

UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE SIXTY-SEVENTH MEETING

Lake Success, New York

Wednesday, 14 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)
	Mr. Stavropoulos	(Senior Legal Adviser)
	Mr. Reedman	(Senior Economic Adviser)

REPORT BY MEMBERS OF THE ADVANCE PARTY

The CHAIRMAN welcomed Mr. Stavropoulos (Senior Legal Adviser) and Mr. Ghosh (Economic Adviser) on their return from Palestine and invited them to give an off-the-record account of the situation and their experiences in Palestine. It was agreed that the statements made by Mr. Stavropoulos and Mr. Ghosh should not be communicated to the press.

CONSIDERATION OF A COMMUNICATION FROM THE UNITED KINGDOM DELEGATION CONCERNING CERTAIN URGENT MATTERS TO BE DISPOSED OF FOR THE PRESERVATION OF ORDER AND ESSENTIAL SERVICES IN PALESTINE (Informal Paper UK/104)

The SECRETARY called the Commission's attention to the communication from Mr. Fletcher-Cooke dated 12 April the first three paragraphs of which stated that Mr. Fletcher-Cooke had first heard of the matter from the press. The Secretary explained to the Commission that the incident was due to a misunderstanding and a delay in transmission for which he assumed full responsibility. He informed the Commission that he had apologized to Mr. Fletcher-Cooke, both for the release to the press of his letter of 9 April before it had reached him, as well as for the delay in its transmission. He further told the Commission that Mr. Fletcher-Cooke had

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apologized to him and through him to Mr. Morgan with regard to the statement in his letter (Informal Paper UK/100), in which he stated that he learned from reports appearing in the press about Mr. Shertok's letter to the Commission regarding the position of Jewish food supplies for Jerusalem. Mr. Fletcher-Cooke had explained to the Secretary that, having fallen ill, he had forgotten about his conversations with Mr. Morgan on the matter.

It was agreed that the communication of the United Kingdom dated 12 April (Informal Paper UK/104) should simply be acknowledged.

FURTHER COMMUNICATIONS FROM THE UNITED KINGDOM DELEGATION

The SECRETARY informed the Commission that two communications concerning the Urban Property Tax Order of 1948 and a circuit and traffic diagram of communications from Mr. Fletcher-Cooke had been received and would be distributed later. The latter communication was in answer to the third question of Mr. Medina's questionnaire and a copy of it was handed to him immediately.

FURTHER CONSIDERATION OF QUESTION OF AN EMERGENCY POLICE FORCE FOR JERUSALEM

The CHAIRMAN expressed the opinion that in view of the fact that the Commission had not yet received the list of British police volunteers in Jerusalem as promised in the third paragraph of Mr. Fletcher-Cooke's letter of 12 April (Informal Paper UK/101) it should not submit the matter to the Security Council until such a list had been received. Since the Security Council, however, was involved in truce negotiations, the matter should be submitted to it when the list had been received.

The SECRETARY pointed out that the problem was mainly a budgetary one and therefore would necessitate action by the General Assembly. He called the Commission's attention to the memorandum by the Secretary-General (Informal Paper M/31) in which the Secretary-General informed the Commission that he would be prepared to authorize a withdrawal from the Working Capital Fund of an amount up to \$200,000, the equivalent of one month's cost of an emergency Police Force for Jerusalem. He noted that Col. Roscher Lund (Senior Adviser), in his recent report, had mentioned a force of 10,000 men.

It was pointed out that Col. Roscher Lund referred to an armed force for the Commission and not to an emergency Police Force for Jerusalem.

The SECRETARY informed the Commission that he had no information regarding the rumour that Col. Roscher Lund was returning shortly from Palestine and expressed disbelief concerning this rumour.

/The CHAIRMAN

The CHAIRMAN expressed the opinion that the contents of the communication of the United Kingdom (Informal Paper UK/101) were not very encouraging and suggested that the Commission should postpone action until the list of the personnel prepared to volunteer had been received. The list was expected to arrive in a week's time, approximately. The Chairman submitted that if the available personnel were too few, the undertaking would not be worthwhile since it would only complicate matters without serving a useful purpose.

Mr. STAVROPOULOS (Senior Legal Adviser) submitted the opinion that if the organization of a police force for Jerusalem were abandoned, it would cause great local disappointment. He stated that the greatest number of volunteers for such a force, that the Commission could expect, would be 250 men. He pointed out that it was imperative that a decision be reached regarding the duties that this police force would undertake during the interim period. He submitted that this police force could undertake the following duties. If there were a truce, they could act as a token force to supervise it and they could also carry out normal police duties in Jerusalem. If there were no truce, they could guard certain specific areas such as the King David Hotel where the consulates could take refuge. They should certainly be utilized for the protection of archives and police stores, and in any case, they should be retained in order to form the nucleus of a future police force. He pointed out that such a force, even though British, would have the great advantage of being acceptable even to the Jews. He stressed the necessity of a definite decision regarding the duties of this force being reached by the Commission promptly. He further urged that if the Commission decided to take action in this matter, the specialist who would recruit and organize this force should leave for Palestine immediately.

The CHAIRMAN reaffirmed his belief that if this force were too small, it would serve no purpose.

In answer to this, it was stated that a nucleus, however small, was imperatively needed.

Mr. STAVROPOULOS (Senior Legal Adviser) stated that though this was true, this force would only survive if its position and its duties during the emergency period were clearly defined and limited. He pointed out that one of the major tasks that such a force would perform would be the guarding of the stores of the Palestine Police Force, which were valued at \$4,000,000. He agreed that the whole question was a matter for the

General Assembly to decide and suggested that the Commission, while submitting its recommendations on this matter to the General Assembly, might save these stores and the archives by using this emergency Police Force, pending the General Assembly action. He repeated, however, the need for deciding the status of this force during the interim period.

The CHAIRMAN asked who would be responsible for this police force during that period and who would command them.

Mr. STAVROPOULOS (Senior Legal Adviser) answered that no superior officers would remain in Palestine after 15 May, but pointed out that these volunteers would be very eager to stay and would take the risk if their position were defined by the Commission. He explained the reasons why so much time had been lost before this proposal had been submitted to the Commission by the Advance Party. He again placed before the Commission the alternative of taking no action, in which case the local population would lose all hope of security and order, or, on the other hand, of proceeding with the organization of such a force in the hope that something might be salvaged from the impending chaos.

The SECRETARY called the Commission's attention to the statement in the last paragraph of the United Kingdom communication (Informal Paper UK/101) that the representative of the Commission who would proceed to Palestine for the purpose of recruiting this force, would not be allowed to travel around the country.

Mr STAVROPOULOS (Senior Legal Adviser) pointed out that it would not be necessary for the representative of the Commission to travel around the country since, when it became known that he had arrived in Jerusalem for this purpose, the volunteers would come to him.

It was submitted that the Commission should present the matter to the General Assembly so that an immediate authorization could be given to the Commission to withdraw funds from the \$2,000,000 of the Working Capital Fund

It was pointed out that no authorization was needed for the \$200,000 which would be made available to the Commission by the Secretary-General for the maintenance of a police force in Jerusalem as the nucleus for a future police force.

The opinion was expressed that the Commission should act immediately, either through Col. Roscher Lund (Senior Adviser) or a special recruiting officer to be sent to Palestine as soon as possible, in order to assure the potential volunteers of the British Police Force that they would constitute the nucleus of any future police force in Jerusalem. The

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necessity was stressed of making it clear that this would be an emergency force and not a force of the future government of Palestine, as well as that the Commission was submitting the matter to the General Assembly. It was suggested that the Mandatory Power be requested to keep those men who would volunteer for the emergency police force in Palestine.

It was pointed out that the Commission would not have to begin paying these men until after 15 May. Therefore it was suggested that it would be advisable to secure a promise of their services as soon as possible. Their terms of service should be made quite clear. It was agreed that a knowledge of the existence of such a force would have a calming effect.

Mr. STAVROPOULOS (Senior Legal Adviser) stressed that Jerusalem had been in the past an international concern, retained that status under the General Assembly resolution, and would probably continue being an international concern in the future. He suggested the possibility of the creation of an international zone in which people in distress could find safety. He urged the Commission not to permit the arms and stores of the Palestine Police Force to be lost and taken over by the warring parties. He proposed that the Commission ask the Mandatory Power to transport all the archives to the King David Hotel, where they could be guarded by the police force. He expressed the opinion that the King David Hotel could be held by 250 men against anything, except a mass attack. Though the proprietors had asked for a monthly rental of \$20,000, he stated that the Commission could requisition the hotel and the matter could be settled later. The King David Hotel was a desirable location because it was near the Y.M.C.A. which had already been earmarked for the use of the Red Cross. The Governor's House, he stated, was too far out of town and therefore would be difficult to guard and communications with it would be hazardous, whereas the King David Hotel and the Y.M.C.A. could constitute an international zone in which the consulates could take refuge. It was agreed that the consulates might pay a certain part of the expenses.

In view of the fact that, from the budgetary point of view, the Commission was covered for the expenses of 1,000 men for one month, it was agreed to inform the volunteers from the British Police Force that their services would be contracted for by the Commission for the period from 16 May to 1 July.

In answer to a question as to whether Col. Roscher Lund (Senior Adviser) could not undertake the recruiting of this force, Mr. Stavropoulos informed the Commission that a specialist was needed, since recruitment would also mean a certain measure of command

/Mr MALANIA

Mr. MALANIA (Chief Administrative Officer) pointed out that it was not necessary to recruit the chief of police immediately. A member of the Secretariat could be sent to Palestine to undertake the recruiting.

Mr. STAVROPOULOS (Senior Legal Adviser) conceded this point but stated that the member of the staff who would undertake the recruiting should be a police officer with the necessary experience. This, he explained, was the meaning of Mr. Azcarate's request for a specialist.

The CHAIRMAN instructed the Secretariat to initiate inquiries for the purpose of finding the individual required and was informed that the Secretariat had already done so.

The CHAIRMAN then summarized the points on which the Commission had reached agreement as follows: The Commission decided to proceed with the formation of an emergency police force in Jerusalem to take over special security functions such as guarding the equipment, arms and ammunition of the Palestine Police Force as well as the archives of the Palestine Administration. This Police Force was to be used as the nucleus of any future force which the successor authority might establish in Jerusalem. The Commission noted that the Secretary-General was prepared to make \$200,000 available out of the Working Capital Fund for the maintenance of this police force for a short period. The Commission agreed to submit the question of continuing this police force to the General Assembly for the purpose of financing it beyond the initial period. This Police Force was to be recruited only from British personnel of the Palestine Police Force which would be willing to volunteer. While the initial contract could be only for a period from 15 May to 1 July, the Commission undertook to recommend all personnel who would volunteer now for future employment with the successor authority. The Commission decided to request Mr. Azcarate (Deputy Principal Secretary) to take all necessary preparatory steps and to notify the Palestine Administration of the Commission's decision and request them to make the necessary inquiries. Mr. Azcarate was to be instructed to emphasize that this would be an emergency force only and not the force for the Governor of Jerusalem which was envisaged in the General Assembly resolution. The Commission decided to instruct the Secretariat to initiate inquiries for a suitable expert to be sent for the purpose of actual recruiting and organization. The Commission noted that the Mandatory Power had agreed formally to these measures subject to the condition that the proposed force would not come into being prior to 15 May.

/Mr. MALANIA

Mr. MALANJA (Chief Administrative Officer) informed the Commission that the Secretariat had already asked Mr. Azcarate to communicate to it the text of the present contract of the members of the Palestine Police Force so that it could be followed as much as possible by the contract that would be offered by the Commission.

In answer to a question as to whether the personnel of the Palestine Police Force would accept service for a period of one month and a half, Mr. STAVROPOULOS (Senior Legal Adviser) expressed the opinion that they would, if the situation were explained to them.

The Commission agreed that it had no objection to an announcement of its decision to the press. With regard to a possible question by the press as to the relation of this decision to the action of the Security Council regarding the truce, it was decided to state that these measures taken by the Commission were of a purely emergency precautionary nature which would be beneficial, whether the truce succeeded or not. The Commission further agreed to state to the press, if it should be asked, that it had taken the truce negotiations of the Security Council into consideration and had decided that security measures of some kind for the preservation of law and order in Jerusalem would be necessary, for which the risk of \$200,000 was a small one.

CONSIDERATION OF FURTHER STEPS IN THE SELECTION OF THE PROVISIONAL COUNCIL OF GOVERNMENT FOR THE JEWISH STATE

It was proposed that the Jewish Agency be asked to inform the Commission what its present position was after public announcement of the establishment of a government of the Jewish State in Tel Aviv, and whether this step affected in any way their request that the Commission choose the members of the Provisional Council of Government for the Jewish State. It was also proposed that the Commission consult the Secretary-General in his capacity as co-ordinator of the various organs of the United Nations with a view to obtaining his opinion as regards the position in which the Commission was placed by the action of the Security Council as expressed in its two resolutions concerning the convocation of the General Assembly and calling for a truce in Palestine (documents S/714 and S/723). It was submitted that since the Security Council had ceased giving guidance to the Commission and had requested the convocation of a special session of the General Assembly to reconsider its previous resolution, the Commission, by proceeding to select the Provisional Council of Government for the Jewish State at the time when the General Assembly would be in session, might impede both the deliberations of the General Assembly and the success

/of the truce

of the truce being negotiated by the Security Council. Though the legal opinion which confirmed the right of the Commission to proceed with the task entrusted to it by the General Assembly resolution was noted, it was pointed out that there was a political aspect of the question derived from the parallel of Article 12 of the Charter.

A motion was submitted that the Commission ask the Secretary-General for a formal opinion regarding the Commission's position in connection with the selection of the Provisional Council of Government for the proposed Jewish State.

This suggestion was contested on the ground that the Secretary-General could only give an opinion on the matter and that he had already done so, both directly to a member of the Commission and indirectly through Mr. Sobolev (Assistant Secretary-General). In both these cases, the opinion expressed had been that it was up to the Commission to decide whether or not it would proceed with the selection of the Provisional Councils of Government.

It was moved that the Commission postpone decision on this proposal until its next meeting. It was agreed that the Commission accept the legal opinion as expressed in the working paper prepared by the Secretariat and called for by Mr. Federspiel (Informal Paper W/12). As regards the proposal that the Commission request an official political opinion from the Secretary-General, it was agreed that the Commission would discuss the matter and reach an agreement at its next meeting in conjunction with the discussion of the memorandum prepared at Mr. Morgan's request.

The SECRETARY suggested that meanwhile a member of the Commission might approach the Secretary-General in order to ascertain his views on the matter unofficially. He pointed out that the Secretary-General might, whenever he wished, come to the Commission's meetings.

With regard to the suggestion that the Commission ask for information from Mr. Shertok, it was proposed that he be asked to communicate with the Commission in writing, since he would need time to receive the necessary information from Tel Aviv. Against this proposal, it was maintained that the Commission, by taking action on a matter concerning which it had no official knowledge, but had only learned about it through the press, it would be setting a bad precedent. In fact, it would be recognizing, by implication, the existence of the so-called government of the Jewish State in Tel Aviv. Although it was pointed out that the Commission would simply ask Mr. Shertok whether the Jewish Agency was proceeding within the framework of the resolution, when it established the so-called government in Tel Aviv,

it was decided

it was decided that Mr. Shertok should be called for further consultations with the Commission on the question of the selection of the Provisional Council of Government for the Jewish State, so that the Commission should not in fact take action on a matter on which it had not been officially informed. During these consultations, Mr. Shertok could be asked to explain the meaning of the action taken by the Jewish Agency in establishing this government in Palestine and whether the Jewish Agency still wished the Commission to proceed with the selection of the members of the Provisional Council of Government for the Jewish State.

In favour of this method of procedure, the SECRETARY pointed out that it was already understood that the Commission would hold further consultations with Mr. Shertok on the matter of the Provisional Council of Government.

CONSIDERATION OF THE REPRESENTATION OF PALESTINE ON THE INTERNATIONAL EMERGENCY FOOD COUNCIL.

Mr. REEDMAN (Senior Economic Adviser) informed the Commission that it was urgently required that it should reach a decision regarding the representation of Palestine on the International Emergency Food Council for the period after 15 May. He stated that until then, Palestine would be represented by the United Kingdom. The Commission should request the United Kingdom to accept the appointment of a liaison officer until 15 May. He further suggested that the Commission either ask the United Kingdom to continue representing Palestine for a certain period after 15 May or that it should decide on some other arrangement.

The CHAIRMAN told Mr. Reedman that, as the Commission had stated in its report, this matter was to be left to the member of the Secretariat who had been designated as a member of the Preparatory Economic Commission, and the arrangement would, therefore, be left to the Secretariat.

The meeting rose at 7.20 p.m.
