

UNITED NATIONS PALESTINE COMMISSION

REPORT OF SENATOR FRANCISCO

on the

COMMUNICATION OF THE UNITED KINGDOM OF 27 FEBRUARY

REGARDING MILITIA

It will be recalled that on 4 February 1948 we held a consultation with the representative of the United Kingdom respecting preliminary steps to be taken by the Commission prior to the termination of the Mandate for the formation of the future militia.

The following are the specific provisions of the General Assembly resolution of 29 November 1947 regarding militia:

"The provisional council of government of each state (Arab and Jewish States) shall, within the shortest time possible, recruit an armed militia from the residents of that state, sufficient in number to maintain international order and to prevent frontier clashes. This armed militia in each state shall for operational purposes, be under the command of Jewish or Arab officers residents in that state, but general political and military control, including the choice of the militia's high command, shall be exercised by the Commission." (Par.8)

(1)

In one of the answers given to the Commission by Sir Alexander Cadogan he stated that the Mandatory Power will not permit formation of any militia prior to the termination of the Mandate; but he also stated that the Mandatory Power will not object to preliminary steps being taken to prepare for the creation of an armed militia. In the consultation alluded to, Mr. Fletcher-Cooke in answer to the question whether the Mandatory Power would permit the Commission to take the following preparatory steps,

designation of cantonment areas; recruiting;  
training; equipping; and establishment of cadres,  
he said that his own personal view was that his government will not likely agree to any of those four preparatory steps for the formation of a militia, and that he would refer the question to London for a definite answer. According to the communication of Mr. Cooke of 27 February, the answer of the United Kingdom to said question is the following:

"General speaking, none of these activities can be permitted in Palestine prior to the termination of the Mandate, although it is possible that some preliminary steps might be taken during the last fortnight of the mandatory period."

I wish to call the attention of the Commission that in this answer there is no definite assurance that the Commission will be allowed to take some preliminary steps during the last fortnight of the mandatory period. The answer expresses a possibility only that some preliminary steps might be taken during the last fortnight of the mandatory period.

As to what those preliminary steps are, the communication does not say.

(2)

In the course of the consultation, Mr. Cooke was asked whether at the termination of the Mandate, the Mandatory Power would turn over to the Commission the arms, equipment, and stores of the Palestine police force; Mr. Cooke answered this question as follows:

"As far as we are concerned they are merely left behind."

(p.6, Verbatim Record)

Mr. Smith said, "They will be left with the successor authority, and that, of course, means the Commission".

Mr. Cooke added, "I think you could safely say that the government of Palestine would certainly not hand over the arms with any other authority...they will merely leave it there" (p.7, ibid).

Mr. Smith made this clarification, "As you know, the plan at the moment is that the Commission should arrive in Palestine two weeks in advance of the date of termination. One of the questions to be negotiated between

the Commission and the Palestine Administration during that two weeks would be the taking over of the Commission or its representatives of these stores and equipment". (P.8, Verbatim record)

When Mr. Cooke was asked whether the Mandatory Power would be willing to deliver to the Commission the keys of the stores instead of leaving them in the keyhole, Mr. Smith answered "I think the answer is yes".

Mr. Palla said: "We would have to take instructions from London on that".

Mr. Cooke added: "We would have to take instructions on the circumstances and in particular on the point raised here as to the date".

In the communication of the United Kingdom delegation of 27 February we find the following statement:

"It is not proposed, prior to the termination of the Mandate, to withdraw from local Palestinian Police Forces recruited by Municipalities or otherwise handed over to Local Authorities the equipment and stores made available to them to enable them effectively to carry out their duties. These Municipal Police Forces are being formed to ensure as far as possible at least a measure of local security during the period between the termination of the Mandate and the organization by the successor authorities of some machinery for the preservation of law and order. All other equipment, stores, buildings, posts and depots of the Palestine Police Force will be available to be taken over by the Commission with effect from 15 May and the Government of Palestine are ready to discuss the procedure as regards this taking over of arms, equipment, stores, etc., with representatives of the Commission's staff. All arms, equipment, stores, etc., of the Trans-Jordan Frontier Force are the property of the British Army and none of them will be handed over to the Commission." (p.2)

(3)

The following question was also asked during the consultation:

"Would the Mandatory Power allow the Commission to build up a stock of arms and equipment in Palestine to be stored under seal until the termination of the Mandate?"

Mr. Cooke's answer was, "I am afraid it would certainly require reference to London". (p.5)

In the communication of 27 February, the following appears to be the answer to that question:

"(b) Before expressing any views on the question as to whether the Commission would be permitted to build up a store of arms and equipment under seal in Palestine prior to the date of the termination of the Mandate, His Majesty's Government would wish to know what types of arms the Commission have in mind and what guarantees they could give as to the safe custody during the period of 15 May. Any arrangements for such safe custody would, of course, have to be undertaken from the Commission's own resources. When His Majesty's Government have the answers to these questions, they will consider whether it is possible to relax the embargo upon the import of arms into Palestine as appears to be implied in the Commission's original questions". (p.2)

I am of the opinion that, in view of the answer of the United Kingdom just quoted, the matter of storing arms and equipment in Palestine by the Commission before the termination of the Mandate should not be pressed further.

(4)

This is another question propounded in the course of the consultation:

"Would the Mandatory Power permit a Special Police Force recruited outside of Palestine to arrive in Jerusalem prior to the termination of the Mandate?"

Here is the answer of Mr. Cooke:

"I think I can safely say that the government of Palestine would assist any possible way to assure the continuity of security, that is to say, that a police force, if it is formed in this way being in a position to take over on 16 May, but I cannot answer the question as to when they would be permitted to arrive at Jerusalem."

Mr. Smith added:

"If you want an answer to your question I think it simply is that we must submit it to London and get instruction on it. We cannot give any forecast at this stage" (pp.4-5, Record)

The answer of the United Kingdom which was transmitted to the Commission (Communication of February 27) is as follows:

"(c) As regards the enquiry as to whether if the Commission decided to recruit a Police Force outside Palestine prior to the date of the termination of the Mandate, such a Force would be permitted to enter Palestine prior to that date, His Majesty's Government wish to point out that the recruitment from outside Palestine of a Police Force for Palestine (other than Jerusalem) is not contemplated in the General Assembly's resolution. If the Commission proceeds to Palestine, they will require a Police Force for their own security and there is no objection to such a Force entering Jerusalem at any time on the understanding that they will comply with any orders of the Government of Palestine regarding its location and activities and that it will not include either Jewish or Arab members. (Underscoring ours)

"(d) As regards the similar question which was raised in respect of a Police Force for Jerusalem to be recruited outside Palestine, it is presumed that the Commission will concert arrangements for a Security Force for Jerusalem with the Trusteeship Council, since it is upon the Governor that the responsibility under the Plan of recruiting such an International Police Force to assist in maintaining law and order in the City falls." (p.2, ibid)

(5)

This is also another question propounded during the consultation:

"How soon can the Mandatory Power furnish the Commission with a detailed inventory of all the property and assets of the Palestine Police Force?"

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Mr. Cooke: "...I will find out from Palestine how long it will take and whether they can take an inventory prepared to be sent here, or whether it would not be ready until the Commission reach Palestine.

The communication of February 27 contains the following statement:

"(a) Information as to arms and ammunition; motor vehicles; police buildings with their locations; and any other major items of equipment belonging to the police force will be furnished by the government of Palestine as soon as possible."

(6)

To the question:

"Will the Mandatory Power agree to disband and disarm the Jewish Mishmar and the Arab municipal police by the date of the termination of the Mandate, and turn over their arms and equipment to the Commission?"

Mr. Cooke answered::

"The Government of Palestine felt that it will be of some assistance, not only to the Commission but also to the people of Palestine, if the centralized police force as it exists at the moment had attached to it before the termination of the Mandate. These Municipal forces which, since they are paid from municipal funds, would, so it was intended, continue being, functioning as a factor making for stability after the termination of the Mandate. Of course, if the Commission has different views I can merely refer the matter to London to ascertain what their reactions would be." (p.14, ibid)

A definite answer to this question may be found in the communication of 27 February. It states:

"(f) As regards Senator Francisco's remarks about the Jewish Mishmar and Arab Municipal Police Forces, the Commission may be assured

that the creation of such Municipal Police Forces, far from adding to the dangers of conflict between the Jews and Arabs or affecting the formation of militias, will represent the best contribution that could be made to the maintenance of security in purely Jewish or Arab areas."

(7)

Another question propounded during the consultation was this:

"Would the Mandatory Power have no objection to the Commission's sending its military advisers to Palestine before the termination of the Mandate in order to advise the Commission as to preparatory steps in connection with the formation of the future militia?"

Mr. Cooke answered:

"We have already put that question to London and we must await the answer before we can let you know." (p.19, *ibid*)

The answer appearing in the communication of 27 February is the following:

"(g) There is no objection to the arrival at any time of military or Police advisers to be sent to Palestine by the Commission, provided that they are few in number and that they confine themselves to matters connected with the formation of future Security Forces."  
(p.3)

(8)

Another question asked was the following:

"Has the Mandatory Power any suggestion to make as to how security can be maintained in the period between the termination of the Mandate and the formation of the armed militia?"

Mr. Cooke: "...The Mandatory Power does not consider itself in any way responsible for maintenance of security after the date of termination of the Mandate, except insofar as the General Officer Commanding will have certain powers which, as you know, will be brought to the notice of the Commission as soon as we have received them from London, but

which will, so far as I understand it, limit his functions to those steps which he may find necessary to take in order to facilitate the withdrawal of the British forces." (p.2)

In the communication of 27 February, the following appears to be a definite answer to the question:

"(h) His Majesty's Government has no suggestion to make as to how security could best be maintained in the period between the termination of the Mandate and the formation of the militias."

The communication stresses the fact that upon the Commission will fall the task of forming its own security force to guard their members up to the termination of the Mandate. It says:

"2. As has already been brought to the notice of the Commission, they will require their own security force after the termination of the Mandate on 15 May 1948. The proposal that the Commission should go to Aqir was made on the basis that British forces would not be available to guard them there."

"3. The Mandatory Power, as has already been stated, will take whatever steps may be possible in regard to the protection of the Commission during the overlap period up till 15 May."

It is my considered view that no useful purpose could be served in pursuing any further consultation with the representative of the Mandatory Power on the subject of militia.

VICENTE J. FRANCISCO (signed)  
Philippine Representative

Lake Success, New York  
March 8, 1948