

RESTRICTED
 SR/LM.19
 9 June 1949
 Original: English

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

held in Lausanne on Thursday,
 9 June 1949, at 11.30 a.m.

Present: Mr. Yalcin (Turkey) - Chairman
 Mr. de Boisanger (France)
 Mr. Ethridge (U.S.A.)
 Dr. Azcarate - Principal Secretary
 Dr. Walter Eytan) - Representatives
 Mr. Elias Sasson) of Israel
 Mr. Gershon Hirsch)

Dr. EYTAN observed that since his return from Israel he had noticed a marked deterioration in the spirit surrounding the Lausanne conference; the present situation might be described as a crisis, although he preferred to call it a stalemate. The widespread general dissatisfaction with the progress of the talks was being reflected in increased irresponsible talk about the conference, and in some threats and mutual recriminations. He himself did not take too tragic a view of the situation; although all parties concerned were disappointed at the lack of progress made, and it was natural that irritation should result, he felt that the time had come when a fresh start should be made. His delegation and his Government were deeply interested in helping to make a success of this United Nations effort at conciliation. Several members of the delegation had taken part in the successful United Nations work of mediation under the inspiring leadership of Dr. Bunche; although the Israeli delegation at Rhodes had had certain doubts regarding the results of its first contact with official Arab delegations, the negotiations, under Dr. Bunche's direction, had been a spectacular success. There was every reason to believe that similar results could be achieved at Lausanne. The two qualities essential to such success were patience and complete frankness and truthfulness on the part of all concerned; he

thought it could be said that the Israeli delegation had always stated its views clearly and with complete frankness, even when it knew its position to be an unpopular one.

Dr. Eytan had little to add to the statements his delegation had made to the Commission in the course of the talks. Nevertheless, he thought it might be useful to give further clarification on certain points already familiar to the Commission.

Regarding Israel's general approach to the problem, Dr. Eytan wished to answer certain charges to the effect that that approach was unrealistic or unacceptable to world public opinion. When Israel's application for membership of the United Nations was being considered, its candidature had been challenged on the ground that its position regarding the recommendations of the resolution of 11 December 1948 was unsatisfactory. On the instructions of his Government, Mr. Eban had therefore made a full statement to the Ad Hoc Political Committee concerning Israel's position with reference to the points mentioned in the resolution; since the General Assembly had subsequently endorsed Israel's application for membership, it seemed that that position had been accepted as a reasonable one by the Assembly. Dr. Eytan stressed the fact that his delegation's approach to the Lausanne talks had always been in full accordance with Mr. Eban's statement.

Dr. Eytan said that his return to Israel, after an absence of six weeks, had given him a clearer understanding of the realities of the situation there. He recalled that ten days previously he had given the Commission a clear account of conditions prevailing at present in Israel, with relation to possible absorption of refugees; he had stated that it was unrealistic to speak of returning refugees to their homes and farms, when in many cases those farms were ruined and the homes no longer standing, or occupied by others. He had recently visited Jaffa for the first time in two years, and had noted the great changes which had taken place; extensive areas of the city were completely demolished or uninhabitable, and the remainder of the city was now overwhelmingly Jewish in population, where it had previously been almost entirely Arab. He was more than ever convinced, therefore, that academic discussions of repatriation of the refugees, and Arab demands for wholesale repatriation, without consideration of the conditions which

would surround it, could not advance the progress of the Lausanne negotiations in any way.

Dr. Eytan reviewed briefly the fundamental points of the position maintained by his delegation.

In the first place, the Government of Israel had always maintained and still considered that the main objective of the Lausanne talks was the restoration of peace in the Middle East; the refugee problem, the territorial question, and all other matters, while they were vital problems which must be solved, were nevertheless subordinate to the over-riding necessity for the conclusion of a peace between Israel and the Arab States. He had no doubt that the Arab States also desired peace; however, he felt that the chief obstacle to the success of the Lausanne talks so far had been their sustained refusal to negotiate a peace settlement with Israel.

With regard to the refugee question, Dr. Eytan reiterated that his Government, owing to its deep concern with the peace of Palestine and the Middle East, naturally viewed the problem from that angle, as a single aspect, though a most important one, of the entire situation. There had been evidence in the past twenty years of a world-wide effort to eliminate the problems raised by minority groups, which were a major cause of international tension and internal unrest within nations, often resulting in war. At the time the Partition Plan was drawn up, there had been no question of exclusion of the Arab population from the Jewish area, nor of the Jewish population from the Arab sector; the General Assembly's resolution had envisaged a peaceful implementation of the plan and a continuing peaceful existence of two minority groups. However, with the outbreak of hostilities and the resulting flight of a large number of Arab inhabitants from Israeli-held territory, what might have become a serious minority problem for the State of Israel, as well as for the Arab State, should it ever come into existence, had in effect solved itself. The Government of Israel would not have advocated the removal of the Arab population from its territory, but it felt that in the circumstances the restoration of that population and the re-creation of the minority problem would be a step backward.

Dr. Eytan recalled that after the Second World War the victorious nations had joined in bringing about the expulsion of the Sudeten Germans from Czechoslovakia, a step which far from being branded as cruel or unreasonable, had been considered a wise move for the peace of the world. Similarly he recalled the refugee problem which had arisen when India and Pakistan had been established as separate States; that problem had far transcended the present one in magnitude, since approximately 11 million persons had been forced to leave Pakistan as refugees. There had been no suggestion that this Hindu minority should be returned to Pakistan; it had been recognised that it could only cause unrest and disorder. Moreover, the attitude of the Government of Pakistan as regards the property abandoned by the refugees differed basically from that of the Government of Israel in the present case; the Pakistan law placed the permanent disposition of such property entirely within the discretion of the Government, thereby openly countenancing confiscation of the property for the use of the Government. Dr. Eytan reiterated his conclusion that in the light of the world's tragic experience in the past years, the artificial re-creation of a minority group, such as was advocated at present by the Arab delegations, would be a retrograde step as far as the peace of the Middle East and of the world was concerned.

Dr. Eytan explained that when his delegation had stated that Israel could make a contribution to the solution of the refugee problem only within the framework of a general peace settlement, it was motivated by considerations of its own security. He pointed out that statements were continually being made by Arab leaders, calling upon the Arab States to re-arm and prepare for a war of revenge; he stressed the fact that such statements had emanated from all the Arab States without exception. Moreover, the Egyptian Government had recently voted a budget of 72 million pounds for arms and military equipment for one year, and it had been made clear in the course of debates on this budget, that the equipment was destined for use in Palestine. It was unreasonable to expect the Government of Israel to close its eyes to such moves and to admit within its borders thousands of Arabs who were sympathetically inclined towards the States which had expressed such intentions. For those reasons the refusal of the Government of Israel to accept the return of refugees except within the context of a general peace settlement, seemed to him an entirely reasonable attitude and one which any Government, in similar circumstances, would be bound to adopt.

With regard to the territorial question, Dr. Eytan recalled that on 12 May his delegation had accepted a certain document as a basis for discussion, while making it clear that it did not thereby commit itself to acceptance of the particular series of frontiers indicated in the document. The principle maintained by his Government from the beginning was one which had received the endorsement of the General Assembly, namely, the mutual adjustment of borders by free negotiations between the parties, to the common advantage of all the parties. His Government could not accept any contention that because a certain proportionate distribution of territory had been agreed upon in November 1947, that proportion was sacred and must be preserved regardless of events which had taken place since that time. According to that division 55% of the territory had been allocated to the Jewish State and 45% to the Arab State; in terms of tillable land, however, the proportion was more favorable to the Arabs, since about half of the Jewish area consisted of the desert land of the Negev. The Government of Israel was ready to discuss mutual borders with each of the four States which were its neighbours; to hear their views, regarding the adjustment of the frontiers and make its own proposals; it could not, however, accept an arbitrary mathematical proportion as a criterion for settlement of frontiers. In the first place, that proportion had been fixed on the basis of certain assumptions of which all but one - the creation of the State of Israel - had not materialized. In the second place, the present military situation in Palestine must be considered. Israel had endorsed the plan for creation of an independent Arab State in Palestine but it could not agree that the neighbouring Arab States were entitled to profit from the failure of the Palestine Arabs to establish that State. The Arab States had no right to secure territorial expansion through the absence of a legitimate authority in the area, when they had themselves, through the hostilities begun by them, prevented the establishment of that authority. If the United Nations allowed such expansion to take place, it would in effect be rewarding States which had attempted to overthrow a General Assembly recommendation by force; the result would be an undermining of the basic principles and of the influence of the United Nations.

Dr. Eytan pointed out, however, that if a settlement of boundaries were to be effected according to the principle of free negotiations advocated by his Government, and envisaged by the General Assembly in the resolution of 11 December 1948, it was obviously necessary that his delegation should be able to meet and talk directly with the delegations of the Arab States.

The time had come for a summary of the situation as it had developed through the Lausanne conversations. The day after his arrival, on 30 April he had made his sole communication to the press, giving an official statement of the intentions of his Government in regard to the purposes of the Conference. He had declared in particular, that the Israeli delegation had come with full authorization to negotiate an overall peace settlement with the delegates of the Arab States, covering all outstanding questions as defined in the United Nations resolution of 11 December 1948. Incidentally, it had been a grave disappointment to find that the Arab delegations had apparently come with more limited powers. Secondly, he had declared that Israel was ready to contribute towards finding and implementing a solution of the refugee problem in cooperation with the United Nations and the Arab States. That was still the attitude of his Government.

On 2 May, in a letter to the Chairman of the Commission, he had given two assurances in respect of points 1 and 3 of the Commission's Memorandum of 11 April, reiterating that Israel was ready to cooperate with the United Nations and the Arab States for a solution of the refugee problem, and would guarantee civil rights to all minorities in its territory.

On 6 May, he had given further assurances on questions raised in the said Memorandum, especially that the Government of Israel accepted the principle of payment of compensation for land abandoned by Arabs and recognized the proprietary rights of individuals for the purpose of assessment and payment of such compensation. Secondly, there was the assurance of the readiness of his Government to unfreeze Arab accounts in Israeli banks immediately on the conclusion of peace, with the guarantee that such accounts would in the meantime not be touched. Thirdly, there was an assurance on the duties of the Custodian of Absentee

Property, which was administered on the same system as the custodianship of enemy property practised by most countries during the war. Fourthly, there was an assurance concerning the preservation of immovable property. Obviously no such guarantee could be demanded or given in respect of moveable property, most of which had already been carried away, mainly by Arabs.

On 9 May, in a formal letter to the Chairman of the Commission, he had informed him that the Government of Israel accepted the principle of reuniting Arab families separated as a result of the war, and would conduct a census of Arabs who had remained in Israel to determine how many persons would be affected.

A few days earlier, on 4 May, he had taken a positive and constructive step by submitting to the Commission a draft preamble and a proposed draft of articles 1 and 2 as a starting point for discussion of what he hoped would be a peace treaty. The main points of those drafts, which still reflected the mind of his Government on the subject, were as follows :

- 1) final liquidation of the war;
- 2) establishment of normal political and economic relations between Israel and the Arab States;
- 3) the common interest of Israel and the Arab States in maintaining the stability of the Middle East;
- 4) mutual guarantees of the frontiers between Israel and neighbouring Arab States;
- 5) mutual respect of the sovereignty and independence of each State;
- 6) abstention by all parties from the use of force for the settlement of disputes;
- 7) international arbitration in the case of disputes that could not be settled by agreement.

Such were the basic ideas of his Government for regulating the relations between Israel and the Arab States. The failure to obtain a response from any quarter had been a grave disappointment.

Similarly, no response had been received to the proposal, formally presented, as a result of encouragement by members of the Commission, on about 20 May and elaborated in a letter to the Chairman on 29 May, concerning the future of the Gaza-Rafah area, a proposal not only for solving the frontier problem with Egypt but one which would have enabled Israel to make a considerable contribution towards solving the refugee problem.

At various times during the month of May, he had formally presented to the Commission, for the information of the Arabs, a series of proposals for the delimitation of the frontiers of Israel with the Arab States. Again, there had been no response.

At the end of May, in a communication to the Chairman of the Jerusalem Committee, he had elaborated his Government's attitude on the future of Jerusalem. He had moreover taken every opportunity of expressing to the Commission the readiness of his delegation to meet with the Arab delegations for direct discussion of matters of common interest.

Such was the record of his delegation's work during the weeks it had spent in Lausanne, a record of consistently constructive suggestions. To the best of his knowledge, not one of them had elicited a response from the Arab delegations.

There were still further suggestions which he would be prepared to make should they be considered useful. For instance, in order to assist the Jordan Kingdom which had not outlet to the sea except Akaba, his Government was prepared to create a free zone in the port of Haifa, through which the Jordan Kingdom would be able to import goods free of Israeli customs duties.

The Arab delegations had presented a mere series of demands while Israel had been at pains to present suggestions and offers and had not once put forward anything in the nature of a demand. He did not see why the Arabs should be entitled week after week to make arbitrary demands as though Israel owed them anything for the fact that the Arab States had sought to destroy it. If the Arabs had put forward any positive suggestions and had reacted, even in a negative sense, to the Israeli offers instead of ignoring them, the Lausanne Conference would to-day find itself at a happier stage.

The Conference had in fact reached a turning point, and it was necessary to consider what steps should be taken to enable it to continue. He had three observations to make on that subject.

Firstly, the Protocol of 12 May should continue to be accepted as formal basis and starting point for discussions.

Secondly, it was in the interests of all to try to infuse a new and better spirit into proceedings, in place of the present mood of despondency expressed in a defeatism and in recriminations which, if they continued, would dim the prospects of success.

Thirdly, without disrespect to the Commission, he would have been at least equally happy could he have made his present statement to the heads of the Arab delegations. He hoped that a direct contact might be arranged in the future, with advantage to all. It was a somewhat ludicrous situation that the Arab and Israeli delegations should spend several weeks in the same town without an opportunity for a formal meeting. The position was particularly absurd in view of the fact that some members of the Israeli delegation, were personally acquainted with leading members of the Arab delegations, with whom they had conducted successful negotiations during the Armistice talks. Such artificial separation was one of the chief barriers to understanding; he would like to say frankly to the Arabs what he had so often been able to say frankly to the Commission.

He could say more about the approach to the various problems and possible changes which might be made, but would refrain in view of the lateness of the hour. Since all realised that a turning point had been reached in the talks, a general effort should be made to see whether it would not be possible to find more fruitful methods.

Finally, on behalf of his delegation, he expressed deep regret at the imminent departure of Mr. Ethridge, which would deprive the Commission of his wide knowledge, experience and objective viewpoint.

The CHAIRMAN said that he had listened with attention to Mr. Eytan's statement; it touched on problems on which he could not speak till he had consulted with his colleagues. He invited Dr. Eytan to meet with the Commission again on Saturday 11 May, at 10:30 a.m.

In spite of the lateness of the hour, he was compelled to speak on an important incident which had occurred. Earlier in the morning the Commission had received the Arab delegations under the chairmanship of the head of the delegation of the Hashemite Jordan Kingdom, who had spoken of an incident which

had occurred in Jerusalem in violation of the truce. According to the Jordanian representative, Israeli forces had crossed the lines fixed by the Armistice and entered the neutral international zone of Government House, occupying the Arab College. In such conditions the Arabs had stated that they found it very difficult to continue the conversations.

He would be grateful if the Israeli representative would take the necessary steps to clarify the situation. The Commission for its part would take all necessary steps to obtain a speedy settlement of an incident which was most harmful to the successful continuation of the conversations in Lausanne.

Dr. EYTAN thanked the Chairman for drawing his attention to the incident. He appreciated the Commission's concern over it, especially in view of the Jordanian threat. He himself knew nothing of it; it had been reported to him the previous evening and he had asked for information from his Government. He wished to point out, however, firstly, that there was no longer any neutral zone except Government House, since by an agreement made about 20 April in the Special Committee the former neutral zone had been divided between the Jordan Kingdom and Israel. By the terms of that agreement, the Arab College fell within the Israeli section. Secondly, such an incident concerned the observation of the Armistice; General Riley was in Jerusalem, and the incident was precisely of the kind which came up before the Mixed Armistice Commission. He could not accept the view of the Jordan Kingdom Delegation that it was a matter which could in any way affect the conversations in Lausanne.

When on a previous occasion a question of Armistice observation had come up, in connection with Syria, the Commission had taken the view that such Armistice matters were of no direct concern to it. If every time there was an incident or an alleged incident one side or the other were to say that there would therefore be a difficulty in continuing the conversations, Israel could frequently have adopted such an attitude - for instance when recently two Israeli soldiers were killed by the Arab Legion. The attitude of the Arab delegations constituted unwarranted and unfair pressure. He had however asked for full information on the incident in question and would certainly communicate it to the Commission.

The CHAIRMAN said he would be grateful for such information as soon as possible. He had gathered that the incident was of a much more serious type than minor incidents which had occurred in the past.

Dr. EYTAN said that the occurrence of such incidents showed the importance of making peace as quickly as possible.

Mr. de BOISANGER pointed out that the delegate of the Hashemite Jordan Kingdom had made it clear that he was acting on explicit instructions from his Government, a fact which gave the incident a greater seriousness than Dr. Eytan perhaps realised.

He agreed with Dr. Eytan that the Commission's method of work called for revision, and that the system of transmitting notes between the two parties had not proved satisfactory. It might perhaps be fruitful to examine the possibility of direct negotiations.