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UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE FIFTY-FOURTH MEETING

Lake Success, New York

Wednesday, 17 March 1948, at 4.00 p.m.

Present:

Chairman: Mr. LISICKY (Czechoslovakia)

Members: Mr. Medina (Bolivia)
Mr. Federspiel (Denmark)
Mr. Morgan (Panama)
Mr. Francisco (Philippines)

Secretariat: Mr. Bunche (Secretary)

CONSULTATION WITH MR. SHERTOK OF THE JEWISH AGENCY FOR PALESTINE ON
THE QUESTION OF THE PROVISIONAL COUNCIL OF GOVERNMENT FOR THE JEWISH
STATE IN PALESTINE

On the invitation of the Chairman, Mr. Moshe Shertok and Mr. A. Eban, representatives of the Jewish Agency for Palestine, took their places at the table. Mr. Shertok's statement and his answer to questions put by members on points arising from his statement are reproduced in extenso, as follows:

CHAIRMAN: The only point on our agenda is consultation with Mr. Shertok of the Jewish Agency for Palestine on the question of the Provisional Council of Government for the Jewish State in Palestine. If Mr. Shertok wishes to raise any supplementary questions, I take it he is free to do so.

Mr. SHERTOK (Jewish Agency for Palestine): Thank you very much, Mr. Chairman. You have anticipated a request which I was going to put forward that if, when I have dealt with the main question on the agenda, the time and the patience of the Commission is not completely exhausted, I would beg leave to refer briefly to another subject which the Jewish Agency considers to be urgent.

My primary purpose in appearing before you this afternoon is to make proposals on behalf of the Jewish Agency and on behalf of the organized Jewish

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community of Palestine with regard to the establishment of the Provisional Council of Government for the Jewish State, and to urge that, with all due respect, the Council should be set up without undue delay. We have in mind two dates which bear on the issue, one of which is and one of which is not mentioned in the Resolution. The date that is mentioned in the Resolution is 1 April 1948, by which time, if the one or the two Provisional Councils are not set up or, if they are set up but are not in a position to function, a special report of this circumstance must be made by the Commission to the Security Council.

The other date, which is not mentioned in the Resolution, is 15 May 1948 fixed by the Mandatory Government for the termination of the Mandate. If I may express an opinion, I regard the second date as more important than the first. It is indeed a very crucial date by which time certain arrangements must be ready and in full working order if complete chaos is to be avoided in the territory which I have in mind. But I would submit that the date of 1 April, though not as crucial and as decisive as 15 May, is also important.

The Resolution in paragraph 4, Section B of Part I states as follows:

"The Commission, after consultation with the democratic parties and other public organizations of the Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government....."

The words "as rapidly as possible" appear to us to be operative words, just as the provision for consulting the democratic parties is operative.

We believe that the setting up of the Council need not wait until the date of 1 April is actually reached. However, the approach of that date makes the matter of setting up the Council more urgent.

The paragraph, of which I have quoted the first sentence, continues as follows:

"... The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

"If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations."

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From the negative form in which this particular provision is formulated, I believe that it is reasonable to infer the affirmative conclusion; namely, that it is most vital that by 1 April 1948, the two Provisional Councils should be set up, and that, if at all possible, they should be in a position to carry out their functions. Now it strikes us as significant that two phases are here differentiated from one another and mentioned specifically, each one of them; namely, the question of selecting the Council, and the question of its being able to carry out its functions. The fact that the two phases are specifically mentioned separately appears to us to be material. It means that it was assumed that only the first phase would prove practicable and not the second, and that in that case, the impracticability of the second phase - namely, of the ability of the Council to function - should not be a reason for the non-implementation of the first phase; that is, for the non-establishment of the Council.

It is clear that either contingency was regarded as fairly serious. Otherwise there would have been no such definite provision for a special report to be submitted to the Security Council and also to be communicated to the Secretary-General for circulation to all the Member States. If either contingency is regarded as serious, I think it is logical to conclude that if it is possible to reduce the crisis there is every reason why it should be reduced; namely, that if it is possible to appoint the Council even without its being able to enter upon the performance of its functions, there is every reason why it should be set up. The fact that it cannot function properly should not constitute an obstacle to its appointment. Let the Council at least be in existence and ready to start functioning whenever circumstances become favourable.

This is no mere question of pure logic. I would submit that it has a very important practical aspect. What functions can a Provisional Council of Government be expected to carry out while the Mandate still lasts; that is to say, before the date of 15 May? In paragraph 6, Section B of Part I of the Resolution, there is a very clear provision in this regard; namely, that "The Provisional Council of Government of each State, acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence". That is to say, that the Council is not expected to be fully responsible for administration before the termination of the Mandate. According to the Resolution, it

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becomes fully operative only after the termination of the Mandate. Therefore, in accordance with that, its main task before the termination of the Mandate should naturally be to get ready for the assumption of that main function of administration.

It is true that the Resolution implies the assumption by the Provisional Councils of Government of certain functions even before the termination of the Mandate. One such primary function may be assumed to be the preparation and setting up of the militia or militias. We all know that the effective carrying out of this function has been rendered impossible by the attitude of the Mandatory Power, and in this respect I have nothing to add to what was said in the last report of the Commission which was released, I believe, only yesterday. Actually, even before the Resolution of 29 November was voted, the Mandatory Power had made clear its attitude - that it would be opposed to the progressive transfer of authority in Palestine, and it would rather favour an abrupt transition from mandatory rule to the sovereignty of the United Nations to be exercised in the interim period by the Commission. Therefore, the possibility of the Provisional Council of Government not being able to function by way of exercising any direct authority must have been taken into account when the Resolution was voted; that is to say, when the Resolution assumed the final form in which it lies before us, in the light of the very clear statements made by the United Kingdom.

It may well be that this is actually the reason for the differentiation which we see expressed in the second half of paragraph 4, between mere selection of the Council and its ability to carry out its functions. In view of the attitude of the Mandatory Power, it was reasonable to assume - and it was apparently assumed - that a Council or the Councils may exist and yet remain inoperative as regards the carrying out the direct functions of Government. Yet, as I have already indicated, it was implied that a mere selection and establishment of the Council was a necessary stage. Not only is this no reason why the Provisional Council of Government should be set up well ahead of the termination of the Mandate but, on the contrary, the fact that the Provisional Council of Government will be called upon to proceed to assume full administrative control immediately after the termination of the Mandate without any prior process of a gradual taking over, is to us a very potent reason why no time should be lost in establishing it, so that it should be well prepared, when the crucial date arrives, for the abrupt transition which has been forced on us by the Mandatory Power.

In brief I submit that the mere preparation of the Council for the

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assumption of administrative duties which will devolve upon it after the termination of the Mandate is also an important function which the Council must need to carry out in the present stage before the termination of the Mandate. Such operation of the Council, purely within the preparatory scope, need not and does not in fact conflict with mandatory rule. We understand that the representative of the United Kingdom, speaking as representative of the Mandatory Power, has voiced no objection to the setting up of the Council with a view to its embarking upon the necessary preparations for eventual assumption of administrative control after the termination of the Mandate; and that, in fact, he very nearly urged an early establishment of the Council so that it should be ready. I can quite understand why he took that line because feeling in some small measure responsible for confronting the Provisional Council of Government and the Commission, to begin with, with a very difficult situation by refusing to contemplate any gradual transfer of authority, the representative of the Mandatory Power was anxious to reduce the difficulty to the minimum by suggesting that, in the meantime, all preparations at least can go ahead.

We are very conscious of the responsibility which will devolve upon such Jewish representatives as may be appointed or selected by the Commission, the responsibility which they will have to begin carrying out after 15 May. We consider it to be most vital that they should be given proper time in which to prepare themselves for the task - by carrying out a proper study of the problems which will be confronting them; by setting up an administrative apparatus which should be able to cope with this problem; and by planning the programme of administrative activity upon which they will have to embark.

Theoretically speaking, planning and execution can be two separate processes. Even today a considerable amount of work is in progress in the sphere of planning. The Jewish Agency has set up a series of committees and sub-committees, each of which is dealing with a certain department of public service with a view to preparing as elaborate plans as may be possible, which will serve as blueprints for the Provisional Council of Government as and when it is set up; and particularly as and when it assumes its governmental functions. But I would submit that preparations would certainly be more effective and more conducive to effective responsibility if the person actually designated to be in charge of the various departments of government would know in advance that they will be expected to act in that capacity and should make themselves directly responsible for the

planning of the governmental activity, each in his sphere.

We believe that the situation calls for the immediate establishment of the Council of Government, and the earliest possible designation of the actual persons who would have to run the various departments of government; that is, who will hold the various portfolios, so that the pace of preparation could be quickened, and its results could be made more effective. In addition, after a certain period of preparation, those people should feel ready to assume the full responsibility, always acting, of course, under the supervision and guidance and control of the United Nations Commission for Palestine.

I should now like to touch on one of the questions of the structure, of the size and of the composition of the Provisional Council of Government, which we have in mind for the Jewish State. I should like to emphasize that the plan, which I shall lay before you in general outline, represents the product of very careful deliberation which took place in Palestine, and represents, in fact, an instruction to us here to bring these ideas before the Commission for its consideration and, if possible, early decision. It represents the unanimous opinion of the two governing bodies which operate at present in Palestine within the Jewish community - the Executive of the Jewish Agency and the Executive of the Vaad Leumi, the National Council of Palestine Jews.

The first conclusion that we have reached is that it would be preferable if the Council were not a small body but were a sizeable one. The name "council" implies that it is not a mere executive organ but a deliberative body. There is another consideration bearing on the question of the Council's size, and that is the democratic character of the Jewish community of Palestine and the fact that it is composed of parties.

We regard it as most highly desirable, in fact we regard it as indispensable, that whatever council is appointed should not be monopolized by one or two main parties, but should represent, as it were, a coalition of as many groups and parties as possible. Our aim is definitely a coalition on the broadest possible base. It would be easier to accommodate the various parties and public interests concerned within the larger body than within a smaller body. Naturally we do not envisage that that large body should itself be made directly responsible for the executive functions of government. I think a large council presupposes the formation within it of a smaller executive the members of which would be charged with the actual conduct of day-to-day governmental work. They would report to the Council and

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receive instructions from it. The whole of that dual structure which we have in mind would be operating under the supervision and control of the Commission.

We find direct support for this conception of ours in the text of the Resolution. Paragraph 7, Section B of Part I reads as follows:

"The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local."

By a central organ of government our understanding is such a central executive body. Let us to say, if the Council consists of thirty members - and I will explain a little later exactly why - it can form within it, or within it there can be formed - it is all subject to the approval of the Commission - a central administrative organ which would be the central executive for the Jewish State. We have in mind a council of thirty-one or thirty-two, with an executive organ of twelve to fourteen. For the time being, we are actually proposing the exact figure of thirteen.

If our scheme as a whole proves acceptable to the Commission, we envisage action in two stages which we hope will follow each other in quick succession - first, the selection and setting up of a Council; and second, upon the recommendation of that Council, the approval of a central executive or administrative organ.

I now come to the question of the actual composition of the Council. Here I have a definite proposal to make on behalf of the bodies whom it is my privilege to represent. We propose that the Palestinian sections of the Jewish Agency, together with the Executive of the National Jewish Council in Palestine, should be recognized as constituting the Provisional Council of Government; and that this Council should be enabled, always subject to the approval of the Commission, to co-opt a few members in order to give representation to those groups which might be willing to co-operate in the Council but which are not today represented on either of the two main constituent bodies.

There are to us some weighty reasons why this procedure might be adopted with advantage to the proper functioning of this transitional machinery of government. The first reason is that this is an organ meant for a transitional period. It is not a permanent organ. And, if at all possible, the administrative organ designed to operate within the transitional period should not begin from scratch, if I may use the colloquial expression, but build on existing foundations. Today both the

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Executive of the Jewish Agency operating in Palestine and the Executive of the Vaad Leumi are organs of self-government within the Jewish community. They are not entirely separate and disjointed organs; they are very closely co-ordinated and mutually complementary.

I should perhaps explain that the Executive of the Jewish Agency derives its authority from a world-wide Jewish electorate situated in almost all the countries in the world. It operates in a number of centres. We have a branch of the Executive operating in New York. We have a small branch of the Executive operating in London. We have offices of the Executive in places like Paris and Geneva. We might set up an office anywhere our work would require. However the main field of our activity, is, of course, in Palestine, and it is in Palestine that the Executive is engaged in administrative and constructive work on a fairly large scale. It is our responsibility there to organize Jewish immigration, the absorption of Jewish immigration, settlement on the land, to finance various constructive activities in trade and industry, to promote industrial development, to promote agricultural research and its development, to solve problems of unemployment, to organize training on a large scale etc.

The Executive consists of persons resident in Palestine and resident in other countries. What we have in mind is the inclusion within the Provisional Council of Government only of residents of Palestine or practically all Palestinian citizens without those who are in other countries forming in any way a part of the Provisional Council which is meant for the territory of the Jewish State.

I have mentioned some of the functions which today the Executive of the Jewish Agency is discharging, and previously I said that there was a system of co-ordination operating between it and the Vaad Leumi. The departments which today come within the province of the Vaad Leumi are of a more static nature, if I could consider the departments of the Jewish Agency to be of a more dynamic character; namely, immigration, land settlement, development of industry, etc. The departments of the Vaad Leumi are the regular public services - education, health, social welfare and various forms of communal organization. The two together form one comprehensive whole and represent a fairly considerable sum total of administrative experience and practical knowledge which it would be, in our submission, a pity to waste when the time has come to form the first organ of self-government for the Jewish area.

If the two bodies, constituting together one council, were entrusted with that function, it would represent a natural stage in

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our evolution from the present state of limited autonomy to full-fledged statehood. It would, to our mind, be the most advantageous arrangement that could be conceived in the circumstances.

With regard to some departments, it would be a direct continuation. Of course, it would entail the widening of the scope of those departments. For instance, the Department of Education and the Vaad Leumi are today concerned only with Jewish education. However, it would be easier to add a branch for Arab education rather than to improvise a brand new department of education. I cite that only as an example. The Health Department has had very considerable experience in running hospitals, in organizing the health services, in preventive services, etc. That is also the organ that has co-operated closely throughout, and had at times to struggle fairly actively, with the Government Department of Health. There is no group of people or organ which knows more of the functions of the Government Department of Health than the Department of Health of the Vaad Leumi which has, for many years now, kept in the closest contact with all the aspects of the health work of the government. I am sure that it too will still have a great deal to learn, but I do not think that there is any set-up that knows more than they on this subject. There is no other set-up comparable to them. It is indicated that they should form the nucleus of the Department of Health of the Jewish State. The same consideration applies to all the other departments, such as Social Welfare, etc.

The second reason which I would adduce in favour of this particular proposal is connected with the question of popular support. It is true that the Provisional Council of Government is not supposed to be necessarily based on popular support. It is supposed to and it should derive its authority from the Commission, which, in turn, derives its authority from the United Nations General Assembly. However, I hope that what I say now will not be a moot point.

Granted that this will be the source of authority for the Provisional Council of Government, seeing that we have to deal in Palestine, at least on the Jewish side, with a democratic society, there is every reason so to set up the Council as to ensure that it should command the voluntary and willing allegiance of the community, and from a point of view of public life, should not have to swim against the current.

I see no contradiction whatsoever between the two aspects of the problem - authority stemming from above and popular support coming from below. They should rather be mutually complementary, and should strengthen each other. No election is possible. Anyhow, no general

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election is envisaged in the Resolution for the setting up of the Provisional Council of Government. Therefore the next best solution, the closest possible approximation to a government by the will of the people, is this form of continuity of perpetuation of the present elected authority by investing them with the powers envisaged by the Resolution for the Provisional Council of Government. Thereby, you will be harnessing in support of the Provisional Council of Government the loyalty to and the expectation of leadership from the present governing bodies of the Palestine Jewish Society.

I should like to point out that the present Executive of the Vaad Leumi, of the Jewish National Council, was elected by the elected Assembly of the Palestine Jews, which, in its turn, was elected in 1944. I believe that, according to the constitution, it has to be re-elected every three years.

CHAIRMAN: Are they elected by the system of proportional representation?

Mr. SHEERTOK (Jewish Agency for Palestine): Yes, they are. I shall give some details on this particular aspect a little later.

I want to point out that their mandate is now four years old. The last election took place in 1944. According to the constitution, there should have been an election in 1947. However, owing to the troubled state of the country, all the uncertainties that prevailed, and to the fact that all public authorities were completely absorbed in the very hectic political life that we have gone through and are still going through, it was not found possible to hold a new election. But that is the freshest mandate that exists today as far as the organization of Palestine Jews is concerned.

As far as the Executive of the Jewish Agency is concerned, its mandate is a more recent one. It goes back to as recent a date as November 1946. The last Congress was held at the end of December 1946, and the election took place in October or November of that year. That election was held throughout the world, but I am referring to the elections in Palestine. The electorates for the National Council and of the Jewish Agency in Palestine are practically, though not quite, co-extensive.

CHAIRMAN: Can you tell us about the difference in the electorate?

Mr. SHEERTOK (Jewish Agency for Palestine): The difference is merely that the voting qualification for the Zionist Congress entails a payment of a fee, whereas the voting qualification for the bodies of the Jewish Community of Palestine does not entail the payment of a fee. One must only make sure that one is entered in the voter's register.

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CHAIRMAN: Without difference of citizenship?

Mr. SHERTOK (Jewish Agency for Palestine): Without difference of citizenship. There is a qualification as to residence but not as to citizenship. Therefore the electorate of the Vaad Leumi is potentially larger than the electorate of the Jewish Agency, although if every adult Jew or Jewess in Palestine were to choose to pay his fee, then all would be eligible to vote for the Zionist Congress.

CHAIRMAN: Is the difference great? Are there many Jews in Palestine who do not pay these fees?

Mr. SHERTOK (Jewish Agency for Palestine): Oh yes. It is an active step. I can give you the figures. At the last election to the General Assembly in August 1944, the number of voters was 202,448. 2,500 ballots were blank or invalid for other reasons. The effective number of valid ballots was 199,867. The total number of votes cast at the election in 1946 for the Zionist Congress on 28 October was 196,189.

CHAIRMAN: Is this an election of representatives to the Congress?

Mr. SHERTOK (Jewish Agency for Palestine): Yes, to the Congress. If you take into account that two years have passed and that at least thirty or forty thousand Jews have come into Palestine during that time, the differences should be accepted as being greater. It shows that the Congress elections perhaps lagged behind the General Assembly, but they are very close to them in point of participation.

The third reason why we believe that this arrangement would probably work better than any other than can be conceived is that here you have a party composition ready made, which already assures such council of the support of the overwhelming majority of the community. As I have already indicated, we are anxious to increase that support and to draw in groups which do not happen to be represented. I shall have to say a few words about them. However, even such as it is, it already commands the support of the overwhelming majority. It means ninety-eight point something per cent of the voters to the last General Assembly, and eighty-six per cent of the voters to the last Zionist Congress.

Mr. FEDERSPIEL (Denmark): Are those the percentages of the number who voted?

Mr. SHERTOK (Jewish Agency for Palestine): Yes, definitely. I am only quoting the figures for the votes cast. When I say ninety-eight point something per cent, I mean that per cent of the 199,867; and when I say eighty-six per cent, I mean that per cent of 196,000. Why is there a difference? The difference arises because the Revisionist

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Party, along with one or two other groups, did not take part in the election to the last General Assembly. The Revisionist Party did take part in the last election to the Zionist Congress, and polled about fourteen per cent of the vote. That is what is missing from the one hundred per cent. However, the Revisionist Party is not represented on the Jewish Agency Executive. It does not form part of the governing Zionist coalition, so to speak, just as you have parties in parliament which do not enter into a coalition, but which remain in opposition to the government.

CHAIRMAN: It means that they voted for the Congress but that they did not vote for the General Assembly?

Mr. SHERTOK (Jewish Agency for Palestine): The Vaad Leumi, that is so. But having voted for the active Congress, they were not elected to the Executive. To give arithmetic expression to the general principles which I have been trying to put before you, the number of the Palestinian Members of the Executive of the Jewish Agency is twelve. The total is nineteen, but the number of Palestinian members is twelve.

CHAIRMAN: You mean Palestinian Members who reside in Palestine?

Mr. SHERTOK (Jewish Agency for Palestine): Yes, and they are practically all Palestinian citizens; I hope that they are, down to the last man. The number of members of the Vaad Leumi is fourteen, so that together they are twenty-six. The parties which the two bodies between them would represent are first, the three main parties which are represented on both Executives. That is a party called, for convenience, by a combination of its initials, MAPAI, that is, the Palestine Jewish Labour Party.

CHAIRMAN: Perhaps it would be useful to the Commission if you would also indicate the leaders of the parties.

Mr. SHERTOK (Jewish Agency for Palestine): The leader of that party is David Ben-Gurion, who is, at present the Chairman of the Jewish Agency. Its Treasurer is Mr. Kaplan, and the head of the political department is my humble self. The present political representative in Palestine is Mrs. Myerson. These are members of this party.

I am not now citing these parties in accordance with their size in Palestine, but by their general importance. The second is the General Zionist party which is represented on both, and the third is the Mizrachi Organization or party which has its Labour Wing, but which is a part of the whole party. It is not a separate organization. They are also both represented on both bodies.

CHAIRMAN: Is the Mizrachi Party formed on religious grounds?

/Mr. SHERTOK

Mr. SHERTOK (Jewish Agency for Palestine): Yes. Only observant Jews in the religious sense are members of that party, but they are Zionists and they take full part in all Zionist and Jewish communal activities.

CHAIRMAN: Is it a political party? Does it mean that the members of this party are not members of another organization?

Mr. SHERTOK (Jewish Agency for Palestine): No. You are indicating an essential point, if I may say so, because there are such groups. You will find people who are members of other parties, but it is not so in this case.

CHAIRMAN: What about the leaders of both parties?

Mr. SHERTOK (Jewish Agency for Palestine): The leading figures among the General Zionists in Palestine are Mr. Greenbaum and Dr. Bernstein. Mr. Greenbaum is the head of the Labour Department and Dr. Bernstein is the head of the Trade and Industry Department.

The leaders of the Mizrachi Party or Organization are Rabbi Fishman and Mr. Shapiro. Mr. Shapiro is the head of our Immigration Department.

The Executive of the Jewish Agency consists only of these three parties, whereas the Executive of the Vaad Leumi includes also other groups. Therefore, the Executive of the Vaad Leumi will contribute to the general set-up a few more groups which it represents, such as the Women's International Zionist Organization.

Secondly, there is the organization of the Yemenite Jews and last, which I really should have mentioned first in point of size, another Labour Party. Originally this party was two, but these two parts have recently united and the party is now called the United Labour Party. In your documents, they appear under the different names, Hashomer Hatzair and Thuat L'achdut Ha'avodah, but they are now one party.

The leader of the WIZO is Mrs. Kagan from Haifa, a very distinguished public worker and social welfare worker.

The leaders of the second labour party are those who are the representatives of the Vaad Leumi. I do not know if they will not want to appoint someone else for the governing organ. That is still a question. The leaders are Mr. Repetur and Mr. Nir. The leader of the Yemenite Jews Association is Mr. Habushi who is a teacher, I believe.

CHAIRMAN: Is it understood that the members of the Yemenite Jews Organization are not at the same time members of any other party?

Mr. SHERTOK (Jewish Agency for Palestine): No.

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Thus the total for the two bodies by party would be MAPAI 10; Mizrahi 5; General Zionists 5; The United Labour Party 3. I forgot to mention the Aliyah Hadashah. That is the organization of newly arrived immigrants from Germany. That organization has one; WIZO, one; Yemenites, one. That makes a total of twenty-six.

We have in mind to secure the co-operation of, and we have, in fact, invited the co-operation of four more groups, the Revisionists, the Agudath-Israel, the organization of Sephardic Jews.

CHAIRMAN: Is this also a political organization?

Mr. SHERTOK (Jewish Agency for Palestine): I shall comment on that in a moment. The other organization is the Communist Party of Palestine. We have offered the Revisionists two seats on the Council. We have offered Aguda two seats. We have offered the Sephardic Jews one seat, and we have offered the Communists one seat.

We have offered the Agudath two seats because the Agudath actually consists of two organizations.

The idea was that each part of the Aguda should have one representative.

We have offered the Revisionists two seats, not because they are split within, but because they are a larger party, as is witnessed by the fact that they polled fourteen per cent of the vote in Palestine at the last election.

We offered the Sephardi and the Communists one seat each. The Communist Party is a small party and the Sephardi is rather a border-line case. The Sephardi is not a political party in the true sense of the term. Many of its members are members of other parties, yet many of them are non-party people and in any event in public life not by virtue of any written constitution but in actual fact they constitute a distinct element, the co-operation of which we regard as important to secure through their own elected representatives if possible.

Negotiations are in progress with these groups. For the time being negotiations have been successfully concluded with two of them. The Communist Party has signified its consent to join.

CHAIRMAN: Was it this larger body?

Mr. SHERTOK (Jewish Agency for Palestine): Yes, that which is called the Jewish Communist Party of Palestine signified its intent to join the Council with one seat. The Agudath Israel Workers Organization has signified its definite consent to join the Council with one seat, so that we still have to come to terms with the Revisionists, and with the bourgeois element, so to speak, of the Agudath Israel, and with the

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Sephardi organization. That is exactly the position at present.

CHAIRMAN: What is the situation of Dr. Sneh and his group?

Mr. SHERTOK (Jewish Agency for Palestine): Dr. Sneh is today a member of the other Labour Party, that is, of the United Labour Party.

CHAIRMAN: I remember that some time ago I read in the newspapers that he had seceded from that.

Mr. SHERTOK (Jewish Agency for Palestine): From the General Zionists. He was the General Zionist nominee on the Executive of the Jewish Agency. He was the Agency Zionist delegate to the last Zionist Congress and an Agency Zionist nominee at the last Zionist Congress for the Executive. He resigned from the Executive and he resigned his membership from the General Zionist organization and he joined the newly-formed organization."

CHAIRMAN: With his followers?

Mr. SHERTOK (Jewish Agency for Palestine): No, I am not aware of that.

CHAIRMAN: Was this just an isolated case?

Mr. SHERTOK (Jewish Agency for Palestine): I am not aware of that. If he had an organized following, it was perhaps more the General Zionist Workers Party. They remained within the General Zionists.

CHAIRMAN: So then there is no case for providing especially for his group?

Mr. SHERTOK (Jewish Agency for Palestine): No, unless his group chooses to send him. But actually he is not a member of the Vaad Leumi in that capacity.

Perhaps it would interest the Commission if I were to attempt to go over the list of organizations to which the Commission has addressed itself in trying to elicit their views on the subject.

There are twenty-one titles listed here, and I am not differentiating between those who are listed under "A" and those under "B". We have examined this list. There are five titles here which do not appear to us to have been quite properly included in the list, because they do not represent political, democratic parties in the usual sense of the term. Perhaps I could amplify that by saying that some of them do not represent political parties at all. Some of them may be political, but we believe that they are too small to permit any special consideration. Such, for example, is the Palestine Communist Union which is a small splinter of the Palestine Communist Party. I do not know whether at this time they have re-joined the Communist Party. They may do so any day. This process of ideological splitting has been going on for a long time. There are vociferous tendencies operating in that wing, and there are groups and

/re-groupings

re-groupings. The Communist Party remains. Occasionally it gives birth to some child which proceeds to defy its authority, but then the child comes back and acknowledges the parent body, and that is how it goes on.

Thus, we do not think that the Palestine Communist Union can come into consideration as a constituent party.

Ihud is a small group of intellectuals, headed by Dr. Magnus, which professes and propagates a certain political philosophy with regard to Palestine and a solution of the Jewish problem. To our way of thinking they are not a political body in the ordinary sense of the term. They have never appeared at elections. They have never run candidates for elections, either to the Zionist Congress or to the elected Assembly.

CHAIRMAN: Are their members members of different political parties?

Mr. SHERTOK (Jewish Agency for Palestine): Some of them are and some of them are not. They joined hands in that organization in order to propagate a certain idea. They are not an instrument of political activity. They do not negotiate.

They publish a journal and they give lectures. They occasionally write letters to the Press and they publish appeals. They propagate perfectly legitimately a certain set of ideas for which they stand. They take no direct part in the organized life of the Jewish community as a distinct group.

The League for Jewish-Arab Rapprochement is an organization consisting of members of all sorts of parties, but pursuing the object of creating better relations between Jews and Arabs, and eminently a worthy object.

For instance, one very important element in this League is the Hashomer Hatzair, which was until recently a political party in itself, and which is now a component part of another political party, the United Labour Party. They were, in fact, the backbone of the League for Jewish-Arab Rapprochement.

The Rabbinical Council is neither a party nor an organization. It is an institution. It is the religious arm of the Vaad Leumi. It takes no part in political life at all. The Chief Rabbi may occasionally issue an appeal against terrorism, or for something in his capacity as the Chief Rabbi. The two Chief Rabbis may take an action together as the Chief Rabbinate. But they are not a separate group of people. Actually the two Chief Rabbis today are members of the Mizrachi and they are very active in the Mizrachi Movement in an individual capacity. Thus, the Rabbinical Council is neither here nor there as far as party set-up is

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concerned. It is on an entirely different plane. If you were to list all sorts of public institutions, perhaps you would have to put the Rabbinical Council at the very head of the list.

With regard to the organizations listed under "B", I see listed the Communists Popular Democracy. That introduces an element of double reckoning. That is the title under which the Communist Party of Palestine chose to appear in the election of the Assembly. It is not a separate, a second Communist organization. It is the self-same Communist Party of Palestine. That is the form in which they decided to appear. Actually, they did not call themselves "Communists Popular Democracy", they called themselves "Popular Democracy". It was because everyone knew that this was actually the Communist Party that it became known as "Communist Popular Democracy". But the official title on the voting list, and the name used in canvassing voters was "Popular Democracy". They probably thought that by that way they might gain more votes.

CHAIRMAN: Are they now represented in the General Assembly?

Mr. SHERTOK (Jewish Agency for Palestine): They received under four thousand votes out of a total of over two hundred thousand, running as the "Popular Democracy". Nevertheless, they are a party, and they are quite a distinctive party, and we thought it would be better to have them inside rather than outside.

Thus, having struck off these five organizations, we are left with sixteen. Of the sixteen, I think that twelve have sent cables to this Commission confirming that they are represented by the Jewish Agency in regard to the formation of the Provisional Council of Government. These are, according to our information, the MAPAI, the Achdut Ha'Avodah, Hashomer Hatzair, Hapoel Ha'Mizrachi, Confederation of General Zionists, Mizrachi Federation, Yemenite Jews Association, Women's International Zionist Organization, Merchants and Independent Orthodox, Maccabi, and the Popular Movement for Jewish State.

The last three named were very small groups. They each polled a few hundred votes at the election for the General Assembly. Some did poll over a thousand votes, but they did not qualify for representation on the Executive of Vaad Leumi, but nevertheless they indicated that they stand behind us in regard to the formation of the Council.

We are left with three bodies, the Agudath, of which one part has already concluded a definite agreement with us. We have a letter to that effect signed by them, a copy of which I could give to the Commission. The letter is in Hebrew and would have to be translated. Then there is the

/Revisionists

Revisionists and the Sephardi. At a certain stage in the proceedings the Sephardi sent me a cable which they asked me to transmit to the Commission, and which I did.

CHAIRMAN: I think we have received a letter from the Sephardi.

Mr. SHERTOK (Jewish Agency for Palestine): They went on record as standing behind us at a certain stage. Nevertheless, our negotiations with them on the concrete issues have not yet been completed.

If this scheme in its entire outline commends itself to the Commission, and I naturally do not expect any immediate ruling - but I would most respectfully plead for as early a ruling as possible on this so that no more time should be lost in getting down to the job - then it would mean confirming the two Executives together as a Provisional Council of Government and enabling them to carry on with negotiations with the groups which are still outstanding. In each case the result would be reported to the Commission, and we hope confirmed, so that those few could be co-opted and the representative character of the Council broadened.

It is envisaged, as I have already said, that that Council should proceed to select an administrative organ consisting of thirteen. The composition of thirteen in our proposal would be four for MAPAI, two for the United Labour Party, two for the General Zionists, two for the Mizrachi, one for the Aliyah Hadashah, one for the Agudath, and one for the Sephardi Community.

CHAIRMAN: Is that for the Labour Party of Agudath?

Mr. SHERTOK (Jewish Agency for Palestine): That would probably be for the main part, but not for the Labour part. The alternate may be from the Labour part, if there is need for an alternate. We have not yet settled in our minds all the details of the proposals to be brought before you. You will note that not all the groups which enter into the composition of the Council are envisaged as constituent parts of the administrative organ. We do not include the Revisionists. We do not propose to include the Revisionists in the Executive organ, nor do we think that they are anxious to be included. We do not include the Communists nor do they claim to be included.

There remains only one point for me to make clear. All this, of course, is intended to be a purely Jewish set-up, but it need not necessarily remain in that position. If our wishes materialize, it will not remain in that position.

The moment there is an Arab group ready to co-operate, a seat or seats will be allocated to that group. Theoretically speaking, if the entire

/Arab

Arab community of the Jewish State area were ready to co-operate, that would have meant a fairly substantial addition of seats. That would have to be roughly proportionate to the respective sizes of the two communities. Unfortunately, as things stand today, this is an extremely remote possibility, so that for the time being all that we propose is simply to declare that whenever Arab elements are ready, in rough proportion to their numbers and to their importance, they will be co-opted to the Council and to the administrative organ in the measure as they would declare themselves willing and able, from the point of view of civic courage, to take part. A formal resolution was passed to that effect by the Vaad Leumi.

I should also like to explain, in conclusion that there had been very loose and carelessly-worded references in the Press to the effect that the Provisional Council has already been established, or that a government has been established and that portfolios had been distributed. Nothing of the sort is the case. All that we decided upon was what proposal and what suggestions to bring to this Commission.

CHAIRMAN: Generally speaking, I think that your people in Palestine must be more careful with their declarations. For instance, I read in the NEW YORK TIMES today that Mr. Bernstein made a declaration with regard to the fact that the Jewish currency will be based on dollars. As you know, there is another arrangement.

Mr. SHERTOK (Jewish Agency for Palestine): I know that, and we have sent a cable to inquire exactly as to what was said. We often find that we are misquoted. There seems to be a great deal of impatience to see something actually done, to see something actually materialize, and the Press is trying to force the pace, trying to pluck all sorts of unripe fruits. In that regard, they do a certain amount of harm. However, it does show the impatience with which the public, or at least certain sections of the public, are seized to see tangible progress made in the implementation of this scheme.

Speaking as the official representative of the Jewish Agency, I should like to make it perfectly clear that all that had been decided upon was the formulation of a plan which has now been brought before you. We have been anxious for quite a few days to have the opportunity of bringing the plan to your attention and defending it here. I am very grateful for this opportunity. I know how heavily burdened the Commission is with many other equally urgent duties, and I hope that the Commission will find time to address itself to this subject and to reach conclusions, because as time goes on and as the sands run out, there is a certain feeling of quite

/justified

justified nervousness in Palestine as to what will happen immediately the Mandate is terminated.

If it is felt that constitutional authoritative action is taken within the framework of the scheme and that it will materialize in time, and no unnecessary failure will be reported to the Security Council, it may not even be necessary to report to the Security Council that the Provisional Council has been unable to do everything that the plan had envisaged it should do before the termination of the Mandate. This is no reason why a report should have to be made that it was even impossible to set up the Council, even for the Jewish State area. We believe that it is possible and that such a report of failure can be spared the Commission and all of us who are so vitally interested in the success of the plan. Thus, if that feeling gains ground, it will contribute a great deal to public and political stability in Palestine, and vice versa.

If you permit me now to touch upon the other subject I am quite ready to do so.

CHAIRMAN: Perhaps I should first ask the representatives if they wish to put any questions.

Mr. MORGAN (Panama): I think that the tasks of those who are going to form the Provisional Council of Government, according to the duties that the Commission has to carry out, are very important, and even if the Councils cannot function before 15 May, they can do a lot of work for the Commission. I have a memorandum here with regard to the duties of the Provisional Council of Government. Some of those duties are to take all measures necessary for the functioning of the Jewish State and its Provisional Government; to prepare a plan for the assumption of governmental duties by the various administrative organs of this State and for the organization of its central and local organs; to prepare accommodation and facilities in time for the assumption of these functions; to work out a preliminary budget on a monthly basis beginning with 15 May 1948; to submit suggestions in regard to the undertaking concerning the Economic Union; to prepare an electoral law to the constituent Assembly; to prepare a draft constitution to be submitted to the constituent Assembly; to prepare a detailed plan of the militia of the Jewish State including the problem of its financing; to prepare regulations concerning admission and absorption of immigration and of land transfer; the Provisional Council of Government will perform its tasks in accordance with the resolution of the General Assembly of 29 November 1947.

/Those are points

Those are points which I think are very important.

CHAIRMAN: Have you any questions to put to Mr. Shertok?

Mr. MORGAN (Panama): I want to ask him if they can be able to help in connection with the tasks I have just enunciated. Before that, we would have to put out a regulation.

Mr. SHERTOK (Jewish Agency for Palestine): I shall have to study the plan, Dr. Morgan, before I can give you a definite answer.

Mr. MORGAN (Panama): That is all according to the resolution of 29 November, and the position of the Mandatory Power. We do not want to interfere and there is not a word against this position.

Mr. SHERTOK (Jewish Agency for Palestine): Naturally the Provisional Council of Government would be there to discharge all the duties which would be placed upon it in accordance with the plan, or by some special decision of the Commission. That is what the Council will be there for.

Mr. MEDINA (Bolivia): I have a suggestion to make to Mr. Shertok, if he finds it agreeable.

With reference to the misunderstandings from the Press, to the effect that the Provisional Council of Government has already been set up, and so forth, this might be a very good occasion to clarify that misunderstanding if the Press would be told of the purpose of Mr. Shertok's visit to the Commission today.

Mr. SHERTOK (Jewish Agency for Palestine): I am very much obliged for Mr. Medina's suggestion. Actually I had intended to see to it that this point of my presentation would be included in the summary to be given to the Press.

My other point is connected with the very first point that I brought before the Commission, at my second appearance before it, and that is the need for arms. As the crucial date approaches, there is another rising tide of nervousness on account of the possibility that we may find ourselves facing a much more serious onslaught than the one we have to cope with at present and with which we have been able, generally, to cope without having at our disposal all the indispensable instruments of defense.

If the Mandate is to terminate without an international force being ready to step in, and with all the responsibility for the maintenance of law and order, for the defence of life and property devolving upon the Jewish militia, which responsibility we are prepared to accept and try to live up to if put to the test, it may be foreseen that the Arab States around Palestine will throw into the battle which will be fought on Palestinian soil, larger forces in terms of both manpower and armaments.

/For the time being

For the time being, no artillery has yet been brought into operation on the attacking side. I do not regard mortars as being artillery.

However, there is no guarantee that artillery will not be brought into operation.

I would be obliged if this part of my remarks would not be released to the Press, on this specification. I do not mind that it be released to the Press that I have raised the question of arms for Jewish defence, but that should not include this particular specification.

No planes have as yet been active in Palestine. Yet there is no guarantee that they will not be used.

CHAIRMAN: Is that from the Arab side?

Mr. SHERTOK (Jewish Agency for Palestine): Yes, from the Arab side.

We have a few planes which we have used for reconnoitering and for sending urgent medical supplies, chiefly, and on one or two occasions, food parcels to settlements which were isolated.

However, we used those planes in peace time for the assistance of settlements which were isolated by heavy rainfall.

CHAIRMAN: This is not a military type of airplane?

Mr. SHERTOK (Jewish Agency for Palestine): They are small passenger planes, or small training planes. But I say that there is no guarantee that airplanes will not be sent over.

Thus, first of all we need a larger quantity of the kind of arms which we have today, but we also need new kinds of arms in order to be able to face up to the ordeal which we may have to undergo, and that must be done in time.

We realize that it may be impossible to move the United Kingdom Government to relax its present embargo on the importation of arms for Jewish defence. If they could be moved that would be very important, but being realistic and drawing lessons from a most disappointing experience, we must reckon with the possibility that the present embargo on the importation of arms will be maintained. Even so, it is of the most vital importance for us to be able to bring in arms at least on 16 May. If it is only after 15 May that we shall start negotiations on the purchase of arms and their transportation to Palestine, Heaven knows what may happen in the meantime.

We regard the United States as a very important, potential source of a supply of arms. You know that there is an embargo operating in the United States, without any discrimination for the purposes for which the arms are intended.

/That is a

That is a painful policy to us and it is most directly detrimental to the interests of the party on the defensive in Palestine.

The suggestion which in all humbleness I would take the liberty of submitting to the Commission, which I think was implied in my original representations on the subject, is that this Commission itself should approach the United States Government and possibly other governments. We do not specify only the United States Government, but the approach by the Commission should certainly include the United States Government for a relaxation of the embargo in favour of the party on the defensive and the party which is trying to uphold the authority of the United Nations and because of that is a target of attack.

In all our approaches to the United States Government for months past, we have heard the reply that the United States Government cannot act in this matter on its own, that it can only act as a Member of the United Nations and in response to some decision or request.

CHAIRMAN: What about the establishment of the embargo? They acted then on their own initiative, did they not?

Mr. SHERTOK (Jewish Agency for Palestine): Yes, that is a pertinent point, but I am not here the addressee for such a question. It is a very pertinent point. The United States Government might say that it established the embargo with regard to the whole of the Middle East and not necessarily with regard to Palestine, and that they can only act as a Member of the United Nations in response to some request addressed to it by a United Nations organ. It was not said that once such a request is made they would act upon it, but it was definitely made clear that they cannot consider the proposition unless they are approached by some organ of the United Nations.

CHAIRMAN: Was that the final result of your conversations?

Mr. SHERTOK (Jewish Agency for Palestine): Yes, that has been repeated on innumerable occasions. Therefore, I would make bold to suggest that the Commission should approach the United States Government, and, I should add, possibly other governments, but the United States is the most practical source of supply of arms.

With regard to the form of approach, I would take the line of least resistance, and rather than urge that the United States or other governments should supply arms to us which may entail special Congressional authority in the United States, I would simply say that we should be permitted to acquire arms in the United States and from other countries.

/But the point

But the point arises if I would take that formulation, that I definitely will be coming to the United States with the request for arms because there is no embargo in other countries although other difficulties stand in the way of acquiring arms. Of course, I assume that we would be asked for and that we would give a guarantee that we would merely be acquiring and stock-piling these arms, and that we would ship them only in time to reach Palestine after the termination of the Mandate unless there would be a corresponding change in the attitude of the Mandatory Power.

At this point Mr. Shertok and Mr. Eban left the meeting.

CONSIDERATION OF COMMUNICATIONS FROM JEWISH ORGANIZATIONS IN PALESTINE
IN RESPONSE TO THE LETTER ADDRESSED TO THEM BY THE COMMISSION ON
20 FEBRUARY 1948 (Informal Papers ORG/1-13)

The Commission noted that all cables from Jewish organizations except the one from the Ihud Association empowered the representative of the Jewish Agency to act on their behalf in the negotiations with the Commission on the question of the establishment of the Provisional Council of Government for the Jewish State. The Ihud Association in its communication to the Commission (Informal Paper ORG/1) expressed the desire to be represented directly before the Palestine Commission when it arrived in Palestine.

CONSIDERATION OF THE FINANCIAL AND FOOD SUPPLY POSITION

The Commission decided to postpone until its next meeting the consideration of Mr. Hoofien's communication concerning currency matters (Informal Paper JA/29) as well as Mr. Reedman's comments on the above communication (Informal Paper W/10). Consideration of a communication from the United Kingdom Delegation concerning the food supply position in Palestine (Informal Paper UK/71) was also postponed.

CONSIDERATION OF TWO COMMUNICATIONS REGARDING THE JEWISH DETAINEES
HELD IN KENYA (Informal Papers M/15 and M/16)

The Commission decided to acknowledge receipt of the above communications but to withhold a more definite answer until it had received a reply to its letter addressed to Mr. Fletcher-Cooke in which the question of the detainees had been raised.

CONSIDERATION OF MR. BERGSON'S APPEAL FOR A SECOND HEARING ON THE MATTER
OF THE PROVISIONAL COUNCIL OF GOVERNMENT

The CHAIRMAN pointed out that since Mr. Bergson had denied any connection of his organization - The Hebrew Committee of National Liberation - with any established political party in Palestine, he was not entitled under the Assembly resolution to appear before the Commission on the matter of the

/Provisional

Provisional Council of Government. He noted on this score that Mr. Bergson described his organization as a Hebrew party in exile. The Chairman stated that if Mr. Bergson were allowed to appear again before the Commission, the risk was being run of putting him on the same level as the representative of the Jewish Agency.

The SECRETARY stressed the danger of creating a precedent which a large number of other Jewish-American organizations would seek to follow.

In answer to the suggestion that Mr. Bergson should be heard because there was proof that he was connected with the Irgun Zvai Leumi and hence, with the Revisionist Party with which the Jewish Agency had not yet come to terms, it was stated that even if the Hebrew Committee of National Liberation were connected with the Irgun Zvai Leumi, this would not entitle him to appear before the Commission, as this organization did not constitute a political party. In support of this, it was pointed out that the Revisionist Party was the political branch of the Irgun Zvai Leumi and this party had repudiated Mr. Bergson's organization. The Commission had already communicated with the Revisionist Party on the matter of the formation of the Provisional Council of Government but had as yet received no answer. It was suggested that Mr. Bergson's opinions on the matter could be received through correspondence.

The CHAIRMAN explained to the Commission that he had not earlier placed the letter that Mr. Bergson had addressed to him (Informal Paper M/17) before the Commission because he considered its demands for intercession of the Commission with the American immigration authorities for the granting of visas to two members of the Irgun Zvai Leumi, who were at present in Paris, both impertinent and presumptuous. It was decided, pending the answer of the Revisionist Party, to inform Mr. Bergson that his letter had been received and his opinions noted but that the Commission regretted that it was unable to grant him a second hearing.

CONSIDERATION OF MR. AZCARATE'S CABLE CONCERNING THE MEDICAL SERVICES IN PALESTINE (Informal Paper AP/2)

The CHAIRMAN stressed the importance and urgent character of Mr. Azcarate's cable. He instructed the Secretariat to elucidate the point which Red Cross organization was concerned in the matter. In r to the last part of the cable which concerned the taking over of certa hospitals by the municipal authorities the Commission decided to info Mr. Azcarate that it approved of the solution proposed and agreed in to its implementation.

The meeting rose at 6.25 p.m.
