

GENERAL
ASSEMBLYASSEMBLEE
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2 June 1947
English

VERBATIM RECORD OF THE SECOND MEETING

of the

SPECIAL COMMITTEE ON PALESTINE

Lake Success, New York
Monday, 2 June 1947 at 3:00 p.m.

PRESENT:

Mr. Hood	Australia
Mr. Rand	Canada
Mr. Lisicky	Czechoslovakia
Mr. Garcia Granados	Guatemala
Sir Abdur Rahman	India
Mr. Entezam	Iran
Mr. Blom	Netherlands
Mr. Ulloa	Peru
Mr. Sandstrom	Sweden
Mr. Fontaina	Uruguay
Mr. Brilej	Yugoslavia
Mr. Robles	Secretary

Mr. HOO (Assistant Secretary-General): The second meeting of the Special Committee on Palestine is called to order.

ADOPTION OF THE AGENDA

Mr. HOO (Assistant Secretary-General): You have before you the agenda of today's meeting. Is there any objection to the adoption of the agenda, or any observations on that point?

(No response)

Mr. HOO (Assistant Secretary-General): The agenda is considered adopted.

ELECTION OF CHAIRMAN

Mr. HOO (Assistant Secretary-General): The second point on the agenda is the election of a Chairman.

Mr. FONTAINA (Uruguay): I nominate, as Chairman of this Committee, the representative of Guatemala, Ambassador Garcia Granados.

Mr. BRILEJ (Yugoslavia): I wish to support the nomination made by the representative of Uruguay. As we all know, we must have the greatest possible measure of impartiality in regard to the question of Palestine. I am certain that the most objective conditions for such impartiality exist precisely in Guatemala, not only because that country is among those furthest removed from Palestine geographically, but because it is one of those least involved in the issue of Palestine. Dr. Garcia Granados was chief of the Guatemalan delegation at the special session of the General Assembly, and I think he would make an excellent Chairman of the Special Committee on Palestine.

Mr. RAND (Canada): I am quite sure that we need as a Chairman someone who has had considerable experience in judicial administration. For that reason I nominate Mr. Sandstrom. He has had long judicial experience and a long judicial career in his own country. He is Chief Justice of Sweden. I think the Committee might be well-advised to take the opportunity of selecting him as its Chairman.

Mr. ENTEZAM (Iran) (Interpretation from French): When I asked to speak I thought we would be confronted with only one candidate. However, we now have two nominations. I support the nomination made by the representative of Canada, the nomination of Chief Justice Sandstrom of Sweden as Chairman of this Committee. He is also the representative of a country which is not involved in the question of Palestine. I believe Chief Justice Sandstrom is, perhaps, even more neutral than many of us here.

We are all well acquainted with his eminent career as a jurist. I repeat, I support the nomination of Chief Justice Sandstrom as Chairman of this Committee.

Mr. HOO (Assistant Secretary-General): Does the Committee wish to vote now on the two nominees or are there any further nominations?

Mr. HOOD (Australia): Would not the proper procedure be to proceed to the balloting now?

Mr. HOO (Assistant Secretary-General): If the Committee desires, we can proceed to the balloting. The vote will be by secret ballot. As soon as the box is here, the ballots will be distributed and the Committee can proceed with the election of a Chairman, if it so desires.

Only two nominations have been made. The two names which have been proposed are Mr. Granados and Chief Justice Emil Sandstrom. We shall take a vote by secret ballot. The representatives are asked to write down on their ballots either one of the two nominees, since they are the only two who have been nominated.

(A vote was then taken by secret ballot with the following result)

Mr. Sandstrom	Sweden	7
Mr. Granados	Guatemala	3
Mr. Entezam	Iran	1

Mr. HOO (Ass't Secretary-General): Mr. Sandstrom has received seven votes out of the eleven votes cast, which is the majority required, and he is, therefore, elected as Chairman of this Committee.

I think my duties are now terminated, and I shall ask Mr. Sandstrom to take his place in the Chair.

(Mr. Sandstrom assumed the Chair)

CHAIRMAN: As I assume the Chairmanship of the Committee, I want to thank you gentlemen for the confidence you have shown me. It certainly is a very difficult task that has fallen upon me but I am confident that I will enjoy your wholehearted assistance and, with our joint efforts, we shall be able to achieve the mission which has been given to us.

Mr. FONTAINA (Uruguay) (Interpretation from French): What I want to say is prompted by the fact that Mr. Entezam mentioned that we were all apparently in agreement in wanting you, Mr. Sandstrom, to be elected Chairman. I want to assure you that no one spoke to me on the subject of the Chairmanship of this Committee. If there was any understanding on this subject, I was left out of it.

CHAIRMAN: The next point to be taken up is the election of a Vice-Chairman; are there any nominations?

Mr. HOOD (Australia): I have the pleasure to nominate as Vice-Chairman the representative of Peru.

(Mr. BLOM (Netherlands): I want to second the nomination of the representative of Peru as Vice-Chairman of the Committee.

CHAIRMAN: The representative of Peru is the only person nominated as Vice-Chairman. If there is no other nomination, I will consider the representative of Peru elected as Vice-Chairman of this Committee.

(No objection voiced.)

Mr. ULLOA (Peru) (Interpretation from French): I want to thank my colleagues for the signal honour which they have bestowed upon me in electing me Vice-Chairman of this Committee.

DISCUSSION OF PLAN OF WORK OF THE COMMITTEE

CHAIRMAN: Point 3 is the next matter on the agenda: "Discussion of Plan of work of the Committee." First to be considered is a draft letter to be addressed to organizations which lodged applications for hearing during the Special Session of the General Assembly. There has been a working group which has dealt with the question and which is proposing a letter which the

will read. . .

SECRETARY: "Draft letter to be addressed to organizations which lodged applications for hearing during the Special Session of the General Assembly.

"Sir:

"The Special Committee on Palestine has given careful consideration to the request of your organization to present its views on the question of Palestine during the Special Session of the General Assembly. In examining your application the Committee has borne in mind the fact that, while the First Committee of the General Assembly, after examining a number of applications for hearing, decided to hear only the Arab Higher Committee and the Jewish Agency for Palestine, it specifically noted that its decision 'did not exclude the possibility of all these organizations being heard by the Committee of Investigation once it had been established.'

"In view of the very short time at its disposal, the Special Committee feels that it will not be practicable at the present time to grant in this country an oral hearing to all the organizations which have asked to be heard.

"Because the Committee wishes, however, to give the fullest possible consideration to every relevant opinion, your organization is requested, if you may wish, to submit in written form (preferably in thirty copies), on or before 6 June, both your views on the question of Palestine and information regarding the extent to which your organization considers itself representative of any element of the population of Palestine.

"After examining your statement, the Special Committee will be in a position to decide whether its work will require that in addition an oral hearing be granted to your organization."

CHAIRMAN: Does anyone want to speak on this question?

(No response.)

CHAIRMAN: As that does not seem to be the case, may I then consider the text of this letter as adopted?

(No objection.)

CHAIRMAN (Interpretation from French): The letter is adopted and copies will be sent to all the organizations which have requested hearings.

(Chairman continued in English as follows:)

Certain rules of procedure were discussed this morning by the Working Group, and we might now take these questions, discuss them, and decide on them here.

We will proceed, I think, by reading these rules one by one.

SECRETARY: "The Mandatory Power, the Arab Higher Committee, and the Jewish Agency for Palestine may appoint liaison officers to the Committee who shall supply such information or render such other assistance as the Committee may require. The liaison officers may, suo motu, present at the discretion of the Committee such information as they may think advisable."

CHAIRMAN: Does anyone want to speak on this point?

Mr. HOOD (Australia): If I am in order in anticipating the discussion a little, I would, with your permission, say a few words on this first rule in relation to the rules which follow.

I feel a little concerned at the disproportion in precision between this rule and the following rules.

If I may draw your attention to the following rules, they are, on the face of them, detailed provisions to meet detailed contingencies within the work of the Committee. The first rule, however, the one which has just been read by the Secretary, is a rule in wide terms, which clearly, of course, leaves a good deal to the discretion of the Committee, which is right and proper.

Nonetheless, the work of the liaison officers in practice will have many aspects, and I think we would save ourselves some time, trouble, and discussion later on if, as far as possible, now that we have this opportunity before proceeding to Palestine, we laid down in slightly more detail and slightly more precision the framework within which liaison officers, if we agree to invite them, shall carry out their functions.

One particular contingency which I have in mind is the actual degree of participation of the liaison officers, if again they are attached to the Committee in the work of the Committee.

The first provision laid down here does, of course, leave it open to the Committee to decide at its discretion what that degree of participation shall be. I still think, however, that it would be wiser at this stage to attempt some more precision in that particular respect. For example, at the public meetings of the Committee liaison officers will have a clear right of attendance on the minimum basis of being members of the public. Do we stop at that? Do we see them sitting in the body of the meeting chamber, or do we invite them, as is within our discretion, to sit at the table of the Committee itself? If we do the latter, are they entitled to take part in the public discussions which are current at that moment? We can say "Yes", or "No, they are not." The actual decision at the moment is immaterial to me. I am pressing neither one point nor the other.

May I repeat that I am attempting merely to anticipate a contingency which will certainly arise.

In the second place, if in the interrogation of witnesses before the Committee, the liaison officers wish to present questions themselves to the witnesses, and wish to interrogate witnesses--if you like, cross-examine them--we cannot decide either to accord them that right or to refuse them that right. Once again, the decision is another matter, but I do say that we are not really meeting the situation which will certainly arise by providing merely at this stage such general formal words as are set out in the document before us. I think all parties concerned in this matter are entitled to know clearly the mind of the Committee on at least those two points which I have mentioned.

We can add to this first provision certain words which will dispose of those particular matters. I myself would prefer to see that done in view particularly of the quite substantial detail which is set out in the following clauses. Alternatively, I would like to pose the question to you at this time with a view to my colleagues on the Committee expressing their opinion on the matter, and, if as we would hope, there is substantial agreement at least that agreement can go on record as part of the discussions which we are holding today. That would be an alternative to actually writing further words into this first provision.

I will say no more at the moment. I have posed the question and repeat that in my view it is essential at this preliminary stage in our work that we reach somewhat more precision on these points.

CHAIRMAN: Do you propose, Mr. Hood, the re-framing of this rule?

Mr. HOOD (Australia): As I have said, I would like to see further phrases or a couple of phrases added. I would rather not put them forward at the moment, although I have them ready, in the hope that there will be some further expression of view around this table.

CHAIRMAN: Before I ask the Members of the Committee to state their position on this question, I should like to state my own impression of the discussion we had this morning. My impression was that we had ruled out the proposal that these liaison officers should sit in the Committee. They would of course be present at the public hearings just as anybody else. Upon the question whether they are to be allowed to put questions to the witnesses, my impression was that we would hold this matter entirely in our hands and that we should decide from case to case how to deal with such matters.

Furthermore, in general I think it is rather wise at this time to keep this rule in somewhat vague form because we do not know exactly what questions may come up. I believe it is advantageous for the Committee to have this question entirely in its hands.

Sir ABDUR RAHMAN (India): I wish to add very little after what has been said, but I think it is time that we have our notions clearly set forth with regard to the position of the liaison officers. The liaison officers are representatives of the various parties for whom they appear. They are not and will not be members of the Committee. They are merely representatives of the various parties and the Committee can deal with those parties through them because those parties cannot be physically with the Committee. They can communicate their desires or orders to these persons and they will comply with such wishes on behalf of the persons whom they represent. They cannot certainly sit with the Committee as members of the Committee. They will not be members of the Committee and they cannot legitimately ask for that concession. They can certainly put questions, if permitted by the Committee, and I am sure the Committee will not be unreasonable. In addition, if they do not misuse their positions, they will assist the Committee in coming to a decision. They will be permitted

to do all that is necessary in order to ascertain the truth for which this Committee has come into being. They certainly have a right of attendance in the Committee, as has any member of the public; but they also have an additional right to present the case of the parties whom they represent, and in that connection they may adduce evidence. They may produce documents. They may do such other things as may be necessary, but at that point their function ends. They can do nothing more in so far as the deliberations or the decisions of the Committee are concerned. It will be for the Committee to come to a decision without their intervention and without their presence. They will not be entitled to be present at the deliberations of the Committee or in the private discussions which take place between the Members of the Committee.

Mr. BLOM (Netherlands): I support the point of view expressed by the Chairman and by the representative of India. I believe we should maintain the sentence we are discussing now just as it stands. I do not think there is any logical reason to add or delete anything at this stage. As you know, at a later stage we could always add to our Rules of Procedure. I believe at the present stage we should retain this as it stands now.

Mr. RAND (Canada): As the paragraph states, these are officers attached to the Committee. They must be available and accessible for all purposes of elucidation and assistance. I think it would be undesirable to limit the scope of action of the Committee in any way. I hoped myself free to avail myself of any assistance that they can be to me either in relation to some written submission or in relation to oral statements. I think where it is contemplated that we may call upon them for other assistance, that may assume any form the Committee may see fit to request.

CHAIRMAN: Do you believe, Mr. Rand, that this can be executed with the framing that we have, or do you propose some alterations to it?

Mr. RAND (Canada): I believe it is all contained within the present paragraph.

CHAIRMAN: Does any other Member wish to speak?

(No response.)

CHAIRMAN: As no other Member wishes to speak, I shall ask Mr. Hood if he would like to put his proposal in the form of a new draft.

Mr. HOOD (Australia): I do not propose to suggest an actual text for inclusion in this working paper. Having heard the three or four expressions of view given just now, I appreciate that they do go some little way toward meeting the point I made. To a degree there has already been some elucidation of what is meant by this first provision of our working rules. At the same time I merely add that I do not completely share the assumption of other Members of the Committee that the matter has thereby been disposed of.

Previously I mentioned the fact that an approach had already been made to the Committee in respect of the attachment of the liaison officers. Putting ourselves in the place of the party who made that request or other parties that may make further requests, we would agree, would we not, that the interpretation of this provision in the paper before us leaves a good deal to be desired in the way of exactness? One coming for the first time might well inquire as to exactly what was meant and exactly what the extent of the functions of the liaison officers was intended to be. That seems to me to be an obvious consequence of the attitude which this Committee as a whole has evidently taken. I may be wrong and nothing may flow from it; we may sail very smoothly through these particular currents. But it is equally possible, in my opinion, that we will have exactly this type of debate on some future occasions more than once concerning interpreting exactly what we do mean by these words. I leave the attitude of the Australian delegation with you on this point.

CHAIRMAN: If there is no proposition to change the wording of the first rule, may I then consider it as adopted?

(No objection voiced.)

CHAIRMAN: The first rule is adopted.

Then we will proceed to the rules under the heading "Oral and Written Testimony."

SECRETARY: Rule No. 1: "The Committee may at its discretion, invite representatives of Governments or organizations or private individuals to submit oral or written testimony on any relevant matter."

CHAIRMAN: Does anyone want to express his opinion on this rule?

(No response.)

CHAIRMAN: Since this seems not to be the case, may I then consider Rule No. 1 under the heading "Oral and Written Testimony" as adopted?

(No objection voiced.)

CHAIRMAN: It is adopted.

SECRETARY: Rule No. 2: "Requests for oral hearing shall contain an indication of the subject or subjects on which the witness desires to testify."

CHAIRMAN: Does anyone wish to speak on this point?

(No response.)

CHAIRMAN: May I then consider the point adopted.

SECRETARY: Rule No. 3: "The Committee may refer to a sub-committee for examination and recommend such requests to present oral testimony as it deems advisable."

CHAIRMAN: Does anyone want to express his opinion here?

(No response.)

CHAIRMAN: Since this seems not to be the case, may I consider this rule as adopted?

(No objection voiced.)

CHAIRMAN: It is adopted.

SECRETARY: Rule No. 4: "The Committee shall in each case, decide the time and place of the hearing of any witness from whom it may decide to

receive oral testimony. The Committee may advise any witness to submit his testimony in writing."

CHAIRMAN: Does anyone want to speak on this Rule?

(No response.)

CHAIRMAN: Since this seems not to be the case, I will consider it as adopted.

SECRETARY: Rule No. 5: "The Committee, on the basis of the time available to it, may limit either the number of witnesses or the time to be allowed to any witness."

CHAIRMAN: Is there anyone who wants to speak on this point?

(No response.)

CHAIRMAN: Since this seems not to be the case, I will consider it as adopted.

SECRETARY: Rule No. 6: "The Committee may refer to a sub-committee for study and report such written testimony as it may deem advisable."

CHAIRMAN: Does anyone wish to speak on this point?

Mr. HOOD (Australia): On reading this provision again, I am not quite sure that I understand what it means. I can understand the reference of written matter to the sub-committee for study. That is clear enough. But what, in fact, is meant by the word "report"? What is it meant to signify? Does it mean that the sub-committee will deal with and dispose finally of any given segment of the evidence presented and report to the full Committee, thereby, excluding the full Committee probably from studying those documents itself? That is possibly exaggerating what would happen, but on the face of it, on the wording of the clause, that could happen. In other words, the word "report" seemed to me to be slightly over emphatic in this connection, and it may be thought to anticipate the work of the Committee proper on the written documents.

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A/AC.13/P.V.2
48-50

In short, I would prefer to see the omission of the words "and report" -- to study certainly, but not to report.

CHAIRMAN: May I pass the question of the representative of Australia to someone who was present when this rule was framed?

Sir ABUL RAHMAN (India): Now, the words "and report" are clear enough. I do not understand what the difficulty is which is presenting itself to Mr. Hood. If a matter is referred to a sub-committee, the sub-committee will either do something or do nothing at all. If it does anything, how is the parent committee which appointed that sub-committee to know what has been done by the sub-committee? When the results of the labors of the sub-committee are reported to the committee which appointed it, that is a report. A report is not a final conclusion; it is the expression by the sub-committee to its parent body of its conclusions or its opinions in regard to a certain matter. In the same way, as we are a committee of the General Assembly, our decisions will not be binding on the General Assembly. The General Assembly can supersede our decisions, overrule them. By the same token, we would be able to scrutinize and examine the correctness of the conclusions arrived at by the sub-committee, if the matter has been referred to a sub-committee.

I do not understand the difficulty. No other words could possibly have been used except the words which have been used--"and report"--because if you delete these words, then the whole thing becomes useless. You refer the matter to a sub-committee. The sub-committee studies the matter, keeps mum, and does nothing more. Then, what was the use of sending the matter to a sub-committee at all? If you do it with a certain objective, then that objective has to be communicated to you, the result of that labor has to be communicated to you; and that is a report.

I do not understand what the difficulty is which is troubling Mr. Hood in this matter.

CHAIRMAN: Does any other representative wish to speak?

Mr. ENTEZAM (Iran) (Interpretation from French): If the explanations given by our colleague from India are satisfactory, that is very good. If not, I think I could add something to them.

Our intention in writing this paragraph was as follows: If, for example, the committee receives written reports, it may study them or, if it wishes, appoint a sub-committee to study them. Then, the sub-committee might return to the committee and say, "Well, we ought to have some more written reports and study them again or have another hearing on this subject." The committee might then again appoint a sub-committee to do this work. The sub-committee would report to the full committee; and the full committee, of course, has a perfect right to adopt or not to adopt the findings contained in the report of the sub-committee.

The very word "report" implies in itself that the sub-committee will not take any decision but that it will be up to the committee to adopt or not to adopt the report of the sub-committee.

CHAIRMAN: Then, do you, Mr. Hood, propose the deletion of the words "and report"?

Mr. HOOD (Australia): Having heard what is in the minds of certain of my colleagues of the Committee I would not press this point. It is a trivial one.

If we said "for study and preliminary report" it might make perfectly clear what we all have in mind, if that is acceptable to the Committee. It does satisfy my point.

Sir ABDUR RAHMAN (India): Mr. Hood has just now used the word "preliminary". It is not preliminary at all. It may or may not be so. The sub-committee will make a report. It is going to be final as far as it is concerned. Therefore, I do not think the use of the word "preliminary" by Mr. Hood is really a good use in that place.

CHAIRMAN: I think the essential thing is that this report be made to the Committee and not to the General Assembly.

Mr. HOOD (Australia): My word "preliminary" is meant to refer to the Committee. It had reference to the Committee, of course, and not to the sub-committee.

However, if there is something more to be said on this matter, I shall begin to think there is something in my point after all. I still confess to being uncertain as to what is meant by these words "and report."

CHAIRMAN: Do you maintain your proposition or may I consider it as withdrawn?

Mr. HOOD (Australia): I propose the insertion of the word "preliminary".

Mr. LISICKY (Czechoslovakia): Would it not meet the objection of the representative of Australia if we replaced the word "report" with the word "comment" which is not as formal as "report"?

CHAIRMAN: Is not that expression rather vague?

Mr. LISICKY (Czechoslovakia): A comment is in reality a report, but it is not called so, and that is the difference.

CHAIRMAN: There are two items to be voted on: the adoption of Rule 6 as framed by the Working Group and changing the word "report" to "comment".

We will vote first on the rule as it stands.

Mr. ENTEZAM (Iran) (Interpretation from French): I think we should first put to a vote the amendment to the rule. If that is rejected, we can then proceed to vote on the rule as it stands.

CHAIRMAN: We will first vote on whether to change the word "report" to "comment".

(A vote was taken by a show of hands.)

CHAIRMAN: There were four in favour and eight against the change. The amendment is rejected.

We will now vote on the rule as it stands.

(A vote was taken by a show of hands.)

CHAIRMAN: Rule 6 is adopted unanimously.

The six rules are adopted and they will be inserted in the proper place in the rules of procedure which will finally be adopted by the Committee.

Mr. HOO (Assistant Secretary-General): After we adjourn this meeting, beginning from 5 p.m. this afternoon, all the representatives, alternates and staff members, who are going with the Committee to Palestine, are requested to go to the dispensary of the United Nations, which is in a room off the main hall. The entrance is marked with a Red Cross.

They are requested to do so in order to get the inoculations which they may want to have. Even if they do not want any inoculations because they already have them, they are requested to go to the dispensary to make the necessary administrative arrangements with respect to passports, United Nations certificates and financial questions.

Sir ABDUR RAHMAN (India): Many of us who have come from outside this country--from India and other places--have had to take their inoculations before they came here. We gave our certificates to the health officers of this country before we were allowed to land. Also, we have not brought our passports with us.

Mr. HOO (Assistant Secretary-General): Our dispensary will not require any certificates. If you say that you have already received inoculations, we will believe you. We are not forcing inoculations on anybody. It is for your convenience, if you have not received them.

However, it would be a good thing if you would go to the dispensary, because you will obtain all the information necessary with respect to administrative and financial questions.

CHAIRMAN: Since it is already half-past four and the representatives are expected to meet at five o'clock in the dispensary, I do not think we can have a private meeting as we had intended. We will meet in private tomorrow at eleven o'clock in Conference Room 11.

The meeting is adjourned.

(The meeting adjourned at ~~5~~:43 p.m.)