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UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE SIXTY-FIFTH MEETING

Lake Success, New York

Saturday, 10 April 1948, at 2.00 p.m.

Present:

Chairman: Mr. LISICKY (Czechoslovakia)

Members: Mr. Medina (Bolivia)

Mr. Federspiel (Denmark)

Mr. Morgan (Panama)

Mr. Francisco (Philippines)

Secretariat: Mr. Bunche (Secretary)

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

The SECRETARY informed the Commission that the report would be presented to the members for their signature on Tuesday, 13 April, in the form of an "A" document. By that time the report would have already been distributed to the Members of the General Assembly. There would be no "A/AC" version of the report.

The CHAIRMAN expressed the opinion that it was logical at this stage to consider the draft submitted by Mr. Medina (Bolivia), and to consider later the chapter on economic, financial and fiscal problems. He added that Mr. Medina's draft would be incorporated in the body of the report either as an introduction or as conclusions.

Mr. MEDINA (Bolivia) suggested a compromise solution to bridge the gap between his earlier proposal that his draft should be submitted separately as the Commission's report to the General Assembly and the counter suggestion that it be incorporated in the body of the report drafted by the Secretariat. He stated that the Secretary-General had suggested to him that the precedent of his annual report to the General Assembly might be followed. This consisted of an introduction to the report which was separate from the report itself, and bore the signature of the Secretary-General and was followed by the rest of the report.

/Mr. Medina

Mr. Medina proposed that the same line be followed by the Commission, namely that his draft might be signed by the members of the Commission and the report prepared by the Secretariat follow without signatures.

The SECRETARY pointed out that in the annual report submitted by the Secretary-General to the General Assembly the introduction which was prepared by the Secretary-General himself, set forth his views, and was signed by him, while the rest of his report consisted of the accounts of departmental activities. If the Commission were to follow this form, however, it might imply that the rest of its report, which would be left unsigned, would not in fact be part of the Commission's report, since the Commission was not organized on a departmental basis.

It was further remarked that if Mr. Medina's proposal were adopted and at the same time the above drawback were to be avoided, the result would be that the report would have to be signed twice and in two different places, which it was obviously not possible for the Commission to do.

The CHAIRMAN stated that the form followed by the Secretary-General did not constitute a precedent for the Commission and affirmed that the Commission would have to follow the usual method of signing its report at the end. He asked the opinion of the other members, who agreed with his views.

The Commission decided that the signature of members should be affixed only at the end of the report.

The CHAIRMAN invited Mr. Medina to submit formally his draft report and to explain its purpose.

Mr. MEDINA (Bolivia) recalled the statements he had made at the sixty-second and sixty-third meetings (documents A/AC.21/SR.62 and A/AC.21/SR.63) and pointed out that his draft constituted an enumeration of facts and opinions included in the body of the draft report prepared by the Secretariat and already approved by the Commission.

The CHAIRMAN noted that since it appeared that Mr. Medina's draft was to constitute a kind of extended summary of what would follow in the report, it should include references to the relevant chapters of the report.

Mr. MEDINA (Bolivia) agreed with the Chairman's suggestion and remarked that the only exception to this was to be found in the last paragraph of his draft.

The opinion was expressed that since all the points contained in Mr. Medina's draft were already included in the report, no useful purpose would be served by its incorporation as an introduction. With

regard to paragraph 10 of the draft, it was pointed out that the Commission was an executive and not a policy-making body. Political criticism of other bodies of the United Nations was considered inadvisable. Mr. Medina was called upon to explain the political purpose of his draft.

Mr. MEDINA (Bolivia) explained that he did not consider his draft of a political nature, as opposed to the technical parts of the report. He stressed however, the psychological impact of a brief summary of the salient points of the Commission's work at the beginning of its report. He further stressed the necessity of explaining the position in which the Commission had been placed by the resolutions of the Security Council.

This opinion was supported and it was added that the Commission should make it clear that it was not being made ridiculous. The necessity of submitting a brief over-all view of the situation, in addition to the particular aspects of that situation, was also stressed.

The CHAIRMAN suggested that, in view of Mr. Medina's explanation of the purpose of his draft, the Commission might agree to consider it as an introduction and an extended index of the report with suitable references to all points dealt with therein. Accordingly he proposed that the Commission should decide whether or not to incorporate Mr. Medina's draft as an introduction to the report, before embarking upon a detailed discussion of the draft itself.

The objections raised previously to Mr. Medina's draft as the Commission's report were withdrawn in view of these explanations.

The Commission agreed to consider Mr. Medina's draft as an introduction to the draft prepared by the Secretariat.

The Commission next proceeded to a detailed consideration of the introduction, paragraph by paragraph.

The SECRETARY proposed a number of drafting changes which were necessary in order to make certain relevant passages conform either with the text of the resolution or the text of the Commission's reports to the Security Council.

The CHAIRMAN stated, in regard to paragraph one, that he was opposed to the Commission's quoting part of the preamble of the General Assembly resolution. He pointed out that this was a matter which concerned exclusively the Security Council. He stated that the Commission's position towards the Security Council had been provided for in that part of the General Assembly resolution which instructed the Commission to submit a monthly progress report as well as any other problem that

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might arise to the Security Council. He maintained that the part of the resolution that was being quoted in paragraph one might be considered as implying a criticism of the Security Council.

It was suggested that paragraph 14, Section B of Part I of the resolution be substituted.

In answer, it was observed, in the first place, that the authority of the Commission to act was based on this part of the preamble of the Assembly's resolution, and, secondly, that the difficulties with which the Commission had been faced in the fulfilment of its task mainly originated with the refusal of the Security Council to conform to the preamble.

The CHAIRMAN conceded that this might be true of sub-paragraph (a) but pointed out that sub-paragraphs (b) and (c) were quite independent of the existence of the Commission.

It was remarked that even sub-paragraph (a) was unconnected with the subject of an armed force which was raised in the draft under consideration.

The opinion was expressed that the Commission's report was a justification of its own actions as well as an exposition of its opinion, and therefore should include an explanation of the situation.

The CHAIRMAN stated that, though the Commission could submit an explanation of its own actions, it was not entitled to explain the actions of another and superior body to which the General Assembly had subordinated it.

The question was raised whether or not the Commission was subordinate to the Security Council. It was stated that the resolution of the General Assembly had placed the Commission under the guidance of the Security Council.

It was maintained that the basis of the Commission's report to the General Assembly was the attempt to alter the Assembly's resolution by force. Otherwise, the Commission would not have been submitting a report to the General Assembly.

The CHAIRMAN stated that this was a matter for the Security Council to decide. If criticism were to be meted out, it was for the General Assembly and not the Commission to do so.

A motion was made to close the discussion on whether or not part of the preamble of the Assembly's resolution should be quoted in paragraph one and to put the matter to a vote.

An amendment was submitted whereby the exact wording of the Assembly resolution stating that the Commission should act under the guidance of

/the Security

the Security Council and should receive from that Council such instructions as the Council might consider necessary to issue (paragraphs 2 and 14, Section B of Part I) be incorporated in the first sentence.

This amendment was approved.

The CHAIRMAN asked whether there were any further comments on the paragraph as amended.

It was pointed out that the phrase "implementation of the Plan" was never used in the resolution and, therefore, if this draft were to be an index of the report, the phrase should be altered so as not to misguide the General Assembly. The phrase was altered to read "the task of implementing the measures recommended by the General Assembly".

The CHAIRMAN and Mr. FEDERSPIEL (Denmark) registered their opinion that the points concerning the Security Council should not be quoted in the report, since they were out of order.

The reference made by Senator Austin in the Security Council to sub-paragraphs (a), (b) and (c) under consideration was mentioned as an argument in favour of their inclusion in the report.

The CHAIRMAN pointed out that this did not concern the Commission in any way.

It was answered that this had been the chief problem before the Commission.

On the other hand, it was observed that the Commission had already discussed this matter during the preparation of its special report to the Security Council and had decided not to include these points. This report had been signed by the members of the Commission.

The CHAIRMAN, making use of his privilege as a member of the Commission, and not as its Chairman, stated that he would put the paragraph to the vote sentence by sentence. The reason for proceeding in this fashion, he stated, was that while he could vote for the first sentence as amended he would find himself unable to vote for the rest. He added that, though it was a quotation of the resolution, he considered it to be wrong in this context as it might create unpleasant relations between the Commission and the Security Council.

The first sentence of paragraph one, as amended, was accepted unanimously.

The second sentence of paragraph one was adopted by a majority vote.

Mr. FEDERSPIEL (Denmark) reserved his right to make a statement against the inclusion of the second sentence when the Commission, at a later stage, would vote on the introduction as a whole.

/Mr. MORGAN (Panama)

Mr. MORGAN (Panama) reserved the right to make a statement in favour.

The CHAIRMAN repeated his reasons for voting against the inclusion of these points in the Commission's report.

Paragraph two was approved after minor drafting changes had been agreed upon.

In paragraph three, it was suggested that the word "instead", at the beginning of the second sentence, be deleted. In answer to this, it was stated that the word was necessary to show that the Security Council had not done what had been asked. It was remarked that the Security Council had not accepted explicitly the request set forth in the preamble of the General Assembly resolution. A more categorical statement concerning the action of the Security Council was proposed.

The SECRETARY pointed out that such a categorical statement was legally debatable.

The CHAIRMAN objected to the word "however", in the first sentence, as being of a polemic nature.

The SECRETARY pointed out that the use of the word "instead" implied that the Security Council was not free any more to give guidance to the Commission. This, he submitted, was not correct.

It was maintained that it followed logically, that if the Security Council had not done one thing, it had done another "instead". If this word were to be deleted, an explanation of the action of the Security Council should be included. The Commission agreed with this suggestion. It was pointed out that the issue as regards the Security Council was closed and it was now a question of the Commission's responsibility toward the General Assembly.

Paragraph three was approved after minor drafting changes had been agreed upon.

Paragraph four was approved after a few drafting changes had been agreed upon.

Paragraph five was approved after the last sentence had been deleted and minor drafting changes agreed upon.

Paragraphs six and seven were merged into one paragraph and reworded extensively. In the discussion of the two above paragraphs, it was decided to explain the policy of the Mandatory Power and then enumerate its effects without expressing a further opinion. With regard to paragraph seven, which stressed deliberate efforts by Arab interests to alter the General Assembly resolution by force, disagreement was expressed, since it implied

/criticism

criticism by the Commission of member states of the United Nations. In answer to this objection, it was pointed out that the draft mentioned interests and not states, and it was maintained that it was the Commission's duty to point out the guilty party. On the other hand, it was asserted that the Commission had no proof to support this statement that Arab opposition was the dominant factor in the situation. It was further suggested that the last sentence of paragraph seven be deleted. It was agreed that the two paragraphs merged into one be reworded along the lines of the Commission's special report to the Security Council.

Accordingly, the new paragraph six was redrafted as follows: The first sentence of paragraph six, with minor drafting changes, became the opening sentence of the new paragraph. A new sentence was inserted here reading as follows: "The general policy of the Mandatory Power has been not to take any measures which might be construed as involving it in the implementation of the Assembly's resolution". The phrase "refused to participate in any way in the implementation of the Plan" in the second sentence, was deleted and, in its place, the following phrase was inserted "insisted on retaining undivided control of Palestine until the termination of the Mandate". The phrase "on 15 May... all at once", also in the second sentence was deleted. The phrase "defeating the purposes of the United Nations in Palestine and nullifying the resolution of the Assembly", in the third sentence, was replaced by the phrase "defeating the purposes of the resolution of the General Assembly". In the fourth sentence, the word "infiltration" was substituted for the word "incursions". It was agreed to insert here the following quotation from the Commission's special report to the Security Council: "Powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein". In the fifth sentence, the phrase "the apparent inability of the Mandatory Power, intent on withdrawing, to contain the conflict" was replaced by the phrase "and the fact that the Mandatory Power, engaged in the liquidation of its administration and the evacuation of its troops, has found it impossible fully to contain the conflict". The entire paragraph seven was deleted.

The new paragraph six, thus amended, and a few other minor drafting changes, was approved.

Mr. FEDERSPIEL (Denmark) stated that he reserved his position regarding all the points in the new paragraph six, since he considered that they dealt with matters which were the concern of the Security

Council and not of the Commission.

Paragraph eight was deleted.

Paragraph nine was approved after the following new sentence had been inserted at the end of the paragraph: "In the view of the Commission, the dominant fact is, however, that in the absence of forces adequate to restore and maintain law and order in Palestine following the termination of the Mandate, there will be administrative chaos, starvation, widespread strife, violence and bloodshed in Palestine."

As regards paragraph ten, it was suggested that this paragraph be deleted on the ground that it was up to the General Assembly and not the Commission to determine the binding force of the Assembly's resolution.

The CHAIRMAN suggested that the paragraph be reworded along the lines of the Commission's special report to the Security Council.

It was pointed out that both the original wording and the wording of the special report, in its present context, would be placing the Commission in the position of taking issue with the representatives of the Arab States in the General Assembly. It was further remarked that the inclusion of the passage from the special report at this point would revive a controversial issue which at that time might have been solved by the Security Council's action, but which was now out of its hands.

The CHAIRMAN registered his objection to paragraph ten as constituting the expression of a political opinion which placed the blame on the one side as the aggressor. This, he maintained, was outside the Commission's jurisdiction.

It was remarked that since the Commission had been prepared to submit its opinion on the matter to the Security Council, there was no reason to withhold it from the General Assembly.

The CHAIRMAN suggested that since paragraph ten of the introduction did not correspond to any part of the report, it should be included, if at all, in the body of the report, and specifically, in the part dealing with security.

It was stated, in answer to this suggestion, that paragraph ten of the introduction corresponded to the conclusions, and, if this were not sufficient, it was suggested that an elaboration of the idea expressed in paragraph ten should be inserted in the conclusions of the report.

The CHAIRMAN pointed out that an elaboration of this idea would only involve the Commission in the fight that would develop in the General Assembly.

The Commission agreed to include the idea expressed in paragraph ten as paragraph two of the Section dealing with security. It was agreed to follow the wording of the special report and to preface this quotation by the following sentences: "The special report (S/676) was presented to the Security Council on 16 February. In the conclusion to this report, the Commission set forth the following views, which it now reaffirms."

Accordingly, it was agreed to delete paragraph ten.

The Commission agreed to consider the draft of Mr. Medina's report, in its amended form, as an introduction to its report to the General Assembly.

Mr. MORGAN (Panama) submitted the following paragraph for inclusion at the end of the introduction: "The Commission, in presenting to the General Assembly this report regarding the activities undertaken up to date and the conclusions which are derived from them takes the liberty of placing the greatest emphasis on a fact that cannot be concealed: partition is being consummated in Palestine in the realm of facts and has already gone too far, as a reality, to be halted. This is deduced from the information which the Commission has received from the Advance Party in Palestine and is confirmed, among other things, by the fact that the Mandatory Power itself is transferring its authority to the local bodies in both the Jewish and Arab areas in Palestine."

It was stated with regard to the proposed new paragraph that the Commission could not stress this very controversial point in its report to the General Assembly as it might be harming its own position. Furthermore, it was pointed out, that the matter referred to in the proposed new paragraph was already dealt with in Section 2 of Chapter III of the draft of the report.

Mr. MORGAN (Panama) insisted that this proposal be recorded and called for a vote on his amendment. The proposal was defeated.

CHAPTER IV: THE WORK OF THE COMMISSION: ECONOMIC, FINANCIAL AND FISCAL PROBLEMS

With a view to saving time, the Commission decided in principle to indicate the points in the chapter at which it wished the text to be shortened or otherwise altered, and leave the actual rewording and numbering of sections and paragraphs to the Secretariat.

Section 1: Steps Toward the Economic Union

The first four paragraphs were approved unchanged. In the fifth paragraph, the first, fifth and sixth sentences were deleted; and in the fourth sentence, the number of qualified economists approached by the Commission was changed from seven to ten.

/Section 2:

Section 2: Palastine Government Assets

In the first paragraph, the phrase "and such an inventory has not yet been presented to the Commission," in the second sentence, was deleted. The last three sentences were deleted and replaced by the following sentence: "Preliminary consultations with the Mandatory Power have taken place in pursuance of Part I, E, 2 of the Plan".

Paragraph two was approved with minor drafting changes.

Paragraph three was approved unchanged.

Paragraph four was approved, after the deletion of the phrase "as requested.....Government of Palestine)," in the first sentence, and the deletion of the third sentence.

Section 3: General Continuity of Essential Economic Services

This section was approved after the deletion of the second sentence.

Section 4: Food Supply

This section was approved after the deletion of the thirteenth sentence in the first paragraph, of the second and fifth sentences in the fifth paragraph, of the fourth sentence in the seventh paragraph, and a few drafting changes.

Section 5: Sterling Balances and Foreign Exchange Problems

The following deletions were agreed upon: the phrase "and by special.....hard currencies," in the second sentence of the first paragraph; the phrase "as in the case of Canadian wheat," in the third sentence of the first paragraph; the phrase "foreign exchange context of the Commission's work", in the first sentence of the second paragraph; the phrase "even though.....in London", in the first sentence of the third paragraph; the phrase "but the Commission....recriminations", in the second sentence of the third paragraph; the last two sentences of the third paragraph; the last two sentences of the fourth paragraph; and the third sentence of the sixth paragraph. It was further agreed to add the following sentence at the end of the second paragraph: "As for the period after 15 May, the Treasury Order indicated the intention of the United Kingdom Government to negotiate with the Commission." The section, thus amended, was approved with a few drafting changes.

Section 6: The Palestine Currency Board

The following deletions were agreed upon: the phrase "Mainly as a result.....pounds sterling," in the fourth sentence of the second paragraph; the fifth and sixth sentences of the sixth paragraph; and the last three paragraphs. Further, it was agreed to replace the phrase "Nevertheless the Commission.....consider that," in the fourth sentence of the sixth paragraph by the following: "The Commission cannot accept

the view expressed in the communication of the Government of the United Kingdom of 5 April, that". It was also decided to substitute the phrase "successor authority" for the word "Commission" in the last sentence of the sixth paragraph. Thus amended, the section was approved with a few drafting changes.

Section 7: Fiscal Problems

In paragraph one, the third sentence was rewritten as follows: "Expenditure, as budgeted by the present Palestine Administration, exceeds revenue by LP 2.8 million for the period April 1947 to January 1948 inclusive". In the fourth sentence, the word "excess" was corrected to "deficit". The sixth sentence was reworded as follows: "Considerable other extraordinary claims are pending, as, for instance, in respect of abolition benefits to civil servants." The word "dissipation" in the last sentence was changed to "disposal".

In sub-paragraph (a) of paragraph two, the phrase "and tries to throw responsibility of prior financing on the Commission" was reworded as follows: "and leaves responsibility of initial financing to the Commission, in addition to the responsibility for reimbursement which the Commission has accepted."

In sub-paragraph (b) of paragraph two, the word "will" in the first sentence was changed to "may."

In sub-paragraph (c) of paragraph two, the last sentence was reworded as follows: "Hence, even the current revenue after the termination of the Mandate will almost certainly be insufficient to provide for current governmental activities".

In paragraph three, the second sentence was deleted. The last sentence was reworded as follows: "The Commission has left the Mandatory Power in no doubt, either on this point or with regard to the fact that it should have been consulted in accordance with Part I, E, 2 of the resolution."

Paragraphs four and five were deleted.

Paragraph six was approved unchanged.

The remaining five paragraphs were deleted.

Thus amended, the section was approved with a few drafting changes.

Section 8: Transport and Communications

The last sentence of the second paragraph and the whole of the fourth paragraph were deleted. The section was approved with a few drafting changes.

/APPROVAL

APPROVAL OF THE REPORT TO THE SPECIAL SESSION OF THE GENERAL ASSEMBLY

The CHAIRMAN briefly reviewed the draft report and in particular the introduction, and invited the Members to give their formal approval to it.

The reservations and objections which had been made by some members to certain parts of the introduction were withdrawn.

The report to the Second Special Session of the General Assembly as a whole was approved unanimously.

The meeting rose at 11.25 p.m.
