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UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE FORTY-FIRST MEETING

Held at Lake Success, New York
on Tuesday, 17 February 1948, at 3.00 p.m.

Present:

Chairman:	Mr. LISICKY	(Czechoslovakia)
Members:	Mr. Medina	(Bolivia)
	Mr. Federspiel	(Denmark)
	Mr. Morgan	(Panama)
	Mr. Francisco	(Philippines)
Secretariat:	Mr. Bunche	(Secretary)

COMMUNICATION BY THE SECRETARY

The CHAIRMAN asked the Secretary to report to the Commission on the conversation which he had had with Mr. Creech-Jones the British Colonial Secretary.

The SECRETARY stated that Mr. Creech-Jones had developed the United Kingdom's case at considerable length. He had indicated that they felt keenly the allegations, which he attributed to Jewish sources, that they were attempting to sabotage the [Assembly's decision](#) and bring about a state of chaos at the time of the termination of the Mandate. He vigorously denied that they had any such intention, and said that his Government maintained the position they had taken all along, i.e. that they would render all possible assistance short of actively participating in the implementation of the [decision](#). He attributed the security situation in Palestine as much to the Jews as to the Arabs, stating that the Jewish organizations had consistently committed offensive acts. He had stated that the United Kingdom Government could not recognize Hagana because it had proved to be an undisciplined and uncontrollable force, and added that the Jewish Agency had been making efforts, although so far unsuccessful, to reach agreement with the extremists.

Mr. Creech-Jones had alluded to the Commission's communication on the subject of arms and stated that if Hagana were allowed to arm more trouble would ensue. In any case, he said, it was known that, despite their protestations to the contrary, the Jews were obtaining and stocking large quantities of arms. Prefacing his remarks with the statement that he could speak frankly because he was known to be sympathetic to the Jewish cause, Mr. Creech-Jones had expressed the opinion that the whole trouble was that the Jews had been intractable. Last year he, together with Mr. Bevin, had worked out a plan which they had tried to get the Jews to discuss, and which he believed Dr. Weizmann would have been willing to discuss, but he had not been there and Mr. Ben Gurion had refused to do so.

Mr. Creech-Jones considered the Jews to be largely responsible for the present situation by reason of the firm and confident assurances they had given that if the General Assembly took a decision favourable to them they would be able to handle the situation without outside assistance. This had proved not to be true and they were now calling for assistance.

The question of an advance party had been touched upon, and the Secretary had had the impression that Mr. Creech-Jones might be prepared to facilitate this mission.

With reference to the Commission's arrival in Palestine, Mr. Creech-Jones had stated that he realized the Commission was concerned with fulfilling its task, but he pointed out that he had strongly emphasized in the General Assembly the necessity of tying the question of enforcement to the substance of any resolution, and that unless States voting for the resolution at the same time committed themselves to participate in such measures as might be necessary for its implementation, the resolution would be barren. He had declared that the United Kingdom Government were convinced that the Commission's arrival in Palestine would be the signal for a vigorous and widespread Arab uprising. They had definite information from responsible Arab elements that there were large groups among the Arab population, which were irresponsible, uncontrolled and uncontrollable.

When asked what the situation would be after 15 May if the Security Council provided no international force and the Commission nevertheless decided to proceed to Palestine, Mr. Creech-Jones had replied: "In that case the Commission and its staff would be exterminated."

While he would not say that the United Kingdom Government's policy was inflexible as to the date of the Commission's arrival, he had made it quite clear that in his opinion there would be very little that it could do unless it was supported by armed force.

Mr. Creech-Jones had observed that sceptics had accused the British of being actuated by strategic and economic interests in Palestine, and had been unwilling to believe that they would ever leave the country unless forced to do so. He emphasized that the pressure of public opinion in England was very great and that it would be impossible for the Government to prolong the Mandate beyond 15 May.

The Secretary had asked Mr. Creech-Jones what action the United Kingdom Government would take supposing that no international force were to be provided by the Security Council and that they concluded that there was nothing it could do in Palestine without such force. He had replied that his Government would continue with the evacuation, as already announced, and would assume no responsibility beyond 15 May.

LETTER TO SIR ALEXANDER CADOGAN ON THE ADVANCE PARTY

The CHAIRMAN read the text of a letter to Sir Alexander Cadogan, which had been agreed upon at the [previous day's meeting](#), concerning arrangements for the advance party.

CONSIDERATION OF DRAFT NOTE FOR SIR ALEXANDER CADOGAN

Mr. FEDERSPIEL (Denmark) stated that as a result of his conversations with Sir Alexander Cadogan and Mr. Bathurst, his legal adviser, he had helped to draw up the Draft Note with the purpose of obtaining a statement from the United Kingdom Government on its relations with the Palestine Commission. If, however, the United Kingdom Government did not give a direct answer, the Commission would have to leave the issue aside and continue the discussions, principally on the question of details.

In the conversations held with Sir Alexander Cadogan and Mr. Bathurst, the question had been raised as to whether the United Kingdom Government would recognize the Commission as its successor without incurring international responsibility. Mr. Bathurst had requested the Commission to produce a document giving the Commission's views and as that was inadvisable. Mr. Federspiel had drawn up the Note in terms as non-committal as possible. He was afraid that a document, such as had been requested, would involve the Commission in legal arguments which would be most undesirable, particularly in view of the time factor. Mr. Federspiel wanted to call to the attention of the Commission that in paragraph 4, the sentence "by the Report of Sub-Committee I was incompatible with the declared intention of his Government" had been added after the words "assigned to his Government".

It was suggested to redraft paragraph 3 as follows:

"It is submitted that His Majesty's Government in the United Kingdom has recognized that the solution of the Palestinian problem is not within the jurisdiction of Great Britain but of the United Nations. In Mr. Bevin's statement of 18 February 1947, he made it clear that 'His Majesty's Government have of themselves no power, under the terms of the Mandate, to award the country either to the Arabs or to the Jews, or even to partition it between them. It is in these circumstances that we have decided that we are unable to accept the scheme put forward either by the Arabs or by the Jews or to impose ourselves a solution of our own. We have, therefore, reached the conclusion that the only course now open to us is to submit the problem to the judgment of the United Nations. We shall then ask the United Nations to consider our report, and to recommend a settlement of the problem. ...' [The British Note of 2 April 1947](#) stated explicitly that His Majesty's Government 'will ask the Assembly to make recommendations, under Article 10 of the Charter, concerning the future Government of Palestine'."

It was further suggested to add the following to paragraph 4:

"Discussing in the same statement the Arab proposals, Sir Alexander Cadogan stated that His Majesty's Government would not be prepared to transfer the authority of the Palestine Government to the (Arab) provisional government... If the General Assembly were to decide to establish a United Nations Commission to supervise the implementation of the Plan of Sub-Committee 2, then the attitude of his Government would be identical with that which he outlined in relation to the (United Nations) Commission proposed by Sub-Committee 1'."

It was pointed out that it was obvious from those two statements by Sir Alexander Cadogan that the United Kingdom Government was ready to transfer the Mandate exclusively to a United Nations Commission, but to no other body.

It was also suggested that the following sentence should be added to paragraph 7:

"But this is exactly what is happening in the Arab part of Palestine where, according to a [note addressed to Dr. Bunche](#) by Mr. J. Fletcher-Cooke of 9 February 1948, invasion forces are 'increasingly exercising considerable administrative control over the whole area (of Samaria)'."

Mr. FEDERSPIEL (Denmark) stated that he not recommend the inclusion of those points as they had no bearing on the question of the relations of the United Kingdom Government with the Palestine Commission. Furthermore, the matter was raised in paragraph 3 of the Draft Note, and he felt that it was not for the Commission to decide on the question of international law which was involved in deciding what were to be the relations between the United Kingdom Government and the United Nations on the termination of the Mandate. Mr. Federspiel pointed out that Sir Alexander Cadogan and Mr. Bathurst appeared anxious to learn if the Commission would be willing to refer to the International Court of Justice any of the problems raised. His attitude had been that the problems under discussion were of a purely practical kind, such as the question of turning over various assets to the Commission, and did not deal with matters which could be referred to an International Court. It was Mr. Federspiel's opinion that only those questions which were strictly necessary should be included in the Draft Note to Sir Alexander Cadogan; otherwise, there was the danger that the Commission might be involved in questions of international law. The main purpose of the Draft Note was to get the legal views of the United Kingdom Government on the question of succession in Palestine.

After an exchange of views, the following amendments in the text of the Draft Note were adopted:

Paragraph 1. Text adopted with no changes.

Paragraph 2. Deleted,

Paragraph 3, became paragraph 2. No changes, except for the deletion of the words "in principle".

Paragraph 4, became paragraph 3. After the words "assigned to his Government", the following sentence was added: "by the Report of Sub-Committee I, was compatible with the declared intention of his Government". The reference to Summary Record A/AC.14/SR.25 was deleted.

Paragraph 5, became paragraph 4. No changes, except for the deletion of reference to [A/PV.128](#), pages 89-90.

Paragraph 6 became paragraph 5, and was merged with paragraph 7, the new text reading as follows:

"In the Commission's view, the above statements and the procedure established imply that the United Kingdom Government is not contemplating the possibility of any other authority in Palestine than the Commission, immediately following the termination of the Mandate. It is to be noted that the [Resolution](#) of the General Assembly establishes the Commission the authority possessing governmental power in Palestine including the period between the termination of the Mandate and Independence. It would appear contrary to the meaning of the Mandate if the Mandatory Power terminated the Mandate without previously having made arrangements for a timely transfer of authority."

Paragraph 8 became paragraph 6 and remained unchanged, except that the words "to have" were replaced by "receiving".

CONSIDERATION OF MATTERS OUTSTANDING

The Secretary called the attention of the Commission to several matters which remained outstanding and which should receive consideration at an early date, including the [Second Monthly Progress Report](#), and steps looking toward the establishment of a Provisional Council of Government in the Jewish State. *The meeting rose at 5.30 p.m.*