

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

RESTRICTED

AR/60

13 October 1951

ENGLISH

ORIGINAL : FRENCH

Letter dated 13 October 1951 addressed to the
Chairman of the Conciliation Commission by
the Minister of Lebanon, transmitting a
Memorandum of the Delegations of
Egypt, Jordan, Lebanon and Syria

Sir,

I have the honour to transmit herewith a memorandum signed
by the Chairmen of the delegations of the Arab States.

Please accept, Sir, the assurances of my high consideration.

(signed) A. Daouk
Minister of Lebanon

MEMORANDUM

1. The delegations of Egypt, Jordan, Lebanon and Syria have taken note of memorandum AR/56 of 4 October 1951 in which the United Nations Palestine Conciliation Commission makes certain comments concerning matters raised at the meeting of 25 September 1951 between the Commission and the above-mentioned delegations relating to the structure and mediatory functions of the Commission and to the principles which form the basis of its mediatory proposals.
2. The Arab delegations cannot refrain from pointing out that the manner in which the Commission attempts to interpret its mandate lays itself open to serious objections; it conforms neither to the letter nor to the spirit of the successive resolutions adopted by United Nations organs concerning the Palestine problem, in particular the General Assembly resolution of 11 December 1948 establishing the Commission. The Commission attempts to set itself up as a body independent of the United Nations and to assume discretionary powers.
3. It must be pointed out, in the first place, that the affirmation contained in the Commission's memorandum, in which it is stated that the members of the Commission received instructions from their respective Governments, is an innovation in the annals of the United Nations. Indeed, the constant practice is for Commissions established within the framework of the United Nations to act, not in line with the opinions of the Governments represented thereon, but according to the decisions of the majority of the States Members of the United Nations. It is of interest to note, in this connection, that the three States which make up the Conciliation Commission have sometimes adopted, before the organs of the United Nations, when various aspects of the Palestine problem were examined, attitudes which differed from those of the

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majority of the Member States. The interpretation which the Commission now wishes to give to its mandate tends to make the viewpoints of the Governments represented on the Commission prevail over the decisions of the majority of the United Nations Members. This objection alone is enough to invalidate the interpretation given by the Commission, because it is contrary to United Nations precedents.

4. Secondly, the actual wording of the resolution of 11 December 1948, which is the fundamental Charter of the Commission, goes against that interpretation. In fact, the resolution leaves the Commission no latitude in carrying out its task. To prove this, it is sufficient to refer to the terms of the above-mentioned resolution. An essential point, which seems to have escaped the Commission's attention, is that the resolution does not contain any recommendations; it takes decisions on specific questions and requests the Commission to carry them out. For instance, it requests the Commission to "carry out the directives given to it by the present resolution". It "instructs the Commission to assist the Governments and authorities concerned to achieve a final settlement of all questions.....". It decides in favour of the internationalization of the Jerusalem area, etc. As regards refugees, it contains a decision on the return of those refugees who wish to do so and on the payment of compensation. Nowhere in the resolution is any latitude left to the Commission.

The Commission has a compulsory mandate which it must carry out in conformity with the instructions and directives contained in the United Nations resolutions. If it were to depart from its instructions and directives, the Commission would be exceeding its authority and its activities would be rendered void.

Is it not pertinent, at this point, to recall that the Commission's recommendations were rejected by the higher authorities of the United Nations

whenever it departed from their instructions and was influenced by considerations outside its terms of reference? That is the case in the question of the status of Jerusalem.

5. Thirdly, the Arab delegations are anxious to see the integrity and neutrality of the Commission maintained. They are determined to continue to collaborate with it - not as a Commission composed of States - but as a United Nations body with a specific mandate for the implementation of which it has received explicit instructions. To consider the Commission as representing the interests of certain States would in fact lead it into dangerous paths and would raise questions which are beyond the scope of its terms of reference. After all, it must be recalled here that it is at the request of the Arab delegations that the Commission has at last undertaken a task of mediation. When the Arab delegations put forward their request, they were motivated, and still are, by at least two considerations. The first consideration is that the carrying out of the rôle of mediator must be undertaken within the framework of the United Nations resolutions and that the Commission cannot depart from those resolutions. The second consideration is our belief in the integrity, neutrality, and spirit of independence and fairness of the members of the Commission.

6. The affirmation contained in the Commission's memorandum to the effect that it cannot impose solutions upon the parties has been examined by the Arab delegations. What the Arab delegations have constantly asked, and continue to ask, the Commission is not that it should impose solutions, as that would be beyond its possibilities and means of action, but rather that it should implement the United Nations resolutions and carry out the instructions therein contained; if obstacles hamper the accomplishment of the Commission's task, so understood, its duty is to denounce the authors of these difficulties

before the higher authorities of the United Nations. The Charter contains provisions to meet such situations.

7. In conclusion, the Arab delegations, while reiterating their determination to continue to cooperate with the Commission in the search for peaceful and lasting solutions of the various aspects of the Palestine problem, reaffirm their oft repeated view that these solutions must be in conformity with the various United Nations resolutions. To any other conception of the Commission's rôle the Arab delegations would respond with the most express reservations.

8. In these circumstances, the undersigned Arab delegations invite the Commission to pursue the task it has undertaken and to supply details of its proposals.

Paris, 12 October 1951

Head of the Egyptian Delegation	(signed)	A.M. Mostafa
Head of the Syrian Delegation	(signed)	A. Atassi
Head of the Lebanese Delegation	(signed)	A. Daouk
Head of the Jordan Delegation	(signed)	F. Mulki
