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4 February 1948

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UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE THIRTIETH MEETING

Lake Success, New York

4 February 1948, at 2.00 p.m.

Present:

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

COMMUNICATION TO THE CHAIRMAN

The CHAIRMAN informed the members that he had received an invitation from the Hapoel Hamizrachi Council of Greater New York to attend a Festival of Jewish Arts on Saturday 21 February and to make a speech.

It was decided that he should reply that it was the agreed policy of the Commission that its members should refuse to participate in any manifestations of the kind.

RELATIONS WITH THE PRESS

It was felt that the announcement in the newspapers that an advance party would shortly leave for Palestine might have had an unfortunate effect upon public opinion.

The CHAIRMAN pointed out that the Commission had not decided to keep the matter secret and could not be held responsible for the manner in which newspapers or the radio chose to interpret news.

LETTER TO THE UNITED KINGDOM DELEGATION

The CHAIRMAN observed that no reply had yet been received from the United Kingdom delegation concerning Mr. Shertok's report that a party of Arabs had infiltrated from Trans-Jordan into Palestine.

The Commission requested the Secretary to take the matter up informally with the United Kingdom delegation if no reply had been received by Friday, 6 February.

/CONSIDERATION

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CONSIDERATION OF CABLE FROM THE ASSOCIATION OF GOVERNMENT WARTIME  
DEPARTMENTS OFFICERS, JERUSALEM

The CHAIRMAN brought up the matter of the cable from the Association of Government Wartime Departments Officers, to which no reply had as yet been sent.

It was pointed out that this raised the whole question of continuity in the administration of Palestine. The General Assembly resolution called for continuity in the functioning of administrative services and a progressive transfer of responsibility of all the functions of government. Before going into details it was essential to come to an agreement with the Mandatory Power on the fundamental question as to whether the State of Palestine was to be conceived as continuing to exist after 15 May with merely a change of Government, or whether it was considered that there would be a definite break at that time and that a new State or new States would then come into existence. If, as appeared from Sir Alexander Cadogan's statements, the Mandatory Power held the latter view and intended to liquidate all the administrative services, a situation would be created in which the Commission would be unable to take over.

CONSIDERATION OF WORKING PAPER ON "THE DISPOSAL OF CERTAIN LIQUID ASSETS  
OF THE PALESTINE ADMINISTRATION" (A/AC.21/W.23)

Mr. REEDMAN (Senior Economic Adviser) referred to document A/AC.21/W.23 (Disposal of Certain Liquid Assets of the Palestine Administration). He pointed out that in the Summary Estimate on page 2, the item "Additional Liabilities" contained two amounts - for Abolition Benefits and Cyprus Camps - which would be met out of liquid assets. The Palestine Government had received a directive from the United Kingdom Government that all administrative posts should be abolished and abolition benefits paid at the expense of the administration. Unless the Commission could come to an arrangement with the Mandatory Power to suspend such action, all personnel would be dismissed and would have to be recruited afresh. If the Palestine Administration had already circulated notices of termination including a promise of abolition benefit, it would be difficult to withdraw them. It would be better if the Commission could forestall their distribution.

The view was expressed that the question fell into two parts: (1) the contractual status of employees - they were under contract to the Government of Palestine, whatever it might be; (2) whether they would wish to serve another administration than that of the Mandatory Power. In that case they must take the financial responsibility themselves. The Commission

/could not

could not take any financial responsibility but should make its position clear with regard to these employees, i.e. that there should be continuity in the administration and that as far as the Commission was concerned it was assumed that the present staff would continue with the future Government or Governments of Palestine. The whole question should be taken up immediately with the United Kingdom Government.

The Commission decided that a cable should be sent to the Association of Government Wartime Departments Officers of Jerusalem stating that the Commission was taking the matter up with the Mandatory Power with a view to ensuring continuity in the functioning of administrative services, in accordance with paragraph 13, Section B of Part I of the resolution.

The Commission requested Mr. Federspiel (Denmark) to represent it in negotiating with the Mandatory Power on the question, and also on the general question of continuity of administration after 15 May.

MEMORANDUM BY THE REPRESENTATIVE OF THE UNITED KINGDOM GOVERNMENT  
CONCERNING THE SENDING TO PALESTINE OF AN ADVANCE PARTY OF THE SECRETARIAT  
AND THE MOVEMENTS OF THE COMMISSION (A/AC.21/8)

The CHAIRMAN referred to the memorandum transmitted by the representative of the United Kingdom Government concerning the sending to Palestine of an advance party of the Secretariat and the movements of the Commission (document A/AC.21/8). He asked for the Commission's views on the proposal that it might wish to acquire the RAF airfield at Aqir.

The view was expressed that the airfield might be useful, especially in view of the fact that Lydda might be unusable after the evacuation of British personnel.

Mr. Medina (Bolivia) was asked to consult the Jewish Agency as to whether they were interested in the airfield.

Mr. Federspiel (Denmark) was asked to take up the matter with the United Kingdom delegation when discussing the general question of transfer of authority, and to request that the airfield be left in its present state for the time being.

PRESS OFFICER OF PHILIPPINE DELEGATION

A decision on a request from the Philippine delegation for a press card for its newly appointed Press Officer was deferred until the matter had been clarified further.

PRELIMINARY DISCUSSION OF SPECIAL REPORT TO BE MADE TO THE SECURITY  
COUNCIL ON THE MATTER OF SECURITY CONSIDERATIONS

It was suggested that the special report should make clear that the unilateral decision of the Mandatory Power to terminate the mandate on 15 May would leave Palestine in a state of administrative collapse and

/completely defenceless

completely defenceless against the aggression and disorders that might be expected. In view of the gravity of the situation, Article 42 of the Charter should be invoked as a basis for action by the Security Council.

Some doubt was expressed whether the Council would take action under Article 42 without prolonged delay and without having first exhausted the possibilities for action under Articles 39 and 41, in accordance with sub-paragraph (b) of paragraph 7, Section A of the Preamble of the General Assembly resolution. The important point was to ensure that the Council would not be encouraged to avoid or postpone action. With that in mind, it would be better to base the report on paragraph 4 Section B of Part I of the Plan of Partition. As it was apparent that the Provisional Councils of Government could not be set up by 1 April, or at least not for the Arab State, the Commission should inform the Security Council of that fact, and under the above-mentioned paragraph 4 the Council could not avoid taking action.

It was suggested that the report should clearly state the general situation, quoting first the authority by which the Commission was addressing the Security Council and delineating the fields of action reserved for the Commission and the Security Council respectively. It should then take up the numerous points that would require attention, such as the duration of the transitional period, the progressive transfer of authority, the attitude of the Mandatory Power, the implications of the Mandatory Power's decision to terminate the mandate on 15 May, the refusal of the Arabs to co-operate and the resultant effect upon the Plan, which was based on the co-operation of both the Arabs and the Jews, the security situation in both states, and the steps so far taken with respect to the formation of militia.

The question of Jerusalem might receive special attention. If a sufficient force could be provided to protect the Holy Places in Jerusalem and ensure security there, an important step would have been taken. It was later pointed out, however, that it would be impossible to maintain order in Jerusalem unless it could be established in the rest of the country.

The point was raised that according to sub-paragraph (c) of Section A of the Preamble of the General Assembly resolution, the Security Council should act under Article 39 of the Charter, but that Article left to the Council the choice of taking measures under Article 41 or 42. The report should therefore be drafted with the above-mentioned sub-paragraph (c) in mind.

/After some

After some discussion, the Commission agreed that the report should explain that the Commission would be entirely unable to carry out its functions unless means were provided for ensuring security. The question was not one of personal safety for the members of the Commission, but rather of the possibility of fulfilling the task assigned. Under the circumstances, the Commission was turning to the Security Council for guidance and assistance. The facts should be presented, without any attempt to apportion blame, with the express aim of securing the means necessary to enforce authority.

It was decided that the report should not be based on any particular Article of the Charter or any specific paragraph of the General Assembly resolution, but should state the case clearly, showing that necessity was the basis for the appeal and stressing the impossibility of using either entirely Jewish or entirely Arab forces. The Security Council could then draw its own conclusions.

After a further exchange of views, the SECRETARY summed up the points which the Commission agreed should be included in the report. There should be a reference to the authority, given in the resolution, by which the Commission was appealing to the Security Council; a factual summary of the security situation in Palestine and of the failure of the Arabs to co-operate with the Commission; an explanation that the Commission was not waiting to report until 1 April, the date set for the establishment of the Provisional Councils of Government, because it wished to allow the Council time in which to plan for the action that would certainly be necessary; and reference to the position of the Mandatory Power in regard to the formation of militia.

The meeting rose at 6.10 p.m.

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