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### UNITED NATIONS PALESTINE COMMISSION

#### SUMMARY RECORD OF THE SIXTIETH MEETING

Lake Success, New York  
Friday, 2 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. Sobolev	(Assistant Secretary-General)
	Mr. Bunche	(Secretary)
	Mr. Reedman	(Senior Political Adviser)

#### CONSIDERATION OF MISCELLANEOUS COMMUNICATIONS

The CHAIRMAN brought to the notice of the Commission a [letter from Mr. Peter Bergson](#) of the Hebrew Committee of National Liberation, dated 31 March which he informed them would be circulated later. The [letter](#) contained a request for an oral hearing for the purpose of submitting proposals connected with various aspects of the Palestine problem.

The SECRETARY placed before the Commission a communication from Mr. Azcarate (Deputy Principal Secretary) concerning the protection of Government Property in Palestine ([Informal Paper AP/19](#)). It was decided to inform Mr. Azcarate that the Commission had no objection to the proposed measures.

A further communication from Mr. Azcarate (Deputy Principal Secretary) dealing with a request of the President of the Vaad Leumi that the Mandatory Power be asked to assume the responsibility of conveying supplies to Jerusalem until 15 May ([Informal Paper AP/18](#)) was brought to the attention of the Commission. It was decided to inform Mr. Azcarate that the Commission does not question the legitimacy of such a request but would have to determine its own position in respect to the Mandatory Power before proceeding to any definite action. It was agreed to transmit the whole matter to the United Kingdom delegation without comment on the part of the Commission.

The SECRETARY informed the Commission that no reply had as yet been received from the International Postal Union owing to a delay in the air mail services. A cable indicated that their explanatory letter was to be expected soon.

The CHAIRMAN inquired after the developments regarding the cable sent by Mr. Horowitz to Mr. Hoofien on 28 March ([document A/AC.21/SR.58](#)). After having been informed by Mr. Reedman (Senior Economic Adviser) that no answer had as yet been received, he instructed him to hasten the matter as much as possible.

#### CONSIDERATION OF FUTURE WORK PROGRAMME

The CHAIRMAN explained to the Commission that in his opinion the Security Council decision to request the Secretary-General to convoke a special session of the General Assembly made the discussion of the future work of the Commission necessary. He expressed the view that the Commission should submit to the General Assembly a report on its work, which would consist of a review of the tasks accomplished by the Commission, of the tasks which it had been unable to accomplish, and of those tasks that might still be accomplished before the Second Special Session of the General Assembly reached a decision. He asked the Secretary to inform the Commission of the matters that were still outstanding.

The SECRETARY stated that if the Commission decided to report on this subject to the General Assembly, it would be advisable for the Secretariat to prepare a draft list consisting of two parts: one, of matters done and the other of matters still outstanding. The Commission could then decide which of these to include in its report. The Secretariat had already prepared a check list of outstanding matters which would be circulated later. He then proceeded to read a list of the matters still to be discussed with the Mandatory Power.

The opinion was expressed that the Commission's relations with the Security Council had been terminated, since the Security Council had turned over the whole question of the future government of Palestine to the General Assembly. It was stated that the matter of the stand to be taken by the Commission would have to be

discussed first, and meanwhile the Commission should continue its work under the [General Assembly resolution of 29 November 1947](#) and until the Second Special Session of the General Assembly reached a new decision. Concretely, it was suggested that the Commission should make a formal statement of its position. The wisdom of such proceeding was questioned on the grounds that it would antagonize the Security Council, and the counter proposal was made that the Commission decide on its own whether and to what extent to continue its work. Concretely, it was suggested that the Secretariat prepare a working paper of matters to be handled by the Commission pending the decision of the General Assembly, which would not be incompatible either with partition or with trusteeship, and which would not jeopardize the success of the proposed truce, such as the matters of food, health, currency, customs, etc. This suggestion was advanced on the ground that the Commission should do all within its power to fill the vacuum that would be created in Palestine after the termination of the Mandate. The Commission would have to avoid all matters that might prejudice the General Assembly's decision or impede the resolutions of the Security Council, and should restrict itself to practical measures. Therefore, it was suggested that the Commission address a letter to the President of the Security Council informing him that it would report to the Second Special Session of the General Assembly on its work to date and that it proposed to do all within its power to carry out the transfer of authority from the Mandatory Power to itself. It was submitted that even if the Commission did not receive an answer to its letter from the Security Council, it should proceed as rapidly as possible to London for negotiations with the United Kingdom authorities on the spot.

This whole suggestion was criticized on the ground that the Commission would first have to decide whether or not it would continue to try to carry out the mandate which it had received from the General Assembly regarding the partition of Palestine. It was pointed out that if the Commission decided to proceed along the lines of its mandate, there were a number of things that would have to be done in New York, such as the selection of the Provisional Council of Government for the proposed Jewish State, etc. If, on the other hand, the Commission decided to discontinue its work, no purpose would be served by its proceeding to London. In accordance with the above view, Mr. MEDINA (Bolivia) suggested that the Commission decide the matter immediately, and submitted for the consideration of the Commission a draft resolution prepared by himself as follows:

“THE UNITED NATIONS PALESTINE COMMISSION

HAVING received a definite mandate from the General Assembly to carry out the recommendations contained in the [Resolution](#) on the Future Government of Palestine approved on November 29, 1947;

HAVING, in accordance with the terms of that [Resolution](#), asked for guidance and, instructions from the Security Council, which to this date have not been received, concerning the implementation of the General Assembly's resolution; and

HAVING, on the other hand, noted the [Security Council's decision of April 1](#) calling a Special Session of the General Assembly to consider further the Future Government of Palestine

RESOLVES

1. To Continue carrying out its duties in the understanding that all decisions taken from now on will be subject to revision by the General Assembly which will meet on April 16 to consider further the Future Government of Palestine;

2. To begin at once drafting the report it must present to the Special Session of the General Assembly explaining the reasons which prevent the Commission from carrying any further the tasks assigned to it by the [Resolution of November 29, 1947](#)”.

Before and during the discussion of this draft resolution, several amendments were introduced by Mr. MEDINA himself; other suggested amendments were accepted by Mr. MEDINA. The amendments were as follows:

1. It was agreed to delete the word “definite” in the first paragraph of the Preamble.

2. The second paragraph of the preamble was amended to, read as follows: “HAVING received no guidance or instructions from the Security Council concerning the implementation of the [General Assembly's resolution](#); and”.

3. The third paragraph of the preamble was amended to read as follows: “HAVING, on the other hand, noted the Security Council's decisions of 1 April calling for steps to be taken to arrange for a [truce](#) in Palestine, and requesting the Secretary-General to [convoke a Special Session](#) of the General Assembly to consider further the question of the future government of Palestine”.

4. The first paragraph of the operative part of the resolution was amended to read as follows: “1. To continue its work, bearing in mind the resolutions adopted by the Security Council, in the understanding that all of its decisions will be subject to such final action on the future government of Palestine as may be taken by the Special Session of the General Assembly convening on 16 April”.

5. The second paragraph of the operative part of the resolution was amended to read as follows: “2. To undertake the preparation of a report to be presented to the Special Session of the General Assembly which will include an exposition of the reasons which have prevented the Commission from discharging all of the responsibilities assigned to it by the [Resolution of 29 November 1947](#).”

In respect to the proposed resolution, it was observed that it was the duty of the Commission to get on with the job and not to make dramatic statements reaffirming a position that was already well known.

The opinion was reaffirmed that the Commission's relations with the Security Council had come to an end owing to the fact that the Security Council had ignored the [resolution of the General Assembly](#) which the Commission was obliged to carry out according to its mandate and until the General Assembly should decide otherwise. It was maintained that any preliminary action towards the implementation of partition would be a gain if the Assembly confirmed its previous decision and would be no loss if it rejected it. Such preliminary action, including the selection of the Provisional Council of Government for the proposed Jewish State, could only assist in preventing administrative chaos in Palestine after 15 May. It was pointed out that the only thing that could prevent the Commission from proceeding along these lines would be an agreement to this effect between the interested parties. The conviction was stated that the Commission should consider the [General Assembly resolution](#) as having been well inspired and as still being binding on the Commission.

The fear was expressed that any action regarding the selection by the Commission of the Provisional Council of Government for the proposed Jewish State might impede the truce proposed by the Security Council's resolution. It was repeated that the Commission should avoid all action that might obstruct the success of the truce, that it should restrict itself to carrying out measures that were compatible with both resolutions approved by the Security Council, and that if the problems to be discussed in London were of such a nature, the Commission should proceed with them as soon as possible.

In answer to the above suggestion, it was pointed out that the draft resolution under consideration overcame this danger by stating that any future decisions taken by the Commission would be subject to revision by the General Assembly. It was remarked that the purpose of this resolution was to define the position of the Commission for the record, and to protect the Commission against any possible charges of not having fulfilled its task.

The possibility that the General Assembly might re-affirm its previous decision was brought up. It was pointed out that in such an eventuality much valuable time would have been lost if the Commission decided not to proceed with its task, especially in the matter of the organization of the Jerusalem police force which was considered to be even more important than the selection of the Provisional Council of Government in the proposed Jewish State in view of the well-known Arab intention to keep their hold on Jerusalem. It was observed that the terms of reference for the Provisional Council of Government as set forth by the Commission in its letter to Mr. H. Shertok of 29 March precluded the possibility of its prejudging the decision of the General Assembly, but on the contrary, would help it in arriving at such a decision.

In answer to a remark that this would not be practical and should be referred to the Security Council, it was answered that the Commission should proceed with the implementation of the resolution and if it should fail, this would not be its fault, but the fault of the Security Council.

The attention of the Commission was drawn to the resolution under consideration and it was repeated that the Commission would have to decide whether it would carry out its mandate *in toto* or not at all.

It was stated in reply to this argument that such a resolution would affirm a position that was so obvious as to be a pointless step. It was stressed that the Commission was concerned with human welfare which was far more important than the legal aspects of the Commission's position. It was further pointed out that there were many practical steps that the Commission could take in London such as the matter of food, health, currency, customs, etc. After negotiations on the subjects, the Commission would know where it stood and would be able to report fully to the General Assembly. If it did not proceed along these lines, the Commission would be guilty of gross neglect of duty. As for the other matter, such as the Provisional Councils of Government, etc., they were liable to prejudice the decision of the General Assembly, to impede the truce in Palestine and, in any case, were matters which would acquire importance only after the General Assembly had reached a decision. It was therefore urged that the Commission decide immediately to proceed to London the following week.

In reply, it was argued that the Commission's authority was derived exclusively from the mandate which it had received to carry out partition. The Commission had no authority to take steps that were not within the framework of the [partition resolution](#). If the Commission were to decide to abandon partition it would have no authority to proceed in taking any further steps. It was therefore submitted that the decision as to whether the Commission would continue its implementation of partition should have priority over all other matters.

Against this contention, it was pointed out that the [partition plan](#) could be considered as suspended by the decision of the Security Council to convene the General Assembly, but that it was obvious that the General Assembly would need all the information and preliminary work that the Commission could supply to it irrespective of the final decision that it might reach. It was explained that there was no proposal that the Commission should take decisions, but that it should find out how the situation stood in relation to the Mandatory Power which would in no way be prejudicial to any plan that the General Assembly might adopt.

It was remarked that in the first paragraph of the operative part of the proposed resolution which dealt with the future work of the Commission, there was no contradiction between the two opposed points of view. In this regard, it was maintained that the only distinction was a priority of such matters as the Provisional Council of Government for the proposed Jewish State and the Jerusalem Police Force over others, such as would be negotiated in London.

The CHAIRMAN summed up the debate by stating that the Commission would first have to decide whether it would continue its task of implementing partition or whether it would abandon it.

Agreement with the attitude stated in the first paragraph of the operative part of the draft resolution was expressed on the understanding that the Commission decide what questions it would take up in London, since humanitarian considerations came before legal problems and, further, that the Commission prepare the ground for a prompt decision of the General Assembly.

In reply to a question as to whether the Commission would have the time to proceed to London and return before the General Assembly convened, it was pointed out that the Commission could travel by air.

It was agreed that the question of the food supply for Palestine could not be deferred and an elucidation of the situation as it stood at present was called for.

#### CONSIDERATION OF THE QUESTION OF FOOD SUPPLIES

The CHAIRMAN asked Mr. Reedman (Senior Economic Adviser) to make a statement on the progress made in the negotiations on the procurement and the financing of food supplies for Palestine.

Mr. REEDMAN (Senior Economic Adviser) stated that confirmation had not yet been received from Mr. Fletcher-Cooke regarding the telegram which had earlier been received from Mr. Horowitz respecting the financing of food imports ([document A/AC.21/SR.58](#)), and it was therefore not known how far negotiations between the Jewish Agency and the Palestine Administration had progressed.

He said that Mr. Singer (Economic Adviser) had made a trip to Washington to consult the Director-General and the Assistant Secretary-General of the International Emergency Food Council regarding the whole problem of Palestine's representation before the International Emergency Food Council regarding the possibilities of obtaining an additional supply of 10,000 tons of wheat before 30 June to be offset against allocations for Palestine for the second half of the year. The Director-General considered Palestine's situation extremely serious, especially in view of the shortage of time for action.

Arrangements would shortly have to be made for Palestinian representation before the International Emergency Food Council for allocations of cereals for the third quarter of 1948. Up to the present these allocations had been made to the United Kingdom as part of the allocations for the United Kingdom Middle East areas, and there was the problem of disentangling the Palestine case from the Middle East case. That problem was being studied by Mr. Henson in London.

The general view of the International Emergency Food Council was that it would not be easy, if at all possible, to secure export licences for the additional 10,000 tons of wheat to be offset against the second half year's allocation. As an alternative it would be necessary to obtain an additional allocation respecting the period up to 30 June, which would mean representation before the International Emergency Food Council by the Mandatory Power before 15 May. One suggestion made by the International Emergency Food Council, which Mr. Reedman and his colleagues had also had in mind, was that the United Kingdom should continue to represent Palestine in the interim period and that the Commission should appoint an officer to be attached to the United Kingdom delegation in Washington for the purpose of assisting in the presentation of the Palestine case. The opinion of the Director-General of the International Emergency Food Council was that this would be the simplest way of dealing with this complicated problem.

Another important point raised in Washington was that on 15 May Palestine would have only two weeks' supply of wheat on hand. This was an extremely low limit. In any case, about eight weeks' supply should at that time be on its way to Palestine to maintain the flow of supplies of wheat unbroken, and for that arrangements would have to be made within the next ten days or so.

Mr. Henson (Consultant) now had, according to his last cable from London, a complete technical account of the food situation and had reached agreement with the United Kingdom Ministry of Food officials respecting the quantities of food necessary. The next step was representation before the International Emergency Food Council.

There still remained the financial problem which could only be settled with the United Kingdom Government in London. It involved the securing of advances which it is hoped to obtain through the Mandatory Power for initial financing. The assumption that private importers would, against licences, be able to obtain currency was directly related to the question of the release of Sterling balances. A reply was now being awaited from the United Kingdom Government on the question of finance.

#### CONTINUATION OF CONSIDERATION OF FUTURE WORK PROGRAMME

Mr. SOBOLEV (Assistant Secretary-General), asked by Members to give his opinion regarding the Commission's position resulting from the latest developments in the Security Council, stated that, as far as the legal situation was concerned, it could not be said that the Security Council had not taken any action relative to the security situation in Palestine. The Security Council had passed a [resolution calling for a truce](#), and another [resolution calling for the convening of a Special Session](#) of the General Assembly.

The Security Council had refrained from making any recommendations to the Commission regarding its activities and there was no definite opinion in the Security Council regarding the question as to whether the Security Council had the right to stop or suspend the activities of the Commission. On the other hand, the observation had been made in the Security Council that the Commission was capable of judging the situation in which the whole Palestinian problem now stood and would accordingly be able to take whatever decisions it considered appropriate. There was, he thought, no disagreement among the Members of the Security Council respecting the view that the Commission, having been established by the General Assembly, could be dissolved only by that body.

In the difficult situation now facing it, the Commission had to decide whether it would suspend all action, continue all action, or take only certain action. It was of course completely up to the Commission to decide which course to follow.

As far as the draft resolution proposed by Mr. Medina (Bolivia) was concerned, it accurately defined, he thought, the legal position of the Commission.

In reply to a question as to whether it was not, in his opinion, inadvisable for the Commission to take any action which might have the effect of impeding the conclusion of a truce, Mr. Sobolev stated that the Commission could not, in his opinion, ignore the Council's resolution calling for a truce. However, he thought that it was impossible to know off-hand which action it would be appropriate for the Commission to take. That could only be decided by the Commission after carefully weighing any proposed action. With reference to the setting up of the Provisional Council of Government for the proposed Jewish State, he pointed out that as the Commission had already stated its position, namely, that even if the Provisional Council of Government for the proposed Jewish State was established it would not exercise any functions until 16 May, taking that step might not have the effect of impeding the truce. At the same time, if the two parties to the truce were to ask the Commission to suspend any action, the Commission would have to comply with the request.

In reply to a question as to whether, in his opinion, the Commission's proposed work in London might impede the conclusion of the truce, Mr. Sobolev stated that it was difficult to know off-hand. In view of recent action by the Arabs in halting food shipments to Jerusalem, action even on food questions might influence the conclusion of a truce.

With reference to the draft resolution proposed by Mr. Medina, one view expressed was that although the resolution accurately expressed the Commission's position, there were strong objections to the passage of a resolution: it would be interpreted in various ways and would thereby create confusion; also, the preamble struck a note of defiance of the Security Council which was not desirable. The draft resolution did not express anything which was not or would not be obvious from the Commission's actions. It would be preferable to pass no resolution and simply go on with whatever work might be helpful to the situation in Palestine on 15 May,

providing such action was not prejudicial to alternative solutions which might be adopted by the General Assembly.

In reply to the above arguments against the draft resolution, Mr. MEDINA (Bolivia) stated that in his opinion it was imperative, out of fairness to the Members themselves and in view of the Commission's responsibility to the General Assembly, to clarify the Commission's position by means of the resolution. He thought that far from defying the Security Council it would have the effect of smoothing the relationship of the Commission with the Security Council.

A discussion followed as to whether the resolution as such should be passed, or whether its substance should be stated in a letter to the Security Council or in a communique to the press.

It was argued that the direct effect upon the Commission of the Security Council's resolutions called for nothing less than a resolution to record formally the Commission's position. The adoption of a resolution might also expedite the work of the General Assembly at the Special Session.

The draft resolution with the amendments listed above was then considered paragraph by paragraph, and was adopted by four votes to one, with Mr. Federspiel (Denmark) voting against.

The text as finally adopted read as follows:

"THE UNITED NATIONS PALESTINE COMMISSION

HAVING received a mandate from the General Assembly to carry out the recommendations contained in the [Resolution on the Future Government of Palestine](#), approved on 29 November 1947;

HAVING received no guidance or instructions from the Security Council concerning the implementation of the [General Assembly's resolution](#); and

HAVING, on the other hand, noted the Security Council's decisions of 1 April calling for [steps to be taken to arrange for a truce](#) in Palestine, and requesting the Secretary-General to [convoke a Special Session](#) of the General Assembly to consider further the question of the future government of Palestine,

RESOLVES

1. To continue its work, bearing in mind the resolutions adopted by the Security Council, in the understanding that all of its decisions will be subject to such final action on the future government of Palestine as may be taken by the Special Session of the General Assembly convening on 16 April;
2. To undertake the preparation of a report to be presented to the Special Session of the General Assembly which will include an exposition of the reasons which have prevented the Commission from discharging all of the responsibilities assigned to it by the Resolution of 29 November 1947."

Mr. FEDERSPIEL (Denmark) wished to explain his vote for the record. He stated that he was opposed to the resolution because, in his opinion, at its best interpretation it stated nothing which was not obvious, and at its worst interpretation it might occasion legalistic speculation, adding fire to the inflamed passions involved in the Palestine issue at a time when every effort should be concentrated on pacifying the parties and making the necessary practical preparations for an orderly transfer of the Mandate on 15 May to whichever authority might ultimately succeed the Mandatory Power.

CONSIDERATION OF THE QUESTION OF THE COMMISSION'S PROPOSED TRIP TO LONDON.

The CHAIRMAN stated that the check list of outstanding matters to be considered by the Commission which the Secretariat had been asked to prepare was ready and would be distributed. After the list had been studied by the Members, especially with a view to picking out the subjects which should be discussed at London, a decision could be taken regarding the Commission's proposed trip to London.

It was understood that, in view of its urgency, the decision regarding the trip to London would not be postponed later than the subsequent meeting.

*The meeting rose at 5.10 p.m.*

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