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

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

Present: Mr. Yalcin (Turkey) - Chairman
Mr. de Boisanger (France)
Mr. Hare (U.S.A.)
Dr. Azcárate - Principal Secretary
Mr. Abdel Chafi El Labbane - Representative of Egypt
H.E. Fawzi Pasha Mulki)
Mr. Edmond Roch) - Representatives of the
Dr. Mussa Husseini) Hashemite Jordan Kingdom
H.E. Fouad Bey Ammoun) - Representatives of
Mr. Mohamed Ali Hamade) Lebanon
H.E. Dr. Farid Zeineddine) - Representatives of
Mr. Ahmad Choukairi) Syria

Territorial questions: consideration of the Arab delegations'
proposals:

The CHAIRMAN considered that the Commission had sufficiently explored the general aspects of the problem and that the time had now come to discuss details in a concrete and practical form. He thought that delegations would wish for more time for consultation and to contact their governments. He therefore proposed that the Conciliation Commission should meet with the Arab delegations on the following Wednesday, 29 June, and then go into recess until 18 July.

He recalled the signing of the Protocol of 12 May as a basis for discussion on territorial questions. It had not been intended to be the final plan but one upon which territorial adjustments could be made. The Israeli delegation had submitted their proposals with regard to the plan and they had been communicated to the Arab delegations by the Commission. They had also been communicated to the General Committee, one of whose members had expressed the view that such proposals did not come within the framework of territorial adjustments.

So far the Commission had not received the views of the Arab delegations on those adjustments and he would be obliged to interpret their silence as signifying that they accepted the territorial arrangement laid down in the map attached to the Protocol.

FOUAD BEY AMMOUN (Syria) said that he had been under the impression that it had not been merely one member but rather the whole of the General Committee who had expressed the opinion that the Israeli proposals could not be said to come within the scope of territorial adjustments.

Mr. de BOISANGER pointed out that the General Committee had not been called upon to express an opinion on the Israeli proposals, but that the question had been referred to them for study at a later time.

FOUAD BEY AMMOUN (Syria) maintained that whether the expression of an opinion came within the General Committee's terms of reference or not, it was nevertheless important to note that, on the substance of the matter, they had been against the Israeli proposals.

The CHAIRMAN explained that only one member of the General Committee had categorically stated that he was against the Israeli proposals. The General Committee as a body had not put forward any view but was waiting for comment on the proposals from the Arab States. He took the opportunity of once again urging the Arab delegations to make known their views on the matter.

Mr. de BOISANGER agreed with the Chairman. Moreover, he wished to make it absolutely clear that the question had not been discussed by the General Committee and that no conclusion could be drawn in that connection. He stressed the fact that the General Committee's silence could not be interpreted as comment.

Dr. FARID ZEINEDDINE (Syria) said that his delegation saw no objection to the proposed suspension of plenary meetings.

He expressed his appreciation for the references made to the Arab delegations in paragraph 2 of the Commission's Third Progress Report to the Secretary-General and called upon his colleague, Mr. Choukairi, to comment upon the Report and upon the item on the agenda under discussion.

Mr. CHOUKAIRI (Syria), surveying the ground which had been covered in the previous two months, first of all wished to express his appreciation for the patience and ability which had gone into writing up the Third Progress Report to the Secretary-General.

In his opinion, however, the Jewish position had not always been reflected in its true light. It was natural that the Commission wished to ease the situation and had for that reason written the report in a spirit of conciliation, but he hoped that a truer picture of the situation would appear in the final report.

Referring to paragraph 10 of the Third Progress Report, he told the Commission that the Protocol only existed between the Arab delegations and the Commission itself, as he had learnt that the Jewish delegation had made verbal reservations not merely with regard to territorial adjustments but reservations which went against the very spirit of conciliation of the Protocol.

Turning to what he considered to be evidence of the lack of cooperation of the Jewish Government in the question of refugees, he stated that it had been impossible to obtain an agreement in principle on the matter from the Jewish delegation in spite of the clear, unqualified decision taken by the General Assembly on the repatriation of refugees, since the Jewish delegation had persisted in bringing into the question references to territorial problems, security, economics and the status of minorities. Dr. Eytan, in his last memorandum, refused to accept the refugees. The Jewish delegation maintained that the situation had changed and that therefore the General Assembly's resolution was no longer strictly applicable. That was, in Mr. Choukairi's view, an argument which might be very loosely applied and which he thought to be quite invalid. As for Dr. Eytan's view that repatriation was a step backwards since the Arabs were a minority in Palestine, that was a form of reasoning which he could not follow, since, if that train of thought were further developed, it might be argued that the Jews were themselves a minority in the Arab Middle East.

He then dealt with the question of property of refugees, which he considered to be a serious omission in the Third Progress Report. The memorandum of the Conciliation Commission dated 16 May 1949 transmitting the Jewish replies, contained a clear negation of proprietary rights. It was evident that the Jewish Government only considered itself bound by the rules of compensation. Such an attitude showed that the Jews intended to expropriate the Arabs, a procedure unjustifiable under any legal system. The General Assembly's resolution was quite explicit to the effect that no expropriation was to take place except for public purposes. The question of property of refugees was an extremely important one and he wished most particularly to draw the Commission's attention to it.

With regard to territorial questions, he thought the proposals made by the Jews were contrary to the spirit of the Protocol, and he wondered, if the Jewish claims to territory on northern, eastern and southern boundaries were termed mere "adjustments", what the government would understand by expansion. He bitterly deplored the bargaining in which he considered the Jewish delegation to be indulging, especially with regard to Gaza, and condemned such an exploitation of the miserable plight of the refugees.

He stressed the fact that the Arab delegations had always made moderate and constructive proposals. It would not be fair to say that they had not studied the territorial question, since that was a most important aspect of the Protocol they had signed on 12 May. In that connection, and particularly with reference to the question of repatriation of refugees both to Israel and to those areas which would come under Arab control under the Partition Plan, he thought the Commission had interpreted the matter differently from the Arab delegations, and expressed the conviction that the vast majority would wish to return to their homes, whichever power was in control. Some refugees had even gone so far as to take the law into their own hands and he cited the case, recorded in the "Palestine Post" of 5 June, of some Arab refugees who had returned to their village of Abu Ghosh near Jerusalem being forcibly taken away from their homes and warned not to attempt to return. With regard to paragraph 14 of the Progress Report, he thought it would be impossible to assess the number of refugees who did not wish to return to Palestine until those who wished to return had done so.

Referring to paragraph 12 of the Third Progress Report, he wished to make it quite clear that the Arab delegations drew no distinction between categories of refugees. If they had requested that owners of orange groves be granted facilities to return immediately, it was because such groves represented an important source of Arab wealth which would benefit the whole Arab population.

The Chairman had invited the Arab delegations to express their views on the territorial question, but Mr. Choukairi stressed the fact that the Palestine question was composed of this aspect of the problem as well as that of the international control of Jerusalem and of repatriation of the refugees, and that the Israeli delegation had proved rebellious against the General Assembly's resolution on all three aspects. He pointed out that the Arab delegations had always been ready to cooperate with the Commission and he emphasized the constructive nature of their proposals.

MULKI PASHA (Hashemite Jordan Kingdom), while agreeing that the Third Progress Report was intended to be an objective document, supported the views of his Syrian colleague. He drew attention to a certain disparity between the substance of the report and the conclusions drawn; in paragraph 31 the Arab proposal for the return of refugees to certain areas was discussed, and it was noted that that proposal had a territorial aspect, but it was nevertheless implied in the "Conclusions" that the Arabs had made no territorial proposals.

Mulki Pasha declared that the Arab delegations were prepared to carry their territorial proposals further, on condition that the Israeli delegation agreed to return to the Protocol from which it had departed, and revise its proposals accordingly, so that they could come under the terms of "adjustments" or "exchanges".

Mr. de BOISANGER pointed out that it was unnecessary to convince the Commission that a proposal was acceptable or unacceptable, since the Commission had made clear its decision not to take a position on any proposal. The Arab delegations were placing the Commission in a difficult position, since the Commission could not conciliate two points of view until those two points of view had been expressed. He would have liked to receive territorial proposals from the Arab delegations in a more precise form than heretofore; an earlier presentation of such proposals might have accelerated the progress of the talks to a marked degree. However, the Commission must try to understand the Arab position and the reasons for it; in his opinion the Commission had no other course but to inform the Israeli delegation that for the moment it might be considered that the Arab delegations adhered to the territorial aspect of the Partition Plan and requested Israel to revise its proposals.

Mr. LABBANE (Egypt) thought that the Syrian representative had clearly indicated the practical contributions made by the Arab delegations to the Commission's task. Israel's "solution" for the refugee problem was a simple refusal to repatriate refugees,

followed by territorial proposals which were totally unacceptable. The Arab delegations, however, still sought a solution to the problem; without it, the true demographic picture of Palestine, upon which territorial adjustments must depend, could not be seen.

FOUAD BEY AMMOUN (Lebanon) expressed his support of Mr. Choukairi's statements and wished to add certain comments concerning the Third Progress Report, which he considered a truly objective document but one which gave only an incomplete impression of the great efforts made by the Commission in Lausanne.

With regard to paragraphs 13 and 14, he wished to state officially, as the representative of Lebanon, that there would be more than one of the Arab States which would provide a haven for those refugees who did not wish or were unable to return to their homes.

As regards paragraph 15, he pointed out that the "reserved and reticent attitude" of the Arab States on the territorial question had not resulted only from the Israeli attitude on the refugees; there were other reasons as well. The entire attitude of the Israeli delegation had been contrary to and a negation of the Protocol; its territorial demands were more in the nature of annexation than of "adjustments", and were based on faits accomplis which were the direct result of flagrant violations of the truce.

The Lebanese representative felt that paragraph 33 implied an incorrect interpretation of the Arab proposal, which had been based upon the premise that certain territories should return to the Arabs. The Israeli attitude was not an indirect consequence of the Arab memorandum of 21 May; it was a formal statement of position. The territorial problem had two aspects: first, and mainly, claims, and second, adjustments. The Arab delegations had presented their territorial claims in their memorandum of 21 May; when the Israeli delegation was ready to propose true "adjustments", the Arabs would be willing to discuss them. He hoped such a discussion might take place after the recess.

The CHAIRMAN thanked the Lebanese representative for his clear statement regarding the acceptance of refugees by the Arab States, and took note of it in the name of the Commission.

He felt that Mr. Ammoun's statement regarding annexation and territorial adjustments was incomplete unless it included an indication of what the Arab delegations considered adjustments to be.

As regards the suggestion that the Commission should act as an arbiter between the parties, the Chairman observed that the Commission had no powers of arbitration unless they were expressly conferred by the two parties.

FOUAD BEY AMMOUN (Lebanon) explained that he had spoken of arbitration in connection with the Israeli proposals which were considered as going beyond the Protocol. He felt that the Commission's function was not merely to transmit proposals, but to judge whether or not their substance came within the terms of the Protocol. It was up to the Commission to implement the Protocol and if necessary to indicate to either of the two parties that it was not fulfilling its commitments.

The Chairman had mentioned the fact that the Partition Plan called for economic union between the State of Israel and an Arab State. Mr. Ammoun pointed out, however, that by the Chairman's own statement neither party had accepted the Partition Plan in general; only its territorial aspects had been accepted.

The CHAIRMAN asked whether he might take it that for the present the Arab delegations would go no further than the territorial aspects of the Partition Plan, with possibility of some rectification of frontiers.

FOUAD BEY AMMOUN (Lebanon) recalled that the Commission itself had often declared the territorial question and the refugee problem to be closely linked. But, he pointed out, Israel refused to admit even the principle of repatriation of refugees, and continued to install new immigrants on land abandoned by refugees, in direct contravention of the General Assembly's resolution. This was the reason why the Arab delegations would not discuss territorial adjustments at present; such adjustments could not be discussed until the final demographic picture in Palestine was known.

With regard to his statement that those refugees who did not desire repatriation could be resettled in Arab countries, Mr. Ammoun stressed the fact that the refugees' choice must be freely expressed, and that those who did wish to return should have no obstacle placed in their way and must have full guarantees of safety of life and property.

Mr. de BOISANGER thought that a step forward had been taken when the present basis of discussion had been decided on; he recalled that both the parties had asked the Commission to choose that basis. He pointed out that if at some future date the interested parties should find it desirable to accelerate the progress of the talks,

it would be very difficult for the Commission to find a basis for a territorial settlement without knowing the views of the Arab delegations. He hoped that by the end of the proposed recess the Arab delegations would be ready to communicate those views.

Mr. ZEINEDDINE (Syria) wished to amplify certain points made by his colleagues.

First, he noted that while the Arab delegations had only asked the Commission to implement the resolution of the General Assembly, Israel had refused to accept the principles laid down in that resolution, particularly with regard to refugees.

Secondly, concerning resettlement of some refugees in Arab countries, he stressed the fact that the refugees' choice as to whether they would return to their homes or not must be absolutely free; there must be no obstacles in the way of their return. Once the choice was made, the Commission had no further responsibility as regards the refugees; the Arab States would not shirk their responsibilities toward their kinsmen. There would be, however, an international responsibility toward those who might not wish to return, namely, to ensure that their property was fairly assessed and compensation paid to them promptly.

He referred to Mr. de Boisanger's statement that there could be no conciliation unless two views were expressed. In that connection he felt that there could be no conciliation without a basis, and as long as one party refused to confine itself to that basis no exchange of views could lead to a concrete result. He did not think that it would be necessary to find a new basis for negotiations; all that was necessary was respect for the present one. He expressed the view that conciliation was in some measure a state of mind, and drew attention to the declaration made by Mr. Ben Gurion the preceding month before the graduating class of the Israeli military school. It had been stated that the army which was now liberating Palestine was the army which had been built up secretly before 15 May 1948 (and therefore, Mr. Zeineddine pointed out, the army which had created 200,000 refugees before that date, and which had been responsible for the death of the Mediator); it had been further stated that that army's mission was to liberate the land of the Jews from the Nile to the Euphrates; and finally, it had been declared that war should be a Jewish profession. In view of Israel's refusal to accept the resolution of 11 December 1948, the Syrian representative considered Mr. Ben Gurion's remarks to be most illuminating.

Replies to Questions from the Representative of Syria

1. "What measures has 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?"

The CHAIRMAN recalled that paragraph 11 of the resolution was divided into two parts, the first an affirmation of the principle of repatriation, the second an instruction to the Commission to "facilitate the repatriation, resettlement, and economic and social rehabilitation of the refugees and payment of compensation," etc. As indicated in its various Progress Reports, the Commission had taken the following measures to implement paragraph 11:

Concerning the first part of the paragraph: (1) tour of the Arab States and Israel in February; (2) Beirut conference at the end of March; (3) Commission visit to Tel Aviv on 7 April; (4) Lausanne meetings beginning 26 April. Concerning the second part of the paragraph: (1) creation of the Technical Committee, now working in Palestine; (2) memorandum to Israel in April regarding conciliatory measures, and Israeli reply communicated to Arab delegations in document AR/7; (3) transmission of Arab memorandum of 18 May to Israeli delegation, and further Israeli replies communicated to Arab delegations in document AR/12; (4) discussion in Commission and General Committee.

2. "What assistance has 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 cooperate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution?"

The CHAIRMAN pointed out that assistance received from Israel was reflected in the following documents: (1) Commission Progress Reports; (2) recent statements by the Israeli representative before the United Nations; (3) Israeli replies to Commission memorandum on conciliatory measures; (4) Israeli replies to Arab memorandum of 18 May.

3. "Are the Arab delegations not justified in maintaining that the point of view expressed in the memoranda of 18 May and 21 May is consistent with the General Assembly's resolution?"

The CHAIRMAN referred to the Commission's letter of 21 May to the Arab and Israeli delegations (IS/17), containing the remark that the Commission "wishes to state explicitly that the transmission of proposals or statements in no way implies that the Commission adopts its substance either in part or in whole".

The Commission had also stated in its Third Progress Report that it had "transmitted these proposals to the Arab delegations and to the delegation of Israel respectively, without giving an opinion as to their merits or faults".

4. "Does the Commission consider that the Jews have 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) of 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?"

The CHAIRMAN observed that the Commission was not called upon to pass judgment upon Mr. Eban's declaration. Furthermore, as previously explained the Commission does not express its opinion regarding proposals communicated to it.

5. "What are the terms of reference of the Technical Committee, and should it not be enabled to make proposals?"

The CHAIRMAN observed that the Commission was of the opinion that the task of the Technical Committee would be facilitated if both parties precisely understood its functions. The Commission had therefore requested the Principal Secretary to supply the Arab and Israeli delegations with copies of the terms of reference of that Committee. The Chairman pointed out in that connection that the Technical Committee was not authorized to make proposals, as envisaged by the representative of Syria. Such proposals would normally be the responsibility of the Commission itself, following the receipt of adequate information from the Technical Committee.

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

The CHAIRMAN said the Commission was of the opinion that Israel had given evidence of its international responsibility through its participation in the exchange of views at Lausanne.

Mr. ZEINEDDINE (Syria) said that he would reserve his comments on the Commission's replies to his delegation's questions until after the recess.