

GENERAL  
ASSEMBLYASSEMBLEE  
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SUMMARY RECORD OF THE THIRTY-THIRD MEETING OF THE  
UNITED NATIONS PALESTINE COMMISSION

Lake Success, New York

Saturday, 7 February 1948, at 10.30 a.m.

## Present:

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

1. CONSIDERATION OF THE REPORT BY THE REPRESENTATIVE OF THE PHILIPPINES  
ON HIS CONSULTATIONS WITH REPRESENTATIVES OF THE UNITED KINGDOM  
DELEGATION AND THE JEWISH AGENCY FOR PALESTINE

The CHAIRMAN invited Mr. FRANCISCO (Philippines) to make his comments upon the report of his consultations with the representatives of the Mandatory Power and the Jewish Agency for Palestine respecting preliminary steps prior to the termination of the Mandate for the formation of militias.

Mr. FRANCISCO (Philippines) drew the attention of the members to the salient points in his report. The representative of the Mandatory Power, Mr. Fletcher-Cooke, had thought it unlikely that the Mandatory Power would agree to the Commission's taking the preliminary steps towards the formation of the militias as elaborated by Mr. Francisco, namely: (1) Designation of cantonment areas (2) Recruiting (3) Training (4) Equipping. However, Mr. Fletcher-Cooke said he would refer the matter to the United Kingdom Government in London if an official answer were required. Secondly, Mr. Francisco has asked whether the Mandatory Power would deliver to the Commission the arms and equipment of the Palestine Police Force before the termination of the Mandate. The answers to this question had been inconclusive. The arms and equipment would, on the termination of the Mandate, be left to the "Successor Authority"

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which presumably would be the United Nations Palestine Commission. His Majesty's Government would welcome the views of the Commission on the practical steps involved in the handing over of the arms and equipment.

In view of Mr. Francisco's report, the Commission decided to send an official letter to the representative of the Mandatory Power, Sir Alexander Cadogan, requesting the Mandatory Power to allow the Commission in the period before the termination of the Mandate, to take preliminary steps towards the formation of militias which were to be defined as: (1) Designation of cantonment areas (2) Recruiting (3) Training and (4) Equipping.

## 2. CONSIDERATION OF THE DRAFT OF THE SPECIAL REPORT TO THE SECURITY COUNCIL

The CHAIRMAN asked for the general views of the Members on the Draft Report presented by the Secretariat.

The view was put that since the communication had been received from the Arab High Committee stating that the Plan of Partition would be opposed by force, and in view of the evidence presented in the statement of the Mandatory Power concerning the number of casualties in Palestine, the object of the Commission's Report had become much clearer. There was now no doubt that there would be a definite attempt to alter the decision of the General Assembly by force and this fact undeniably called for action on the part of the Security Council under sub-paragraph (c) of the Preamble to the General Assembly's Resolution. It was suggested therefore, that the special report should begin with two statements in place of the existing introduction. These should be: (1) That there was a definite attempt to alter the decision of the General Assembly by force, which the Security Council should determine as a "threat to the peace", "breach of the peace", or "an act of aggression" under sub-paragraph (c) of the Preamble to the General Assembly's Resolution. (2) That as a consequence, action by the Security Council was called for under sub-paragraph (a) of the Preamble to the General Assembly's Resolution for the implementation of the Plan of partition; and in the Commission's view, implementation could best be achieved by the establishment of an international force. The facts contained in the draft report could follow these two statements as supplementary evidence and related problems. Thus the Commission would on the basis of the two statements and the explanatory evidence ask the Security Council to act, and would indicate the manner in which it desired the Council to act.

This view was contested on the grounds that it was not within the competence of the Commission to directly request the Security Council to establish an International Force as the means of implementing the General Assembly's Resolution. The Commission in its special report should place

all the facts of the situation before the Security Council and state in its conclusion that without the necessary means it could not proceed further with its task. It was the prerogative of the Security Council to determine under sub-paragraph (c) of the Preamble to the General Assembly's Resolution which conditions constituted a "threat to the peace", "a breach of the peace" or "an act of aggression". If, on the basis of the evidence presented in the Commission's Special Report, the Council should decide that any of these conditions existed in Palestine, then the Council itself would determine what measures it should take. If the Commission itself stated specifically in its report that an international force should be established as the means of implementing the plan of partition, then this might give rise to the unhappy result of discussions in the Security Council as to the competence of the Commission to make such a request. Further, if an international force were requested, then the Commission should state definitely the reasons why such a force was necessary and the functions of the force. Would its task be to re-establish conditions of security in Palestine in order that the Commission might complete its task, or would the force be needed to implement the whole plan of partition?

Mr. SOBOLEV (Assistant Secretary-General) stated that there seemed to be agreement among the members of the Commission on the facts of the case. In the first place there was a definite attempt to alter the decision of the General Assembly by force and the attention of the Security Council should be drawn to this fact. Secondly, the Commission was in agreement that it could not proceed further in its task without the necessary means of doing so. It was clear that certain provisions of the General Assembly's Resolution could not be carried out without these necessary means, and these provisions should be specified in the special report. However, it was for the Security Council to decide whether conditions in Palestine constituted a "threat to the peace" within the meaning of sub-paragraph (c) of the Preamble to the General Assembly's Resolution. If the Commission itself took the initiative in stating that conditions in Palestine constituted a "threat to the peace" then this might give rise to procedural discussions in the Security Council. Furthermore, it was difficult to see how the Security Council could determine that events in Palestine were a threat to "international peace and security" within the meaning of Articles 41 and 42 of the Charter, since so far only the internal events in Palestine were under discussion. It was true that members of neighbouring states were volunteering for action in Palestine, but this was not enough to constitute a threat to

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international peace and security.

In conclusion Mr. Sobolev stated that in his opinion it would be more correct for the Commission to place all the facts before the Security Council and leave the Council to decide whether there existed a threat to the peace, and whether an international force were necessary. However, if the Commission came to the conclusion that on the basis of all the facts, it was justified in asking the Security Council to establish an international force to implement the General Assembly's Resolution, then the Commission should do so on the basis of Article 24 of the Charter and sub-paragraph (c) of the Preamble to the General Assembly's Resolution.

The CHAIRMAN, summing up the discussion, stated that the controversy between these two views arose not on a question of principle but on the formulation of the report and the degree of emphasis to be placed on the various facts and conclusions presented in the Report. He invited his colleagues who supported the first view to prepare amendments to the Secretariat draft report which could be discussed at the next meeting. Following the meeting, Mr. Medina (Bolivia) and Mr. Morgan (Panama) consulted with the Secretary on revisions to be made.

The meeting rose at 12.45 p.m.

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