

UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE FIFTY-NINTH MEETING

Lake Success, New York

Wednesday, 31 March 1948, at 3.00 p.m.

Present:

Chairman:	Mr. LISICKY	(Czechoslovakia)
Members:	Mr. Medina	(Bolivia)
	Mr. Federspiel	(Denmark)
	Mr. Morgan	(Panama)
	Mr. Francisco	(Philippines)
Secretariat:	Mr. Bunche	(Secretary)

CONSIDERATION OF COMMUNICATION OF 30 MARCH FROM MR. AZCARATE ON THE
POLICE FORCE

The SECRETARY read to the Commission a communication dated 30 March from Mr. Azcarate (Principal Deputy Secretary) from Jerusalem concerning the Police Force in that city. Though certain words of the cable were garbled, the latter part, which was the part requiring action, was clear. Mr. Azcarate informed the Commission that members of the British contingent of the Police Force of Jerusalem were willing to remain at their posts and serve under the successor authority. Mr. Azcarate suggested that the Commission should send an expert to Palestine to undertake the recruitment and organization of a Police Force out of this British personnel.

The CHAIRMAN pointed out that Mr. Azcarate's suggestion went further than the Commission had been willing to go in the past. He noted that recruiting meant financial responsibility.

The SECRETARY remarked that, according to the Statute for the City of Jerusalem, there was a responsibility involving the Trusteeship Council. He referred to sub-paragraph c of paragraph 4, Section C of Part III of the Assembly resolution which provided that the organization of a special police force for the City of Jerusalem was the responsibility of the Governor.

/The CHAIRMAN

The CHAIRMAN, while remarking that the Commission, as it had already informed the Security Council, had staked everything on the creation of an international armed force, stated that the legal aspect of responsibility was not as important as the financial one. He called for the views of the Members on the matter.

In reply to a question as to whether Mr. Azcarate's suggestion did not conflict with the Mandatory Power's stated policy, that no recruiting would be permitted to take place before the end of the Mandate, it was pointed out that it seemed apparent that Mr. Azcarate's suggestion had been arrived at in agreement with the United Kingdom authorities in Palestine. The opinion was expressed that the primary responsibility of the Commission was to preserve security in Palestine and that therefore the financial problem should be considered as secondary. It was proposed that the Commission go ahead with Mr. Azcarate's suggestion and present the Security Council with an accomplished fact. The question of guaranteeing the pay of the police force personnel would come later. In answer to this proposal, it was pointed out that Mr. Azcarate's proposal to send a specialist to start recruiting on the spot would mean immediate expenditure, and that further the Commission would have to guarantee the position of the Police personnel after 15 May which it could not do unless it had the necessary funds.

It was proposed that the Commission take a formal stand and act in its capacity of the only governmental authority in Palestine after the end of the Mandate; as such it was authorized to pledge the future revenue of Palestine for the purpose of guaranteeing the expenditure of the proposed police force.

The SECRETARY pointed out the need of determining the exact nature of the proposed police force. He noted that if it were to be considered as a special police force for Jerusalem only, as envisaged in the resolution, there was a risk of jurisdictional complications with the Trusteeship Council, since the Commission had no authority to act in this matter. He stated that the Commission, according to the resolution which granted it authority, would apparently have the right to organize an ad hoc police force in an emergency situation.

In answer to a remark that the Commission could not allow the matter to be impeded by legal considerations, the CHAIRMAN stated that the Commission could not dispose of funds of its own and therefore would have to consult with the United Nations organization. He suggested that the Commission consult the Bureau of the Budget and the Secretary-General on the availability of United Nations' funds

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for such a purpose.

The SECRETARY reminded the Commission of the answer that they had given to the tenth question submitted by the four permanent members of the Security Council.

The CHAIRMAN stated that expenditure for the proposed police force could not be covered by the sum voted by the General Assembly to cover the expenses of the Palestine Commission and could only be charged against the United Nations' working capital fund.

The SECRETARY then formalized the draft of the question to be submitted to the Secretary-General as follows: "Can the Secretary-General charge an amount of say, £40,000 monthly, to the working capital fund which would be repaid out of future or present Palestine revenue? Has the Secretary-General any other means to suggest, for procurement of the necessary funds?" The Secretary pointed out that though it might be assumed that the Mandatory Power was already in agreement on the issue, it was essential for the Commission to have their formal consent.

The CHAIRMAN stressed that it should be clearly understood that the police force in question was an emergency ad hoc force for the period from the termination of the Mandate until the Trusteeship Council took over the Jerusalem area, and in any case, not to extend beyond 1 October. He noted that any decision that the Commission might take on this matter would be subject to the approval of the Trusteeship Council.

The SECRETARY repeated that since two delicate questions concerning United Nations funds and the relations between the Commission and the Trusteeship Council were involved, the Commission should make it clear in its request for funds to the Secretary-General that these funds were meant for the recruiting and organization of an emergency police force; and that these funds were considered necessary by the Commission for the organization of a police force during the emergency period until the special international regime could be established in Jerusalem.

The CHAIRMAN asked whether Colonel Roscher Lund (Senior Adviser) could not be considered as a specialist and proceed with the recruiting if the Commission should so decide.

The SECRETARY replied that this was not possible unless the terms of reference of the Advance Party were altered, but that this could be done if the Commission wished. In reply to a question by the Chairman, whether he considered such a step advisable, he answered that Colonel Roscher Lund could not be at the same time a specialist recruiting and

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organizing the police force and an observer reporting on the security situation.

In answer to a question as to whether the Secretary-General had the authority to approve the necessary expenditure, the Secretary proposed that the Commission await the opinion of the Bureau of the Budget.

At the request of the CHAIRMAN, Mr. COIDAN (Bureau of Administrative Management and Budget) made a statement regarding the question of the financing by the United Nations of a temporary police force for Jerusalem. He stated that the Secretary-General was empowered to withdraw an amount up to two million dollars per year for emergencies involving the maintenance of peace and security. Of that sum commitments had already been made amounting to one and a half million dollars, leaving a balance of five hundred thousand dollars. He said that Mr. Anderson (Director, Bureau of Administrative Management and Budget) was of the opinion that the Secretary-General would agree to draw upon that balance, if requested to do so by the Commission or the Security Council, for the purpose of financing the establishment of a police force. However, additional funds in excess of the five hundred thousand dollars could only be obtained by application to the Advisory Committee on Administrative and Budgetary Questions.

Mr. Coidan added that any funds made available could be furnished either as an expenditure of the budget or as a loan, and that the latter was, of course, preferable.

It was agreed that the Secretary would submit to the Secretary-General a request that the sum of five hundred thousand dollars be made available to the Commission, to be recoverable from future Palestinian revenues, for the purpose of recruiting and organizing an emergency police force for Jerusalem composed of British police personnel in Palestine, on the understanding that the force would remain in existence only until the police force to be set up by the Trusteeship Council took over and not later than 1 October.

THE QUESTION OF WILHELMA (Informal Paper AP/3)

Consideration was given to the communication from the Advance Party (Informal Paper AP/3) on the subject of accommodations for the Commission in Palestine. It was decided that Mr. Azcarate (Deputy Principal Secretary) would be directed to reply to the Mandatory Power that the Commission considered the location of Wilhelma to be totally inadequate, and to request the Mandatory Power to suggest alternative locations -

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preferably in or near Jerusalem, but also elsewhere in Palestine or outside but near Palestine.

The SECRETARY drew attention to the view reported in the first paragraph of the Advance Party's communication that the Commission should not come to Jerusalem at all before the termination of the Mandate.

A decision on that point was postponed until the next meeting.

CONSIDERATION OF THE QUESTION OF CONSULTATIONS WITH REGARD TO THE PROVISIONAL COUNCIL OF GOVERNMENT FOR THE PROPOSED JEWISH STATE (Informal Papers M/23, ORG/22, ORG/20, ORG/19, ORG/23, ORG/24 and JA/36)

The SECRETARY, in reply to a question, stated that of the various Jewish parties and public organizations in Palestine to which the Commission had addressed a letter regarding consultations on the Provisional Council of Government for the Jewish State, only one, the League for Jewish-Arab Rapprochement, had not been heard from (Informal Paper ORG/24). There was some doubt, according to available information, that this organization was still in existence. In any case its membership was covered in part by the Hashomer Hatzair organization which had vested authority in the Vaad Leumi and the Jewish Agency.

The Secretary summarized the stage of consultations as follows. Most organizations had indicated that they would be represented by the Jewish Agency. There remained the Ihud (Union) Association which wished to enter into direct consultation with the Commission in Palestine, and the Central Agudath Israel which had authorized two of its representatives to consult with the Commission at Lake Success. Mr. Shertok of the Jewish Agency had already appeared before the Commission to express his views. It might be desirable to arrange another consultation with him to complete all details. As for the Ihud Association, the Commission might wish to direct Mr. Azcarate to consult with Dr. Magnus in Jerusalem. As for the Central Agudath Israel, it remained for the Commission to hold a consultation with the two Rabbis who had been named to represent that organization. That would complete the consultations and need involve only a few days.

It was agreed that a consultation with the representatives of the Central Agudath Israel would be arranged for the following Friday.

It was noted that the Communist Party, although it wished to be represented at the present stage by the Jewish Agency, reserved the right to submit detailed comments on the setting up of the Provisional Council of Government at a later stage.

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It was agreed that the Communist Party should submit any such comments to Mr. Azcarate (Deputy Principal Secretary).

The SECRETARY read an informal memorandum, prepared by the Secretariat, outlining the steps which the Commission might promptly take with regard to a Provisional Council of Government for the Jewish State.

The memorandum opened with the statement that the Commission had decided that a Provisional Council of Government for the Jewish State, acting under the Commission, could exercise no authority in Palestine before the date of the termination of the Mandate, but that it would proceed with such preparatory steps leading to the establishment and functioning of a Provisional Council of Government as it might be able to take. The immediate next steps which the Commission might take in pursuance of this decision were suggested in the following draft formulations:

"1. The Commission decides that it shall complete its consultations on the Provisional Council of Government for the Jewish State with the representative of the Jewish Agency and with the representatives of other Jewish parties or public organizations desiring to consult directly with the Commission.

"2. On the basis of such consultations and subject to the understanding that the Provisional Council of Government, acting under the Commission, will exercise no authority in Palestine prior to the termination of the Mandate, the Commission shall reach early decisions on

(a) the size, structure and composition of the Provisional Council of Government for the Jewish State;

(b) the means of ensuring democratic representation for the population of the Jewish State, including the substantial Arab minority;

(c) the selection of the Council, involving the assignment of the various portfolios;

(d) the extent of the authority with which the provisional Council will be endowed initially when it begins to carry out its functions;

(e) the means of achieving the progressive transfer of authority from the Commission to the Council as envisaged in paragraph 6, B, I of the Plan; and

/(f) the extent

(f) the extent of the supervision and control which the Commission will exercise over the Council when it begins to carry out its functions, and the means of doing so.

"3. The Commission, having selected the Provisional Council of Government of the Jewish State on the understanding that it will act under the Commission and can exercise no authority in Palestine until after the termination of the Mandate, requests that Council to undertake certain preliminary tasks and to submit to the Commission for its approval recommendations concerning

(a) the seat of the Provisional Council;

(b) a plan for the establishment of central and local administrative organs of government, to be established by the Council, acting under the Commission;

(c) a preliminary budget, on a monthly basis, as from 15 May 1948;

(d) draft election regulations as envisaged in paragraph 9, B, I of the Plan;

(e) plans for holding elections to the Constituent Assembly as provided in paragraph 9, B, I of the Plan;

(f) a detailed plan for the recruitment, organization, financing and command of the armed militia as set forth in paragraph 8, B, I of the Plan;

(g) immigration; and

(h) land regulation."

The above memorandum was accepted by the Commission. The Chairman asked that each Member prepare and submit at a subsequent meeting a memorandum setting forth his own views on the size, structure and composition of the Provisional Council of Government for the Jewish State.

It was also agreed that, in view of the fact that the Arabs of Palestine had not expressed any willingness to deal with the Commission generally, the Commission would confine itself for the time being to consideration of consultations with Jewish organizations only.

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING MILITIA
(Informal Paper UK/88)

The Commission took note of the above communication and agreed that Colonel Roscher Lund (Senior Adviser) should be requested to expedite the transmittal to the Commission of the information which, according to the communication, he had been given by the Government of Palestine.

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING PAYMENTS
TO THE SUPREME MOSLEM COUNCIL (Informal Paper UK/60)

With reference to the above communication, Mr. FEDERSPIEL (Denmark) stated that he had gone into the matter of the proposed increase in the annual payments made to the Supreme Moslem Council and had found the sum of the increase to be reasonable.

It was agreed that the receipt of the communication should be acknowledged and that the information therein should be accepted as satisfactory.

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING ASSETS AND
LIABILITIES OF THE PALESTINE GOVERNMENT (Informal Paper UK/76)

It was decided that a copy of the above communication should be transmitted to the Jewish Agency together with a request for their comments, and that no reply should be sent to the Mandatory Power pending the receipt of the comments from the Jewish Agency.

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING CONTINUANCE
IN OFFICE OF BRITISH OFFICERS OF THE PALESTINE ADMINISTRATION AFTER
15 MAY (Informal Paper UK/67)

Note was taken of the above communication.

The SECRETARY observed that the communication clarified the position of the Mandatory Power on the matter in question, whereas the Commission had yet to clarify its own position.

The CHAIRMAN observed that the question involved the whole complex of the Commission's responsibilities after 15 May.

Consideration of the matter was postponed pending further developments in the Security Council.

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING THE CONTINUED
EMPLOYMENT OF PALESTINIAN PERSONNEL UNDER THE COMMISSION (Informal
Paper UK/68)

Note was taken of the above communication. It was decided that Mr. Azcarate (Deputy Principal Secretary) should be requested to forward any available information regarding the reaction of the Palestinian personnel to the announcements in question.

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING THE EXPLOSION
AT THE JEWISH AGENCY BUILDING, JERUSALEM (Informal Paper UK/69)

Note was taken of the above communication, it being decided that no action regarding it was necessary.

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING THE ARAB
LEGION IN PALESTINE (Informal Paper UK/89)

Note was taken of the above communication. It was decided that a copy of it should be transmitted to the Jewish Agency which had raised the question of the Arab Legion with the Commission.

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING OIL
PROSPECTING IN PALESTINE (Informal Paper UK/80)

The Commission noted the contents of the above communication and, after some discussion, agreed that a force majeure situation existed with respect to the oil prospecting in question.

It was agreed that no action regarding the communication was necessary.

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING CARD INDEXES
PREPARED BY THE PALESTINE ADMINISTRATION (Informal Paper UK/82)

It was agreed that a member of the Secretariat should be sent to the offices of the United Kingdom Delegation to inspect the card indexes in question.

The meeting rose at 6.15 p.m.
