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

held in Lausanne on Saturday,  
11 June 1949, at 10:45 a.m.

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

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Mr. de BOISANGER, referring to Dr. Eytan's statement at the previous meeting, said he agreed with a certain number of its points. The Commission should not consider that it had failed in its task; there was still hope of a successful outcome, but a change of method might be advisable. He concurred that little had been achieved by the transmission of notes, which the Arab delegations sometimes refused to examine, declaring that the Committee should not have forwarded them since they were not in conformity with the Protocol of 12 May, while Arab proposals had received a similar reception from the Israeli delegation. In particular, for instance, Dr. Eytan had refused to examine the proposal bearing upon the return to Israel of refugees from areas which the Partititon Plan had allotted to a future Arab State. He would propose, for discussion in a private meeting of the Commission, that in future the Commission should discuss proposals with the delegations responsible for them, before transmitting them to the other party. Certain unjust criticisms of the Commission had been made and its efforts had been unfavourably compared with those which resulted in the signing of the Armistice agreements. Had the Israeli representatives taken part in the Beirut conversations, they would have realized how difficult it had been to persuade the Arabs to send delegations to Lausanne at all. While Israel obviously wanted peace as soon as possible, the Arab States, though also desirous of peace, felt no urgency for its negotiation. In Rhodes, on the

other hand, it had been easier to bring the parties together, on the basis of a precise request for an Armistice from Egypt, which Israel had accepted. The problem of a peace settlement presented far greater obstacles, which it would be unjust not to recognize.

In the second place, Dr. Eytan had implied that the Commission had been opposed to direct conversations between the Israeli and Arab delegations. From the beginning, the Commission had indicated to the Arabs the desirability of such conversations, which it was its task to promote; opposition had come from the Arabs themselves. He was convinced that direct conversations would be possible at a later stage, but they would depend on what proposals Israel could advance. At the present stage, they would be premature, and it would be unwise to press for them. It would be necessary for the Arabs to prepare public opinion for such a step.

Mr. de Boisanger then deplored certain malicious criticisms directed against the Commission, which had either been rumored or had appeared in the press, and specifically in the Jewish Chronicle of London. He considered that such criticism could only hamper the effectiveness of the Commission in solving the Palestine problem.

Dr. EYTAN welcomed a statement showing Mr. de Boisanger to be in substantial agreement with him. He believed it would be possible to find a new approach and methods which would expedite the Commission's work.

While appreciating Mr. de Boisanger's frankness, he was obliged to dissent from him on certain issues. In the first place, he could accept no responsibility for reports in the Jewish Chronicle. His Government had no control over the Jewish press in any country, not even over the Palestine Post. If the Jewish Chronicle, like many other journals, printed false and absurd rumors, they represented merely the private opinion of the editorial staff. The Israeli delegation had never circulated such rumors. In any case, criticism of the Commission was just as vocal in the Arab press as in any other.

Secondly, the argument concerning the reaction of public opinion in Arab countries could be over-stressed. Not only were there moments in history when governments had to have the courage to act irrespective of public opinion, but public opinion was easily shaped by governments which, like those of the Arab States and unlike that of Israel, controlled that opinion through political censorship of the press. It had been said in connection with the Egyptian Armistice that public opinion was unripe for it, but the

Egyptian Government had been able so to convey the news of it in such a way as to make it not unacceptable when the time came.

Thirdly, he could not see why, if the Arabs were anxious for the conclusion of peace, they should find difficulty in saying so. There was a gap between their underlying intentions and their declared intentions so wide as to create an atmosphere of unreality.

In conclusion, he wished to make it clear that anything in his statement at the previous meeting which could be understood as criticism of the Commission had not been destructive criticism but a prelude to suggestions which he was prepared to make.

Mr. de BOISANGER wished to make it clear that he had never thought the Israeli delegation had inspired the Jewish Chronicle article. He agreed that there was a tendency to make public opinion a pretext for reluctance to take unwelcome steps. The point he had wished to stress was that the aims of the conference of Rhodes and Lausanne were so different as to invalidate any suggestion that the same methods could achieve results in both cases.

Mr. HARE asked for clarification on three points of Dr. Eytan's statement. In that statement the emphasis on peace in the Middle East and the readiness to recognize a desire for peace on the part of the Arab States had been gratifying, but it had been suggested that the present deadlock came simply from Arab refusal to negotiate. At the same time, the statement itself, except for the reference to Haifa, had been merely a restatement of a position which had been firmly maintained on other occasions. On behalf of the Arabs, certain proposals had been presented to the Israeli delegation, in the Nine Point Memorandum and the Memorandum of 21 May. He understood that they were receiving study. He wished, however, to ask firstly whether there was any ground for anticipating action on the nine points, or any replies of a nature to facilitate further negotiations, acting, so to speak, as "ice-breakers"; secondly, without discussing the philosophical aspect of minority questions, on which he did not share Dr. Eytan's views, how the latter reconciled the position adopted by his Government towards the General Assembly's resolution of 11 December 1948, and thirdly, whether in regard to territorial adjustments, the Israeli delegation distinguished between territory allotted to Israel by the resolution of 29 November 1947 and territory subsequently acquired in the course of hostilities. In regard to the latter, Mr. Hare asked whether there was any prospect of relinquishments or balancing exchanges as a determining factor in the final peace settlement.

Dr. EYTAN, pending fuller replies at a later stage, said that in regard to the Nine Point Memorandum and the Memorandum of 21 May, what Mr. Hare was asking of his delegation was a new series of gestures, such as it had consistently been urged to make in order to reconcile the Arabs to the fact of their presence at the conference. It had complied insofar as was possible with such requests. On the seven points of the Commission's Memorandum of 11 April, it had given helpful replies to six. That gesture had not been appreciated; the Arabs had sent a further Memorandum with additional demands, and it had become plain that such would be the response to Israeli efforts to meet them. None the less, the concrete suggestions in the Memorandum in question were being sympathetically studied.

In regard to minorities, the Israeli Government did not interpret the paragraph in the 11 December resolution concerning the return of refugees as a categorical imperative, but, if taken in conjunction with the debate in the General Assembly, as expressing a point of view not very different from that adopted by Israel, which had consistently maintained that a solution of the refugee problem was inseparable from the conclusion of peace. The General Assembly had envisaged the repatriation, resettlement and rehabilitation of the refugees in conjunction with the establishment of peace. The text of the resolution restricted such measures to those "wishing to...live at peace with their neighbours" -- a qualification which there was no way of testing except in the context of peace. He did not think it over-legalistic, since the point had been made by several delegations at the General Assembly, to interpret the words in the resolution "at the earliest practicable date" -- a phrase adopted only after prolonged discussion -- as meaning upon the conclusion of peace. At the same time, his Government had not concealed the fact that the general principle underlying the paragraph in question appeared to it impracticable.

In regard to territorial adjustments, he thought that he had made it clear that his Government would not accept a mathematical approach to the territorial question, or agree that because under the resolution of 29 November 1947, 55% of Palestine had been allocated to a Jewish State, Israel should now accept the same proportion of the total area of Palestine. The question of relinquishment or balancing exchanges presented itself to his Government under the different aspect of mutual

adjustments; it accepted the principle that the present border-lines, which along many kilometres had been fortuitously established through the fortunes of war, might be adjusted in the mutual interest of Israel and the neighbouring States.

Mr. de BOISANGER thought that Dr. Eytan had clearly established his position in regard to territorial adjustments in his earlier statement. He had been particularly glad to note the reference to the Protocol of 12 May as basis and starting point of further discussions, since the Arabs had shown doubt of Israeli acceptance of it.

The CHAIRMAN considered Mr. Hare's questions as of particular importance and declared himself not entirely satisfied with Dr. Eytan's replies. He invited Dr. Eytan, however, to pass on to his new proposals.

Dr. EYTAN, while implying no criticism of the conduct of the negotiations up to the present, said that during the past few days his delegation had given considerable thought to possible new approaches to the situation. With a view to achieving positive results, his delegation now offered four suggestions, the adoption of any one of which should prove of constructive use to the conversations. Their collective adoption would have an electric effect.

1. In the opinion of his delegation, one of the factors retarding the progress of the talks had been the limited authority conferred upon the Arab delegations by their Governments. It had been made clear that the Israeli delegation had come to Lausanne with full authority to conclude a peace settlement, and it had been a source of disappointment to that delegation that the Arab delegations were limited to discussion of the refugee question alone. The course taken by the talks had proved that discussion of the refugee question without reference to other related problems was impossible. The Israeli delegation therefore suggested, without prejudice to the Arab case, that an effort should be made to persuade the Governments of the Arab States to grant wider authority to their delegations in Lausanne. For this purpose, it was suggested that a member of the Commission might make a brief visit to the Arab capitals, to explain the present situation in Lausanne; if it were considered impractical for a member of the Commission to be absent from Lausanne for the necessary period, a senior member of the Secretariat might be designated instead. There would be no objection to the inclusion of Tel Aviv in the itinerary of such a

Dr. Eytan explained briefly the considerations which led his delegation to make this third proposal. As regards the first suggested sub-committee, it was well known that his delegation had attempted from the beginning to launch a discussion of the terms of a peace settlement. Up to the present the problem had been approached through discussion of the various details involved, such as the disposition of the orange groves, the question of the blocked accounts, etc. The Israeli delegation felt, however, that a more general overall approach to the problem would be more constructive, and that such an approach could be best achieved through establishment of a sub-committee. Concerning the second and third committees suggested, it was felt that their establishment would force both parties to discuss both the frontier question and the refugee question. The Israeli delegation considered that little practical progress was possible until concrete proposals were forthcoming from the Arabs regarding the "Triangle" and the Gaza area; the present machinery of the Commission had been unsuccessful in eliciting such proposals. The suggested fourth sub-committee needed no comment, since a Committee on Jerusalem was already in existence. As regards the fifth sub-committee, he pointed out that paragraph 10 of the resolution of 11 December 1948 mentioned arrangements to be made to facilitate the economic development of the Middle East. His delegation had always held the view that the greatest common ground of interest between Israel and the Arab States was in the economic field, and that in that field lay the greatest possibilities for mutual understanding and agreement. Although the economic expert of the Israeli delegation had now left Lausanne, Dr. Eytan assured the Commission that if the suggested sub-committee were set up, such an expert would be permanently attached to the delegation.

4. Dr. Eytan reiterated his delegation's acceptance of the Protocol of 12 May, which remained the formal basis for negotiation; however, he wished to put forward a suggestion for a supplementary basis of discussion, which would not be in any way contradictory to the Protocol.

He recalled that on 16 November 1948 the Security Council had called upon the parties to negotiate Armistice Agreements to "facilitate the transition from the present truce to a permanent peace", and that the response of Israel and the Arab States had resulted in the conclusion of Armistice Agreements in March and April 1949. Those Agreements were the only existing basis for relations between Israel and the Arab States; they constituted a step

tour, in order to avoid giving the impression that the Arab States alone were the object of the journey.

2. There was clear authority in the resolution of 11 December 1948 for the establishment of direct contact between the parties at the earliest possible date. Six months had now elapsed since the adoption of the resolution, but the Arab delegations still did not find it possible to agree to such direct talks. Dr. Eytan considered that the lapse of six months entitled the Commission to speak with some vigour to the Arab delegations or their Governments regarding the necessity for establishing direct contact without further delay. He felt that the Arab States would have difficulty in refusing such a request from the Commission, and that the request might usefully be included among the topics to be discussed by the person who would make the suggested tour of the Arab capitals. For his part, Dr. Eytan would give an undertaking on behalf of his delegation to the effect that if the Arab delegations agreed to direct talks, the Israeli representatives would exert all possible tact and would do all in their power to conduct the conversations in a cooperative and friendly spirit.

3. As regards the mechanical aspects of the Commission's work, Dr. Eytan expressed the view that one major obstacle to the progress of the talks had been the fact that all delegations had thus far tended to skirt the problems rather than come to grips with them directly. Under the system followed up to the present, this had been inevitable, since all the problems were closely linked together, and discussion of one had raised difficulties connected with another. The General Committee established by the Commission had very general functions; it was in fact a reflection of the Commission itself, discussing the same questions and becoming involved in the same difficulties. His delegation therefore proposed the establishment of five sub-committees, each of which would concern itself with the detailed study of one question; it would be the function of the Commission to maintain the relationship among all the problems at issue. He suggested that the first sub-committee should deal with the general terms and conditions of a peace settlement, the second with the matter of frontiers, the third with the refugee question, the fourth with the problem of Jerusalem (this committee was already in existence), and the fifth with economic and allied questions. Concerning the operation of the sub-committee, Dr. Eytan suggested that the chairmanship of each should remain constant and not subject to rotation, and that each should hold meetings jointly with the Israeli and Arab delegations.

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toward peace, and they had been signed by the two parties explicitly with a view to promoting peace. His delegation felt that there was much in both the spirit and the letter of those Agreements which could serve as a common ground for discussion in the course of the Lausanne talks. That feeling was strengthened by the terms of the resolution of 11 December 1948, calling upon the Governments and authorities concerned "to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948", and thereby establishing a definite link with the earlier resolution. His delegation would be prepared to state at a later moment its views as to the way in which the Agreements could be made a fruitful basis for continuing discussions in Lausanne. The Israeli delegation considered the present talks an organic continuation of a process begun in the Security Council in November 1948.

Dr. Eytan hoped that the Commission would give careful study to the four suggestions advanced by his delegation, and that some of them at least would be found acceptable.

The CHAIRMAN observed that the Commission would examine the proposals with great interest. Without consulting his colleagues of the Commission, he advanced certain views as his personal opinion.

He did not have the impression that the Arab delegations had been granted only limited authority by their Governments. It was true that they had refused to consider any question before the settlement of the refugee problem; however, the fact that they had signed the Protocol was proof that they did not refuse to enter into negotiations. He personally felt that the chief factor which had retarded the progress of the talks was not the attitude of the Arab delegations, but rather the refusal of the Israeli delegation to accept in principle the decision of the General Assembly as set forth in the resolution of 11 December 1948. In the past six months the Commission had not ceased to urge upon Israel such a declaration of acceptance in principle; he felt that the progress of the talks would have been materially advanced if such a declaration had been made. In the circumstances he could not see the necessity or usefulness of a tour of the Arab capitals such as had been suggested by Dr. Eytan.

The Chairman agreed that direct negotiation was desirable, but he did not think it could be fruitful until a basis for understanding had been reached. If direct talks were initiated at the present stage, it was doubtful whether they would result in any

progress.

The Chairman thought that the division of work among five sub-committees was a constructive suggestion, but as yet a premature one. Detailed study of specific questions was of little use until both parties had declared their acceptance of the terms of the resolution. Economic cooperation could not begin until friendly and cooperative relations had been established between Israel and the Arab States. It was true that the General Committee had been unable to elicit territorial proposals from the Arab delegations; however, it would be equally impossible for any other organ to obtain expressions of views from either party if a sincere desire to co-operate was not present.

Finally, as regards the fourth proposal, the Chairman pointed out that an agreed basis for negotiation already existed; he could see no reason for altering it and adopting another.

He again assured the Israeli delegation that the Commission would study the proposals carefully and give its opinion as a Commission at a later moment.

Mr. de BOISANGER agreed in substance with the Chairman's remarks. He felt that the powers of the Arab delegations were sufficiently broad and that they had been given full freedom of action, at least in the case of the representatives of Lebanon and the Hashemite Jordan Kingdom. He did not feel that a visit to the Arab capitals was indicated, nor that it could be useful.

Mr. de Boisanger added that a visit by a member of the Commission to the Arab capitals might hurt the feelings of the heads of the Arab delegations.

He agreed that direct talks were most desirable, but pointed out that they were not obligatory under the terms of the resolution, which called upon the parties "to seek agreement by negotiations conducted either with the Conciliation Commission or directly. . ." It must be understood that while the Commission could urge the Arab delegations to agree to direct talks, it could not say that they were required by the resolution.

He considered the suggestion regarding the five sub-committees a useful one, but felt that it would be premature to establish such a programme of work until some measure of progress was evident on certain points at issue.

As regards the fourth proposal, he preferred to await the fuller explanations promised by Dr. Eytan.

Mr. HARE observed that his reactions to the four proposals were in general similar to those of his colleagues. The Commission appreciated the thought and imagination which had gone into their

formulation, and they would receive the careful consideration which they deserved.

Dr. EYTAN observed that his delegation could hardly feel encouraged by the reception so far accorded to its suggestions by the Commission. He wished to reply briefly to certain points raised by the members of the Commission.

He was not convinced that the powers of the Arab delegations were broad and full; however, he would accept the assurances given by Mr. de Boisanger regarding the representatives of Lebanon and the Hashemite Jordan Kingdom, and would therefore restrict his proposal for an official visit to include only Damascus and Cairo. He also reiterated his suggestion that the tour might include Tel Aviv, so as to avoid hurting the feelings of the Arab delegations. He asked to be informed, however, if the Arab delegations had such full powers, why they did not utilize them.

He did not understand Mr. de Boisanger's contention that the five sub-committees could not function usefully until some progress in the Commission's work had been evidenced. It was precisely because of the lack of progress that the suggestion had been made.

He could not accept the Chairman's remark concerning the attitude of the Israeli delegation to the resolution of 11 December. The Arab delegations had based their entire case on a single paragraph of the resolution; however, the resolution contained fifteen paragraphs and set forth instructions on several other matters which were equally as imperative as those concerning the refugee question. The Israeli delegation was prepared to discuss all the recommendations of the resolution and expected the Arab delegations to do the same; the proposal for sub-committees had been made in order to facilitate such a full discussion. Dr. Eytan did not feel that his delegation had merited the sweeping statement that it was unwilling to discuss the resolution.

With reference to a remark which had been made concerning the presentation of demands by both parties, he wished to stress once again that in his opinion neither party was in apposition to make demands. The correct approach lay in the formulation of offers, proposals or suggestions, and it was that line of action which his delegation had at all times endeavoured to follow.

As regards the Chairman's feeling that the basis for negotiation should not be changed, Dr. Eytan said he had tried to make it clear that he was not proposing to change the present basis of

negotiation, but merely to add a supplementary one which seemed to offer better grounds for agreement.

Dr. Eytan reiterated his disappointment at the sweeping rejection of all his proposals by the Chairman and Mr. de Boisanger, even though it was in the nature of personal opinion. A great deal of time and thought had gone into the formulation of those proposals, and he hoped that when the Commission came to consider them in detail it would find in them something of virtue and utility.

Mr. de BOISANGER regretted that the Commission had not been able to accord a more favorable reception to the Israeli proposals, since the imagination and thought evidenced by them was of great value. In any case the comments made had been of a preliminary nature, and the suggestions would be carefully studied, though perhaps with certain reservations.

He pointed out that he had not denied the usefulness of the five sub-committees proposed; he had merely wished to indicate that at the present stage it might be difficult for the Commission to persuade the Arab delegations to accept the idea. The proposal would in any case be submitted to the Arab delegations, although he could not hold out any great hope that it would be favorably received.

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