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SUMMARY RECORD OF THE THIRTY-FIFTH MEETING  
OF THE UNITED NATIONS PALESTINE COMMISSION

Lake Success, New York

Tuesday, 10 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. Bunche (Secretary)

## COMMUNICATIONS BY THE CHAIRMAN

The CHAIRMAN called the attention of the Commission to a letter from the United Kingdom representative, dated 9 February, stating that no information was available concerning alleged activities of Lebanese officers in Upper Galilee.

It was agreed that a copy of the letter would be forwarded to the Jewish Agency for Palestine with a request that in the future the Agency, in such cases, should first address the Palestine Government on such matters.

The CHAIRMAN then referred to a letter from Sir Alexander Cadogan dated 30 January, dealing with the subject of a Security Force in Jerusalem. He called particular attention to sub-paragraphs (i), (iv) and (v) of paragraph 2 and to paragraph 3 of that letter.

It was agreed that the information contained in sub-paragraph (i) might be used in the preparation of the special report to the Security Council. As regards the questions contained in the letter, it was decided that a non-committal reply, along the lines of the statement previously made with regard to civil servants in Palestine, should be sent.

The Commission would not alter the existing terms of service; the United Kingdom Government should be asked to suggest, for the information

of the Government of the City of Jerusalem, the name of a suitable

/commander

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commander for the Jerusalem police force.

The CHAIRMAN, speaking with reference to a telegram dated 9 February received by the Secretary-General from the Preparatory Commission of the International Refugee Organization, stated that as the subject of immigration of displaced persons into Palestine was a matter to be handled by the Provisional Council of Government of the Jewish State when it was set up, the suggested meeting in Europe was unnecessary.

It was understood, however, that if the Provisional Council should be unable to function, the matter would be the concern of the Commission.

With regard to a communication from the Jewish Staff of the Town Planning Department, Jerusalem, dated 26 January, it was decided to reply that it was the policy of the Commission to maintain the same personnel on the same terms as far as possible.

It was agreed that a telegram from the Central Union of Landlords in Tel-Aviv, complaining of the actions of the British Army, would be forwarded to the United Kingdom Delegation, and that the Union would be informed accordingly.

The CHAIRMAN next called the Commission's attention to a letter from the Jewish Agency for Palestine, supplementing information submitted in the letter of 30 January and containing photographs of a training camp in Syria. The Commission took note of that communication.

At the CHAIRMAN's request, the SECRETARY read the draft of a paper which was being prepared by the Secretariat concerning embargoes on shipment of arms to the Near East. He pointed out that, with the exception of the United States and the United Kingdom, no information was immediately available with regard to the policies of other Governments on the matter.

It was recalled that there had been an intention to request the United States Government to raise the embargo, in order to enable the Commission to equip the militia in the Jewish State.

The CHAIRMAN stated that the question had been left open for further discussion, which would take place immediately upon the completion of the special report. At that time, the Commission would also discuss the suggestion that the States which had voted in favour of the partition plan should be asked whether they would be willing to sell arms needed to equip the militia.

The CHAIRMAN then submitted a communication of 4 February from the United Kingdom Delegation relating to the Trans-Jordan Frontier Force, and called attention particularly to paragraphs 4 and 7.

It was agreed that the matter was satisfactorily closed.

/At the CHAIRMAN's request

At the CHAIRMAN's request, the SECRETARY read a letter, dated 6 February, from Mr. Shertok on the subject of the credentials of the Jewish Agency for Palestine, and the attached telegram from the President and Chairman of the Vaad Leumi. Action had been taken by the Jewish Agency for Palestine and by the Vaad Leumi in compliance with the Commission's decision of 20 January.

The opinion was expressed that the credentials thus submitted by the Jewish Agency for Palestine were satisfactory, but that it should be made clear to the representatives of the Jewish Agency that, for the purpose of setting up the Provisional Council of Government in the Jewish State, they appeared before the Commission as representatives of democratic parties and public organizations in Palestine, rather than of the Jewish Agency, as the latter was an organ of world Zionism as well as of Jews residing in Palestine.

It was pointed out that the Commission had requested the Jewish Agency for Palestine, as such, to appoint a representative before the Commission.

The CHAIRMAN stated that the Jewish Agency had been asked to designate a representative "for such authoritative information and other assistance as the Commission may require". Now that the stage of considering the setting up of the Provisional Council of Government had been reached, however, it was the duty of the Commission, as stipulated in the resolution of the General Assembly, to consult all the democratic parties and public organizations in Palestine. The Jewish Agency for Palestine had been asked to produce credentials from as many such parties and organizations as possible, in order to simplify the task of the Commission, which would otherwise have had to consult each of them separately.

After a brief discussion, it was agreed that, on the strength of the credentials submitted, the Jewish Agency for Palestine should be accepted as the principal, but not the only, spokesman for the Jews of Palestine; that the parties which it did not represent, such as the Agudath Israel, should be informed of the situation and asked whether they wished separate representation; and that the Jewish Agency for Palestine should be informed of that step.

The CHAIRMAN remarked, with reference to the last paragraph of Mr. Shertok's letter, that the Jewish Agency for Palestine had not been requested by the Commission to submit the agreed views of the democratic parties and public organizations in the Jewish State on the composition of the Provisional Council of Government.

He then called the attention of the Commission to a letter, dated 9 February, from the United Kingdom Delegation; the letter was being

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circulated to the Commission on the understanding that certain information which it contained was strictly confidential.

#### REPORT OF PROCEEDINGS IN THE SECURITY COUNCIL

Mr. STAVROPOULOS (Senior Legal Adviser) presented a brief report of that afternoon's proceedings of the Security Council with regard to the first monthly report submitted by the Commission.

The CHAIRMAN, with reference to the position taken in the Security Council by the Syrian representative, expressed the opinion that the Commission should on no account question or discuss its own legality.

The Chairman's opinion was accepted.

It was remarked that the Commission should be very careful, in its special report, not to give the Security Council grounds for procedural discussion.

The view was expressed, on the other hand, that the report should be given a specific basis for that very reason.

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

##### Section V

Resuming its consideration of the draft of the Special Report to the Security Council, the Commission began with paragraph 3. That paragraph was redrafted to read as follows: "The plan of the General Assembly provided for the establishment of two States and the City of Jerusalem, in each of which the Commission, until the end of the transitional period, is to exercise definite powers of direction and control. If the exercise of authority by the Commission can extend only to one of these entities, an entirely new situation arises to which the Commission has the duty to draw the attention of the Security Council."

Paragraph 4 was rewritten to read as follows: "If power in the territory of the Arab State should be seized by forces hostile to the plan of the General Assembly and beyond the control of the Commission, then the provisions of the resolution affecting the Economic Union as well as the Arab State will be unfulfilled, and the establishment of the Jewish State and of the international regime for the City of Jerusalem will be gravely jeopardized."

It was agreed to redraft the first two sentences of paragraph 5 as follows: "The City of Jerusalem, in particular, which has been conceived as a demilitarized enclave in the proposed Arab State, even if established, would be incapable of defending itself against attacks if British security forces were not replaced by another non-Palestinian force.

/It is hardly

It is hardly necessary to point out the consequences of a struggle between communities in this Holy City of three world faiths."

#### Section VI

The title of this Section was altered to read: "Provisions of the Plan which cannot be fulfilled without the assistance of a neutral armed force."

Paragraph 1 was redrafted to read as follows: "Apart from the impossibility of maintaining order without the assistance of a neutral armed force, there are provisions in the recommendations of the General Assembly which, under existing circumstances, cannot be fulfilled in the absence of such a force."

As regards paragraph 2, the first sentence was adopted unchanged and the second sentence was deleted. The third and fourth sentences were redrafted to read as follows: "The boundary commission, composed of neutral members ... since the Mandatory Power holds to the position that such work, being part of the implementation of the Assembly's plan, may be undertaken only after the termination of the Mandate. In view of the Arab opposition to the plan of partition, an entirely untenable situation would be created if the boundary commission would have to rely on the security forces of the other party for its protection. This eventuality obviously could not be considered by the Commission."

Paragraphs 3 and 4 were consolidated to form, with minor drafting changes, a single paragraph reading as follows: "The same considerations apply to the work of the United Nations Commission itself, to that of the members of the Preparatory Economic Commission (paragraph B. 11 of the plan), and of the staff which will assist the Commission in discharging its duties. The Commission intends to carry out the recommendations of the Assembly impartially and to the best of its abilities. Their freedom of action, their very liberty of movement cannot depend exclusively on the protection they may receive from only one side. This would be contrary to the dignity and efficiency of a Commission of the United Nations endowed with powers of direction and control over the very authorities from which it would have to ask protection."

The meeting rose at 6.10 p.m.