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A/AC.21/SR.38
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UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE THIRTY-EIGHTH MEETING

Manhattan Building, New York

Friday, 13 February 1948 at 3.00 p.m.

Present:

Chairman: Mr. LISICKY (Czechoslovakia)

Members: Mr. Federspiel (Denmark)
Mr. Morgan (Panama)

Secretariat: Mr. Bunche (Secretary)

DRAFT NOTE FOR SIR ALEXANDER CADOGAN

Mr. FEDERSPIEL (Denmark) briefly referred to his consultations with Sir Alexander Cadogan and Mr. Bathurst (document A/AC.21/SR.34) and explained that the reason for submitting at that time the draft note to Sir Alexander Cadogan was that it was urgent and should be transmitted to the Mandatory Power as soon as possible. In preparing the note, he and Mr. Stavropoulos (Senior Legal Adviser) who had assisted him, had concentrated on the key question of the status of Palestine after the termination of the Mandate, i.e., that its status, as a separate territorial entity, would not be substantially affected by the end of the Mandatory regime. They had refrained from making out a legal case as they thought that by doing so they might give rise to an argument with the Mandatory Power, which they wished to avoid. They had attempted to draft the note in such a way as to draw out a statement from the Mandatory Power on the fundamental question they wished to be clarified.

After a brief consideration of the draft note and some minor drafting changes, the Commission came to the conclusion that it touched upon a very important principle, that if the Mandatory Power espoused the view it expressed, namely, that not only a change of government was involved, the Commission would have greater responsibilities than those with which it was charged at present.

/It was decided

It was decided to postpone consideration of the note until the next meeting when the Members would have had time to study it.

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

The Commission proceeded with the second reading of the draft of its First Special Report to the Security Council.

Title Page

It was decided to insert the phrase "to the maintenance of law and order and" before the phrase "to the implementation.....Future Government of Palestine."

Section I

Section I was revised as follows: paragraphs 2 and 3 were transposed, paragraph 4 was deleted, and paragraph 5 was approved with the exception of the last sentence, which was deleted.

Sections II and III

Section III, with the title amended to read "The Security Situation in Palestine today", was made Section II, and the former Section II on "Arab Resistance" was incorporated as part of the new Section II.

The following paragraphs and portions of paragraphs were deleted or transposed: From former Section II - paragraph 2, and the first sentence of paragraph 3 were deleted. The quotation in sub-paragraphs 3 of paragraph 3 and the last sentence of paragraph 4 were deleted, and the first sentence of paragraph 4 transposed as the opening sentence of paragraph 3. From former Section III - paragraph 3 was deleted.

After some re-arrangement of the material, the incorporation of certain information contained in the letter of 9 February 1948, received by the Commission from Mr. Fletcher-Cooke, and a few minor drafting changes, the new Section II was agreed upon.

Section IV

This section now became Section III, with the title amended to read "The Security Situation in Palestine on the Termination of the Mandate". The last two sentences of the former paragraph 2 a (i) were deleted, as well as paragraph 2 a (iii). After generally re-arranging the remaining material and making the consequent minor drafting changes, the new Section III was agreed upon.

Section V

In order to call the Security Council's attention to the problem of security in the City of Jerusalem, the Commission decided to divide this section into two sections. The first - the new Section IV - was entitled /"The Problem

"The Problem of Security with Special Reference to the Militia". The second - the new Section V - was entitled "The City of Jerusalem". The latter comprised the whole of paragraph 5 of former Section V. A few minor drafting changes and transpositions were made in the new Section IV, while the new Section V was divided into three paragraphs.

Section VI

The title of Section VI was changed to read "Provisions of the Plan which cannot be fulfilled without the assistance of an Armed Force". Paragraph 4 and the provisional paragraph at the end of the section were deleted.

Section VII

The title of Section VII was amended to read "Implications for the Commission of the Security Problem". Paragraph 5 was deleted. A new sentence reading "The Commission has not yet taken up with the Mandatory Power this special aspect of the security problem" was inserted at the end of paragraph 6. Also a few minor drafting changes were made.

Section VIII

The only modifications made to this section, apart from minor drafting changes, were the deletion of the last phrase in the second sentence of paragraph 2 ("and all the more so.....before that date"), the deletion of the last sentence of paragraph 2, and the deletion of paragraph 7.

The meeting rose at 7.45 p.m.
