

GENERAL
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UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE SIXTY-THIRD MEETING

Lake Success, New York

Thursday, 8 April 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 THE QUESTION OF RECALLING THE ADVANCE PARTY

The SECRETARY informed the Commission that two cables had been received from Mr. Azcarate (Deputy Principal Secretary) the first of which had been dispatched prior to receipt by Mr. Azcarate of the Secretary's cable regarding possible arrangements relative to the recalling of members of the Advance Party, and the second of which was in reply to that cable. In the first cable, Mr. Azcarate suggested that Mr. Stavropoulos (Senior Legal Adviser) be recalled in time to be of service to the Commission in connection with the Special Session of the General Assembly.

In the second cable, Mr. Azcarate stated that, in view of the developments regarding the Palestine question, he did not consider that the presence of the Advance Party in Jerusalem was either necessary or desirable. However, he was convinced that it was important that a representative of the Secretary-General should remain in Palestine to maintain personal contacts with members of the various elements there, particularly during the negotiation of a truce and the elaboration of a plan of Trusteeship. He stated that he would be willing to remain in Palestine in that capacity. Also, he advised that Mr. Stavropoulos and Mr. Ghosh were returning to Lake Success as soon as possible, that Colonel Roscher Lund was returning a little later, and that the two secretaries were remaining in Palestine with him.

/The SECRETARY

The SECRETARY then read a draft reply to Mr. Azcarate's second cable giving Mr. Azcarate the instructions of the Secretary-General and the Chairman of the Commission to the effect that Mr. Stavropoulos and Mr. Ghosh should return immediately, while Mr. Azcarate and Colonel Roscher Lund should remain in Palestine for the time being, but should be prepared for immediate return for consultations with the Commission on a signal from headquarters.

After a brief discussion of the text of the draft cable, it was agreed that the instructions should be those of the Secretary-General and of the Commission rather than of the Secretary-General and of the Chairman of the Commission, and that it should be added that the Commission had no responsibility in the matters of the truce and of the Trusteeship plans. Also, it should be added that in view of Mr. Azcarate's statement that the presence of the Advance Party in Palestine was unnecessary from the standpoint of the Commission's work, it was considered that all the members of the Advance Party would have greater utility at headquarters during the General Assembly, and that a further communication would be sent to Mr. Azcarate, after another consultation with the Secretary-General, regarding his suggestion that there should be a representative of the Secretary-General in Palestine in connection with any negotiations concerning the truce and Trusteeship plans.

REPORT BY MR. MORGAN (PANAMA) ON HIS NEGOTIATIONS WITH THE UNITED KINGDOM DELEGATION REGARDING THE QUESTION OF THE FLOW OF FOOD SUPPLIES TO JERUSALEM

Mr. MORGAN (Panama) gave a report on his consultation with Mr. Fletcher-Cooke (United Kingdom delegation) regarding the question of the flow of food supplies to Jerusalem.

He stated that he had informed Mr. Fletcher-Cooke that he wished to consult him on behalf of the Commission regarding possible co-operation between the Palestine Government and the Jewish Agency respecting arrangements for the safe transport of food supplies to Jerusalem.

Mr. Fletcher-Cooke had informed him that the United Kingdom delegation was awaiting a reply to a communication they had sent to Jerusalem regarding the matter. He promised to telephone Mr. Morgan as soon as the reply was received.

Mr. Morgan enquired whether Mr. Fletcher-Cooke would agree to a joint consultation which the Commission would hold with him and Mr. Shertok of the Jewish Agency on the matter in question. He had gained the impression that Mr. Fletcher-Cooke would not object to such a consultation. However, Mr. Fletcher-Cooke had indicated that he would have first to await the reply

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mentioned above, and would have also to clear the matter with Sir Alexander Cadogan.

PRELIMINARY DISCUSSION OF THE DRAFT OF THE REPORT TO THE SPECIAL SESSION OF THE GENERAL ASSEMBLY

Mr. MEDINA (Bolivia) stated that with the assistance of the Secretary, he had prepared a draft of the short report he had outlined, under ten points, at the sixty-second meeting, and that this draft report was being circulated to the members.

He reiterated his earlier view that this short version of a report should be accepted as the basis for the Commission's Report to the Special Session of the General Assembly and that the excellent detailed document which had been prepared by the Secretariat should be attached to the short report as an annex.

In this way the chief problem presented to the Commission by the action of the Security Council would be emphasized by the Commission in its Report to the General Assembly.

He explained that the first nine points of his draft Report were an outline of facts, while the tenth point called the attention of the representatives to the General Assembly to the grave implications for international law and order and to the prestige of the United Nations if the decisions of the General Assembly were to be reversed because of attempts to alter them by force.

It was his own view that the Commission had a moral obligation to call attention to that responsibility. However, he would welcome a discussion regarding whether or not the tenth point should be included.

With reference to the three Reports which the Commission had made to the Security Council, and to which reference would be made in the Commission's report to the Special Session of the General Assembly, it was agreed that copies of the reports should not be attached to the report to the General Assembly. In this connection it was pointed out that copies of the Commission's reports to the Security Council had been sent to all the Members of the United Nations and that, if desired, copies of these reports could be supplied to the representatives at the Special Session of the General Assembly.

The SECRETARY drew attention to the drawbacks involved in the procedure suggested by Mr. Medina whereby the detailed part of the Commission's report would be attached to a short report as an annex thereto: the usual assumption regarding anything attached as an annex was that it was of secondary importance only, and in practice such annexes were frequently not very carefully read. He pointed out that it
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would be unfortunate if the detailed report were not read; it was not of secondary but of primary importance; indeed it was an obligatory accounting of the Commission's work since the passage of the General Assembly's resolution on partition. On the other hand, he thought that the Commission might usefully introduce, as part of single, full report, some such statement as contained in Mr. Medina's draft report, and highlight it at the beginning of the report so that its political significance might be fully appreciated.

Mr. MEDINA (Bolivia) said that he did not think the detailed part of the report would be disregarded if it was attached as an annex. On the other hand, he feared that what he regarded as the main problem, which he had tried to bring out in his draft report, would be lost if it was incorporated in the large report.

The view was expressed that inasmuch as the Commission was an executive and not a policy-making body the substance of its report should not be primarily political.

The CHAIRMAN wondered whether it was appropriate technically to attach as an annex fresh material which was being presented for the first time.

The SECRETARY thought that if the Commission attached an outline - a document which was being presented for the first time - of its work as an annex to what was essentially a political statement, the impression conveyed would be that the Commission considered itself a policy-making body and regarded a statement of its political views of primary importance, and its executive work of secondary or even trivial importance. Technically, also, it would not be good practice to annex the large, analytical document to a five-page report. It would convey the impression that the Commission itself did not attach very much importance to it. Psychologically, too, the effect would be the same.

After further discussion, it was agreed that the draft report prepared by the Secretariat and the draft report submitted by Mr. Medina should be merged into a single report.

Mr. MEDINA (Bolivia) stated for the record, however, that his own view remained unchanged: he would have preferred to have his draft report serve as the basis for the Commission's actual report with the other report prepared by the Secretariat attached as an annex.

After a brief debate on the procedure to be followed during the discussion of the report, it was agreed to examine, in the first place, the draft report submitted by the Secretariat.

/CONSIDERATION

CONSIDERATION OF FIRST DRAFT OF THE REPORT TO THE SPECIAL SESSION OF THE
GENERAL ASSEMBLY (Informal Paper R/11 and R/11/Add.1)

It was agreed that the report to be rendered to the Special Session of the General Assembly should not be labeled "special" report, but simply a report of the activities of the Commission to date.

Chapter I: Organization and Procedure of the Commission

Section 1: Establishment and Meetings of the Commission

This section was approved with one minor drafting change in paragraph (a).

Section 2: Dates Having Significance for the Commission's Work

It was agreed to delete this section.

Section 3: Tasks of the Commission

This section, now re-numbered Section 2, was approved with a few minor drafting changes and with the insertion between sub-paragraphs (iii) and (iv) of paragraph 2 of two additional sub-paragraphs. The first new sub-paragraph referred to the instructions to the Provisional Councils of Government concerning the establishment of administrative organs of government, central and local. The second new sub-paragraph referred to the maintenance of public order in the transitional period following the termination of the Mandate and prior to the transfer of this responsibility to the Provisional Councils of Government.

Section 4: Invitation to the Mandatory Power, the Arab Higher Committee, and the Jewish Agency for Palestine

This section, now re-numbered Section 3, was approved after some drafting changes had been made in paragraph 1.

Section 5: Reports of the Commission to the Security Council

This section, now re-numbered Section 4, was approved unchanged.

Chapter II: Major Difficulties Confronting the Commission

Section 1: Position of the Mandatory Power

Sub-Section (a): Implementation of the Resolution

The first paragraph was approved unchanged.

After a brief discussion, the second paragraph was re-written as follows:

"The attitude of the Mandatory Power was bound to limit its co-operation with the Commission. The Mandatory Power has recognized the Commission as the sole authority which, after 15 May 1948, will be the Government of Palestine and to which it will be open on that date 'to assume full responsibility for government in the whole of Palestine, subject only to the over-riding military jurisdiction of the General Officer Commanding in areas to be specified by him'. This

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recognition, however, does not extend to the application of certain specific provisions of the Plan, which the Mandatory Power has not considered binding upon itself."

Sub-Section (b): Rejection of Progressive Transfer of Authority

The title of sub-section (b) was changed into "Progressive Transfer of Authority"

Sub-paragraphs (i) and (ii) were interposed and re-designated (b) and (a) respectively. Sub-paragraph (i) was split into two different sub-paragraphs. Sub-section (b) was approved with a few drafting changes.

Sub-Section (c): Date for Commission's arrival in Palestine

It was agreed to add the following at the end of the paragraph:

"This position was re-affirmed on several occasions, although the Commission, on 3 February 1948, had formally communicated to the Mandatory Power its dissatisfaction with this policy and had pointed out that this limitation on its arrival in Palestine would make it impossible for the Commission to discharge the responsibilities entrusted to it by the General Assembly."

Sub-Section (d): Attitude toward Other Provisions of the Plan

The title of sub-section (d) was changed into "Other Provisions of the Plan". This sub-section was approved unchanged.

Sub-Section (e): Explanation of Mandatory Power

It was agreed to delete this sub-section.

Sub-Section (f): Evacuation of Seaport and Hinterland

It was agreed to delete the following: in the first paragraph, the first and third sentences, reading respectively "The attitude...to observe." and "The answer was...the Mandate continues..."; in the second paragraph, the first sentence reading "In addition...Assembly's resolution..."; the whole of the last paragraph reading "The above answer...British troops".

The sub-section was approved with minor drafting changes rendered necessary by the above-mentioned deletions.

Sub-Section (g): Implications for the Commission of the Position of the Mandatory Power

This sub-section was approved with a number of drafting changes.

Section 2: Arab Opposition

The title of this section was changed to "Arab Resistance".

The first paragraph was adopted with a number of drafting changes.

The first sentence of paragraph 3, reading "Arab opposition...Palestinian territory" was inserted after the first paragraph and as a separate paragraph.

The first sentence of paragraph 2, reading "The Commission has had to report...envisaged there.", was made the third and final paragraph of this section.

/It was agreed

It was agreed to delete all the rest of the section.

Section 3: Strife in Palestine; Deterioration in Administration, Law and Order.

This section was approved with minor drafting changes.

The meeting rose at 6.35 p.m.
