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UNITED NATIONS

ORGANIZATION AND PROCEDURE OF UNITED NATIONS COMMISSIONS



III

The United Nations Special Committee
on Palestine

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UNITED NATIONS

**ORGANIZATION AND PROCEDURE
OF UNITED NATIONS COMMISSIONS**

III

**The United Nations Special Committee
on Palestine**

Memorandum submitted by the Secretary-General



*Interim Committee of the General Assembly
Sub-Committee on International Co-operation in
the Political Field*

LAKE SUCCESS, NEW YORK

1949

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**ORGANIZATION AND PROCEDURE OF THE
UNITED NATIONS SPECIAL COMMITTEE
ON PALESTINE (UNSCOP)**

(26 May 1947 - 31 August 1947)

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INTRODUCTORY NOTE

The Interim Committee, in implementation of paragraph 2 (c) of General Assembly resolution 196 (III), requested the Secretary-General to prepare, as part of the systematic study on the promotion of international co-operation in the political field, a series of memoranda on the organization, internal procedure and operation of United Nations commissions. The commissions, in regard to which such memoranda have already been prepared, are listed below in the chronological order of their creation:

- I. The United Nations Commission of Investigation concerning Greek Frontier Incidents
- II. The Subsidiary Group of the United Nations Commission of Investigation concerning Greek Frontier Incidents
- III. The United Nations Special Committee on Palestine
- IV. The Security Council Consular Commission at Batavia
- V. The Security Council Committee of Good Offices on the Indonesian Question
- VI. The United Nations Special Committee on the Balkans
- VII. The United Nations Palestine Commission
- VIII. The United Nations Temporary Commission on Korea
- IX. The Security Council Truce Commission for Palestine
- X. The United Nations Mediator (and Acting Mediator) in Palestine
- XI. The United Nations Commission for India and Pakistan

The termination date for the developments to be considered in the memoranda dealing with commissions still active in the field has been fixed at 1 March 1949. As a result, the activities of the most recently established commissions - the United Nations Conciliation Commission for Palestine, the United Nations Commission for Korea and the United Nations Commission for Indonesia - were not examined, since insufficient data were available for the period covered.

The eleven memoranda listed above were intended to provide the necessary background information for a comparative analysis of United Nations experience with commissions (see Annex II, Report of the Interim Committee of the General Assembly, document A/966). Consequently, it was essential that the studies should be organized and presented under a standard set of headings, insofar as the differences in the nature and functions of the individual commissions allowed. Each memorandum is thus divided into five (or six) sections, which deal with the constitutional origins, organization and internal procedure of the commission in question,

its relations with the principal organs, its method of operation, and, wherever appropriate, the preparation and presentation of its final report. Under each section an attempt has been made to establish general sub-headings. The section on organization, for example, deals with such questions as the name of the commission, its membership and composition, the date of and arrangements for convening the first meeting, the arrangements for the nomination of the members, qualifications of representatives, payment of representatives, chairmanship, size of delegations, secretariat and liaison with States and organizations concerned.

The sub-headings clearly could not be applied to all commissions. The Office of the Mediator in Palestine, for instance, consisted of a single person and therefore questions of chairmanship or of convening the first meeting did not arise. Least susceptible of standardized treatment is the section which reviews the method of operation, where variations arose not only from the diverse functions of the commissions but also from the special circumstances of each dispute.

In addition a "Comparative Tabulation of the Rules of Procedure of the United Nations Commissions" has been prepared and is included in the present series as memorandum XII.

5 August 1949

**Organization and Procedure of the
United Nations Special Committee
on Palestine (UNSCOP)**

(26 May 1947 - 31 August 1947)

A. Constitutional Origin

1. On 2 April 1947, the representative of the United Kingdom addressed a letter to the Secretary-General of the United Nations requesting that the question of Palestine be placed on the agenda of the next regular session of the General Assembly and, further, that a special session of the General Assembly be summoned as soon as possible for the purpose of constituting and instructing a special committee to prepare for the consideration of the question by the Assembly at its next regular session.
2. Acting in accordance with rule 49 of the provisional rules of procedure of the General Assembly, the Secretary-General summoned the first special session of the General Assembly to meet at New York on 28 April 1947.
3. Five Member States (Egypt, Iraq, Syria, Lebanon and Saudi Arabia) requested the Secretary-General that the following additional item be placed on the agenda of the special session: "The termination of the mandate over Palestine and the declaration of its independence."
4. On the recommendation of the General Committee, the General Assembly included in the agenda and referred to the First Committee the item submitted by the United Kingdom Government, but did not include in its agenda the item submitted by the Arab States. Hence the sole item on the agenda of the special session was that submitted by the United Kingdom Government viz., "Constituting and instructing a special committee to prepare for the consideration of the question of Palestine at the second regular session."
5. On the recommendation of the General Committee, the General Assembly decided that the First Committee should grant a hearing to the Jewish Agency for Palestine and should also decide which of the other organizations which applied to express their views on the Palestine problem should be heard. After discussion, the First Committee decided to grant a hearing to the Arab Higher Committee, a decision which the General Assembly declared to be a correct interpretation of its intention.

6. Accordingly, representatives of the Jewish Agency for Palestine and of the Arab Higher Committee presented their views before the First Committee. Requests for hearings submitted by other organizations were refused because it was considered that they did not meet the requirements of the First Committee, viz., that the organizations heard should represent a considerable element of the population of Palestine.

7. The First Committee devoted twelve meetings to consideration of the question of constituting and instructing a special committee on Palestine. The text of the resolution recommended by the First Committee concerning the composition and terms of reference of the Special Committee on Palestine was adopted by the General Assembly on 15 May 1947. The final vote on the resolution as a whole (after a paragraph by paragraph vote) was 45 to 7, with 1 abstention.

8. Resolution 106 (S-1) constituted and instructed a Special Committee of eleven Member States to prepare a report and "submit such proposals as it may consider appropriate for the solution of the problem of Palestine," which report was to be communicated to the Secretary-General not later than 1 September 1947. The urgency of the situation and the time-limit set by the resolution fundamentally affected the whole work of the Special Committee.

9. The Special Committee was given "the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine". It was asked to conduct its investigations in Palestine and, wherever it might deem useful, to receive and examine written or oral testimony, whichever it might consider appropriate in each case, from the Mandatory Power, representatives of the population of Palestine, from Governments and from such organizations and individuals as it might deem necessary. It was also to give "careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity".

B. Organization

1. Arrangements for convening the first meeting

10. In answer to a telegram from the Secretary-General requesting that the representatives to UNSCOP be named as early as possible, the Governments of the eleven Member States which comprised the Committee communicated the names of their representatives and alternates. The first meeting of UNSCOP was convened by the Secretary-General at the interim headquarters of the United Nations at Lake Success, New York, on 26 May 1947.

2. Name of the Committee

11. The name of the Committee, as suggested by the terms of the proposal of the United Kingdom delegation and of the agenda item, was embodied in the resolution of the General Assembly constituting and instructing the "Special Committee". While the Committee was in Palestine, the name UNSCOP (United Nations Special Committee on Palestine) was adopted, without formal decision, as a result of usage and practice.

3. Membership and composition

12. Three aspects of the problem of the composition of UNSCOP provoked discussions:

Inclusion or exclusion of permanent members of the Security Council

The major issue was the question of the inclusion or exclusion of the permanent members of the Security Council.

(a) The main arguments adduced in favour of their exclusion were as follows:

(1) The presence of the five permanent members would make it difficult for the Committee to arrive at a satisfactory decision because:

- (i) The special interests of the five permanent members in the area under discussion would affect the impartiality of the Committee.
- (ii) The political position of the five permanent members would make an independent decision by the Committee difficult.
- (iii) The conflicting interests of the five permanent members might delay and interfere with unanimous agreement in the Committee.

(2) One of the five permanent members, the United Kingdom, should be excluded as a State directly interested. It would therefore be in harmony with the spirit of the Charter to exclude also the other four permanent members.

(b) The main arguments in favour of inclusion were as follows:

(1) The Special Committee must be representative of the General Assembly, and the presence of the five

permanent members of the Security Council would lend weight to its recommendations.

(2) Complete neutrality would be difficult in any event for any Member State.

(3) Fewer difficulties would arise at a later stage if the Members who would be called upon to help implement the decisions of the Special Committee were to help to prepare the decisions.

The First Committee, by a vote of 13 to 11, with 29 abstentions, decided that the five permanent members of the Security Council should be excluded.

Size of the Special Committee

As regards the size of the Special Committee, it was generally agreed that a small committee could act more expeditiously, would be in a better position to master the facts and reach a consensus among its members than a larger committee more representative of the whole General Assembly. The representative of Australia, however, pointed out that in view of the number of hearings the Committee would have to hold, the places it would have to visit, and the limited time at its disposal, the most practical point of view suggested a committee of 11 members. The Australian proposal was adopted.

Geographical distribution

While there seemed to be general acceptance of the principle that the composition of the Committee should be based on geographical distribution, discussions arose with regard to the practical expression of this principle. The representative of the USSR suggested the same composition as the Security Council as most appropriate.

The representative of Argentina suggested that the Committee should be representative of the Assembly in the ratio of one to five, giving a committee of 11 members, and that all the continents should be represented in proportion to the number of Member States within their boundaries. The United States proposed one representative of each of the following seven States: Canada, Czechoslovakia, Iran, Netherlands, Peru, Sweden and Uruguay.

13. At the 57th meeting of the First Committee, the 11 members of UNSCOP were chosen in the following manner. The list proposed by the United States, naming seven Governments selected on the basis of geographical distribution, with, on the

proposal of Chile, the addition of Guatemala and Yugoslavia, was accepted. Thereafter Australia, India, the Philippines and Siam were proposed. The First Committee decided to vote upon the four nominations in two groups, still adhering to the principle of geographic distribution: The South Pacific area (Australia and the Philippines) and the Asiatic area (India and Siam). Australia and India were elected. The First Committee accordingly proposed to the General Assembly a body of 11 members, and the General Assembly adopted the resolution without change.

14. The original nominations to UNSCOP remained unchanged throughout.

4. Arrangements for nominations of Members

15. The eleven Member States, in response to the Secretary-General's request that representatives to UNSCOP be named as early as possible, designated one main representative and one alternate each. India designated two alternates.

5. Status and qualifications of representatives

16. There was some discussion in the First Committee regarding the status of representatives and their qualifications, it being generally agreed that persons of high moral standing and recognized competence should be appointed by Governments. Several delegations stated that the representatives should not act on the instructions of their Governments, and that their Governments should not necessarily be bound by the opinions and decisions of the representatives. It was understood, however, that the matter should be left to the discretion of the Governments concerned.

17. The individual delegates sat as representatives of their respective Governments. Four of the representatives were jurists with a background of Government representation. Six of the representatives had a background of long-standing diplomatic services and Government representation. One was a professor with a background of Government representation.

6. Payment of expenses of members

18. General Assembly resolution 106 (S-1) in paragraph 9 authorized the Secretary-General "to reimburse travel and subsistence expenses of a representative and an alternate representative from each Government represented on the Special Committee, on such basis and in such form as he may determine most appropriate in the circumstances." The per diem allowance was fixed at twenty dollars.

7. Chairmanship

19. At the first meeting of UNSCOP, held in New York, the Secretary-General presided. At the second meeting, held in New York, the representative of Sweden, on the two-fold grounds of experience in judicial administration and neutrality, was elected by secret ballot as Chairman of UNSCOP. He functioned throughout as permanent Chairman. The nomination of the representative of Peru as permanent Vice-Chairman was not contested. As the representative of Peru attended only the New York meetings, however, the Committee functioned without a Vice-Chairman.

8. Size of the delegations

20. While the Assembly resolution made provision for the appointment of one representative and one alternate by each Member of the Commission, it was silent on the question of their personal staffs. Seven of the representatives were not accompanied by any personal staff, three representatives each had their own secretaries, and one representative had a staff of several persons.

9. Secretariat

21. The Secretary-General, in accordance with paragraph 8 of General Assembly resolution 106 (S-1) designated a secretariat of 60 Members, of which 50 served throughout the entire period of the Committee's work. The secretariat was headed by an Assistant Secretary-General as the Secretary-General's personal representative to the Committee, and the Director of the General Political Division of the Department of Security Council Affairs as Principal Secretary. In addition, there were the following officers: A special assistant to the Secretary-General's Personal Representative, seven Assistant Secretaries of whom four were political affairs officers, and one a legal officer, one a social affairs officer, and one an economic affairs officer; two research assistants; an administrative officer; a financial officer; a conference officer; a transport and accommodations officer; a documents production officer; and a public relations officer. There were also nine interpreters and translators, sixteen reporting and reproduction staff, four personal secretaries and twelve bilingual stenographers.

22. The nationalities of the senior members of the staff were: Australia (1), Belgium (1), China (1), France (1), Greece (2), Mexico (1), Norway (1), Union of South Africa (1), United Kingdom (4) and United States of America (5).

10. Liaison with States and organizations concerned

23. On 19 May 1947, the Jewish Agency requested that a permanent liaison officer should be attached to the Committee. In connexion with this request, and also on considering the general problem of relations with representatives of the Mandatory Power, the Arab Higher Committee, the Jewish Agency and the population of Palestine, the Committee adopted on 3 June 1947, at its third meeting, the following rule of procedure: "The Mandatory Power, the Arab Higher Committee and the Jewish Agency for Palestine may appoint liaison officers to the Committee who shall supply such information or render other assistance as the Committee may require. The liaison officers may, *suo moto*, present at the discretion of the Committee such information as they may think advisable."

24. As regards the functions of these liaison officers it was decided that:

- (i) They could not and would not sit with the Committee as members of the Committee. They would not be entitled to be present at the deliberations of the Committee or in the private discussions between members.
- (ii) In meetings involving hearings, they could put questions if permitted by the Committee; they could present the case of the parties whom they represented, adduce evidence and produce documents.

25. On 4 June, the head of the UNSCOP secretariat requested the Jewish Agency, the Arab Higher Committee and the representative of the United Kingdom to appoint liaison officers.

26. The Jewish Agency appointed two liaison officers to the Committee. The Government of Palestine appointed one liaison officer to the Committee and later in Geneva, the same person was also appointed liaison officer by the Mandatory Power.

27. The Arab Higher Committee, which abstained from collaboration, did not appoint any liaison officer. None of the other groups was permitted the right of appointing liaison officers to the Committee.

28. General Assembly resolution 106 (S-1) requested the Secretary-General to "enter into suitable arrangements with the proper authorities of any State in whose territory the Special Committee may wish to sit or travel." In accordance with this, the Secretary-General requested the co-operation of the Government of Palestine and informed the representative of the United Kingdom of the date of departure of the Committee from New York and the approximate date of arrival in Jerusalem. The

Palestine Government, on 14 June 1947, agreed to make any administrative arrangements requested to facilitate the visit to Palestine of UNSCOP, and appointed an officer to assist the Committee on administrative matters.

11. Non-cooperation of the Palestinian Arabs

29. From the outset of its work, UNSCOP was faced with the non-cooperation of the Palestinian Arabs. This affected the entire work of the Committee. It was also the subject of extensive discussions at the Committee's private meetings, causing frequent divisions on both the principle as to whether the Committee should pursue its efforts to obtain Arab co-operation, and the methods of overcoming the problem.

30. Arab non-cooperation took two forms:

- (i) An official statement of 13 June 1947 to the Secretary-General from the Arab Higher Committee, conveying the decision of the latter to abstain from collaboration in the work of UNSCOP.
- (ii) A local boycott that affected the day-to-day working of the Committee while in Palestine.

31. In so far as the success of the work of UNSCOP depended upon the co-operation of the parties to the dispute in Palestine, the Committee took all possible steps to overcome this disability. On 16 June, the Chairman made an appeal by radio, which was reproduced in the local press, for the full co-operation of all parties. Informal approaches were time and again made to the leaders of the Palestinian Arabs, urging them to co-operate in the work of UNSCOP. One instance of this was the decision of the Committee, at its 18th meeting, that the chairman of Sub-Committee 2 should call on the Supreme Moslem (Sharia) Council to inquire whether its members were prepared to give information on their religious interests. The inquiry did not meet with success. At its 22nd and 23rd meetings, the Committee decided to address a letter directly to the Arab Higher Committee, noting with regret the decision of the Arab Higher Committee to abstain from collaboration and repeating the Committee's invitation for full co-operation. In reply, the Vice-Chairman of the Arab Higher Committee stated that the Arab Higher Committee found no reason to reverse its previous decision. Despite this, the Committee continued its efforts to obtain the co-operation of the Arabs in its work.

32. Some members of the Committee, during the discussions on the report of Sub-Committee 1 suggesting an itinerary, pointed

out that a more detailed investigation of the Arab areas should be undertaken to balance the absence of the Arabs at the meetings of UNSCOP. Consequently, the itinerary took special account of Arab residential, industrial, agricultural and religious areas.

33. In addition, the members of the Committee attempted to ascertain the views of the Palestinian Arabs by maintaining informal contact with communal, religious and political leaders. In line with this were the frequent informal approaches of the members of the Committee to the common man, so as to be able to ascertain the point of view of the man-in-the-street.

34. At a later stage of its work, the Committee decided to invite the neighbouring Arab States to express their views on the question of Palestine. A letter was addressed to this effect to the consular representatives in Jerusalem of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Transjordan and to the Government of Yemen through the Consul-General of Lebanon. Acceptances followed, with the exception of Transjordan, and at Beirut the views of the Governments of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen on the Palestinian problem were heard at two meetings, one private and one public. This procedure was adopted, not only to obtain the views of the neighbouring Arab States, which was important to the work of the Committee, but also because of the added light that such views might throw on the opinions, attitude and aspirations of the Palestinian Arabs. The private visit of the Chairman and some members of the Committee to Amman likewise showed the consistent efforts of the Committee to obtain all Arab viewpoints on the future government of Palestine.

12. Brief outline of Committee structure

35. UNSCOP established four sub-committees for consideration of specific problems. Sub-Committee 1 was appointed on its arrival in Palestine for the purpose of drawing up an itinerary for the Committee. It was composed of the alternate representatives and was presided over by a member of the secretariat. On the basis of the Sub-Committee's suggestions, the Committee in subsequent meetings approved the itinerary, which was followed from 22 June to 3 July 1947.

36. Sub-Committee 2 was appointed at the 10th meeting of UNSCOP to deal with requests by organizations or individuals for hearings. Sub-Committee 2 was comprised of the representatives of Australia, the Netherlands, Yugoslavia and Uruguay, together with the Personal Representative of the Secretary-General. The Sub-Committee presented four reports, on the basis of which UNSCOP adopted the criteria by which hearings

should be granted, the list of organizations and individuals who should be heard on the basis of those criteria, and the timetable for the hearing of oral evidence.

37. Sub-Committee 3 was appointed when UNSCOP was in Geneva, for the purpose of visiting displaced persons' camps. It was composed of either the principal or the alternate representatives of ten of the eleven members of UNSCOP. The Sub-Committee proposed for the consideration of the Committee drafts of an itinerary and terms of reference, which were adopted by the Committee at its 44th meeting. From 8 to 14 August, Sub-Committee 3 visited a number of displaced persons' camps in Germany and Austria. Its report was approved at the 45th meeting of the Special Committee, when it was further decided that it should be attached as an annex to the Report of the Committee.

38. Sub-Committee 4, consisting of the eleven alternate representatives, was constituted to study the question of religious interests of Holy Places. The status of Jerusalem was also referred to this Sub-Committee.

C. Internal Procedure

1. Method of adoption of rules of procedure

39. Resolution 106 (S-1), paragraph 3, provided that "the Special Committee shall determine its own procedure."

40. At the first meeting of UNSCOP, it was decided that, owing to the absence of six of the main representatives, a preparatory working group should be entrusted with the task of preparing proposals for the consideration of the full Committee on such questions as rules of procedure, verbatim or summary records, languages, press communiques, etc. This preparatory working group held three meetings and presented its suggestions to the Committee at the latter's second meeting on 2 June 1947.

41. The Committee, at its third meeting on 3 June 1947, adopted provisional rules of procedure which were adaptations of the rules of the General Assembly. In addition, special rules designed to meet the particular requirements of UNSCOP were adopted, such as the appointment of liaison officers and the receipt of oral and written testimony, translation for evidence given in other than official languages of the United Nations, etc.

2. Documentation and records

42. All Committee documents were reproduced by the secretariat and distributed by the documents officer. Verbatim records

of all the hearings were taken and were circulated to the members of the Committee on their request. Summary records were kept of the Committee's meetings. At the seventh meeting of UNSCOP it was decided that copies of all documents, other than confidential ones, were to be supplied to the three parties - the Mandatory Power, the Arab Higher Committee and the Jewish Agency for Palestine.

43. Owing to the extensive nature of the written material dealing with the problem of Palestine, and with a view to facilitating the task of the members, the Committee was presented at its first meeting with the first three volumes of the "Working Documentation on Palestine", prepared by the Secretariat. These were as follows:

Volume I: "Reference Library on Palestine" (82 pages and subject index)

Volume II: "Principal Documents of Governments and recognized agencies suggesting solutions of the Palestine Question, and reactions thereto" (356 pages and 11 maps)

Volume III: "General Background Survey" (299 pages).

44. The following two volumes prepared in Jerusalem were added to this documentation and distributed at Geneva:

Volume IV: "Tabulated summary of material contained in the written and oral statements submitted to the Special Committee on Palestine before its departure from Jerusalem" (221 pages)

Volume V: "Index to Records of the first special session of the General Assembly" (60 pages).

45. In order to facilitate the task of the members of UNSCOP, the secretariat was equipped with an extensive reference library in Palestine. In addition, members themselves made provision for their own personal references.

3. How decisions were taken

46. Decisions were taken by majority vote. Owing to the complexity of the problem under investigation and the early appearance of differences of view among the members of the Committee, appeals to the vote were frequent.

4. Publicity of meetings

47. The Committee's provisional rules of procedure provided that "The meetings of the Committee shall be held in public unless the Committee decides otherwise". At an early stage, UNSCOP decided to conduct its meetings in private to prevent harmful publicity, delay and possible embarrassment to its members. It also decided to conduct meetings for the purpose of hearings in public, though for security reasons and on request, it conducted certain hearings in private. From 26 May 1947, the date of its first meeting, to 31 August 1947, the date of the signing of its report, UNSCOP held 13 public and 39 private meetings.

5. Press communiques

48. The press officer of the Committee was authorized to give the press verbal briefings of meetings without the previous approval of the Chairman, unless instructions to the contrary were given by the Committee. Owing to the delicacy of the situation in Palestine, the practice arose of the press officer obtaining the approval of the Committee, at the end of each meeting, before issuing communiques or holding briefings.

6. Security arrangements

49. General Assembly resolution 106 (S-1) in paragraph 8 requested the Secretary-General "to enter into suitable arrangements with the proper authorities of any State in whose territory the Special Committee may wish to sit or travel". In accordance with this and in reply to the Secretary-General's communications with the representative of the United Kingdom, the Government of Palestine agreed to provide all facilities and make suitable arrangements. Along similar lines, the British and United States authorities agreed to give all facilities to the members of the Sub-Committee in their respective zones.

50. On the question of hearing the representatives of the Palestine Government in private for security reasons, the Committee, though divided on principle, agreed to the request of the Palestine Government.

51. At the seventh meeting of the Committee, the Chairman informed the Committee that the Palestine Government had agreed that there would be no censorship of press reports of hearings or of the Committee's activities in general. An assurance was also given by the Palestine Government that there would be no censorship of private letters. The Committee agreed to inform the Government of Palestine in advance of the list of organizations and individuals to be heard. The Committee decided, in

principle, the desirability of hearing the views of representatives of illegal organizations. However, owing to the request of the Government of Palestine that it be advised in advance of the organizations to be heard, formal and public hearings were impracticable. Consequently contacts with such organizations by individual members of the Committee were of a personal nature, but informal notes of the meetings were subsequently circulated to all members of the Committee. On one occasion, the interception by the Government of Palestine of messages to the Committee from an illegal organization, led to a discussion of the matter by the Committee, but as the Government of Palestine forwarded the messages with satisfactory explanations the Committee agreed to drop the matter.

E. Method of Operation

52. The terms of reference of UNSCOP directed it to "conduct investigations in Palestine and, wherever it may deem useful, receive and examine written or oral testimony, whichever it may deem appropriate in each case . . ."

53. In general, UNSCOP adopted a two-fold method of operation. It attempted, in the first place, to arrive at an understanding of the issues involved in the Palestine problem by conducting a preliminary survey of the land, its peoples and their aspirations, and of the social, economic and religious systems. The other method of operation lay in the field of investigation, firstly of the factual evidence presented by the parties and, later, of the views of the parties on the problem of Palestine. This was carried out by means of oral hearings and written testimony, with a similar attempt to understand the viewpoints of smaller but sufficiently representative groups, and certain individuals. The members also attempted, as far as was possible by informal contacts, to gain the viewpoint of organizations that were not formally represented and of the man-in-the-street.

1. Area survey

54. While still in New York, the members of UNSCOP were furnished with basic documents by the secretariat to enable them to become familiar with the background of the problems they had to deal with. UNSCOP also decided, while still in New York, that some "brief excursion" should be made into the country from Jerusalem shortly after its arrival there, in order that members "might become familiar with general conditions and have an opportunity to test out public opinion"

55. Sub-Committee 1, set up on the arrival of UNSCOP in Palestine to draw up the itinerary, took account of three documents: a proposed itinerary submitted by the Government of

Palestine, another suggested by the Jewish Agency for Palestine and a third prepared on the basis of these two documents by the representative of the Netherlands. On the basis of the Sub-Committee's suggestions UNSCOP, at its tenth meeting on 20 June 1947, approved the itinerary, which included extensive visits to the Holy Places. The Committee devoted twelve days to following the itinerary. In spite of the non-cooperation of the Palestinian Arabs, the itinerary covered both Arab and Jewish areas.

Seat of operation

56. UNSCOP held 13 public and 39 private meetings between 26 May and 31 August 1947. The first four meetings, from 26 May to 6 June, as also the three sessions of the Preparatory Working Group, were held in New York. The next 33 meetings were held in Jerusalem from 16 June to 19 July. The 38th and 39th meetings, in Beirut on 22 and 23 July, were devoted to hearing the views of the Governments of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen on the Palestine problem.

57. After completion of the work in Beirut, the Chairman and seven members of the Committee, in their private capacities, together with the three principal members of the secretariat, went to Amman for a brief private visit on 25 July 1947, and reported to the Committee on both the oral and written evidence presented to them. UNSCOP then, on 28 July, transferred its seat of operations to Geneva, where it remained until 31 August. Here, the Committee decided to create Sub-Committee 3, which visited a number of assembly centres for displaced persons in Germany and Austria, from 8 to 14 August. Concurrently, UNSCOP devoted twelve meetings at Geneva (41st to 52nd) to discussion and preparation of its report.

2. Investigation or inquiry

Hearing of parties

58. The major effort of UNSCOP was directed towards gathering oral evidence from the parties involved in the problem of Palestine. While in New York, it had refused applications for hearings from organizations, on grounds of lack of time. It also adopted a tentative plan of work to be followed after its arrival in Jerusalem, to which it adhered in general. This provided that:

- (i) The Government of Palestine should be asked to furnish factual information on its constitution and functions, together with other relevant data.

- (ii) The Arab and Jewish liaison officers should receive copies of this statement and be requested to present observations on it.
- (iii) After the completion of its itinerary, the Committee should begin its hearings in detail.

59. At its first meeting in Palestine, UNSCOP was informed by the Secretary-General of the decision of the Arab Higher Committee to abstain from collaboration in its work, and was faced with a proclaimed boycott. It was, however, welcomed by the High Commissioner for Palestine, by the Chairman of the Executive of the Jewish Agency for Palestine, and by various organizations and individuals.

60. At an early stage of its work in Palestine, UNSCOP decided that hearings would only be granted on request. It fixed upon 5 July 1947 as the final date for the filing of all requests for hearings and for the furnishing of written statements, with the understanding that the Committee might consider statements or requests for hearings submitted at a later date. Sub-Committee 2, which was appointed at the tenth meeting of UNSCOP to deal with these requests, submitted four reports on the basis of which UNSCOP adopted the criteria, the list of parties to be heard, and the time-table for the hearings.

61. Hearings were to be granted to political organizations representative of considerable groups of the population of Palestine; to other organizations representing viewpoints of particular interest for the problem under investigation; to individuals having relevant information or personal viewpoints of particular interest to authorities of the various religions having relevant information with regard to paragraph 5 of the General Assembly resolution.

62. On the basis of the above criteria, lists were prepared in advance in order of priority, of the organizations and individuals to be heard. A tentative time-schedule was also adopted before each hearing and attempts were made to adhere to it. The Committee, at its public meetings in Jerusalem, heard 33 individuals, representing 13 political and religious organizations, and one individual in his personal capacity. At 3 private meetings in Jerusalem, it heard 6 representatives of the Government of Palestine, representatives of a Jewish communal organization and one representative of a Christian religious organization. In Beirut, the Committee heard 2 representatives of Arab States in public meetings, and 8 in private.

63. In Geneva, the Committee invited a representative of the Preparatory Commission of the International Refugee Organization to describe the operations of that body, and to answer questions regarding Jewish displaced persons. Sub-Committee 3, in its visits to various assembly centres, questioned in private 100 Jewish persons of both sexes and from all age groups and nationalities found in the centres.

Oral evidence

64. The general practice was that the party first gave factual information and was asked factual questions by the members of the Committee; later on, the party put forth its suggestions and views regarding the future government of Palestine and was again subject to interrogation.

Written testimony

65. The Government of Palestine and the Jewish Agency submitted a number of background documents, factual statements and maps in support of their points of view. This was also done, but to a lesser extent, by some of the organizations heard. Pursuant to the invitation published by the Committee, a large number of written statements were also submitted by organizations and individuals who had not requested or had not been granted hearings. A list of these written statements, together with a brief description of each, was prepared by the secretariat, for the convenience of the Committee.

Informal evidence

66. The members of the Committee made extensive efforts to gather informal evidence. These included private discussions with members of Governments, with leading personalities of the Arab and Jewish communities and of religious organizations, with members of illegal organizations and with the "man in the street". In important cases informal notes of the evidence obtained were subsequently circulated to all members of the Committee. Two notable instances were the visit of the Chairman and one other representative to witness the arrival of the illegal immigration ship "Exodus 1947", and the visit of the Chairman and seven members of the Committee to Amman.

3. Special problems that faced the Committee and its action thereon

Arab non-cooperation

67. The non-cooperation of the Palestinian Arabs was a basic problem that affected the entire work of the Committee, and was the subject of extensive discussion by the Committee.

For details, see the section on "Non-Cooperation of Palestinian Arabs", paragraphs 29 to 34 above.

Expression of concern over acts of violence

68. At the 14th and 15th meetings, the members of the Committee discussed their concern over acts of violence committed since the arrival of the Committee in Palestine and adopted a resolution recording their opinion that such acts constituted a flagrant disregard of the appeal made in resolution 107 (S-1) of the General Assembly of 15 May 1947.

Communications and petitions

69. The Committee received a large volume of communications making requests for assistance or intervention. While still in New York, the Committee received 20,728 substantially similar communications from Jewish displaced persons all desiring to go to Palestine. At the 20th meeting, the Committee was informed of 49 petitions from Palestinian Jews for its assistance in obtaining immigration certificates and for its intervention in securing the release of prisoners or detainees. It was decided that, in general, such requests should be answered in the negative with the statement that it was not within the competence of the Committee to intervene in such cases.

70. Subsequently, at the 23rd and 24th meetings, the Committee was confronted with additional requests of a similar nature for assistance. It also received petitions requesting it to investigate prison conditions, to inquire into the methods of the British police, and to examine the conditions of the Jews in Yemen and the plight of refugees in Aden. Again, it was decided that these petitions fell outside the Committee's terms of reference.

71. Among the communications considered at the 23rd meeting were three appeals from organizations composed of illegal immigrants who had been apprehended and deported to Cyprus. After a lengthy discussion the Committee decided, by 6 votes to 3, with 2 abstentions, not to visit Cyprus. The request of the Cyprus detainees that they be given a hearing was also rejected by 5 votes to 4, with 2 abstentions.

72. Similarly, while in Geneva, the Committee received a number of petitions asking intervention on behalf of a group of illegal immigrants from the ship "Exodus 1947", who had been apprehended and transported in British ships from Palestine to Port de Bouc, France, where they refused to disembark. The Committee agreed that it had no authority to intervene.

Action of the Committee with regard to three death sentences

73. Among the petitions was one addressed to the Chairman of the Committee appealing for intervention to secure a commutation of the death sentence passed on three young Jews by the Military Court of Jerusalem in June 1947. Considerable discussion ensued and at the 12th meeting the Committee approved two documents, a resolution and a letter of reply to the petitioners. The resolution, adopted by 9 votes in favour, 1 against and 1 abstention, stated that the majority of the members of the Committee expressed their concern as to the possible unfavourable repercussions that the execution of the three death sentences might have upon the fulfilment of the Committee's task. This concern, it was further decided, should be communicated to the Mandatory Power through the Secretary-General of the United Nations, together with the letter received from the relatives of the condemned persons. The letter that the Committee agreed, by a vote of 8 in favour and 3 against, to send to the relatives stated that, while appreciating their anguish, the matter was beyond its competence, but was being brought to the attention of the proper authorities.

74. At the next meeting the Committee discussed the reply of the Government of Palestine which stated that the matter was still sub judice and not subject to public comment. The Committee refused to accept this legal contention of the Government, but felt that no useful purpose would be served by further discussion and that the matter should be considered as closed. The United Kingdom Government adopted a similar attitude to that of the Government of Palestine, and pointed out that the Assembly resolution was not applicable to the normal processes of administration of justice in Palestine. The Committee was of the opinion that no useful purpose could be served in pursuing the matter.

Visit to displaced persons' camps

75. The Committee was much divided on the question of principle involved in such a visit. Although action had been deferred on this problem both at Lake Success and at Jerusalem, at Geneva the Committee decided, by 6 votes to 4, with 1 abstention, to make a personal visit to the assembly centres. During these visits 100 persons were interviewed in private. For further details, see the section on "Brief Outline of Committee Structure", paragraph 37 above.

Private visits

76. The Committee was also divided on the principle involved in the treatment of informal evidence obtained during private

visits of small groups of members of the Committee. The Committee decided to consider the reports on those visits as private reports of certain members of the Committee.

F. Preparation and Presentation of the Final Report

77. At the 42nd meeting held in Geneva, on 30 July 1947, the Chairman and two members presented suggestions as to the working programme of the Committee for the preparation of the report. After informal consultation, they presented at the next meeting a memorandum on the future work-programme of the Committee which combined their proposals and which was adopted with some amendments. It was also decided that informal memoranda might be submitted by representatives, or members of the secretariat as the basis for discussion of each point contained in the work-programme.

78. It became apparent that there were major divisions in the Committee concerning the various proposals for the future government of Palestine. At the 44th meeting on 5 August 1947, the Committee agreed to adjourn the formal meetings and to have informal discussions, without records, among all members of the Committee in order to facilitate its work. These informal discussions continued until 27 August. After sundry talks in which all the members took part, it was decided to divide into three working groups, which division was made according to the tendencies which had been shown in the earlier discussions. One group, consisting of three members, was given the main task of studying the scheme for a federal state; a second, consisting of four members, embarked on a study of the constitutional questions connected with a scheme of partition; a third, consisting of four members, mainly studied boundary questions connected with the scheme of partition.

79. During the informal discussions, although the considerable divergencies of opinion regarding the nature of the proposed recommendations on the future government of Palestine continued, it became apparent that there was general agreement on a number of basic issues, such as the termination of the mandate and the grant of independence in some form in Palestine. Accordingly, the members of the Committee arrived at 12 basic recommendations, which were later approved at the 49th meeting on 29 August - 11 unanimously and the 12th with 2 dissenting votes.

80. At the 47th meeting, on 27 August, a vote was taken upon the two proposals which had emerged from the informal dis-

cussions and from the three working groups. Three members placed themselves on record as favouring a federal state plan. Seven members voted in favour of the principle of partition with economic union. One member abstained from voting on both plans.

81. The secretariat had been authorized to prepare the factual chapters of the Committee's report, and this work was done by the secretariat during the period of the informal discussions. After the vote on the two basic plans, the subsequent meetings from 27 August to 31 August were devoted to amending and approving the factual chapters of the report, the basic recommendations and the majority and minority plans.

82. Finally, at the 52nd meeting on 31 August, the representatives appended their signatures to the approved text of the report and to the covering letter to the Secretary-General.

Termination of UNSCOP

83. The terms of reference of UNSCOP directed it to submit its report and suggestions not later than 1 September 1947.

84. During the final stages of the Committee's work in Geneva, some discussion arose as to the position of the Committee after that date. At the 47th meeting, after a lengthy discussion, the Committee decided that it would be functus officio on presentation of the report and the covering letter to the Secretary-General. Accordingly, on 31 August, after the signature of the report and the letter to the Secretary-General, UNSCOP went out of existence.

ANNEX I

*Resolutions adopted by the
General Assembly at its 79th plenary meeting,
15 May 1947*

SPECIAL COMMITTEE ON PALESTINE (106 (S-1))

WHEREAS the General Assembly of the United Nations has been called into special session for the purpose of constituting and instructing a special committee to prepare for consideration at the next regular session of the Assembly a report on the question of Palestine,

THE GENERAL ASSEMBLY

RESOLVES THAT:

1. A Special Committee be created for the above-mentioned purpose consisting of the representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia;
2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine;
3. The Special Committee shall determine its own procedure;
4. The Special Committee shall conduct investigations in Palestine and wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, from Governments and from such organizations and individuals as it may deem necessary;
5. The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity;
6. The Special Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine;
7. The Special Committee's report shall be communicated to the Secretary-General not later than 1 September 1947, in order that it may be circulated to the Members of the United Nations in time for consideration by the second regular session of the General Assembly;

THE GENERAL ASSEMBLY

8. REQUESTS the Secretary-General to enter into suitable arrangements with the proper authorities of any State in whose territory the Special Committee may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the Special Committee;

9. AUTHORIZES the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternate representative from each Government represented on the Special Committee on such basis and in such form as he may determine most appropriate in the circumstances.

THREAT OR USE OF FORCE (107 (S-1))

THE GENERAL ASSEMBLY

CALLS UPON all Governments and peoples, and particularly upon the inhabitants of Palestine, to refrain, pending action by the General Assembly on the report of the Special Committee on Palestine, from the threat or use of force or any other action which might create an atmosphere prejudicial to an early settlement of the question of Palestine.

ANNEX II

Rules of Procedure

I. CHAIRMAN, VICE-CHAIRMAN, AND RAPPORTEUR

Rule 1

The Special Committee shall elect its own Chairman, Vice-Chairman and Rapporteur, or Rapporteurs.

Rule 2

If the Chairman is unable to perform his functions, a new Chairman shall be elected for the unexpired term.

Rule 3

The Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Rule 4

In addition to exercising the powers which are conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting, shall direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce the decisions. He shall rule on points of order, and, subject to these rules, shall have complete control of the proceedings at any meeting.

II. LANGUAGES

Rule 5

The Committee will conduct its work in both English and French except when it may agree that the interpretation may be dispensed with.

Rule 6

Witnesses who are unable to employ any of the official languages of the United Nations shall as a rule provide their own interpreters. If a witness who appears at the instance of the Committee is unable to employ any of the official languages and to provide his own interpreter, the Secretariat shall arrange for the same.

III. RECORDS

Rule 7

As a general rule only summary records of its public and private meetings shall be drawn up unless the necessity for verbatim records in respect of a specific meeting or part of a meeting is recognized by the Committee.

Rule 8

Verbatim records will be taken of all hearings and made available to the members of the Committee. The Committee will decide in each case whether the testimony and discussion will be circulated verbatim or in summary form for the whole or part of the hearing.

IV. PUBLICITY OF MEETINGS, PRESS COMMUNIQUES AND VERBAL BRIEFINGS

Rule 9

The meetings of the Committee shall be held in public unless the Committee decides otherwise.

Rule 10

Meetings of sub-committees shall also be held in public unless the sub-committee concerned decides otherwise.

Rule 11

Official press communiques shall be previously approved by the Chairman of the Committee. Press releases and verbal briefings may be issued by the press officer unless instructions to the contrary are given by the Committee.

V. CONDUCT OF BUSINESS

Rule 12

A majority of the members of the Special Committee shall constitute a quorum.

Rule 13

No representative may address the Special Committee without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a

speaker to order if his remarks are not relevant to the subject under discussion.

Rule 14

The Chairman and the Rapporteur of a sub-committee may be accorded precedence for the purpose of explaining the conclusion arrived at by their sub-committee.

Rule 15

During the discussion of any matter, a representative may rise to a point of order and the point of order shall be immediately decided by the Chairman in accordance with the rules of procedure. A representative may appeal against the ruling of the Chairman. The appeal shall immediately be put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members present and voting.

Rule 16

During the discussion of any matter, a representative may move the adjournment of the debate. Any such motion shall have priority in the debate. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion.

Rule 17

The Special Committee may limit the time allowed to each speaker.

Rule 18

A representative may at any time move the closure of the debate whether or not any other representative has signified his wish to speak. If application is made for permission to speak against the closure, it may be accorded to not more than two speakers.

Rule 19

The Chairman shall take the sense of the Special Committee on a motion for closure. If the Special Committee is in favour of the closure the Chairman shall declare the closure of the debate.

Rule 20

Resolutions, amendments, and substantive motions shall be introduced in writing and handed to the Principal Secretary

who shall circulate copies to the representatives. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Special Committee unless copies of it have been circulated to all representatives not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, without previous circulation of copies.

Rule 21

Parts of a proposal may be voted on separately if a representative requests that the proposal be divided.

Rule 22

If two or more amendments are moved to a proposal, the Special Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed, and so on, until all the amendments have been put to the vote.

Rule 23

When an amendment revises, adds to or deletes from a proposal, the amendment shall be voted on first, and if it is adopted, the amended proposal shall then be voted on.

VI. VOTING

Rule 24

Each member of the Special Committee shall have one vote.

Rule 25

Decisions of the Special Committee shall be taken by a majority of the members present and voting. Abstentions shall not be counted as votes.

Rule 26

The Special Committee shall normally vote by show of hands, but any representative may request a roll-call which shall then be taken in the English alphabetical order of the names of the members.

Rule 27

The vote of each member participating in any roll-call shall be inserted in the record.

Rule 28

If a vote is equally divided on matters other than elections, a second vote shall be taken at the next meeting; this meeting shall be held within forty-eight hours of the first vote, and it shall be expressly mentioned in the agenda that a second vote will be taken on the matter in question. If this vote also results in equality, the proposal shall be regarded as rejected.

VII. SUB-COMMITTEES AND SECRETARIAT

Rule 29

The Special Committee may set up sub-committees.

Rule 30

The Secretary-General or a member of the Secretariat designated by him may make to the Special Committee or any sub-committee any oral or written statement which the Secretary-General considers desirable.

VIII. LIAISON OFFICERS

Rule 31

The mandatory Power, the Arab Higher Committee, and the Jewish Agency for Palestine may appoint liaison officers to the Committee who shall supply such information or render such other assistance as the Committee may require. The liaison officers may, suo motu, present at the discretion of the Committee such information as they may think advisable.

IX. ORAL AND WRITTEN TESTIMONY

Rule 32

The Committee may, at its discretion, invite representatives of Governments or organizations, or private individuals, to submit oral or written testimony on any relevant matter.

Rule 33

Requests for oral hearing shall contain an indication of the subject or subjects on which the witness desires to testify.

Rule 34

The Committee may refer to a sub-committee for examination and recommendation such requests to present oral testimony as it deems advisable.

Rule 35

The Committee shall in each case decide the time and place of the hearing of any witness from whom it may decide to receive oral testimony. The Committee may advise any witness to submit his testimony in writing.

Rule 36

The Committee, on the basis of the time available to it, may limit either the number of witnesses or the time to be allowed to any witness.

Rule 37

The Committee may refer to a sub-committee for study and report such written testimony as it may deem advisable.

X. AMENDMENTS AND SUSPENSIONS

Rule 38

These rules of procedure may be amended or suspended by a decision of the Special Committee taken by a majority of the members present and voting.