

UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE THIRTY-FOURTH MEETING

Lake Success, New York

Monday, 9 February 1948 at 2.00 p.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)

DEPUTY SECRETARY TO THE COMMISSION

Mr. Pedro DE AZCARATE, who had been appointed Deputy to the Principal Secretary to the Palestine Commission, was introduced to the members of the Commission.

CONSULTATIONS WITH THE UNITED KINGDOM DELEGATION

Mr. FEDERSPIEL (Denmark) reported on the consultations he had held with Sir Alexander Cadogan and Mr. Bathurst, legal adviser to the United Kingdom Delegation, on various questions entrusted to him by the Commission. On the legal question of defining the exact position of the United Kingdom Government on the termination of the Mandate, it appeared that no decision had been reached as to whether the Mandatory Power would cede its authority directly to the Commission, or whether the Commission would be regarded only as an intermediary agent until some other Government or body took over the duties of the Mandatory Power. It had been agreed that the Commission would address a communication to the United Kingdom Government presenting the views of the Commission and asking the Government for its comments.

Mr. Federspiel had, in the meantime, asked the United Kingdom Delegation to request their Government to suspend any action which might prejudice the present situation in Palestine, particularly with regard to the budgetary situation for the fiscal year beginning 1 April. He had

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asked that action be suspended which might result in the necessity for drawing up a budget for the period 1 April to 15 May; he had also requested that no measures should be taken in regard to the payment of abolition benefits to civil servants in the Palestine Administration. If the views of the Commission were accepted, there would be no dismissal of employees in the Palestine Administration, except on purely personal grounds.

Mr. Federspiel added that he had reaffirmed the Commission's interest in the Aqir air-field and expressed the desire that it should be kept in its present condition, but the matter had not been thoroughly discussed as Sir Alexander Cadogan was awaiting further information from his Government.

No record had been kept of the conversation held, but a memorandum was being drawn up on the subjects discussed.

The SECRETARY read a telegram from the Jewish Community Council of Haifa, addressed to the Chairman of the Palestine Commission, enumerating several acts of violence directed against Jews in Palestine during the previous days.

The CHAIRMAN requested that a copy of the telegram should be sent to the United Kingdom Delegation, and that a telegram should be addressed to the Jewish Community Council of Haifa informing them of the step taken.

CONTINUATION OF THE CONSIDERATION OF THE DRAFT OF THE SPECIAL REPORT TO
THE SECURITY COUNCIL

The SECRETARY called attention to the various modifications which had been made in the first draft of the special report.

Section I

After a brief discussion, several minor alterations were suggested for the text, and it was agreed to consider that part of the report at a later stage.

Section II

In regard to paragraph 1, it was decided to reproduce in the Commission's report the whole of paragraph 13 of the communication from the Delegation of the Arab Higher Committee for Palestine, dated 6 February 1948, which specified the conclusions arrived at by that Delegation.

In discussing paragraph 3, the SECRETARY pointed out that the annex mentioned therein was not yet available, but that it did not affect the contents of the report as it only enumerated the incidents of Arab resistance and hostility to the Plan of Partition. He added that it was

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difficult to classify the material according to the sources of information, as the reports on the incidents had been obtained from the Mandatory Power, the Jewish Agency, and the press, both in the United Kingdom and the United States. He pointed out that the information available was not complete.

The CHAIRMAN stated that, until the termination of the Mandate, the Mandatory Power was responsible for peace and order in Palestine, and that information which was not supported by the Mandatory Power could not be endorsed by the Commission.

It was agreed to use direct quotations whenever possible instead of paraphrasing in the report any information which had been received by the Commission, and that the proposed annex might be eliminated.

After a brief discussion on the meaning of the expression "Arab elements", in the text of paragraph 4, Mr. SOBOLEV (Assistant Secretary-General) pointed out that the Arab elements could be divided into three different categories: Arabs in Palestine, Arabs outside Palestine, and the Arab States as such.

In the re-drafting of paragraph 4 it was decided to add the words "to the Plan of Partition" in the first sentence, and to specify that the resistance came from Arab elements both inside and outside Palestine. The last sentence would be deleted and the final text would read as follows:

"The Commission has no reason to doubt the determination and force of the organized resistance to the Plan of Partition by strong Arab elements, inside and outside Palestine. This Arab resistance, as freely admitted by its leaders, is proceeding in accordance with a deliberate plan to defeat by force the will of the General Assembly".

Section III

It was decided to delete the words "Summary Analysis of the" in the heading.

Paragraph 1 was adopted without comment.

The words "to oppose the will of the Assembly by force" at the end of paragraph 2 were replaced by "to oppose by force the Assembly's Plan of Partition."

The words "The plain fact is that" at the beginning of paragraph 3 were deleted.

It was pointed out that the phrase: "there appears to be no hope, failing effective instruments of enforcement, for checking this process of deterioration" was tantamount to an assertion that, given such means

/of enforcement,

of enforcement, the Commission could check the process of deterioration.

It was suggested that the whole section should be re-written as a chronological survey, giving a picture of the security situation at the date of the resolution, at the time when the Commission started its work, and at the present time.

The SECRETARY observed that very little information was available on the security situation at the date of the adoption of the resolution. The United Kingdom Delegation had stated that they had already given the Commission all the information they had, and direct information had only begun to come in within the last two or three weeks.

The Commission decided to reserve the whole of paragraph 3 for further consideration.

Sub-paragraph (a) of paragraph 4 was deleted.

Sub-paragraph (b) was amended to read: "Organized efforts by strong Arab elements inside and outside Palestine to prevent the implementation of the Assembly's Plan of Partition and to thwart its objectives by threats and acts of violence, including armed incursions into Palestinian territory."

Sub-paragraph (c) was amended to read: "The Jewish community in Palestine is generally in support of the recommendations of the Assembly, but certain elements in that community continue to commit irresponsible acts of violence which worsen the security situation."

Sub-paragraph (d) was re-drafted as follows: "The added complication created by the fact that the Mandatory Power, which remains responsible for law and order in Palestine until the termination of the Mandate, is preparing the liquidation of its administration and the evacuation of its troops."

Sub-paragraph (e) was deleted.

It was agreed to change the order of the paragraphs and to put paragraphs 5, 6 and 7 before paragraph 4.

Paragraph 8 was deleted.

With reference to paragraph 6, it was decided to ask the Mandatory Power to furnish the Commission with more up-to-date figures of casualties.

Section IV

The title of Section IV was altered to: "Security Situation on the Termination of the Mandate."

It was agreed to delete the whole of paragraph 1 and to re-draft paragraph 2, indicating what the security situation would be on the termination of the Mandate.

/Section V

Section V

It was proposed to re-draft paragraph 1, from the beginning of the fourth sentence, to read as follows:

"The Commission is determined to make every possible effort to seek the co-operation of the Arabs of Palestine. The attitude of the Arab Higher Committee, however, creates a situation the consequences of which must be faced. Under present circumstances, and for the reasons set forth in Part — of this Report, it is obvious that the Commission would not be able to select and establish in the proposed Arab State a Provisional Council of Government which would act 'under the general direction of the Commission' and would at the same time enjoy sufficient authority and popular support to function effectively, in face of the opposition presented by powerful Arab interests. It will be equally impossible under the present circumstances to establish in the Arab State an armed militia over which the Commission is to exercise 'general political and military control'. In any event, if the Mandatory Power maintains its position that, because of the security situation, the Commission cannot be acceptable in Palestine until the last critical moment, the possibility for exhausting every effort to consult with the Arabs is destroyed."

It was suggested that the first sentence of paragraph 2 should be redrafted to read as follows:

"According to the statements made by the Jewish Agency for Palestine, it would be technically possible to establish the militia of the Jewish State before the termination of the Mandate."

The whole of Section V was reserved for further consideration.

RELATIONS WITH THE PRESS

Mr. BARNES (Public Relations Adviser) informed the Commission that a United Press correspondent had stated that he knew there was disagreement among the members of the Commission on whether to mention the matter of an international force in the report. Mr. Barnes had thought it advisable to deny the story immediately, before it got any further. The Commission endorsed Mr. Barnes' action.

The meeting rose at 6.15 p.m.