

UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE THIRTY-SIXTH MEETING

Lake Success, New York

Wednesday, 11 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. Trygve Lie	(Secretary-General)
	Mr. Bunche	(Secretary)

CONTINUATION OF THE CONSIDERATION OF THE DRAFT OF THE SPECIAL REPORT TO
THE SECURITY COUNCILSection VI

Resuming its consideration of the draft of the Special Report to the Security Council, the Commission began with paragraph 6 of Section VI.

The whole of paragraph 6 was deleted inasmuch as the substance of it was already contained in other parts of the report.

It was agreed that paragraph 7 should be inserted elsewhere in the Report, possibly in the introductory part. However, the location of the paragraph was left open for the time being.

Section VII

The Commission agreed to insert, in paragraph 1, in the sentence reading "Moreover, as previously indicated.....constitute an additional security hazard", the words "in the Jewish State" after "the local Arab police". In the next sentence, the phrase "arrange for the establishment in each of the proposed States of an armed militia" was deleted.

The opinion was expressed that paragraphs 1 and 2 of Section V were a repetition in substance of parts of Section VII and could therefore be dispensed with. It was, however, pointed out that those paragraphs dealt

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with a different matter than that in Section VII. The decision regarding the deletion of paragraphs 1 and 2 of Section V was left open for the time being.

The view was expressed that Section VII required rearranging. The CHAIRMAN stated that he was aware that a general rearranging of the material of the Report was necessary and that he intended to pass on to that task after completion of the present reading of the draft.

In paragraph 2, the two sentences reading "The Mandatory Power has made it clear.....of the Commission can be openly pursued" were deleted inasmuch as the statement in question was thought premature. The Commission still hoped that, as a result of the negotiations in progress between Mr. Francisco (Philippines) and the Mandatory Power, a compromise might be reached in the matter; that, for instance, the Mandatory Power would agree to the semi-legalization of the Hagana, so that the latter might step into the role of the militia on 15 May.

On the suggestion of the CHAIRMAN, the first and last sentences of paragraph 2 were linked together by redrafting the last sentence to read as follows: "If this could not be done, the grave situation would inevitably arise whereby at the time of the termination of the Mandate there would be no responsible force in either the Arab or Jewish State which could be immediately available to the Commission for the preservation of law and order."

In connection with paragraph 3, the view was expressed that the reference to armed militia should be deleted as it might have the effect of weakening the argumentation of the report aiming at the establishment of an international military force.

It was also pointed out that the report should make it clear that under no circumstances would the Commission itself accept protection from either side.

The SECRETARY suggested the following text for the beginning of paragraph 3: "If the policy of the Mandatory Power should not permit, prior to the termination of the Mandate, the formation of the militia envisaged in the Assembly's plan, it may be taken for granted....."

The paragraph thus amended was accepted only provisionally.

Paragraph 4 was retained unchanged.

With regard to paragraph 5, one view was that it should be deleted from the present report inasmuch as it would form part of another special report dealing with the attitude of the Mandatory Power towards the Commission. Another view was that this paragraph together with paragraph 6 belonged essentially to the present report and would form

a vital part thereof. It was agreed that paragraph 5 would be retained provisionally.

With reference to paragraph 6, the opinion was expressed that the Security Council should not be left in any uncertainty regarding the security position resulting from the gradual withdrawal of the troops of the Mandatory Power. It was decided to retain the paragraph but to ask the Secretary to reword more clearly the last three lines thereof.

Introduction

It was decided to postpone discussion of the opening statement until the following paragraphs had been decided upon.

The first paragraph of the preamble was adopted, subject to redrafting.

With regard to the second paragraph, the view was expressed that the reference to a statement by the Arab Higher Committee "couched in violent and threatening terms" was a deviation from the rule of no criticism or appreciation. It was agreed to mention only the fact that statements had been received from the Arab Higher Committee.

After a short discussion, it was decided to redraft the second paragraph of the preamble as follows:

"The Commission has appraised the security situation in Palestine on the basis of a considerable volume of information, official and unofficial, available to it from a diversity of sources. These sources have included official reports and appraisals from the Mandatory Power; reports and comments from the Jewish Agency for Palestine; three statements by the Arab Higher Committee; and despatches from the Press of the world. On the basis of these reports, the Commission has decided to submit to the Security Council for any action it may deem appropriate the following:"

The two following sub-paragraphs were the subject of a long discussion. On the one hand, it was maintained that it would be politically unwise to make a demand at the very beginning of the report, but that the need for an international force should become evident from the facts contained in the report. It was pointed out that according to the General Assembly resolution, which gave specific functions to the various bodies involved, the task of implementing the resolution and of maintaining peace and security was the responsibility of the Security Council, while the Commission was instructed to be guided by the Security Council. It was not therefore, the duty of the Commission to suggest to the Security Council what action it should take;

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the Commission should confine itself to pointing out that under present conditions the security situation in Palestine was barely tolerable, and that after 15 May there would be no security unless some force were sent to replace the troops withdrawn by the Mandatory Power.

On the other hand, it was argued that it was not enough for the Commission to present the facts to the Security Council; it should state clearly its conclusions. Sub-paragraphs 1 and 2 were the essence of the report; sub-paragraph 1 spoke of attempts to alter by force the settlement envisaged in the resolution, and sub-paragraph 2 pointed out the urgent need for the Security Council to supply an armed force. They were thus interconnected, and both should be retained. From that point, the report would proceed to give the necessary facts to prove its statement.

It was finally decided to postpone decision upon the two sub-paragraphs until the concluding chapter of the report had been examined.

COMMUNICATIONS FROM THE UNITED KINGDOM DELEGATION

Mr. BUNCHE (Secretary) informed the Commission of two oral communications which had been received from the United Kingdom delegation. The first was about the correspondence between the Jewish Agency and the Commission concerning the evacuation plans of the Mandatory Power. Mr. Fletcher-Cooke informed the Secretary that the answer of the United Kingdom Government to his informal inquiry of 9 February was that the communication sent by Mr. Falla on 4 February was their last word - in other words, the United Kingdom Government did not propose to make the information concerning the evacuation plans available to the Jewish Agency.

The second communication concerned the fourteen questions about public information services sent to the United Kingdom delegation by Mr. Medina (Bolivia). Mr. Fletcher-Cooke pointed out that it would be necessary to telegraph Jerusalem for detailed information. Mr. Fletcher-Cooke added that he could give Mr. Medina preliminary views on some of the questions but enquired if Mr. Medina would rather wait for the answers from Jerusalem.

Mr. Medina (Bolivia) stated that he preferred the latter course.

STATEMENT BY THE SECRETARY-GENERAL

At this point, Mr. Trygve LIE (Secretary-General) took his place at the conference table and addressed a few words of congratulation and encouragement to the Commission.

Section VII

In regard to paragraph 1, it was agreed to substitute the words "are evident" for the words "are not at all obscure" in the first sentence. The last sentence of the paragraph was redrafted as follows: "This Commission now finds itself confronted with an attempt to defeat its purposes, and to nullify the resolution of the General Assembly."

In regard to paragraph 2, it was decided that the mention of a date in the first sentence was unnecessary, and that the date of 1 April 1948 occurring later in the paragraph should be changed to "the termination of the Mandate". After it had been agreed to delete the last two sentences, the paragraph was redrafted as follows:

"For the above reasons the Commission has decided to refer to the Security Council the problem of providing that armed assistance which alone would enable the Commission to discharge its responsibilities. The Commission has reached this decision because it is convinced that with the present means at its disposal there is no step which it can take which will improve the security situation in Palestine between now and the termination of the Mandate; and all the more so in view of the difficulty confronting the Commission in even arriving in Palestine at a sufficiently early time before that date. An important factor in the security situation in Palestine today is the absence of any prospect of effective international intervention owing to the known fact that at present the Palestine Commission has not the means at its disposal for properly coping with the situation." This last sentence, however, was reserved for further consideration at a later stage.

In regard to paragraph 3, it was agreed to change the emphasis by placing the phrase "to avert great bloodshed and human suffering in Palestine" before the phrase "and not alone to assist the implementation.."

Paragraph 4 was approved with alteration.

It was agreed to delete paragraph 5 as being no concern of the Commission.

In connection with paragraph 6 it was pointed out that the object of an international force would be to maintain law and order in Palestine, not to implement the resolution. If there were no law and order, the resolution could not be implemented. After a brief discussion it was agreed to redraft paragraph 6 as follows: "It is the considered view of the Commission that the security forces of the

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Mandatory Power, which at the present time prevent the situation from deteriorating completely into open warfare on an organized basis, must be replaced by an adequate non-Palestinian force which will assist law-abiding elements in both the Arab and Jewish communities, organized under the general direction of the Commission, in maintaining order and security in Palestine, and thereby enabling the Commission to carry out the recommendations of the General Assembly. Otherwise, the period immediately following the termination of the Mandate will be a period of uncontrolled, widespread strife and bloodshed in Palestine, including the City of Jerusalem. This would be a catastrophic conclusion to an era of international concern for that territory."

Paragraph 7 was approved without alteration.

It was proposed that a new paragraph should be added either at the end of the report, or incorporated in the introduction. The proposed new paragraph reads: "This report is submitted by the Commission without implications as to the causes behind the situation herein described. In the view of the Commission any appraisal of such causes is beyond its competence." It was agreed that the proposed new paragraph would be considered at a later stage.

Section VII was agreed to with reservations on the part of some members and subject to reconsideration after the introduction to the report had been approved.

The meeting rose at 6.20 p.m.
