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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

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

held in Lausanne on Friday,
17 June 1949, at 10:30 a.m.

Present: Mr. Yalcin (Turkey) - Chairman
Mr. de Boisanger (France)
Mr. Hare (U.S.A.)
Dr. Ascárate - Principal Secretary
H.E. Abdel Monem Mostafa - Representative of Egypt
Bey
H.E. Fawzi Pasha Mulki - Representative of the
Hashemite Jordan Kingdom
H.E. Fouad Bey Ammoun) - Representatives
Mr. Mohamed Ali Hamade) of Lebanon
H.E. Dr. Farid Zeineddine)
Mr. Omar Djabri) - Representatives of Syria
Mr. Ahmad Choukairi)
Mr. Farid Sad)

The CHAIRMAN gave a brief résumé of the present situation as regards the Arab memoranda dated 18 May and 21 May respectively.

The nine-point memorandum of 18 May, submitted not to the Commission but to the General Committee, had been discussed by that Committee with the Arab delegations and subsequently with the Israeli delegation. The Commission had not yet been seized of the matter; it was still under consideration by the General Committee, which had not yet reported upon it.

The memorandum of 21 May, after being communicated to the delegation of Israel, had been sent to the General Committee. The Arab delegations, in a communication dated 28 May, had requested that before being discussed in the General Committee the memorandum should be taken up by the Commission with the Arab delegations. In his reply, the Chairman of the Commission had accepted the suggestion, while expressing the hope that the Arab delegations would consent to make known their views on territorial questions. The discussion on the memorandum of 21 May had been held on 1 June, and it had been agreed that

consideration of the memorandum would be continued in the General Committee.

As matters stood at present, therefore, both memoranda were still under consideration by the General Committee. On the other hand, the discussion of territorial matters requested by the Chairman in his letter of 31 May had not yet been held.

With regard to the recent incidents in the international zone of Jerusalem, the Chairman informed the Arab delegations that the matter was in the process of settlement between the two parties concerned under the supervision of the Mixed Armistice Commission, and that there was no need for intervention by the Conciliation Commission.

In accordance with the request made by the Commission on 31 May, the Chairman invited statements of views from the Arab delegations on the territorial question.

MOSTAFA BEY (Egypt) wished to draw the Commission's attention to the recent statement by Mr. Sharett before the Israeli Parliament, as reported in the "New York Herald Tribune" (Paris edition) of 16 June. He did not consider the statement as of a nature to further the Lausanne negotiations.

The CHAIRMAN replied that the Commission was aware of the statement but had not as yet had an opportunity to study or discuss it.

He asked whether the Arab delegations would prefer that discussion of territorial questions should take place in a private meeting.

MOSTAFA BEY considered the form the meeting would take as immaterial, since in any case the public and the press were not admitted to any Commission meetings. The Arab delegations, however, maintained their position as regards the prime importance of the refugee question, which must take precedence over all others; the Commission had been aware of that position since the time of its tour of the Arab capitals. As the representative of Egypt, he had formal instructions; he was not prepared to enter upon a discussion of the territorial question until the refugee problem had been satisfactorily settled. Moreover, in view of statements such as the one just made by Mr. Sharett, he could hardly see the practical value of continuing the exchange of views.

The CHAIRMAN wished to know whether the other Arab delegations had received the same formal instructions as had

been given to the Egyptian delegation; if that were true, it would have a serious effect upon the talks.

FOUAD BEY AMMOUN (Lebanon) expressed his full support of the remarks made by the Egyptian representative, who, as far as the general position was concerned, spoke for all the Arab delegations.

The reason why the Arab delegations did not present further proposals, following their memoranda of 18 and 21 May, lay in the fact that they had no confidence in the sincerity or good intentions of the Israeli Government. This lack of confidence arose from a series of undeniable facts.

Israel's candidacy for membership of the United Nations had been opposed on the ground that its position with regard to the recommendations of the resolution of 11 December 1948 was unsatisfactory. Mr. Eban had therefore made a full statement before the ad hoc Political Committee, which had evidently been accepted, in view of Israel's subsequent admission to membership. Mr. Eban had declared that his Government would conform to the principles of the United Nations Charter and respect the decisions of the United Nations. But the trust placed in these affirmations had been shown to be misplaced. The death of Count Bernadotte had not yet been avenged. The resolution of 11 December 1948 demanded the internationalization of Jerusalem; Israel, however, had clearly stated its intention to make the Holy City the capital of Israel, and had already established some of its ministries and administrative services there. This could hardly be interpreted as showing respect for United Nations decisions.

He drew attention to the recent flagrant violation of the very zone of Jerusalem which was under United Nations control. That act was merely the latest of a series of violations, of the truce and of the armistice, which had begun long before Israel's admission to the United Nations and which were still continuing; they included violations of the truce in the Negev and in Galilee, and repeated breaches of the regulations concerning armaments and military recruitment.

Moreover, the Jewish immigrants who, by Israel's own declaration, were arriving in Israel at the rate of nearly 1,000 a day, and thereby increasing the country's armed forces, were also preventing the return of the refugees, since they were being settled on the abandoned property of refugees. And yet the Israeli delegation had claimed that it was unrealistic to discuss the return of the refugees since most of their farms and homes had either been

destroyed or were now occupied by others; and the Israeli representative had described the city of Jaffa as being in large part destroyed, the remainder being now inhabited almost entirely by Jews, although it had previously been overwhelmingly Arab in population.

Concerning the property of the refugees, the United Nations had demanded that such property should be restored to the refugees or just compensation paid; this decision had been taken in accordance with the principles of the Charter and of common honesty. But Israel persisted in its destruction or confiscation of such property, and made itself the champion of spoliation.

As regards the refugees themselves, he called attention to Dr. Eytan's statements with regard to minority groups and the problems they raised, and his assertion that the return of the refugees would reconstitute a minority problem in Israel and would be a step backward. This was a denial of the United Nations Charter, and of all the treaties and conventions and the efforts of statesmen and jurists throughout the centuries, in favour of protection of minorities.

In any case, he pointed out that the Arabs were not a minority in Palestine; even in Israeli territory they constituted almost half the population. Was it Israel's desire to eliminate half its population? If so, it would seem that the purpose was to establish a purely Jewish population, and to set up a theocratic and racist State. On the basis of the world's recent history, however, the Jews should be the first to deny the principle of racism, which had caused the destruction of 6 million of their people. The principle of racism was condemned by the Charter of the United Nations, and a return to it would be a "step backward" of twenty centuries.

But there were other doctrines being followed by Israel which were equally contrary to the principles of the Charter. The influx of new Jewish immigrants into Arab territory was very close to the doctrine of "Lebensraum"; the principle of "strategic defense" was evidenced in the territorial proposals put forward by Israel. Those proposals, indeed, indicated clearly a disguised expansionist policy. It had been said that Israel desired peace, while the Arab States were in the process of re-arming for war. But Mr. Sharett had indicated no great desire for peace when he had declared in the United Nations that Israel's ambitions extended over the whole of Palestine and even included Transjordan. Nor did Israel show a wish for peace when it established secret plans for a project extending from the Litani in Lebanon to Sinai in Egypt. It would be

naive to think that a peace established under such conditions could be a durable peace; it could only be the seed of future wars. The armies of the Arab States had entered Palestine in defense of the Palestinian Arabs, 100,000 of whom had already been driven from their homes; these Arabs must be returned to their homes if a source of future hostilities were to be liquidated.

The Lebanese representative was disturbed by the recent reference to a reservation which had been made by the Israeli delegation at the time the Protocol of 12 May was signed; he asked for clarification of that reservation. The Arab delegations had signed the Protocol in good faith and without reservations; they had endeavoured to implement it with their proposal, stated in the memorandum of 21 May, for the return of refugees to those territories which would have been Arab-held under the Partition Plan. Israel's reply, however, had been a territorial proposal which was in direct violation of the Protocol. In those circumstances, it was impossible for the Arab delegations to believe in the good faith and friendly intentions of Israel, or to present further proposals when there was no assurances that they would receive consideration.

Mr. de BOISANGER expressed surprise concerning the reference to the Israeli delegation's reservation; he had thought the matter was quite clear. Before the signing of the Protocol the Israeli delegation had sent the Commission a letter making it clear that Israel would sign on the condition that no statement would be released to the press for the time being, that Israel refused to negotiate with Syria until an armistice had been signed, and that the delegation retained its right to express its views freely on any question at issue, on which it reserved its position. When questioned during the meeting which preceded the signing of the Protocol, Dr. Eytan had confirmed that in "reserving its position" his delegation simply reserved its right to reject parts of the Partition boundaries and propose others, but would adhere to the Partition map as a starting point. (See SR/LM/8) Under the Protocol the Israeli delegation was entitled to present proposals for "territorial adjustments". The delegation had on several occasions made its position and its acceptance of the Protocol fully clear.

Mr. de BOISANGER admitted that the recent statement by Mr. Sharett was not an encouraging one. He could not, however, permit the Arab delegations to throw doubt on the Commission's position, which was clear. Dr. Eytan's declaration that Israel would discuss all questions covered by the resolution and would expect the Arab delegations to do the same (see SR/LM/20) was an indication

that Israel accepted that part of the resolution which related to the refugee problem and was willing to discuss it. Therefore it seemed to him that the talks on that subject could and should be pursued. He insisted, however, that the Arab delegations must also agree to discuss other questions at the same time.

MULKI PASHA (Hashemite Jordan Kingdom) expressed his full support of the remarks made by the Egyptian and Lebanese representatives. The Arab delegations had signed the Protocol as an indication of their desire to cooperate with the Commission and to adhere to the decisions of the United Nations. The terms of the Protocol clearly gave first importance to the refugee problem; therefore, when the Arab delegations were satisfied that that problem was being effectively dealt with, they would consent to discuss other questions. They had, in fact, already touched upon the territorial question in their memorandum of 21 May; however, there had been no reply to that memorandum, and the Israeli proposals, directed toward the undermining of the Protocol, had been accepted by the Commission. It was now necessary to return to discussion of the two Arab memoranda; when they had been satisfactorily answered, the Arab delegations might consider taking up the study of the territorial question.

MOSTAFA BEY (Egypt), referring to Mr. de Boisanger's remarks on Israeli reservations, said that it was normal to inform a party signing without reservations an international or diplomatic act of any reservations made by the other party concerned. All the actions of Israel subsequent to the signing of the Protocol had been such as to confirm Arab doubts; communications made over the Israeli radio and rumours circulated in Lausanne had indicated that for the Israelis the Protocol was merely a scrap of paper. If the Commission had informed the Arab delegations at the time of signature that the Israeli delegation was signing with reservations, they might have adopted a different attitude. He wished in particular to stress two points: (1) when the Commission had received Israeli proposals such as those bearing on the Israeli-Egyptian and Israeli-Lebanese frontiers, it should have informed the Israeli delegation that such proposals were contrary to the Protocol; (2) it was difficult to reconcile Israel's professed readiness to examine the sections of the resolution of 11 December concerning the return of the refugees with the Israeli statement that the refugees would not be allowed to return unless Egypt ceded the Gaza area. He asked whether Israel was to be considered as no longer bound by the Protocol.

Mr. de BOISANGER replied that if the Commission had failed to inform the Arab delegations of Israeli reservations, it would have acted wrongly. It had, however, informed the Arabs of the two reservations bearing upon communications to the press and on direct negotiations with Syria. The proviso that the Israeli delegation would retain the right to express itself freely on the matters at issue, had been considered as without significance in the light of Dr. Eytan's unambiguous declaration, and in view of the fact that the same right would obviously be enjoyed by the Arabs, who were entitled to speak with complete freedom on territorial questions. Dr. Eytan had confirmed (document SR/LM/8) that his declaration meant only that he wished to be free to reject parts of the Partition Plan boundaries and propose others, while adhering to the Partition Plan as a point of departure from which to work. It was a question of interpretation and not of a reservation proper; its only real reservations remaining were the two to which he had referred.

In regard to the Israeli proposals, the Commission had recognized that they would be considered by the Arab delegations as implying a very wide interpretation of the term "territorial adjustments", but had felt bound to transmit them, such transmission implying no endorsement by the Commission. If the Arabs were to present equally far-reaching proposals, such as, for example, a proposal to the effect that the Negev should be detached from the State of Israel, the Commission would transmit them in the same way.

In regard to the final point raised by the Egyptian representative, he had already quoted Dr. Eytan's statement of 11 June, to the effect that the Israeli delegation had not ceased to consider the Protocol as basis and starting point for negotiations and was ready to discuss all aspects of the 11 December resolution.

Mr. de Boisanger emphasized that the Arab delegations in their turn should be ready to discuss territorial proposals; it was regrettable that the Commission was still waiting for them to do so. Such discussion could take place in private in a small committee, or in whatever way Arab delegations might prefer.

Finally, he could not agree with the representative of the Hashemite Jordan Kingdom that the Protocol provided for treatment of the refugee problem before any other. Although that problem had been mentioned first in the Protocol, the Assembly's resolution had given first place to territorial questions; both the Protocol and the resolution had, however, to be considered as a whole.

MOSTAFA BEY (Egypt) said that it had been agreed from the first to give priority to the refugee problem, since delay in the return of the refugees meant a progressive deterioration of the situation not involved in postponement of the settlement of other questions. A prior solution of the refugee problem would create a favorable atmosphere for the negotiation of other problems.

Mr. de BOISANGER agreed that the refugee problem was the most urgent, particularly from the humanitarian point of view.

MULKI PASHA (Hashemite Jordan Kingdom) said that his reference to the priority to be accorded to the refugee problem had not concerned order of mention in the Protocol. At the time of signature it had been agreed to give it first priority in view of its particular urgency, considering its solution as a first step towards the solution of the related problems.

Dr. ZEINEDDINE (Syria) considered it superfluous to say that his delegation held the same view as the others. He wished to sum up the situation in precise terms. In the first place, the Arab delegations were willing to make every effort to achieve a complete and definitive solution of the Palestine problem. The experience of thirty years had shown, however, that each new attempt at a solution had provided a starting-point for new Jewish claims in pursuit of an expansionist policy. At the time of the Balfour Declaration a Jewish State had not been contemplated, as Dr. Weizmann's declaration had testified. Of recent years there had been the Partition Plan, which had been followed by the resolution of December 11, 1948, and still no final point had been reached. In the second place, a final solution must, in the Arab view, be in conformity with the General Assembly's decision. No derogation from it would be tolerated, even if attempted by United Nations organs, and even if presented in the form of an interpretation. That decision gave categorical instructions that Arabs who wished to return to their homes should be permitted to do so, and the Commission was bound to implement that decision. There was now no question of seeking a solution of the refugee problem; the question was merely one of implementing the solution found. Until the ground had been thus cleared, in obedience to the instructions of the United Nations, it would be hazardous and fruitless to deal with other problems.

Dr. Zeineddine believed that an atmosphere of mutual confidence was essential if a complete solution of the Palestine problem was to be reached. The Jews had been doing everything they could to destroy such confidence, by violations of the truce, by

rebellion against the General Assembly's decision, and by international manoeuvres. Unless the Jews could be made to realize their international responsibility, there was slight possibility of proceeding to discuss other matters.

Furthermore, a solution of the refugee problem would help to create a peaceable state of mind. When hundreds of thousands of Arabs were dispersed in miserable conditions and the present Jewish attitude towards them persisted, it was very difficult for any Arab Government to have the peaceful feelings necessary for a solution of the problem as a whole.

Finally, he thought that sufficiently clear distinction had not been made between that part of the Commission's work which was obligatory upon it under the terms of the Assembly's resolution, and that part which was concerned with conciliation and would therefore require the consent of the parties concerned. The refugee problem had to be settled before other problems not merely because of recognition of its urgency, but because its solution figured among the measures which the Commission was obliged to take.

Whatever the Jews might say about readiness to discuss the refugee problem, the fact was that no Arabs had been allowed to return and still more had been expelled during the period that the Commission had been at work. They even admitted that they wished to avoid the creation of an Arab minority in a Jewish State. It was thus quite plain that they were doing nothing to implement the resolution, but on the contrary sought every pretext to nullify it.

In regard to the refugee problem itself, which figured on the agenda of the meeting, Dr. Zeineddine wished to point out that the contents of the two Arab Memoranda, of 18 and 21 May, were not new to the Commission, their substance had already been communicated to the Commission during the Beirut talks. The question had thus been amply considered, but still without any positive outcome. He enquired what the Commission would have done had the Arabs presented no memoranda on the refugee problem, since as an organ of the United Nations, it was duty bound to implement the resolution of 11 December. The Memoranda could either be put aside or discussed, so long as it was borne in mind that they presented no novelty. He wished, however, to put a series of questions to the Commission:

(1) What measures had the Commission taken to implement the resolution, and especially, to facilitate the return of the refugees by the removal of obstacles to their free choice in the matter?

(2) What assistance had been received from the Jews in that connection in virtue of the penultimate article of the resolution which "Calls upon all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution"?

(3) Were the Arab delegations not justified in maintaining that the point of view expressed in the Memoranda of 18 and 21 May was consistent with the General Assembly's resolution?

(4) Did the Commission consider that the Jews had adhered to the letter or spirit of the resolution in view (a) of their attitude that Mr. Eban's declaration before the United Nations replaced that resolution; (b) of their proposal to make the return of the refugees conditional upon their acquisition of additional territory, and (c) their action in the meantime in encouraging the occupation of Arab property by Jews or its disposal in various ways, such as under the Absentee Law?

(5) Dr. Zeineddine was anxious to be informed of the terms of reference of the Technical Committee, promised at the time of the Beirut meetings, which had at last been set up, though still lacking its fourth member. Such a committee should be enabled to make proposals for measures to be taken in implementation of the 11 December resolution, and should not content itself with a studying the situation. It should also be realized that some measures needed to be taken immediately, without awaiting the Committee's report.

(6) In view of the fact that the Jews had rebelled against the General Assembly's resolution, and the Commission in its communique issued at the end of the Beirut meetings, had called the attention of all parties to the international responsibility involved in the execution of the resolution, what had been done to recall the Jews to a sense of international responsibility?

Before commenting on the situation created by the Jewish reservations to the Protocol of 12 May, Dr. Zeineddine said that he would like to read all the relevant documents, especially those referring to the explanation given by Mr. de Boisanger who was Chairman at the time. He would like to be convinced by Mr. de Boisanger's point of view, though he fully shared the feelings of his colleagues, especially those expressed by the representative of Egypt. The Arabs had signed without reservation. It appeared that the Jews had made some reservations, only certain aspects of which had been mentioned to the Arabs, the Commission having judged the others as being without importance.

Mr. AMMOUN (Lebanon), noted that according to Mr. de Boisangers's explanation, the Protocol had been signed without any reservations which could vitiate its terms or scope.

The CHAIRMAN confirmed that that had been the case. He considered the conversations of the present meeting of exceptional importance. In particular, he wished to know the precise significance of the statement of the representative of Egypt on the instructions from the Egyptian Government in regard to the continuance of the conversations.

MOSTAFA BEY (Egypt) explained that his instructions had not been to the effect that his delegations should not continue to work with the Commission if the refugee question were not settled. The Arab delegations had approached the territorial questions firstly by signing the Protocol, which covered such questions, and secondly in the Memorandum of 21 May asking the Commission to procure the return of refugees to certain clearly enumerated areas. They now wished to know the outcome of such approaches. What he has intended to convey at the outset of the meeting was that it was useless to continue the work if matters remained at their present stage. His Government wished to know what action the Commission had actually taken to implement the resolution of 11 December.

Mr. AMMOUN (Lebanon) noted that according to Mr. de Boisanger's statement the Protocol of 12 May had been signed without any reservation which could invalidate its provisions or scope. The Commission knew of the legitimate anxiety of the Arab delegations, especially in view of the unhelpful attitude of the Jews; it was up to the Commission to take action.