatisfactory basis for

negotiation. The Commission had the greatest interest in the refugee question and the deepest sympathy for the plight of the people concerned; it could not, however, expect Israel to agree to a de facto situation which would constitute a return to the status quo before the hostilities. Israel could very well claim that a security risk would be involved, and that if the refugees were returned to all the areas mentioned, there would be a possibility that the Arab States would then have no further interest in a general peace settlement. Such an occurrence would have grave consequences for the work of the Commission, which was charged not only with settlement of the refugee question, but with settlement of all matters outstanding between the parties. The Commission must work toward a solution of all problems mentioned in the resolution, even the economic problems.

The CHAIRMAN supported Mr. Ethridge's views. He pointed out that the return of the refugees to all the areas enumerated would raise certain problems of an economic, political or strategic nature for Israel. He asked whether the Arab delegations could put forward any plan or scheme for the repatriation, or any order of priority regarding the different areas affected. He suggested that the Arab delegations might study the question and propose a plan to the Commission.

Dr. ATASSI (Syria) replied to some of Mr. Ethridge's questions. Concerning point 1 of the memorandum, he thought that the Commission's acceptance of the common front maintained by the Arab delegations was made clear by the very terms of the Protocol, which mentioned "the two parties".

As regards Mr. Ethridge's comment on the Israeli viewpoint concerning the refugee question, he felt that that viewpoint constituted a departure from the terms of the 11 December resolution, which treated the refugee problem as an entirely independent question and did not subordinate it to or link it with any other matter. Although other questions were dealt with, it was made clear in the resolution that the Commission should give its first and most urgent consideration to the solution of the refugee problem. Therefore, Israel's contention that the problem must be dealt with in connection with the general settlement was not in conformity with the resolution and should not be countenanced by the Commission.

In their discussion of the return of the refugees, under point 3, the Arab delegations did intend that Israel should withdraw from the areas mentioned. Dr. Atassi denied, however, that the boundaries indicated on the Partition map constituted the extent of Arab claims. In a desire to offer practical suggestions, the Arab delegations proposed the return of the refugees to those areas which were designated on the map as Arab territory; and which should in principle be recognised as Arab territory; any territorial adjustments to be agreed upon should not bear upon those areas. For that reason, the Arab delegations could not discuss the problem as a whole as long as no progress had been made toward a settlement of the refugee question.

Dr. ZEINEDDINE (Syria) dismissed as groundless Mr. Ethridge's suggestion that the Jews might consider the Arab States likely to take no further interest in a general peace settlement once the refugee problem had been settled. The Arab States were willing to do their utmost to reach a solution of the Palestine problem, as they had already demonstrated by their co-operation with the Commission and their signing of the Protocol.

In regard to point (2) in the memorandum of 21 May and Mr. Ethridge's statement that Mr. Eytan was still awaiting instructions before giving a definite answer, the Jewish point of view could be assessed more accurately in deeds than in words. In the memorandum of 18 May the Arab Delegations had urged that the Jewish authorities should refrain from certain actions, such as applying the Absentee Act, blocking accounts, dynamiting villages and destroying property, or establishing Jewish immigrants in the place of Arabs, all measures which had nothing to do with any territorial question. To refrain from such actions called for no period of preparation, merely for goodwill.

The Arab States had drawn attention to other urgent measures, which were also considered urgent by the Commission. Such measures were no novelty; they had not been introduced by the memorandum of 18 May but had been laid before the Commission in Beyrouth, when it had been requested to ask the Jews to put them into effect. The Jewish delay in replying could not be considered normal procedure; the question had been put to them before, but until the present they had failed to adopt any definite attitude beyond attempting to evade the issue under the pretext of awaiting instructions.

In their present policy, the Jews were continuing the policy consistently followed by them through all the years that the Palestine problem had been under consideration; from the first they had propounded the theory that the Arab countries had enough land and that Palestine should be evacuated by the Arabs and their place taken by Jews. It was in an attempt to veil that policy that they resorted to making the return of the refugees dependent on a general peace settlement, even in regard to aspects of the problem which had nothing to do with a peace settlement.

It might well be true, as Mr. Ethridge had said, that the Commission had to deal with two parallel lines which would not meet. In the first place there was the United Nations line, which the Arab Delegations always sought to follow and which the Commission was bound to follow. In the second place, there was the line of seeking pretexts for a refusal to implement the United Nations decision that the refugees should be returned to their homes. If all followed the United Nations line they would find the Arabs following it. He hoped it might be possible to say the same of the other party, indeed the Commission should ensure that that was the case by insisting that the United Nations decision in regard to the refugees should be carried out.

The Jews while trying to make the return of the refugees dependent on the solution of territorial problems in a general peace settlement, had at the same time given their views of the lines such a settlement should take. Under the terms of the Commission's Memorandum of 23 May, conveying the Jewish proposals, the return of the refugees thus became impossible. The problem could therefore be solved in no other way than by falling back upon the United Nations decision.

MULKI PASHA (Hashemite Jordan Kingdom), referring to the Chairman's question whether, in view of economic and strategic difficulties, a priority could not be established for the repatriation of refugees in given areas among those enumerated in the Memorandum of 21 May, declared that the Memorandum was consistent with the Protocol of 12 May; it should be left to the other party or to the Commission to consider the difficulties involved in repatriation and find a remedy. Any Jewish apprehensions that the Arabs would cease to interest themselves in the Palestine problem once the refugees had been reinstated were without foundation. The repatriation of the refugees was an integral part of the Protocol. If the principle of the repatriation of the refugees were accepted, that would mean merely that one problem had been disposed of, so that consideration of the rest could follow.

The CHAIRMAN said that he understood the difficulty of establishing priorities in repatriation, and suggested that the question should be studied by the General Committee under instructions from the Commission. The Committee might decide on the order in which the problems of the refugees in various areas should be examined, as determined by the considerations to which

reference had been made and information on the number of refugees in each area enumerated in the Memorandum.

Dr. ATASSI (Syria) thought it necessary first to gain acceptance of the principle that the refugees in the territories enumerated should be allowed to return to their homes; only then would it be useful to enter into details and consideration of possible practical difficulties.

The CHAIRMAN declared himself unable to share that view. It would be contrary to the interests of the refugees, which should be the first concern, to insist on Israel's acceptance of the principle of repatriation before seeing whether it might not be possible to obtain satisfaction on specific points of the problem. Supposing that Israel were ready to allow the return of the refugees to certain areas, such as the Southern coast or Western Galilee, should that offer be refused on the grounds that Israel was refusing to accept the general principle ? It would be a great pity if the Committee were prevented from examining one or two points in a certain order, and the Commission would fail in its duty to the refugees if it did not try to gain satisfaction on such points as lent themselves to settlement. He asked the Arab delegations to reflect on the matter.

MUSTAFA BEY (Egypt) said that on 16 May he had raised a similar point, asking that repatriation should be effected by stages, and that the workers in the citrus groves, which were steadily deteriorating through neglect, should be allowed to return pending the taking of a census and the return of other refugees. The Chairman had then replied that such workers amounted to some 165,000 persons, a considerable number.

The CHAIRMAN said that the question of the return of the workers in the citrus groves was not the same as that of the return of refugees in certain areas to their place of origin. In reply to a query from Mr. Ammoun (Lebanon) whether the question could be simultaneously referred to the General Committee and discussed between the Commission and the Israeli Delegation, he said he was ready to insist on the question of principle with that delegation, as indeed the Commission had been long insisting. What he wanted was to ensure that non-acceptance of the general principle should not prevent the return of refugees for whom return would otherwise be possible.

Mr. AMMOUN (Lebanon) whished to ensure that the reference of the question to the General Committee should take place simultaneously with an approach to the Israeli delegation on the question of repatriation of the refugees in accordance with the (map attached to the) Protocol, i.e. their return to the areas enumerated. That was not the same as a general insistence on repatriation. In regard to Mr. Ethridge's remark that the Jews might fear that once all the refugees had returned the Arabs would lose interest in the other problems involved, he pointed out that the Memorandum of 21 May asked merely for the return of refugees to the territories specifically mentioned. The question of their return to territories attributed to Israel in the Protocol would require separate examination. In asking for the return of the refugees to the territories attributed to the Arabs in the Protocol, the Arab delegations were not merely acting in conformity with the Protocol but proposing what would be a practical step towards its implementation. The Jewish proposals, on the contrary, founded as they were on readiness to accept only a certain number of refugees and making such acceptance conditional on the cession of Gaza, ran counter not only to the Protocol but to the General Assembly's resolution of "December 1948. The claim to Gaza was in itself contrary to the Protocol; it could not be considered as an adjustment, but was simply an annexation.

The CHAIRMAN said that the Commission would certainly communicate to Israel the remarks made by the representative of the Jordan Kingdom on the establishment of Jewish immigrants in areas evacuated by Arabs, and would urgently seek to elicit a favourable answer on the question of principle. At the same time the General Committee would make a detailed study of the points raised in the Momorandum of 28 May and of the possibility of the return of refugees in certain areas.

Mr. ETHRIDGE wished to make plain that he could not subscribe to the views expressed by the Syrian delegation. The Commission had never accepted the view that the paragraphs in the resolution of 11 December 1948 referring to the refugees constituted a separate item. The whole resolution had arisen out of the fact that a state of war existed; it therefore recognized all the aspects of dislocation which the war had produced - the situation in Jerusalem, the economic dislocation, the dislocation of the ports, the territorial dislocation created by the movements of armies and the dislocation of populations, all direct products of the war. He had always felt that any attempt to divide up the aspects of an eventual peace would be unrealistic; any settlement of the Palestine problem would have to envisage that problem as a whole. He therefore could not accept the idea that it would be possible first to settle the refugee problem and only then to seek a settlement of other problems. The representatives of the Jordan Kingdom, Lebanon and Syria had insisted that acceptance by Israel of the question of principle should precede consideration of details. The Commission had been trying to elicit such acceptance. But even if it were elicited, many refugees would still be unable to return to their homes. The whole refugee problem should be more realistically considered.

As the Chairman had said, the Commission would continue to try to induce Israel to accept the principle of the return of refugees on the basis of the 11 December resolution. Israel, however, could argue that if the Arab countries had accepted the resolution of 29 Nov. 1947 there would have been no refugees. He did not wish to re-open old wounds, but simply to promote knowledge of the adverse viewpoint. The Arab argument that Israel was bound to accept all refugees was viciated by the fact that the refugee problem had been created by Arab refusal to accept the Partition resolution. None the less, he agreed that it was necessary for Israel to accept in principle the directives of the resolution of 11 Dec.1948 on the return of the refugees, while recognizing that not all would be able to return even if given the freest possible choice.

It was essential that provision should be made for those refugees who could not return to their homes. The Arab States should recognize this aspect of the problem and show willingness to absorb and resettle the remaining refugees. He believed that

international help might be forthcoming, provided the whole problem of the refugees were placed on a sound basis, that is if Israel were willing to accept all obligations incumbent on her and the Arab countries accepted in principle the obligation of absorbing and resettling those who did not return. It would not be possible to get international help on anything more than a relief basis if the refugee problem were considered in isolation. The General Assembly of the United Nations had been concerned with a comprehensive peace settlement in the Middle East, of which the refugee problem was only one aspect. Till it was so considered, the refugees would remain in their tents and the money allocated for their relief would soon be exhausted.

A new approach was required, based on the standpoint of the refugee themselves. He hoped the Arab delegations would go back to considering the refugee problem as part of the whole problem, and be willing, while asking for such assurances as they might require, to consider it together with all the other factors covered by the December resolution.

Dr. ATASSI (Syria) asked Mr. Ethridge whether, if no general peace settlement were reached in Palestine, the refugees would be abandoned and the Jews be under no international obligation to accept them back. Would those tens of thousands of human beings remain homeless and no longer be the concern of the United Nations which, in the first instance, had concerned itself with their welfare ?

Mr. ETHRIDGE replied that he did not know the answer to that question. The refugees according to Arab estimates numbered 910,000 according to Israeli estimates, 550,000; The United Nations appropriation for their relief had amounted to $ 32,000,000, of which $ 22,000,000 had been paid. That sum would last only a certain time longer and he did not see any immediate possibility of further funds.

He urged the necessity of a new approach, so that both Arabs and Jews could place themselves in a position such as to ensure a response from the international community, which was deeply concerned with the assurance of peace in the Middle East. If peace in the Middle East were to break down, he could not answer for the reaction of the United Nations or even of the United States. He preferred, however, to put the question in

positive terms : the international community would feel a far greater obligation if all parties gave evidence of wholehearted desire for the establishment of peace in the Middle East.

As the Arab delegations were aware, he had always felt that the international community, or more precisely, the United Nations, had a responsibility in regard to the whole Palestine question, including the problem of the refugees. He felt, however, that the primary responsibility for a solution rested with the governments which had found themselves at war.

Mr.AMMOUN (Lebanon) denied that the Arabs wished to divide up the problem of a settlement in Palestine. On the contrary, they had signed the Protocol of 12 May which covered all aspects of that problem; their first Memorandum of May 18 fell within the framework of the Protocol, and recommended urgent measures which had no territorial bearings; their second Memorandum of May 21 touched on territorial matters, in that it asked for the return of certain areas, while their memorandum of May 28 was likewise concerned with territorial questions since it discussed the extravagant Jewish territorial claims. What they were asking was merely that priority should be given to certain measures whose particular urgency was recognized by the Commission itself, among such measures being the return of refugees to Arab territories.

The Jews were claiming that the Arabs were at fault in refusing to accept the Assembly resolution of 29 November 1947. The Arabs were not alone in rejecting that resolution. Mr.Shertok had twice declared before the United Nations that Jewish ambitions extended not only to the whole of Palestine but to Transjordan as well, claims obviously counter to the 29 November resolution.

Mr Ethridge had said that the primary responsibility for a solution of the refugee problem lay with the countries that had gone to war. It should be remembered that the occupation of Jaffa and Haifa had taken place before 15 May 1948 and that over 50,000 refugees had fled to Lebanon before the Arab troops had intervened, their intervention having been determined by the necessity of restoring order and of checking Jewish aggressions. Therefore, those responsible for the situation were those who had created it, before there had been any Arab intervention- viz. the Jews.

Mr. Ethridge had asked how the problem of the refugees could be solved unless the residue who would be unable to return were taken into account. In order to know what that residue comprised

it was necessary to know first what refugees would be able to return. Therefore, the Arab delegations were demanding first of all the return of refugees to Arab areas, in accordance with the 11 December resolution. Once that return had been effected, once the Jews had agreed to accept the principles of the 11 December resolution, the position of the residue could be considered. In the meantime, the Arab delegations demanded the return to the areas enumerated in the memorandum of 21 May of all refugees who were able to return.

In regard to the resolution of 29 November 1947, that had been superseded by the resolution of 11 December 1948. The Protocol presented the middle course which was desirable, and therefore should be implemented.

The CHAIRMAN thought that general agreement had been reached and asked whether it was agreed that the Memorandum of 21 May and the points raised in the discussion should be considered by the General Committee.

Mr. AMMOUN (Lebanon) assented, on condition that the Commission did not cease its activity to secure from Israel acceptance of the principle of the return of Arab refugees to the areas designated as Arab in the Protocol.

Dr. ATASSI (Syria) supported Mr. Ammoun. It was indispensable to continue the work in the General Committee. He asked that the Arab delegations should be kept informed as to the replies received from Israel.

The CHAIRMAN undertook to communicate all such replies except those bearing on points on which discussion was still proceeding.