

UNITED NATIONS PALESTINE COMMISSION

SUMMARY RECORD OF THE SIXTY-EIGHTH MEETING

Lake Success, New York

Monday, 19 April 1948, at 12.00 a.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)

CONSIDERATION OF THE FUTURE WORK OF THE COMMISSION WITH REGARD TO THE
PROVISIONAL COUNCIL OF GOVERNMENT FOR THE PROPOSED JEWISH STATE

The CHAIRMAN reported to the Commission on the informal conversations that he had held with the Secretary-General on 15 April, at which the Secretary had also been present. The Secretary-General informed the Chairman that he had discussed with Mr. Shertok of the Jewish Agency the general question of the selection of the Provisional Council of Government for the proposed Jewish State, with particular reference to the position of the Jewish Agency on the matter. The Chairman stated that he had concurred with the Secretary-General's view, with which Mr. Shertok had agreed, that it would not be advisable, even from the viewpoint of Jewish interest, to press the matter further under the present circumstances and at the present time. The Secretary-General had stated that he did not wish to influence the Commission in any way in its dealings, but he believed quite definitely and strongly that it was inadvisable now to press forward with the matter of the Provisional Council of Government until the Special Session of the General Assembly had reached a decision on the future government of Palestine.

/It was agreed

It was agreed by the Commission that to proceed with the selection of the Provisional Council of Government for the proposed Jewish State, in the present circumstances would serve no useful purpose either for the Commission or for the Jews and might well produce an unfavourable reaction in the General Assembly. The Commission decided not to strike the subject off its agenda but to leave it in abeyance pending further indications of the views of the General Assembly.

CONSIDERATION OF THE QUESTION OF FOOD SUPPLIES FOR PALESTINE

Mr. REEDMAN (Senior Economic Adviser) informed the Commission that an agreement had been reached between the Jewish Agency and Steel Brothers on the one hand, and the Arab Chambers of Commerce and Steel Brothers on the other, for food requirements for two months after 15 May. This information had been contained in a communication of the United Kingdom delegation dated 17 April (Informal Paper UK/109). Mr. Reedman explained the contents of the above communication and pointed out that while the agreement arrived at would cover the period ending 15 July, the Commission should bear in mind that its responsibility for the period beyond that had not yet ended. The Commission should make arrangements now for the procurement of food supplies for the subsequent period since the delay between the placing of orders and the delivery was of two months. If further emergency measures were to be avoided and the pipeline were to be kept open, orders would have to be placed immediately. Mr. Reedman pointed out that the quantities referred to in the agreement corresponded approximately to the Commission's demands and were presumably intended for the whole of Palestine. As regards distribution, he explained that Steel Brothers would guarantee the delivery to their warehouses and the other parties to the agreement would undertake the further distribution.

The CHAIRMAN noted that while the Mandatory Power had undertaken all these steps on its own responsibility and without using the Commission, the steps taken by the Commission undoubtedly had helped in the solution. He considered the arrangement, though transitory, to be as satisfactory as could be expected under the circumstances and was glad to note that the position was maintained at least until 15 July.

The Secretary was instructed to acknowledge receipt of the letter.

FURTHER CONSIDERATION OF THE QUESTION OF RECRUITMENT OF BRITISH PERSONNEL FOR A SPECIAL EMERGENCY POLICE FORCE FOR JERUSALEM

The CHAIRMAN drew the Commission's attention to the United Kingdom's communication of 17 April on the matter (Informal Paper UK/108) as well as to various other communications pertaining to the question (Informal Papers UK/101, 96, 98 and AP/28).

/The SECRETARY

The SECRETARY stated that the situation as expressed in the United Kingdom's communication of 17 April was not encouraging. Mr. Fletcher-Cooke had spoken to him over the telephone on Saturday and had emphasized that a cable received by him from Jerusalem stated the position of the Mandatory Power as considering the project of the organization of an emergency police force to have collapsed owing to the tardy action of the Commission. The Mandatory Power disclaimed all responsibility for the failure of the plan. The Secretary told the Commission that he already had communicated to Mr. Azcarate the contents of the United Kingdom's communication of 17 April and had asked him to investigate the matter. The Secretary rejected the assertion of the Mandatory Power that the failure of the plan was due to the Commission's tardy action on the ground that the Commission's action on 14 April had been deferred pending the receipt of the formal consent of the Mandatory Power, which was received five days later. The Commission had taken its decision the day following the receipt of Mr. Fletcher-Cooke's letter of 12 April confirming the United Kingdom's consent to the Commission's proposal to send an official to Palestine to proceed with the preliminary organization and recruitment of a special emergency security force for Jerusalem. The Secretary reminded the Commission that on receipt of Mr. Azcarate's cable, which initiated action on this matter, the Commission had assumed that the Mandatory Power was in agreement with Mr. Azcarate's suggestion and had decided on the one hand to ask for official confirmation of the Mandatory Power's consent and on the other to request the authorization of the necessary funds by the Secretary-General. With regard to the statement made in the last paragraph of the United Kingdom's communication of 17 April in which the Commission's statement in February regarding the employment of officers of the Government of Palestine was considered not as an offer of employment but merely as a statement of policy, the Secretary called upon Mr. Stavropoulos (Senior Legal Adviser) to explain this point.

Mr. STAVROPOULOS (Senior Legal Adviser) confirmed the Mandatory Power's interpretation of the Commission's statement regarding the employment of officers of the Government of Palestine as a statement of policy and not as an offer of employment, and informed the Commission that in the course of correspondence with the Palestine Administration, he had reaffirmed this point of view which the Palestine Administration had accepted. If the statement of the Commission had been considered as an offer of employment, the Palestine Administration would have based its

action with regard to pensions, benefits, etc. to its employees on such an agreement, which the Commission was in no position to undertake, since the Commission would find itself with 4,000 employees working for it, while it would still be unable to proceed to Palestine.

The Commission accepted this position on the matter.

The CHAIRMAN instructed the Secretary to prepare a paper showing all the stages through which this project had passed, in order to submit it, if necessary, to the First Committee of the General Assembly. Taking into consideration the probability that the Commission would be asked for an explanation on the matter, he stressed the necessity of making the Commission's position quite clear and advised the Secretary to have this in mind in the preparation of the required paper.

The SECRETARY informed the Commission that as a result of its previous decision, the Secretariat had taken steps to send Mr. Byron Wood, a member of the Secretariat and a former officer of the Canadian Air Force, to Jerusalem to undertake the recruitment of the special emergency Police Force. After the receipt of Mr. Fletcher-Cooke's communication, however, the Secretariat had suspended all action in this respect. The Secretary asked the Commission for further instructions on the matter.

The CHAIRMAN, considering that the matter had to be led to a logical conclusion, asked the members to decide whether to continue the work on the organization of a special emergency Police Force under unsatisfactory conditions or to give the matter up completely.

The opinion was expressed that the Commission should continue its work even with the fifty available men since they were necessary as a nucleus for a future force and since their recruitment would show that the Commission was not to be deterred from its course of action.

The SECRETARY informed the Commission that Mr. Fletcher-Cooke seemed to imply that he considered the whole plan to have collapsed.

In view of the fact that the Commission had only the United Kingdom's testimony on the situation and the reality might be somewhat different, the Commission decided to postpone decision on the matter pending the receipt of information on the actual situation from Mr. Azcarate.

CONSIDERATION OF A COMMUNICATION FROM THE JEWISH COMMUNITY COUNCIL,
JERUSALEM CONCERNING ALLEGED ARAB ATTACKS ON A JEWISH AMBULANCE UNIT
(Informal Paper M/36)

There was an extended discussion on whether the above communication should be sent to the General Assembly. After it had been ascertained that an identical communication had been transmitted to the Secretary-General,

/whose duty

whose duty it was to transmit it to the competent organs of the United Nations, the Commission decided to follow its established practice and restrict itself to communicating the document to the Mandatory Power. Accordingly, the Secretary was instructed to transmit the communication from the Jewish Community Council in Jerusalem to the United Kingdom delegation and ask them to comment on its contents.

COMMUNICATIONS FROM MR. AZCARATE

The SECRETARY read three cables which had been received from Mr. Azcarate (Deputy Principal Secretary).

The first cable was to the effect that Mr. Azcarate had been informed by the President of the Association of Foreign Journalists in Jerusalem that the Cable Wireless Company in Palestine had refused to give any assurance that these services would be maintained after 1 May. Mr. Azcarate pointed out that if the services were discontinued an extremely difficult position with regard to all communication with the outside world would be created in Palestine.

The second cable contained the advice that the British military authorities in Palestine had declined to give any information on the movements of their troops before or after 15 May.

The third cable contained the information that Mr. Azcarate had agreed in principle that the King David Hotel and Government House in Jerusalem should be taken over by the International Red Cross for its use on the understanding that the two buildings would be put at the disposal of the Commission should it require them at any future time. Mr. Azcarate asked for the Commission's formal approval of such an agreement.

The Commission took note of the contents of the three cables, and it was agreed that the formal approval requested in the third cable should be given.

COMMUNICATION RECEIVED FROM THE JEWISH AGENCY CONCERNING THE ARAB LEGION IN PALESTINE (Informal Paper JA/39)

The CHAIRMAN, after noting that the above communication had appeared in the press before it had been considered by the Commission, observed that the respective positions of the Mandatory Power and the Jewish Agency were now clear to the Commission and there was no point in taking any further action in the matter.

It was agreed that in the acknowledgement of the receipt of the communication reference would be made to the position taken by the Mandatory Power to the effect that the Arab Legion would be transferred to Transjordan before the date of the termination of the Mandate.

COMMUNICATIONS FROM THE UNITED KINGDOM DELEGATION AND FROM THE JEWISH AGENCY CONCERNING THE SUPPLY OF FOOD FOR THE JEWISH POPULATION OF JERUSALEM BY MEANS OF CONVOYS (Informal Papers UK/100 and JA/37)

The CHAIRMAN pointed out that the communication from the United Kingdom delegation concerning food supplies for Jerusalem (Informal Paper UK/100) was the one which had been expected from Mr. Fletcher-Cooke by Mr. Morgan (Panama), following his consultation with Mr. Fletcher-Cooke on the matter in question. Mr. Morgan had raised the matter with Mr. Fletcher-Cooke on behalf of the Commission, upon receipt by the Commission of the communication concerning food supplies for Jerusalem from the Jewish Agency (Informal Paper JA/37).

The Chairman drew attention to paragraph 11 and the final paragraph of the letter from Mr. Fletcher-Cooke as being the most important parts of the communication. He observed that it was there implied that the Jewish Agency had to approach the Palestine Government regarding the matter of convoys and then would be expected to abide by the directions of the Palestine Government regarding the size of convoys, etc.

Mr. MORGAN (Panama) pointed out that in his conversation with Mr. Fletcher-Cooke he had urged that the Hagana be permitted to co-operate with the Palestine Administration to work under its direction in conveying food supplies.

It was agreed that the communication from the United Kingdom delegation would be transmitted to the Jewish Agency and that the Jewish Agency's attention would be drawn particularly to the two paragraphs mentioned above.

Mr. MORGAN (Panama) stated that he would personally take up again the matter in question with Mr. Fletcher-Cooke.

CONSIDERATION OF COMMUNICATIONS FROM THE UNITED KINGDOM DELEGATION RELATING TO CERTAIN URGENT MATTERS IN THE COMMISSION'S LETTER OF 9 APRIL (Informal Papers UK/95, UK/104, and UK/110)

Note was taken of the replies contained in the two communications of the United Kingdom delegation to the various questions on outstanding matters that had been raised by the Commission (Informal Papers UK/104 and UK/110).

With reference to Question A, 2 (Informal Paper UK/95), and the reply thereto (Informal Paper UK/104), the SECRETARY observed that he had no recollection of the Commission's having been informed that the details in question would have to be discussed with the Commission's representatives in Palestine. The Secretariat would check the matter.

/With reference

With reference to Question B, 1 and 2 (Informal Paper UK/95) and the reply thereto (Informal Paper UK/104) it was noted that no information, as far as could be remembered, had been received regarding airports, railways, radio, and the judiciary. The Secretariat would check the matter and it would then be taken up with the Mandatory Power again.

Question B, 3 (Informal Paper UK/95) should also be raised again, since the reply thereto (Informal Paper UK/104) was unsatisfactory.

With reference to Question B, 4 (Informal Paper UK/95) it was noted that the reply thereto (Informal Paper UK/110) was unsatisfactory inasmuch as it implied that the Commission would not be consulted by the Mandatory Power in advance regarding plans concerning the use of the Port of Haifa. It was agreed that a reply would be sent to the United Kingdom delegation to that effect and that it would be pointed out that the procedure proposed was contrary to the provisions of the General Assembly Resolution on partition.

With reference to Question C, 1 (Informal Paper UK/95) it was noted that the matter of food supplies was now covered by the arrangements which had been made directly in Palestine for the period up to 15 July.

With reference to Question C, 2 (Informal Paper UK/95) it was noted that the matter had now been covered by an exchange of communications and the Commission was now awaiting advice from the Mandatory Power concerning the date of the next meeting of the Currency Board.

The reply to Question C, 6 (Informal Paper UK/95) was considered vague.

With reference to Question C, 7 (Informal Paper UK/95), it was noted that the matter was still open.

With reference to Question C, 8 (Informal Paper UK/95) and the reply thereto (Informal Paper UK/110) it was agreed that it was not desirable to press the matter further with the United Kingdom Government.

The CHAIRMAN requested that the Secretariat prepare a working paper summarizing the replies to the questions on outstanding matters contained in the two communications which had just been considered, showing which had been covered satisfactorily, which had been covered unsatisfactorily, and which remained outstanding.

Meanwhile the receipt of the communications would be acknowledged.

CONSIDERATION OF TWO COMMUNICATIONS FROM THE UNITED KINGDOM DELEGATION, CONCERNING THE PALESTINE MUSEUM AND THE REPAIR WORK ON HOLY PLACES IN PALESTINE (Informal Papers UK/98 and UK/102)

Note was taken of the information contained in the above two communications.

/CONSIDERATION

CONSIDERATION OF COMMUNICATION RECEIVED FROM THE UNITED KINGDOM DELEGATION CONCERNING ASSETS AND LIABILITIES OF THE PALESTINE GOVERNMENT (Informal Paper UK/76) AND COMMUNICATION RECEIVED FROM THE JEWISH AGENCY CONCERNING THE SAME MATTER (Informal Paper JA/38)

With reference to the above communications, the CHAIRMAN observed that in accordance with the General Assembly resolution on partition, the immovable assets of Palestine should be divided pro rata among the Jewish State, the Arab State, and the City of Jerusalem. He thought that on the matter in question the stand taken by the Jewish Agency in its communication was justified.

It was agreed that the Commission should reserve its position in the matter of the Haifa arrangement in accordance with the relevant provisions of the General Assembly resolution.

A draft reply to the United Kingdom delegation to that effect would be prepared by the Secretariat. The contents of the Jewish Agency's communication would be enclosed with the reply to the United Kingdom delegation.

CONSIDERATION OF COMMUNICATION RECEIVED FROM THE ADVANCE PARTY CONCERNING REPLIES FROM OFFICIALS OF THE PALESTINE ADMINISTRATION WITH RESPECT TO CONTINUING EMPLOYMENT AFTER THE TERMINATION OF THE MANDATE (Informal Paper AP/27)

Note was taken of the information contained in the above communication.

CONSIDERATION OF COMMUNICATION RECEIVED FROM THE UNITED KINGDOM DELEGATION CONCERNING PALESTINE GOVERNMENT SCHOLARS (Informal Paper UK/90)

It was agreed that a reply should be sent to the above communication on scholarships stating that the Commission had no objections as far as any arrangements up to 1 October only in the matter in question were concerned. After that date the matter would be for the future governments to be established according to the Plan.

Mr. FEDERSPIEL (Denmark) wished to have registered his disagreement with the Commission's stand: in his opinion the proposal of the United Kingdom to set aside the necessary sum for the scholarships was entirely proper and should be consented to. A scholarship must be regarded as fallen due in its entirety when awarded and therefore in the present circumstances it would be right to secure the scholars with whose education it was not the Commission's function to interfere.

The CHAIRMAN expressed dissent with Mr. Federspiel's view.

The meeting rose at 5.00 p.m.