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Jewish Agency, Robinson, Jacob, 1947.

Dr. A.H. Silver

CONFIDENTIAL

Jacob Robinson

April 22, 1947

PRINCIPLE OF SELF-DETERMINATION AND JEWISH
ASPIRATIONS IN PALESTINE

1. In the hostile propaganda against us we often hear the statement made that our aspirations to Palestine are in conflict with what is usually described as the principle of self-determination. Since this argument is so frequently preferred, it may be worth while to analyze it in the light of positive international law and the political realities of our time.

2. The principle of self-determination is used to define two absolutely different notions. On one hand, it means that the internal regime under which people live in a state is a matter to be determined by that people (the democratic principle). The same term is, however, also used to mean that an ethnic group has the right to decide whether it wants to remain within the state of which it is a part, or whether it wishes to create a separate state of its own (the ethnic principle). While the democratic principle, if carried out, would exclude foreign influences and the imposition of political regimes contrary to the express desire of the local population, the ethnic principle would be a powerful lever for the creation of the so-called national states.

The democratic interpretation of self-determination has some elements in common with the principle of non-interference in domestic affairs, but is more than that. The decisions of Yalta and Potsdam formulated this principle for the first time with regard to certain liberated and ex-enemy countries.

The ethnic interpretation of self-determination is closely

connected with the principle of nationalities and pre-supposes the assumption formulated by Bluntschli: Every State should consist of one ethnic group; the totality of the ethnic group is to form one state.

How remote political realities of our time are from this radically formulated principle needs no further elaboration.

Closely related to the problem of ethnic self-determination is the theory of the plebiscite as the means for determining the will of the ethnic group. While a plebiscite is a procedure for establishing self-determination, it is often misconceived as being identical with this principle. However, the inability of a plebiscite to solve problems posed by mixed populations was most glaringly demonstrated in the plebiscite of Upper Silesia at the end of the World War I.

3. The confusion arising out of the different meanings and interpretations of self-determination is increased by the use of this principle as an alleged principle of international law and of the Charter of the United Nations. Let us take up these two points separately.

A. The principles of the United Nations are enumerated in Art. 2 of the Charter (equality of all members, fulfillment in good faith of obligations, peaceful settlement of disputes, refraining from use of force, assistance to victims of aggression, non-interference in domestic jurisdiction and benefits to non-members). The principle of self-determination does not appear under Art. 2. References, however, are made to it in Art. 1 and Art. 55. In fact, Art. 1 states that the purpose of the United Nations is to develop friendly relations among nations "based on respect for the principle of equal rights and

self-determination of peoples." The same phrase occurs in Art. 55 (dealing not with political but with social and economic matters) representing nothing but a literal reproduction of Art. 1, par. 2. It is obvious that this reference has nothing to do with the ethnic concept of self-determination, but with its political aspect or, perhaps more exactly, with it as a democratic principle. It can, therefore, be said with absolute certainty that the Charter of the United Nations did not establish self-determination of peoples in the ethnic sense as a binding principle of the law of the United Nations.

It is characteristic that where we would most have expected references to self-determination would have been in Chapter XI (Declaration regarding non-self-governing territories) and in Chapter XII (International Trusteeship Council). But all these sections speak about self-government and independence but not about self-determination. In fact, when the problem of South-West Africa was recently brought before the General Assembly and when the South-African demand for incorporation was largely based on the principle of self-determination of the local population, the General Assembly significantly said "that the African inhabitants of South-West Africa have not yet secured political autonomy or reached a stage of political development enabling them to express a considered opinion which the Assembly could recognize on such an important question as incorporation of their territory."

B. It is certainly true that the Charter of the United Nations does not exhaust the whole area of universal international law. There are other sources of international law and the question may be asked whether or not the principle of self-determination may claim such general acceptance as, for instance, the principle of immunities of diplomatic personnel. The answer to this question is no. While widely used as a political slogan

gen, especially in the process of dismemberment of the three multinational states (Czarist Russia, Austria-Hungary, and Turkey) and in the process of the emancipation of colonial peoples it was never accepted as a generally recognized rule of international law.

C. Then at the end of the First World War the problem of the future of the Aland Islands arose in an argument between Sweden and Finland and the League of Nations was called in to mediate, it was confronted with the Swedish claim that on the basis of the principle of self-determination the Aland Islands should be attached to Sweden. The League of Nations appointed a special legal committee to establish whether or not such a rule of law exists. The result was negative and the Aland Islands were assigned to Finland with guarantees for the Swedish-speaking population.

D. No attempt is made here to refer to or to analyze Art. 3 of the Atlantic Charter because this Charter has been so thoroughly discredited during the last few years that it cannot claim any authority in international law and international relations.

Any attempt, therefore, to question the validity of the Mandate for Palestine on the grounds of its inconsistency with the principle of self-determination is doomed. While the mandate is an instrument of positive international law, the principle of self-determination, ostensibly capable of overriding the mandate, cannot claim such authority.

4. Neither the peace makers after the First World War, nor those after the Second followed the principle of self-determination. It suffices to mention the cases of South-Tyrol, Sudetenland, and the prohibition of Anschluss for Austria. Then the map of Europe had to be reshaped at the end of World War II, one of the most frequently used methods for reaching national homogeneity was not a revision of the existing frontiers in the light of the principle of ethnic self-determination, but mass

transfers of population. Not only was this process applied to former enemies, but even to allied nations: as witness the transfer of Poles, Russians, Ukrainians, Byalo-Russians and Lithuanians from their respective Republics.

When the problem of Transylvania came up once more before the Peace Conference in Paris, summer of 1946, the attempt of the Hungarian Delegation, to have it solved on the basis of the principle of self-determination or at least to have the frontiers rectified in accordance with this principle, was flatly denied.

When the problem of the future of South Tyrol came up it was not decided on the basis of the principle of ethnic self-determination, but the decision of 1920 was confirmed.

It appears that in the case of the Yugoslavian demand for Carinthia the ethnic principle, even if justified, has only little chance of being accepted.

Even a superficial survey of the world will show us that no country can claim unequivocal acceptance of the principle of self-determination. Largely used as a propaganda slogan, it is not at all enforced when the interests of the states are concerned.

Great Britain, for instance, in its latest pro-Arab pronouncements in regard to Palestine makes ample use of this slogan, but it does not appear to intend to apply it to such positions as Malta and Cyprus.

5. The impracticability of applying the "principle" of self-determination in countries with mixed populations has been abundantly demonstrated in recent European history.

As for Palestine, the principle of self-determination does not offer any solution. In fact, were there to be a free and unfettered expression of views of the local populations, at least three points of view would

probably be expressed: First, the Jewish community in Palestine, with 650,000 members, democratically organized, conscious of its distinctiveness would "self-determine" themselves as favoring their own sovereignty; part of the Arab population, politically conscious, would favor Arab sovereignty, great masses of ignorant Fellehin and all Bedouins would probably not be in the position to express their political preferences at all. How under these circumstances self-determination can be invoked as a criterion for the solution of the problem of Palestine is beyond comprehension.

6. In addition, a second element of the problem of how the principle of self-determination might be applied to Palestine should be carefully considered. Is only the present population to be taken into account when procedures for self-determination are established, if such procedures should at any time be decided on? There is no doubt about it that only the local non-Jewish population can be taken into account, but as for the Jewish population, the beneficiary of the Palestine Mandate was not the present population alone, but the Jewish people as a whole. Under this interpretation of the Mandate all the problems of relationship between majority and minority would undergo a radical shift.

7. In conclusion, it can, therefore, be stated that the slogan of self-determination, being a vague notion applicable as a political criterion only for certain situations, not possessing the authority of a rule of international law, is in no way capable of bolstering the contentions of Arab politicians in favor of an Arab Palestine, nor can it be invoked against Jewish Zionist aspirations.

AHS

June 2, 1947

MEMO #15

CONFIDENTIAL

May 13, 1947

JEWISH IMMIGRATION TO PALESTINE, THE CHARTER OF
THE UNITED NATIONS AND THE CONSTITUTION OF THE
INTERNATIONAL REFUGEE ORGANIZATION

by
Jacob Robinson

A D D I T I O N I

Add after point 2) point 2a)

Mahmoud Hassan Pasha (Egypt) made at the same meeting
the following statement on the subject of the relationship between
IRO and the Palestine problem:

In that connection, I must emphasize that the Egyptian delegation believes -- and with reason, I think -- that the question of the displaced persons and of world Jewry is the concern of another organ of the United Nations. I must point out, in this connection, that the displaced persons of the world constitute some hundreds of thousands of people, and that the Jewish displaced persons constitute probably one-seventh or one-eighth of the displaced persons of the world. I therefore do not see why we should worry about one-eighth of the total number, when there is an organ of the United Nations which is taking care of displaced persons generally."

(A/C.1/P.V.52.pp.69-70)

AMERICAN JEWISH
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1745

June 2, 1947

CONFIDENTIAL

MEMO #20

May 21, 1947

THE ARAB STATES AND THE MANDATE FOR PALESTINE

Observations
by
Jacob Robinson

A D D I T I O N I

Add after point 6) point 6a):

It may be also of interest to note that in a letter from the Iraq Government to the Secretary-General of the League of Nations, dated July 30, 1937, (C.321 N.216 1237) the Iraqi Government has for the first time expressed its views on the situation in Palestine, following the recommendations of the Royal Commission for partition of Palestine.

They protested against partition and demanded that the Jews should accept once and for all the position of a minority, but they made no reference to the invalidity of the Mandate or the Balfour Declaration. It may even be interpreted as a kind of recognition of both the Balfour Declaration and in a way the Mandate.

June 2, 1947.

THE PALESTINE PROBLEM BEFORE THE FIRST SPECIAL SESSION
OF THE GENERAL ASSEMBLY.

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June 2, 1947

TO: EXECUTIVE OF THE JEWISH AGENCY
FROM: JACOB ROBINSON

Re: The publication of a book on "The Palestine problem
before the First Special Session of the United Nations"

1) It is too early as yet to assess the value of the Special Session as a step towards the solution of the Palestine problem. It can, however, be said now that it represents an important element in the post-war Jewish drama and therefore deserves careful study.

2) From a different viewpoint the Special Session established three unprecedented facts in Jewish history:

a) It was the first Conference of a Permanent International Organization called in for a discussion of a problem which is, if not exclusively and maybe not predominantly but certainly in a very high degree, a Jewish one.

b) It was the first time in history that the Jewish People was given opportunity to appear in an official capacity before the organized community of nations.

c) It is for the first time that the Jewish People spoke with one voice.

Surely all these are important developments which again would merit our careful study and consideration.

3) It is therefore suggested that a book telling the whole story of the Palestine problem before the Special Session should be written now not only as a record of history but also as guidance for the next regular Assembly.

4) Please find attached a tentative Table of Contents which is self-explanatory. It will be noticed that the activities and the efforts of the Jewish Agency in the preparation for, and the procedures of, the

Special Session are not covered by this table. The reason being that this is a different subject and should be dealt with separately.

5) I believe that it is in our tradition of intellectual leadership in all matters pertaining to Palestine that such a book should be published by us. The list of documents collected by the Reference Library on Palestine of the United Nations proves convincingly how strong is our leadership. We should continue in that way. The members of the Second Regular General Assembly should have the opportunity of consulting a work which summarizes objectively and completely the labors of the Special Session. It is in our interest that such a book should be published. It is in our interest that it should be published by us.

6) Should the reaction of the Executive be a positive one, the following problems may arise:

- a) The size: Something between 200-300 pages.
- b) Sources: All available sources should be used, but first and foremost the official documents of the United Nations and the Verbatim Records of the meetings of the General Committee, of the General Assembly, and of the First Committee.

It may be noted that the Verbatim Record of the 34th Meeting of the General Committee (in which the problem of the calling of a Special Meeting of the General Assembly to extend an invitation to the Arab Higher Committee was discussed) was "cancelled", along with documents A/BUR/75,76,77. Verbatim Records of the 5th Sub-Committee (dealing with applications from non-governmental organizations) and the 6th Sub-Committee (dealing with the terms of reference) were not made public.

c) Deadline: Given favorable working conditions the book can be produced before the General Assembly meets, sometimes between August 15th and September 1st.

d) Publisher: A decision should be taken as to the problem of under whose auspices this book should be published: under the auspices of the

Jewish Agency or by a private publisher?

e) Should the decision be in favor of publishing the book under the auspices of the Jewish Agency then it should be anonymous.

f) Great efforts should be made in order to secure a Spanish version of this book.

7) May I respectfully ask that a decision on this suggestion should be taken as early as possible.



June 6, 1947

Mr. Jacob Robinson
Jewish Agency for Palestine
16 E. 66th Street
New York 21, N.Y.

My dear Mr. Robinson:

I read your memorandum on the publication of a book on "The Palestine Problem Before the First Special Session Before the United Nations." I am in full agreement with you that such a book should be published and I hope that you will proceed with the work immediately.

With all good wishes, I remain
Most cordially yours,

AHS:BK



The Jewish Agency for Palestine

MEMORANDUM

June 16, 1947

To: ARTHUR LOURIE
From: JACOB ROBINSON

Re: The Arab boycott of the Special Committee

1) The Arab Boycott of the Special Committee seems to have made a considerable impression on the membership of the Committee. Mr. Sandstroem reacted to it immediately upon his arrival in Lydda. Mr. Entezam declared that he was going to use all his influence to persuade the leaders of the Arab Higher Committee to reverse their stand.

Not only the Special Committee but, judging by the prominence given this aspect by the press, public opinion will not fail to be impressed by this act.

2) There is no doubt about it that this decision constitutes a major move in the Arab strategy. The Arab League does not boycott, the Arab Higher Committee does. Some observers seem to see in this divergence of tactics, signs of conflict between the Arab League and the Arab Higher Committee. Rather it should be regarded as a pre-meditated and pre-arranged tactical game.

3) Something should be done in order to dissipate the wrong impression created by the boycott.

The following elements ought be specifically stressed.

a) The Arab Higher Committee has nothing to loose by boycotting the Special Committee. There are still five Arab states in the United Nations. There are also frank Arab sympathizers in the Special Committee whose governments' views are on record. In view of these factors the Arab Higher Committee can easily allow

itself the luxury of being absent from the Special Committee. There are still powerful factors who will take care of their interests.

b) The Arab Committee has practically ^{by} nothing to say to the Special Committee. It has nothing to add to what was already said in the First Special Assembly by its representatives and the representatives of the Arab states. The attitude of the Arabs on the Palestinian problem being purely negative what more can they say to what has already been said. Instead of risking to be put on the spot and having to give answers to such basic problems as the methods of raising the standard of living of the Arab population, their attitude towards any constructive proposals put forward by the Agency, the explanation of the higher standard of living of the Arab population of Palestine as a direct benefit from the Jewish re-settlement work, and many more embarrassing questions, the Arab Higher Committee prefers to be absent.

c) The Arab Higher Committee has already maneuvered the Special Committee into the position of regarding the Arab Higher Committee as an aggrieved party; this certainly constitutes an asset for the future fight of the Arabs in the Second General Assembly, and of itself creates an advantageous position for the Arabs and a disadvantage for us.

These and maybe some others are the real reasons for the Arab boycott -- and not the "bias" of the Special Committee. The real reasons should be explained and exposed from behind the smoke screen which covers them.

4) The British part in the boycott scheme should also be exposed. Homer Bigart reported the other day that the editor of ^{an} anti-boycott Arab newspaper was advised by a British intelligence agent to give up his opposition to the boycott. British interest in the boycott is clear; it gives them additional reasons for emphasizing their support of the Arab viewpoint -- not out of any bias, but for the sake of "fair play" and balance.

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CONFIDENTIAL

MEMO #23

June 17, 1947

TRUSTEESHIP FOR PALESTINE ?

by
Jacob Robinson

1) The problem of a Trusteeship for Palestine was raised as early as April, 1945, during the San Francisco Conference. When (the
1)
now) Art. 77 was debated in Commission II, Committee 4, the Arab states suggested that "the trusteeship system shall apply to...all territories now held under Mandate." This suggestion was defeated overwhelmingly.

While the conversion of the Palestine Mandate into Trusteeship is not obligatory, there were numerous expressions of opinion aiming at this goal. It may be recalled that the Anglo-American Committee of Inquiry and the Bevin proposals of 7th February 1947 envisaged a Trusteeship for Palestine. In the debate of the Special Session of the General Assembly the possibility of Trusteeship was mentioned both as a final and as a temporary solution. More recently the American Jewish Committee suggested a United Nations Trusteeship as an alternative solution to partition.

Various contradictory statements on the part of Zionist leaders reveal that the idea of a Trusteeship for Palestine has not been completely discarded from the plans of the Jewish Agency.

Before reviewing that question in detail, it must be emphasized most emphatically that, under the Charter, Trusteeship means the kind of institution which is defined in Chapters XII and XIII and nothing else. Trusteeship, for our purposes, is, in short, what the Charter itself describes and entails, and covers no form of international

1) ARTICLE 77: 1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

..... a. territories now held under mandate;
.....

administration or supervision outside its terms.

It is, therefore, imperative to realize what Trusteeship under Chapter XII of the Charter and as supervised by the Trusteeship Council under Chapter XIII would mean in legal terms.

- 2) The objectives of the Trusteeship System are set forth in Art.
1) 76 of the Charter.

In this connection we should not go into a discussion of sub-sections a), c), and d). However, sub-section b) should be analyzed at somewhat greater length.

It appears from this sub-section that the beneficiaries of the Trusteeship System are existing inhabitants of the trust territories. In other words, the purpose of the Trusteeship System is the advancement of the present inhabitants and their development towards political freedom. The final goal is political freedom either in the form of self-government or independence.

2)
Art. 88 stresses once more the special purpose of the Trusteeship System in establishing rules for a questionnaire and an annual report.

1) ARTICLE 76: The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

a. to further international peace and security;
b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

2) ARTICLE 88: The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

The word "peoples" employed in sub-section b. (Art. 76) in the plural instead of the singular and the reference to the "particular circumstances" of each territory may open the way for bi-national trust territories -- at any rate it may permit the Trusteeship System to terminate in a form of government which will take into consideration the wishes of the peoples rather than a single entity.

It may be argued that the "advancement of the inhabitants of the trust territories", allowing for some leeway in interpretation, may open the way to immigration into the trust territory. It may be argued that one of the "peoples" of the trust territory needs immigration for its advancement. Use may also be made of the expression the "particular circumstances of each territory;" but prima facie that refers only to the final stage of the trust system. Despite all these possibilities, it would appear under terms such as these a somewhat forced interpretation to expect any Trusteeship agreement to contain provisions for the immigration and land settlement of people coming from abroad. It will be alledged that such provisions are in flagrant violation of the basic purposes of the Trusteeship System. The answer to this may be the somewhat sophisticated argument that, while the Charter outlines the basic purposes of the trusteeship system, it did not enumerate some additional ones. But here again it will be retorted that the additional purposes should not conflict with the basic ones.

A trusteeship agreement which would give us satisfaction, at least in the fields of immigration and land settlement, would be so inconsistent with the basic objectives of the trusteeship system that agreement on such an instrument is very questionable if not utterly improbable.

Let us recall in this connection that despite the fact that the Palestine Mandate was drafted and substantially agreed upon before Art. 22 of the Covenant, the problem of its inconsistency with Art. 22 and more specifically

with Paragraph 4 of that Article never disappeared from the agenda of the Permanent Mandates Commission and the Council of the League of Nations. During the First Special Session of the United Nations General Assembly this argument was used by the Arabs and their friends again and again. There are excellent grounds on which to combat the theory of the alleged inconsistency of the Palestine Mandate with Art. 22 of the Covenant. The situation is, however, no longer the same: first of all, in view of the different chronological sequence (The Palestine Mandate preceded the Covenant; a Palestine Trusteeship will be agreed upon years after the Charter was enacted); secondly, because of the different "political climate" of the two periods; and finally, because of the difference between the Trusteeship Council and the Permanent Mandates Commission (See also paragraph 5).

The answer to the argument about the inconsistency of the Palestine Mandate with Art. 22 was that the Palestine Mandate was sui generis. Could there also be a sui generis Trusteeship?

3) If, however, by some devious method of interpretation a satisfactory solution to the problem discussed in the previous paragraph could be found, that would only be the beginning. Should the Palestine Mandate be transformed into a Trusteeship agreement, the procedure would consist of three steps:

- a) The preparation by Great Britain as Mandatory of a Draft Agreement to be submitted to the "states directly concerned;"¹⁾
- b) An Agreement between Great Britain and the "states directly concerned;"
- c) Agreement by a 2/3 majority of the Assembly on the draft agreed upon by Great Britain and the "states directly concerned" or modified by the General Assembly.

1) ARTICLE 79: The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations and shall be approved as provided for in Articles 83 and 85.

Coming back now to the first step, we have to proceed on the assumption that Great Britain is prepared to submit a Trusteeship Agreement in a sense favorable to our cause. Whether that will be the fact or not is outside the scope of this discussion. But if the two more recent British plans and other utterances on the part of responsible representatives of the labor government give an indication of Great Britain's intentions, it would require a high degree of optimism to make any such assumption.

But let us suppose that Great Britain is ready to do it. What comes next? Next comes the submission of this agreement to the "states directly concerned." It will be recalled that no general definition of this phrase has been found by the United Nations. After many wranglings during both the First and the Second part of the First Session of the General Assembly in London and New York, the position is that every former mandatory decides for itself who are the "states directly concerned." The question therefore, arises as to which will be the "states directly concerned" in the case of the conversion of the Palestine Mandate into a Trusteeship agreement. This problem can easily be reduced to a second one, namely, will Great Britain consider the Arab states as "states directly concerned." The importance of this question is obvious. The "states directly concerned" have in fact the veto on any formulation of a Trusteeship agreement. Should the Arab states be considered by Great Britain as "states directly concerned" they will then have a veto on the formulation of the Trusteeship agreement. Will Great Britain consider them as "states directly concerned?" It is difficult to see how Great Britain could not consider them as "states directly concerned." May be the gravest of all Great Britain's aberrations in its Palestine policy was the fact that in 1939 a new factor was introduced by her into the normal machinery of the working of the Mandate -- namely the factor of the Arab states. In 1946 and 1947 Great Britain again called in the Arab states to give advice on the future of Palestine. Under these

circumstances, how Great Britain might decide that the Arab states are not "states directly concerned," is difficult to see. But if there will be a kind of a Trusteeship Agreement, which is the result of an agreement between Great Britain and the Arab states, its value for us is clear in advance. That the Iraqi and Egypt Governments consider themselves as "states directly concerned" was made evident by their notes of June, 1946, to Great Britain of which copies were sent to the Secretary-General.

The last stage in the preparation of the agreement would be the submission of the text agreed upon by Great Britain and the "states directly concerned" for consideration by the United Nations General Assembly. According to Art. 85 of the Charter the General Assembly shall approve the terms of a Trusteeship Agreement and its approval must be made (Art. 18, par. 2 of the Charter) by a two-thirds majority.

4) This discussion is based on the assumption that Great Britain will remain the trustee. It is obvious that that is not the only possible alternative. Other states may be chosen as trustee and here the question arises which ones they will be. So far the only new trustee in the Trusteeship System is the United States which took over the Pacific Islands formerly held under Mandate by Japan. The possibility should not be excluded that, should it come at all to a Trusteeship, one of the Arab states or may be the Arab League as a whole may claim to be the Trustee. And here we arrive at the problem of collective Trusteeship which is accepted by various groups as the best possible solution, while in fact it may become the worst possible solution.

Under the existing system of international relations collective Trusteeship can be only one of the two following types:

- a) Either a collective Trusteeship of some disinterested countries or
- b) a collective Trusteeship of the Big Powers.

There is no need to elaborate on the danger that a collective Trusteeship of the Big Powers will invite administrative paralysis. The utter ineffectiveness of the collective rule of a trust territory can safely be assumed. During the San Francisco Conference, very great doubts were expressed concerning its feasibility. But, while it is true that no collective trusteeship (provided for in Article 81 of the Charter) has ever been undertaken, other joint enterprises of the Big Five, so sterile of results, constitute adequate warning against such an experiment. Witness the endless bickerings of the inter-allied Councils in Berlin and Vienna, the barren negotiations of the Council of Foreign Ministers, the impotence of the Security Council, the stalemate in the Atomic Energy Commission and the absolute deadlock in the Military Staff Committee.

It may be appropriate to quote here a warning from one of the most outstanding experts on the mandates system (William E. Rappard):

"What we may fairly declare today is that it would in any case be a real international tragedy if, in the settlement of this delicate question, the interests of the wards were to be sacrificed to the jealousies of the guardians."

(The Journal of Politics, November 1946, p.524)

Could it be assumed that some-one or group of minor neutral powers would assume responsibility for a Palestine Trusteeship Agreement? It is difficult to anticipate, in view of current international realities, that a neutral country will assume such heavy responsibilities merely for the sake of carrying out an international assignment. There will always be elements dissatisfied with the way in which a trusteeship is administered. Why should a government which has no real interest in that area incur the enmity of certain powerful factors in modern international life?

The stalemate over Trieste, when after five months of endless debates a Governor has not yet been selected, is a warning of the ineffectiveness of a collective Trusteeship.

It is submitted that the Arab population of Palestine will not suffer at all from such a stalemate. Being as they are a static element, they do not need all the active measures which have to be taken in order to make possible Jewish immigration and re-settlement. It will be the Jews and their cause which will be jeopardized by a collective system or by a timid neutral trustee.

5) It is usually overlooked that the Palestine Mandate could operate only because of the specific composition of the Permanent Mandates Commission which did a great deal to work out a general theory of the Palestine Mandate as a mandate sui generis. It should not be forgotten that the members of the Permanent Mandate Commission were appointed on the basis of their personal qualifications, their independence of judgment and their administrative and scholarly backgrounds. Among them were personalities like D.F.W. van Rens, Baron van Asbeck, William E. Rappard, Ortiz and others whose authority was high in the eyes of the Council of the League of Nations and whose conclusions usually were endorsed by the Council. How different is the composition of the Trusteeship Council! It consists exclusively of representatives of states ("specially qualified.....to represent it therein") following the instructions of their governments and deciding by a simple majority of votes, out of political considerations and not because of legal or moral ones. To turn over to such a Trusteeship Council the supervision of a Trusteeship Agreement with dynamic provisions for Jewish immigration and settlement would, under the existing conditions of international relations, be a grave mistake. But there is no Trusteeship Council other than this one. The Trusteeship Council is already functioning and has just concluded its first session. However, it should not be forgotten that its composition is still incom-

plete. The Soviet Union has not yet joined the Trusteeship Council of which it is a member by virtue of Art. 86 of the Charter, but Iraq is there.

6) A realization of the dangers which inhere in the drafting and agreeing to a Trusteeship Agreement and the methods of its supervision should convince us that Trusteeship under the Charter of the United Nations is no solution. And there is no other kind of Trusteeship. Perhaps our attention, from the viewpoint of possible international solutions, should be directed towards an ad hoc international regime. Whether this international regime should be modelled in accordance with the Trieste regime or with the Saar Commission after the First World War or some other may be a matter of further consideration.



[June ? 1947]

MEMO # 24

CONFIDENTIAL

PARTITION OF INDIA
IMPLICATIONS FOR PALESTINE

Observations
by
Jacob Robinson

1) It will be recalled that during the last five years, three different decisions were taken by the British Government in regard to the future government of India. The two crucial problems of India are first, of Indian unity versus partition; and second, complete Indian independence versus some link with the British Commonwealth of Nations. The Cripps proposals of 1942 held out the hope for a unified India with the ultimate grant of Dominion status. (Ultimate Dominion status was also envisaged by the 1935 India Act). The Cabinet Mission proposals of May 16th, 1946, while retaining the idea of unity of India, did not insist on any future ties of India with the British Commonwealth of Nations. Finally, the Mountbatten-Attlee decision of June 3rd dropped the idea of unity in favor of partition, advanced the period of transfer of power to local authorities and at the same time suggested temporary Dominion status to the two states that may emerge in the Indian sub-continent.

2) It cannot be denied that there is a genuine interest on the part of Jewish observers and persons interested in the future of Palestine, in this new move of the British Government. It was reported by Reuter on June 3rd that Richard Crossman, commenting on the new plan for partition of Palestine, made, inter alia, the following statement:

"If Foreign Secretary Bevin will prove the same qualities in solving the problems of the Near East and Europe, there would be no talk about revolt in the Labor Party."

This statement was generally understood as referring to the lack of statesmanship on the part of Bevin in his obstinate endeavors to dodge solution of the Palestine issue. It was also interpreted as a suggestion to follow the pattern of partition in regard to Palestine. (See also the editorial in THE DAY of

June 5). Other Jewish writers (Fogelman in the Jewish Forward of June 6, Rogoff, ibid. of June 12) expressed their hope that following the solution of the Indian problem, a solution of the Palestine problem would also soon be found. One correspondent (Harry S. Cohen) in the English page of The Day of June 10, 1947, went so far as to state that

"...Pakistan is very near home. And the way I see it, it must have a direct bearing on the Jewish National Home in Palestine. India is going to be divided into two states, one predominantly Hindu, the other predominantly Moslem. Pakistan is to become a reality... It would seem to me that the solution applied to the Indian problem cannot but have the most far-reaching effect on the solution of the Palestine problem. The situation in both countries bears a close resemblance and the method of solving the problem in both lands offers a very close parallel. If Pakistan has finally been accepted in India, despite all admitted difficulties, why can't partition be accepted in Palestine? Surely partition in Palestine is not less difficult or unworkable, as some would say, than is Pakistan in India and the same logic that rendered Pakistan the best possible solution in India may be said to make partition the least of all possible difficulties in Palestine."

3) It is useful to recall in this connection that only a year ago the Cabinet Mission (Cmd. 6821, 6829, 6835, 6861, 6862) was tremendously impressed by the desire in India for political unity (except among supporters of the Moslem League). In a thorough examination of partition, the Cabinet Mission came to the conclusion that neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem. And then it went on to say that the transportation, postal and telegraph systems, military considerations, geographic considerations (700 miles separated one part of Pakistan from the other), the difficulty for the Indian states to associate themselves with a divided British India, and finally, the complete dependence of Pakistan on the good will of India for its communications in war and peace -- all that was held to be decisive factors against partition. A year passed and all these arguments

have been forgotten. It may be interesting and useful in this connection to recall an episode in British-Palestine policy which is somewhat of an analogy in reverse. In 1937, the British Government substantially agreed with Lord Peel about the advisability of partition. A few months later the Partition Commission proved to the satisfaction of the same government the impracticability of partition. It should also be mentioned that in 1928 Josiah Clement Wedgwood, in his famous book "The 7th Dominion" suggested the transformation of Palestine into a Dominion. All these reminiscences show us how unstable and changeable the ways of British policy may be. The moment a solution is found in the interest of the Commonwealth, there will always be found reasonable arguments to support this solution.

4) Nothing, however, would be more fateful than to work on analogies. In fact, there is no analogy between the partition of India and partition of Palestine. In order to make clear our point, let us consider the facts. India consists of three large blocs: the Moslem Bloc (Pakistan),¹⁾ the Hindu Bloc (Hindustan) and Rajistan (563 Princely states scattered through India). The first two blocs have only one thing in common, namely that both constitute a part of British India. The princely states are quasi-sovereign. The split in India is on a religious basis and the Moslem bloc consists of two regions separated by some 700 miles of Hindu territory.

The basic idea behind the Indian partition plan is a static idea. It proceeds on the assumption, which is a right one, that the population of India has reached a stage where no substantial changes in mutual relationships can be accomplished. It is based, secondly, on respect for the wishes of the population. The moment this idea was propounded by the

1) Neither the word "Pakistan" nor "Hindustan" occur in the White Paper of June 3, 1947.

Moslem League, as a justification for the separation of Pakistan from India, the application of the same idea to the provinces claimed by Pakistan became inescapable. (Cf. "Home Rule" in Ireland & Ulster). And so, in order to know which provinces or parts of provinces want to join Pakistan, there will be a sui generis plebiscite to ascertain the will of the populations. Elections will be held in the disputed areas in order to find out whether they prefer to be part of Hindustan or Pakistan. Lord Mountbatten expressly denied that Great Britain may retain bases in India. No consideration in this plan is given to the idea of a corridor between the two parts of Pakistan, which means that Pakistan is going to be a state of two disconnected Moslem "islands" in a Hindu sea. In the political history of our time there is one familiar precedent of a state being split into two parts (Germany after the Versaille Treaty when Eastern Prussia was completely separated from the bulk of Germany by the Polish Corridor). Furthermore, no consideration is given to the problem of eventual transfer of minorities in order to make the population more homogeneous. It should be recalled in this respect that if the provinces are taken as a whole, the minorities are very substantial. Nor are there any provisions for reciprocal protection of minorities. Nehru still nourishes the hope of reaching unity through partition. Whether Pakistan will also develop such an interest in eventual unity remains to be seen. It will depend, not in the last instance, on the viability of these two states, both economically and militarily. Everything is still in the dark. Ominous are certain utterances in the leading Moslem newspaper Dawn forecasting an aggressive struggle on the part of the Moslems (Article by Prof. Qamaruddin Khan, quoted by the Herald Tribune of June 13th).

5) The greatest probable surprise of the whole plan was the offer of Dominion status to the two warring factions. Pakistan and Hindustan will thus become the first non-European peoples members of the British Commonwealth

of Nations. A precedent has thus been set for Burma and Hongkong. This offer was favourably received by both Hindus and Moslems although not worked out by the Indian leaders but brought by Lord Mountbatten as a "surprise package" from London.

It is true that reservation was made for an ultimate decision by these two new states as to their future relationship with Great Britain. This would certainly mean that Dominion Status is a temporary arrangement, but it is an old French saying that "c'est ne le provisoire qui dure." It is obvious that there may be a desire on the part of Pakistan with its exposed frontier in the north, to remain within the British Commonwealth of Nations. In this case, Hindustan may also be induced to do so for reasons of balance of power. It would appear that the reasons why the two factions accepted the provisional Dominion Status is partly due to the prospect of transfer of power to the local authorities in August 1947 instead of June 1948, but even more to the refusal of Great Britain to grant the same status to the Princely States who will have in the final analysis to join either Hindustan or Pakistan. This prospect was certainly a very important stimulus to both Hindustan and Pakistan. Of course the Princely States may remain completely independent but the amount of independence there can be in islands surrounded practically from all sides by Hindustan or Pakistan territory is a matter for speculation.

6) It was inevitable that the problem of partition of India should be projected against the general background of the East-West split. It is interesting to know that communists in India are against partition, as they are in Palestine. The plan was designed by the British, according to P.C. Joshi, the General-Secretary of the Communist party of India, "to detach the Moslem majority in the northwest from the rest of the Moslem bloc, which Anglo-US imperialism is building under Moslem reactionaries as a base

stretching from Cairo to Lahore against the Soviet Union."

The Moscow radio, commenting on the new plan, expressed its doubts in regard to the genuineness of the "independence" of India. On the other hand, Tarakhath Das (N.Y. Times July 8, 1947) recently suggested that Pakistan is going to join the Arab League in secret cooperation with the Soviet Union against the Western powers. Characteristically enough, the Irish vehemently oppose the partition of India. It will be recalled that de Valera opposed in the League of Nations the idea of partitioning Palestine.

7) It is obvious from the foregoing that this plan is so Indian that to call it a plan for partition of Palestine would be just to ignore the dynamism of the Palestine situation. There is also the danger of having applied to Palestine the new idea of a state without territorial cohesion which is inherent in the Pakistan plan. That would bring us to the conclusion that if the partition plan of India has any bearing at all on the Palestine question, it is nothing but a confirmation of certain aspects of the Morrison plan. If any conclusions can be drawn at all from this plan it only demonstrates once more the tremendous ingenuity of Britain's political thinking, its elasticity in detail as compared with its rigidity in the main objectives.

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CONFIDENTIAL

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June 25, 1947

MEMO #25

AN INTERNATIONAL REGIME FOR PALESTINE

First Tentative Observations
by
Jacob Robinson (1

1) While it may be convincingly argued that the decision of the General Assembly in regard to the future of Palestine will not depend on our own desires, it would, on the other hand, testify to lack of foresight on our part should we fail to contemplate decisions which may not be to our liking. It would be sound policy not to disregard any possible solution and to consider how to make the best of each of them.

2) The possibility of an international solution by the General Assembly for the future of Palestine cannot be precluded. Whether or not we should favor an international solution, which, in view of the popularity of the independence slogan, would most probably be provisional in nature, would depend largely on a political evaluation of the major trends in modern international relations. In other words, it would hinge on whether or not the time factor is in our favor. To put it somewhat differently, are there reasonable grounds to believe that at a later date we can get a more favorable solution than we can now? Since a final solution is inevitable anyway, the problem from our viewpoint, would be reduced to the question of whether we can expect a better solution now or in a few years later.

1) _____

Some aspects of this problem were discussed earlier by me with Dr. Emanuel Neumann who is responsible for the initiation of this study and whose suggestions are partly embodied in par. 6.

Answering this question is certainly difficult. So many uncertain factors are involved that even with the best methods any prediction would, in the final analysis, still be precarious. Among the factors, two should be specifically stressed, namely: (a) On the Jewish side; emigration pressures; and the factual possibilities under such a regime of absorption in Palestine.

(b) On the Arab side; developments both among the Palestinian Arabs and also within the Arab League.

3) As already suggested, an international solution would, by its very nature, be temporary in character. In regard to the time limits of this regime two cases may be considered:

a) a definite period (exact number of years) during which the system will have to work, or

b) a kind of temporary arrangement whose expiration and substitution by a new regime may be left either completely to the discretion of the United Nations or made dependent upon accomplishment of certain specific aims and purposes for which this international regime will be established.

Our interest in these two alternatives is obvious. It may be added that some elastic combination of a fixed period in relation to objective situations should not be precluded.

4) One important jurisdictional problem may be raised, namely, what is the authority of the United Nations to establish a regime which would not be the kind of regime provided for in Chapters XII and XIII of the Charter? The language of the Charter is, however, so elastic that, given good will, there is little reason to expect that the difficulties in the way of the United Nations assuming responsibility will be insurmountable. An important precedent in the history of the Security Council should be recalled. There is nothing in Chapters V, VI,

and VII of the Charter to suggest that the special competence of the Security Council granted to it by the Articles 21-22 of the Peace Treaty with Italy (Free Territory of Trieste) and Annex VI (Permanent Statute of the Free Territory of Trieste) is within the express provisions of the Charter. In fact, when the Security Council was asked to assume these responsibilities, some members raised the problem of its jurisdiction on a somewhat narrow interpretation of the competence of the Security Council. It was clear from the very beginning that if the five permanent members of the Security Council were in favor of granting new powers to the Security Council, they would be assumed by the Security Council. Nevertheless, some heated debates were provoked and finally, on the advice of the Secretary General, it was decided that the provisions concerning Trieste have in mind "the maintenance of international peace and security" (Art. 24 of the Charter) and, come, therefore, within the functions and powers of the Security Council. While some may feel that this interpretation is somewhat strained, it is fully justified by the language of the Charter which was intended to be flexible enough to meet new developments in years to come. Whether an international solution of the Palestinian problem will come under Art. 1, par. 1. of the Charter (international peace and security) or under par. 2 (to develop friendly relations among nations), or under par. 3. (to achieve international co-operation in solving international problems....) is of minor importance.

In regard to the future supervisory body, there is also no legal difficulty, since Art. 7, while listing in paragraph 1. the principal organs of the United Nations, establishes in paragraph 2 the right of the United Nations to bring into being "such subsidiary organs as may be found necessary." The establishment of the Atomic Energy Commission is a case in point.

6) In this connection it should be strongly emphasized that precedents in matters of international administration are of no great value for our subject. The old Mandate system, the new Trusteeship System, the administration of the exchange of populations between Greece and Turkey, the Government Commission of the Saar District, the special statute of Trieste, to take just a few examples of the recent past, could hardly help us. It is true that Palestine was administered under a Mandate, but its uniqueness collided with the unfortunate nomenclature which was and still remains a source of unnecessary difficulties. That the Trusteeship System is in this respect even worse was suggested in my memorandum #23 (Trusteeship for Palestine?). The conclusion to be drawn is that rather than finding a precedent and attempting to force our problems into it, we should try to discover the peculiar elements of such an international regime which would give us maximum satisfaction then, on the basis of these peculiarities, we should work out the type of administration that would be most fitting for our situation. In other words, the regime should not determine the functions, but the functions should determine the regime. The structure of this international regime should be adjusted to its purposes.

6) What are the purposes of this international regime? We may even put the question in the singular and answer it in the singular, namely, that this regime has to secure a permanent flow of emigrants to develop the country in order to be able to absorb them and to carry out large settlement and development plans until such time as there will be a Jewish majority in Palestine and the democratic processes will be able to take care of the next stage. It would, however, be difficult to ignore the existence of other elements in Palestine whose duties and rights will have to be secured.

While it is true that the theory of the "dual obligation" finds no basis whatsoever in the Mandate, it is true that every government of Palestine will be faced with a double task: a task of good government in regard to the present population and a task of good (or even better) government designed sincerely and courageously to bring about a prospering Jewish majority as a pre-condition for a Jewish state. Plus ça change, plus ça reste la même chose. What we need is to build on the mandate and, in the light of our experience, to adjust it to changed situations and new developments. The difficulties of the Mandate were inherent in the very nature of this double government and any other government will have to struggle with this dualism. How these two purposes can best be achieved, not in coordination, but in sub-ordination, is the crucial problem of any international regime to be set up for Palestine. The method of an interested mandatory failed; the method of an arbitrator will hardly prove of greater value. The solution may lie first, in the strengthening of the powers and functions of the Jewish Agency, which should be made primarily responsible for the dynamic elements, and secondly, in the creation of a tripartite government commission, consisting of Jews, Arabs, and a United Nations team, to carry out current business of good government and to secure the uninterrupted functioning of the Jewish Resettlement and Development Authority, (Jewish Agency).

This is the appropriate place to ask the question on the composition of the United Nations team of the Government Commission. With all allowances for the conventionality of the expression, a "neutral" team would be the most desirable. After the precedent of the neutral Special Committee now investigating Palestine, such a composition will not appear to be too unusual.

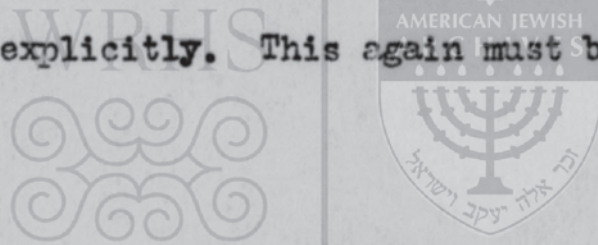
Detailed provisions will have to be found for the possibility of solving the inevitable conflicts of the dynamic and static elements which must not necessarily always be Jewish and Arab conflicts. The key to the solution of the whole problem of the international government commission lies in the very definitive terms of reference of this commission, in the high standard of integrity and independence of its members and, finally, in their absolute sympathy and enthusiasm for the Jewish cause.

7) Under this regime some device should be found for the solution of the problem of both international and national security. It is difficult to foresee at this juncture how far the Military Staff Committee of the Security Council will have progressed to establish an international military and police force. A detachment of this force could be stationed in Palestine. In the long run, however, the tendency should be for police and military forces with increasingly greater contribution of voluntary elements of the population whose loyalty to the ultimate purpose of the international regime is beyond the slightest doubt.

8) The whole financial management including credit policy, foreign currency, import and export, taxation, should be subordinated to the basic dynamic purpose of the new regime. In fact, it is difficult to see what branch of government will be unaffected by the subordination of the static needs to the dynamism of development. It may be said in this connection that there is nothing unusual in this kind of policy, which is on the basis of such normal business of modern government as national loans, compulsory savings, and many other devices of intervention of the government in the economic life of the country.

9) The legal form of this new regime may take the form of a resolution of the General Assembly outlining, perhaps, the basic ideas underlying this regime with an Annex which will bring in the relevant constitutional provisions and constitutional and international guarantees. Whether such an international regime should be under the supervision of the General Assembly, the Security Council, the Economic and Social Council or maybe even Trusteeship Council, the last two of which are anyway under the authority of the General Assembly, is a problem that would require special consideration.

10) The question may be appropriately raised here as to whether initiative should be taken on our part to suggest the details of such an international regime or whether we should intervene only when and if urged to do so implicitly or explicitly. This again must be reserved for further consideration.



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CONFIDENTIAL

MEMO #28

26 September 1947

TO: Executive of the Jewish Agency
FROM: Jacob Robinson

THE GENERAL DEBATE IN THE ASSEMBLY
ON THE PALESTINE QUESTION

I GENERAL OBSERVATIONS

The main feature of the opening of the general debate was the role played by the United States. America's assertion of leadership in the United Nations found clear expression, first of all in the fact that Secretary of State ~~C. Marshall~~ Marshall spoke early in the proceedings (following Mexico, the first speaker) and secondly because it was evident that the three problems raised by Mr. Marshall (Greece, Korea, and his proposal for a "little Assembly") gave direction to the whole debate which concentrated on these questions. Mr. Vishinsky's attempt to direct the attention of the General Assembly to American "warmongering" failed completely. He was supported by Yugoslavia, Byelorussia and Ukraine, but Poland and Czechoslovakia failed to follow his lead. The atmosphere created by the sharp clash between the Powers may be characterized as a presage of crises such as is certainly not conducive to any optimistic prediction on the outcome of this Assembly.

It may be of interest to note that not all states took part in the general debate. All the Big Five, the Slav bloc, the Arab bloc and all the members of the British Commonwealth took part in the discussion, but eight Latin American countries did not participate (Chile, Costa Rica, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay), while five of the Western European countries were silent (Belgium, Denmark, Iceland, Luxembourg, Norway), and two Moslem states (Afghanistan, Iran)

and Ethiopia expressed no opinion.

Some of the states taking part in the discussion made direct or indirect references to the Palestine question. Thus, for instance, the representative of the Philippines (83: 112-115), speaking of "bright spots which relieve the gloomy political picture in the non-self-governing areas", declared that along with "the establishment of the Dominions of India and Pakistan . . . we have before us a proposal to terminate the Mandate over Palestine and to recognize its independence." Mr. Lopez of Colombia (88: 96-100) discussing resolutions of the General Assembly which had "gone by default" and recalling its resolution of November 19, 1946 on the elimination of religious and racial discrimination stated that "religious and racial discrimination is rampant not only in the Near and Far East, but also in the very heart of Western Civilization. We would not have any Jewish problem if there were no such discrimination. We would not have displaced persons, concentration camps in Europe." It is not quite clear what was in Mr. Arce's mind, when speaking of "aids to peace" (85: 17-20) he stressed the importance of self-determination for all peoples.

II VIEWS EXPRESSED ON THE REPORT BY MEMBERS OF THE GENERAL ASSEMBLY OTHER THAN THE ARAB STATES.

So far, there has been only one endorsement of the report: by Mr. Ulloa (Peru) contained in his address of September 18, 1947 (Annex D). A second statement which may be taken as qualified endorsement was that of the United States representative (Annex A) the importance of which lies in three points: appreciation of the work of the Committee; assertion of American leadership in the Palestine question; and in the qualified support for the majority report of the Committee. This

statement was an improvement on Mr. Marshall's comments three days earlier at the dinner of the American Association for United Nations (also Annex A).

It is important to note the strong impression made on the Arab states by Secretary Marshall's speech, which must have come to them as a shock. Egypt was the only country which did not later directly attack the United States. The representative of Iraq (Annex B) expressly admitted that had it not been for the Marshall statement he would not have discussed the Palestine question during the general debate. Lebanon (Annex G) entered into a full-dress outburst against the United States. Syria (Annex J), bitter against the "senior representative" of the United States of America, tried to interpret his speech as not meaning that the United States delegation must necessarily give full support to the UNSCOP recommendations. Nevertheless, Mr. Faris el-Khoury found it necessary to attack the report in a speech of over 2000 words. The representative of Saudi Arabia (Annex L) expressed his disappointment that the U.S. Secretary of State had been "so hasty in expressing his views" on the Palestine problem before the Political Committee had occasion to meet and discuss all its phases. He admitted that he had expected the Government of the United States to take a neutral stand, instead of which Mr. Marshall had "impetuously" expressed his views before the other representatives had had time to form an opinion based on "extensive research and careful study". Prince Feisal expressed his hope "that there still exist people of integrity and high thinking who will have the courage not to be influenced by the words of General Marshall."

The second reaction of the Arab states to Mr. Marshall's speech came following Mr. Vishinsky's attack on the United States. It was

reported that Mr. el-Khoury, speaking amid the group of Arab delegates, said:

"I consider it very satisfactory from the point of view that he assures the world the Soviet Union is not going to initiate a third world war. If the United States would follow the same course people would be free of the fear which is agonizing the whole world.

"He made no commitment about Palestine, and I consider no news good news. General Marshall made a statement on that which was an insinuation for war. He says he is for peaceful settlements. In the Palestine question he puts the spark to the barrel of gunpowder.

"Secretary Marshall's statement"

continued el-Khoury

"will stimulate conflict, collision and disturbance in the Near East and may extend further."

An indirect reaction to Mr. Marshall may have been the cause of Dr. Malik's description of Mr. Vishinsky's speech as "exceedingly interesting, very brilliant, and one that has sharpened the issues and made them clear," despite his previous outspoken antagonism to the USSR in the Economic and Social Council.

The third reaction to Marshall's speech on the part of the Arab states was the request for a special meeting with General Marshall and the luncheon which was arranged in Fort Totten three days ago.

The fourth reaction was the Arab abstention from voting in the first Committee as a gesture to prove how indispensable their votes are for American policy in the United Nations.

As far as the other delegations are concerned both Poland (Annex B) and San Domingo (Annex K) referred to their already announced positions, though the former expressed no comment on the report of UNSCOP. Poland, however, stated once more that she is not indifferent to the fate of the Jews. France (Annex H) and Venezuela (Annex C)

made special pleas for an agreed solution which is exactly what the UNSCOP found unlikely of achievement. France, China (83: 81) and Czechoslovakia (Annex F) stressed the urgency of the problem. There was, finally a disquieting tendency to tie up the Palestine question with others. The representative of Venezuela, for example, mentioned in the same breath the Balkan question and Palestine (Annex C); the Poles went further by discussing as though they were similar the situations in Greece, Indonesia and Palestine, adding explicit advice on the necessity for the withdrawal of foreign troops. Most far-reaching in this respect was the Ukrainian statement. Declaring on two occasions that war was being waged in Palestine (Annex M), Mr. Manuilsky made the following statement, which may have more than ordinary importance:

"The essence of the Greek question is not that someone or other is threatening the independence and territorial integrity of Greece--and that the United States has to protect the Greece of Tsaldaris and of Zervas from this danger. The warmongers want to transform Greece into a focus of trouble and acute conflict in the Balkans. Plans are cherished to drag Greece into a military alliance with Turkey and perhaps also with Italy and to provoke a conflict in the Balkans. Somebody after having occupied Greece with its armies wants to establish itself in the Mediterranean Sea with the perspective to penetrate into Palestine and the countries of the Arab East to come closer to the Suez Canal and in the same time occupy such a strategic position which would be a threat to the Soviet Union."

III THE ARAB STATES AND THE REPORT

The Arab states were by no means unanimous in their attitude toward the report of UNSCOP. Egypt (Annex I), while following the general line, discussed the problem of British troops in Egypt before turning to Palestine, both within the framework of the Near East

situation. Curiously enough, not a single Arab state participating in the general discussion made any reference at all to Egypt's fight in the Security Council. (Mr. Manuilsky mentioned (89:86) his agreement with Egypt in regard to the evacuation of British troops). Moreover, following two militant speeches by other Arab states, Egypt was the only Arab country to express appreciation of the Committee's arduous task and admit that its work had been both diligent and painstaking. The Egyptian delegate explained the reason for UNSCOP's failure to find an acceptable solution as lying in the fact that "... they have confused religion with nationality." The representative of Iraq, while reserving the right to make later a detailed criticism of the report and "contradictions inherent in the recommendations", later found that the findings of UNSCOP could not be acceptable since they were made in "an atmosphere of emotion, passion, excitement and clamour" created, according to Gen. Nouri-As-Said, by the Exodus incident.

The most detailed analysis of the report of UNSCOP was made in the debate by Mr. Faris el-Khoury. In general, the arguments advanced against the report of UNSCOP allege that the recommendations are in opposition to the Committee's terms of reference, to the Covenant of League of Nations, to the principles of the Charter of the United Nations, to principles of justice, the facts of history, and the principles of "public rights". Elaborating on these allegations, Mr. el-Khoury listed the ten following "flaws" in the majority report (the order is that of Mr. el-Khoury which, it will be noted, is neither logical nor consistent):

- 1) The lion's share in partition goes to the Jews;
- 2) Contrary to the principle of self-determination, the Committee imposes forcibly on the new state a constitution, treatise and laws;

- 3) The Committee ignored the legal aspects of the problem which the Arabs contest on the grounds of the alleged invalidity of the Balfour Declaration and of the Palestine Mandate;
- 4) The report gives more to the Jews than the Mandate, i. e., a sovereign state instead of a National Home;
- 5) It ignores British pledges to "King Said" (sic!) and other Arab officials and organizations;
- 6) It violates the IRO constitution;
- 7) It accepts the erroneous idea that there was never an Arab independent state in Palestine;
- 8) It accepts the assumption that the Jews are a nation;
- 9) It accepts the theory of historical rights without regard to the rules of prescription;
- 10) It gives the Jews the sea coast which was never Jewish but Philistine.

IV OTHER ARGUMENTS OF THE ARAB STATES

As at the Special Session in the spring, the Arab states once again dominated the discussion on Palestine and once again there was nobody who found it necessary in the interest of fairness either to stop them or to reply.

On the whole, the Arab states rehashed their old ideas. Once again a distinction was drawn between Jews and Zionists (by Iraq and Saudi Arabia), once again exaggerated statements were made about the alleged friendship of Jews and Arabs in the Arab World (Iraq) and about the Arabs as "protectors of the Jews" (Saudi Arabia). Once again in a spirit of self-righteousness the principles of the Charter versus expedience were extolled (Iraq, Lebanon), once again self-determination was mentioned repeatedly (Egypt and others). As before, practically all the Arab speakers uttered threats trying to drag the problem of

Palestine into that of Near East security and suggesting that the implementation of any solution of the Palestine problem acceptable to the Jews would mean the beginning of the third world war. In this respect the Greek question was exploited to the hilt, always with the erroneous assumption that there was an analogy between the two cases.

A new feature of the Arab case was the use of delaying tactics by the spokesman of Iraq and Saudi Arabia. This was radically different from the proceedings at the Special Session where the Arabs took the view that the solution of the Palestine question is urgent, that there was no need for a Committee and that the General Assembly could immediately solve the Palestine problem. Another new feature was the attempt to vilify everything Jewish, especially by the Iraqi delegate who, referring to the incident of the "Exodus 1947," mentioned the Foreign Office story of the kidnapped children and added a new story of the alleged presence among the refugees of criminals and persons whose true origin had been carefully concealed. The same speaker discovered that the report was a bad one because Zionist terrorism and suppression of non-Zionist opinion had forced 30,000 potential re-migrants from Palestine to remain in the country. A further innovation was provided in Mr. el-Khoury's advice to the Jews to go to Biro Bidjan, a line in keeping with the statement made by the Arab Higher Committee on September 2nd. Other novelties were the same gentleman's discovery that the underlying cause of the Jewish problem was Jewish reluctance to assimilate and his statement that Palestine was an integral part of Syria. It may be noted that during the Special Session Syria claimed a more particular interest in the Palestine problem, though making it clear that they were not speaking for Palestine, since

that country was not part of Syria. As usual, the Arab statements were full of distortions, misquotations and direct falsifications of texts.

V CONCLUSIONS AND SUGGESTIONS

1) A reversal is noticeable in the attitude of some of the Big Five. While at the Special Session it was the Soviet Union and China who made explicit their standpoint on the merits of the case, and the USA remained non-committal, at this session exactly opposing attitudes were taken up. Great Britain expressed no view during the General Debate and France followed suit, except that the French delegate expressed sympathy for the Jews.

2) It is difficult to explain why all the other states, with the exception of Peru, remained non-committal. Was it because of the Iraqi appeal not to rush but to wait till all the facts were laid before the first Committee? Not even such states as South Africa and Czechoslovakia said anything essential during this Assembly.

3) It was from some points of view useful that the Arabs hastened to lay their cards on the table. They stated their arguments in some detail and they can therefore be the more easily countered.

4) In preparing for possible statements, we should again stress the following points:

- a) the inequity now being perpetuated between the two parties to the argument, one of them having five permanent spokesmen and the other none;
- b) the problem should be discussed whether we should reply to all the insinuations made up till now by the Arab states, thus embarking upon polemics;
- c) Certain historical problems should be referred to some prominent historians if we do not ourselves possess the necessary material.

A N N E X -A.

Excerpt from Mr. MARSHALL's (United States)
speech in the Eighty-second Plenary Meeting
of the General Assembly on Wednesday, 17 Sept. 1947.
(A/P.V.82, pp. 47-51)

"The General Assembly is also faced with the problem of Palestine. The Government of the United States intends to do everything within its power at this session of the General Assembly to assist in finding a solution for this difficult problem which has stirred up such violent passions, and which is now resulting in the shedding of blood and in great mental and moral anguish. The solution will require of each of us courage and resolution. It will also require restraint.

"The Special Committee on Palestine is to be highly commended for its contribution to the solution of this problem. Although the members of this Committee were not able to agree unanimously upon a number of important issues, including that of partition, they have been able to find the basis for agreement on eleven recommendations to this Assembly. Their achievement in reaching unanimity on so many points represents definite progress.

"We realize that whatever the solution recommended by the General Assembly it cannot be ideally satisfactory to either of the two great peoples primarily concerned. While the final decision of this Assembly must properly await the detailed consideration of the report, the Government of the United States gives great weight not only to the recommendations which have met with the unanimous approval of the Special Committee but also to those which have been approved by the majority of that Committee."

In this connection it may be interesting to quote the pertinent section of Mr. MARSHALL's speech before the American United Nations Association on Sunday, September 14, 1947:

"The matter of Palestine will be before the forthcoming Assembly for solution. We believe that the techniques which have been used by the Assembly thus far in dealing with this question have been soundly conceived. After preliminary consideration the General Assembly established a commission of representatives of disinterested states which has inquired into the problem and reported its conclusions and recommendations to the Assembly. We believe that it is of the greatest importance that every effort be made to obtain maximum agreement in the General Assembly on a solution for that problem and that the peoples directly concerned will accept the recommendations of the coming General Assembly as a basis for a definitive solution of this complex matter."

A N N E X B

Excerpt from Mr. MODZELEWSKI's (Poland) speech
in the Eighty-Second Plenary Meeting of the
General Assembly on Wednesday, 17 September 1947.
(A/P.V. 82, pp. 71-72)

Translation from French: (A/P.V. 82, pp. 66, 67-70)

"With all our optimism, I have to state that at this very moment when we are deliberating in the United Nations there is no peace in Greece, in Indonesia and in Palestine. The situation in these three countries has already been the subject of deliberations of the Security Council and the issue of Palestine has been dealt with by a Special Session of the United Nations General Assembly. I have no intention, at this moment, to go into the merits of this problem. . .

"As regards the problem of Palestine, our position is well known. We shall have the opportunity to speak again in a more detailed way after having studied the report of the Special Committee of the United Nations. We are not indifferent to the fate of the Jews.

"I would like to note today the unanimity of the Special Committee on one point, namely, the necessity for the withdrawal of foreign troops so that

the matter may be settled in a peaceful manner."

A N N E X C

Excerpt from Mr. STOLK's (Venezuela) speech
in the Eighty-Fourth Plenary Meeting of the
General Assembly on Thursday 18 September 1947.

(A/P.V.84, pp. 27-30)

Translation from Spanish: (A/P.V.84, p.11)

"The items on the Agenda concerning the Balkan question and the question of Palestine will also constitute a subject for discussion. Both present delicate aspects and merit detailed consideration. The finding of a formula which will allow for the restoration of peace and good relations between Greece and its northern neighbors as well as the presentation of a basis offering the highest degree of possible agreement to harmonize the parties directly interested in the problem of the Holy Land will depend on the skill with which the discussion is being conducted and on the observance of the fundamental tenets of the Charter."

A N N E X D.

Excerpt from Mr. ULLOA's (Peru) speech
in the Eighty-Fourth Plenary Meeting of the
General Assembly on Thursday, 18 September 1947.

(A/P.V. 84, pp. 56-57)

Translation from Spanish: (A/P.V.84, p.25)

"A representative of Peru has been a Member of the Special Committee on Palestine, and as such, in conformance with his honest conscience and his wisdom, he has subscribed to the majority report which will necessarily influence the formation of the political thought of my country in this respect, while not committing it to its entirety. We can, therefore, say that we believe that the best solution lies in a partition of the country and in the formation of two states with due respect to existing majorities. However, it

is our opinion that a Jewish state in compliance with an old international multilateral pledge should be a sufficiently large state, without exaggerations, however, to secure not only the normal development of Jews who are now in Palestine but also of future generations and the tens of thousands of displaced persons and refugees who are waiting for the compliance with this pledge in relatively near-by areas. They are unable to readjust themselves to those social media from which they were separated or from which the misery has thrown them away. They can become, in view of the special qualities of their race, the seed of new centers of happiness and progress. It is right that we think this way because our own national constitution is guided by respect for the principles of nationalities and human rights and also because we believe that if the Jews do not find a National Home, however relative, but still a certain one, there would be no possibility to find a solution of the problem which in course of time and of circumstances may become more acute."

ANNEX E.

Excerpt from Mr. NOURY-AS-SAID's (Iraq) speech
in the Eighty-Fourth Plenary Meeting of the
General Assembly on Thursday, 18 September 1947.
(A/P.V. 84, pp. 166-172)

"I now come to the question of Palestine which has been submitted to the United Nations by the Mandatory for Palestine. Although for Arabs it is the dominating issue before this present Assembly, yet it had not been my intention to discuss it at this stage of the Assembly proceedings. But as the honourable representative of the United States has stated that his Government considered the report of the Special Committee on Palestine to represent definite progress and that it is giving great weight to the recommendations of the majority of that Committee, I feel that I must make a brief

statement at this time.

"Before I say anything else, I wish to state in the most emphatic terms possible that the Arabs have never had any quarrel with the Jewish people. We have a record of friendly relations with the Jews throughout history, of which we can justly feel proud. Our quarrel is with that small politically minded section of the Jews, the political Zionists who want to dominate Palestine and other parts of the Arab world.

"In common with the rest of the world we realize their great ability, their great energy and their success as politicians, intriguers, and publicists and there is no better example of their methods than the case of the four thousand illegal immigrants who were sent to Palestine on the ill-founded and unseaworthy S.S. Exodus. The Zionists were able by their propaganda and their clamour to focus the attention of the whole world day by day on the voyage of this ship. They succeeded in inflaming passions and arousing emotions designed to influence every humanely disposed person in every country. Everybody has heard of the Exodus and of the four thousand miserable souls aboard that ship. Their sufferings were deliberately arranged by Zionists in order that they could be exploited and used to further Zionist aims. All this was taking place while the Special Committee on Palestine set up by the United Nations was investigating conditions in Palestine and preparing its report. The Members of the Committee could not fail to be influenced by all the excitement and the denunciation which the voyage of the Exodus and the return to Europe of the four thousand aroused.

"But nobody has heard that among these four thousand were many children who had been kidnapped from their parents, that among the adults were a number of the criminal classes and that the true origin of many of the immigrants is being concealed. But all of them were used to promote the Zionist cause.

What is far more important is that no one in the world has been told of more than thirty thousand Jewish settlers in Palestine who, upon hearing of the collapse of the Axis in 1945, registered their applications in Palestine to return to their original homes in Europe.

"They were subjected to extreme acts of violence and intimidation by the Zionist terrorists in Palestine as a result of which they did not pursue their applications. Some are known to have disappeared and are believed to have been murdered. This desire of a substantial number of refugees Jews in Palestine to return to their native countries is not dealt with in the Report of the Special Committee on Palestine.

"These are only two instances of the power and influence of the Zionists to sway world opinion on the one hand and, on the other, to suppress public expression by the Jews of any opinion which does not suit Zionist ends. How, therefore, is it possible for anybody to accept without further examination the findings of a Special Committee on Palestine, however, high-minded and competent, which had to work in such an atmosphere of emotion, passion, excitement and clamour? A detailed criticism of the Report of the Special Committee on Palestine and an exposure of the contradictions inherent in the recommendations will be made when the matter is discussed in the First Committee.

"Today I ask you all to bear in mind that the United Kingdom found it impossible to carry out a policy which she had hastily adopted in a period of great crisis during the 1914-1918 war. Having made the fatal error of entering on a slippery slope, she has been struggling for twenty-five years to regain her balance and to recover her original position. Throughout those twenty-five years there existed the League of Nations, and now there exists the United Nations, to which the United Kingdom could turn if she found her

task in Palestine impossible. But when the United Nations adopts a policy for Palestine and endeavours to enforce it, to whom can she turn if that policy proves a failure? For these reasons the United Nations should not be hurried into a decision and all Members should keep an open mind and not commit themselves in advance but wait until all the facts have been laid before them in the First Committee.

"This Assembly of the United Nations finds that the tasks confronting it are at once difficult, delicate and dangerous. All cases of difficulty and danger must be met by courage and confidence if satisfactory solutions are to be found. Courage and confidence demand a basis of sound principles. The Charter of the United Nations is the only rock upon which the foundations of true policy can be established. If we are guided by the principles of the Charter of the United Nations we shall have confidence in our judgment and courage to carry out our decisions. But if we stray from the high purpose and noble principles upon which this Organization was founded and come to decisions based upon expedition, upon self-interest, upon failure to face the real issue, or in the hope of securing temporary popularity, we shall lack the conviction that our decisions are just and honourable, and the execution of these decisions will be feeble and fumbling and eventually futile."

ANNEX F.

Excerpt from Mr. MASARYK (Czechoslovakia) speech
in the Eighty-Seventh Plenary Meeting of the
General Assembly on Saturday, 20 September 1947.
(A/P.V. 87, p.36)

"An exceedingly important issue with which we shall have to deal is that of Palestine. May I express my hope that this issue will be solved during our session. It is my strong belief of many years' standing that unless that

issue and everything that depends on it will be solved, we will be failing ourselves."

A N N E X G

Excerpt from Mr. CHAMOUN's (Lebanon) speech
in the Eighty-Seventh Plenary Meeting of the
General Assembly on Saturday, 20 September 1947.

(A/P.V. 87, pp. 52-57)

Translation from French: (A/P.V.87, pp. 42-47)

"The representative of the United States has warned us that the General Assembly will have to discuss the questions of Greece and Korea. Actuated by the principles of our Organization, the Secretary of State, General Marshall, proposed that the Assembly should adopt a resolution sanctioning the political independence of these two countries and the integrity of their territories. In fact and in law we are in favour of the independence and territorial integrity of every State whether or not it is a Member of the United Nations. This is a principle from which I hope we will never depart. But while taking a clear position on these questions, I would like to ask the representative of the United States, who based his position on the fundamental principles of the Charter to defend the political independence and the territorial integrity of Greece and Korea, on what principle he based his position in favouring in that same statement a report which suggests purely and simply the mutilation of another State--of Palestine. Was it on the basis of the principles of justice which forbids any venture of any kind against a defenseless people, such as the Arab people of Palestine who only want to live quietly on their territory and want to develop their rights and liberties under the wing of their great international institution.

"Was it on the basis of Article 22 of the Covenant of the League of Nations which laid down the principles of the Mandate and recognized the

territorial integrity of the mandated countries as well as their independence? Until such time as, with the help of a mandatory power, they prepared themselves for the full enjoyment of the exercise of such independence. Was it on the basis of Article 6 of the Mandate, which provides that the establishment of a National Jewish Home in Palestine must prejudice neither the rights nor the position of the Arab people in that country? Was it on the basis of paragraph 2 of Article 1 of the San Francisco Charter, which defines in the clearest possible manner the aims of the United Nations? This paragraph reads as follows: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples."

"Was it finally on the basis of the fact that the text of the Charter forbids the United Nations to decide upon the partition or the dismemberment of any state against the will of its inhabitants, more particularly when such measures, which are contrary to the fundamental principles and are not susceptible of developing friendly relations among the various countries, but on the contrary are likely to nurture an atmosphere of tension tending to threaten the peace of tomorrow.

"In his statement, the representative of the United States has defined the activities of certain neighbours of Greece which are furnishing arms and other facilities intended to foster revolt in that country.

"If such acts are being perpetrated, we denounce them in an equally spirited manner. But we should also like to see the representative of the United States denounce, with equal warmth, the activities of the nationals of certain other powers who assist illegal immigration on a large scale, directed against the Arab people of Palestine and against the integrity of their territory.

"It has been said that peace is indivisible, but justice is even more so. It is disagreeable for me to quote once more from this rostrum the well-known French dictum: "What is true on one side of the Alps, is false on the other."

A N N E X H

Excerpt from Mr. BIDAULT's (France) speech
in the Eighty-Seventh Plenary Meeting of the
General Assembly on Saturday, 20 September 1947.

(A/P.V. 87, pp. 64-65)

Translation from French: (A/P.V.87, pp.61-62)

"As regards the future regime of Palestine, the French Government, has received and has studied with the greatest care the report submitted by the Special Committee of the United Nations, which is in many respects a remarkable work. The recommendation made in that document will be scrutinized in detail by another Special Committee which will be set up for the purpose. We all think that it is incumbent on a free people to consider with high and humane understanding the immense misfortune of the decimated Jewish people. May I, for the time being, just express the regret that the two conflicting parties in Palestine, which can both place their trust in our understanding and our sympathy, could not long ago reach direct agreement highly desirable in every respect. It is most unfortunate that the Committee was unable to draw conclusions acceptable to both parties. No effort is to be spared to avoid a disputed solution. All the members of the United Nations I am sure, are aware of the serious difficulties which would arise from a new regime for Palestine placed under their authority and which in view of the lack of agreement will not bring the benefit of order and peace to populations which are in such great need of them.

"With the termination of the mandate so grievously fulfilled by the

United Kingdom, would it not be time for Jews and Arabs to make a new effort without delay in this direction? We wish ardently that such an agreement will be attained. Anyway, it is necessary to find quickly a solution which, taking due account of the interests involved and of the work of the Committee, would give back full freedom and bloom to the human and more than human values of a land which for hundreds and hundreds of millions of men, is the Holy Land."

A N N E X I.

Excerpt from Mr. MAHMOUD HASSAN PASHA's (Egypt) speech
in the Eighty-Seventh Plenary Meeting of the
General Assembly on Saturday, 20 September 1947.
(A/P.V. 87, p.81)

"I must now refer to another cloud on the horizon of the Middle East.

"None of the Arab peoples can be indifferent to the situation which has come about in Palestine. Here is a territory which has been inhabited by Arabs for thousands of years. Yet powerful forces are at work to wrest this territory from its inhabitants, to turn over its control to a minority of immigrants, or to partition it between the permanent majority and one of the imposed minorities.

"The Egyptian people share with Arab people of other countries a deep concern over the situation. They cannot believe that the United Nations will renounce the principle of self-determination embodied in the Charter, in order to carve up a land so historically and indisputably Arab territory in order to create wholly artificial states.

"Such a course would rock the very foundations of the Middle East and disturb relationship for generations to come. It would confer no permanent benefit upon anyone. It would sow a whirlwind for all the peoples concerned.

Egypt is against it.

"To the Members of the Committee entrusted with this problem's solution, we express our appreciation for the arduous task they undertook. ~~However different was the approach~~ may have been their work, it is my belief that they started their task by going into a blind alley. They seem to have confused religion with nationality. They listened to appeals founded on a strictly religious basis, and permitted this erroneous approach to govern their subsequent thinking. The result was a report which violates in its terms and implications the primary concepts of majority rule and self-determination."

A N N E X J

Excerpt from Mr. el-KHOURI's (Syria) speech
in the Eighty-Eighth Plenary Meeting of the
General Assembly on Monday, 22 September 1947.
(A/P.V.88, pp. 21-41)

"The General Assembly in this session is seized of the problem of Palestine, by virtue of the report of the Special Committee constituted during the last special session. For this purpose, my delegation, being primarily concerned with this subject because of the fact that Palestine is an integral part of Syria, may be allowed to dwell on this point. I feel obliged to explain to the General Assembly in this general debate the attitude of the Syrian Government and people regarding the report of the Special Committee, reserving the right of expanding on the details in the proper committee. As a first step, I venture to make a brief analysis of the recommendations presented by the seven members of the Special Committee to which the senior representative of the United States of America referred in his speech as being worthy of being given "great weight" by the Government of the United States. I do not think he meant that his

delegation must necessarily give full support to these recommendations, but in face of such a statement, I feel it appropriate that the General Assembly be acquainted with the views of my delegation in this regard. We consider these recommendations in conformity neither with the terms of reference nor with the Covenant of the League of Nations, nor with the principles of the Charter of the United Nations, nor with the principles of justice, nor with the facts of history and the principles of public rights. The proposal recommended the partition of Palestine into two separate states, granting the lion's share to the Jews and depriving the rightful owners of the country of their homeland. The majority go so far, in their proposal, as to prepare on a draft basis for a constitution, the treaties and legislative bills to be forcibly imposed on the people of Palestine.

"We cannot give weight to such recommendations which violate one of the fundamental principles of the Charter, namely, the right of self-determination of people, whose right of determining their fate and regime of government should be recognized by them only, as also their right to determine their relations with others.

"By its terms of reference, the Special Committee was instructed by the General Assembly to study the question of Palestine in all its phases. One of these phases is the legal aspect, which should have been considered the most important, along with the political, social and economic aspects.

"The Arab States, as well as several other delegations, raised this legal issue before the First Committee and before the General Assembly. They contested the legality of the Balfour Declaration and the exceptional terms of the Palestine Mandate. They emphasized the contradictory nature of these terms and their violation of and contradiction to the Covenant of the League of Nations, as well as to international law and the sacred

rights of peoples. They presented substantial arguments to prove their points.

"But the First Committee did not consider this legal aspect at all. It gave it no attention. It overlooked the question of the illegality of the documents which gave birth to this problem. The Committee restricted its efforts by dealing only with the symptoms of the disease rather than with its causes.

"Had it not been for that Mandate and its exceptional terms and stipulations, and the extravagant imperialistic ambitions of the First World War victors, Palestine would have remained as it used to be for centuries, a province of Syria.

"The Special Committee, also, did not limit its liberality towards the Jews within the terms of the Mandate, but went much further, bestowing upon them a sovereign state instead of a national home, as restricted in the Mandate. Its members took the liberty to give the term "national home" much wider scope than was intended and interpreted by the authors of the Declaration and the drafters of Mandate Act themselves. The term "national home" was never construed to mean a sovereign state.

"The Arabs revolted against the idea of the national home, which was made possible only by the invasion of their fatherland and the settlement upon their soil of foreign immigrants under the protection of the bayonets and armed forces of a great power. The Arabs never thought that this national home would undergo a metamorphosis which would turn it into a sovereign state.

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"The British Government on many occasions and by decision of its Parliament, declared that they never intended to give the national home the significance of a state, and the Committee's majority surpassed even the gratuities of the Mandate.

"The Special Committee gave no weight to the explicit promises of His Britannic Majesty's Government, King Said and other Arab officials and organizations in regard to recognizing the independence of Syrian districts, including Palestine.

"In the second part of its First Session, the General Assembly adopted a Constitution covering all proceedings for the repatriation and resettlement of refugees and an agency was created for this purpose.

"The Special Committee was not asked to interfere in the functions of that organization, in spite of the fact that the aforesaid constitution had been adopted by the General Assembly prohibiting the re-settlement of refugees in non-self-governing territories without the consent of the indigenous inhabitants or when such contemplated settlement might disturb friendly relations among member states.

"The Committee deliberately visited the refugee camps and proposed the admission of a great part of them in these camps into Palestine against the express will and the determined refusal of the great majority of the people of Palestine and against the refusal of the neighbouring states. It denied to the Arabs in the report the right of independence, alleging that the Arabs were never independent in the past as a separate state. For more than thirteen centuries Palestine has been an integral part of the Arab and

Ottoman empires, enjoying all the rights and privileges and bearing all the duties and responsibilities of the other provinces of the empire, including the prerogatives of independence and sovereignty.

"When any province is detached from an independent state within which it was an integral part, it is unfair to deny it the right of independence on such a flimsy allegation.

"The Committee assumed that the Jews are a race and a nation entitled to cherish national aspirations. The Jews are not a nation. Every Jew belongs to a certain nationality. None of them in the world is now heimatlos or without nationality. In their entirety they embrace all the nationalities of the world. Nor are the Jews a race. The Children of Israel today are a very small fraction of the Jewry of the world, for the Jews are composed of all races of mankind from the Negroes to the fair blond skinned Scandinavians. Judaism is merely a religion and nothing else. The followers of a certain religious creed cannot be entitled to national aspirations.

"Suppose the Quakers, who have their majority in the United States, were to rally their congregations and demand that the United States Government satisfy their national aspirations for a national home and give them some state like Texas, for instance, to be established for them as a sovereign state. I do not know what would be the attitude and the reaction of the leaders of United States policy in such a case.

"There are many religions in the world. The Charter did not recognize the establishment of any state on the basis of religion. States are established on the basis of being nations, irrespective of religion, creed, faith, colour, race, and so on.

"The Committee assumed the validity of the Jewish claim to Palestine on the basis of historical rights in that country. What are these

historical rights? In the report of the Committee, it is stated that they had a dynasty in Palestine 2,000 years ago. Everybody knows that, according to all civilized rules, the prescription rules hold that when rights are neglected for such a long time they are lost. Even the right to property would be prescribed after the lapse of a few years--a maximum of thirty years. But after 2,000 or 2,500 years, what kind of right would be based on historical rights?

"Everybody knows how the Jews first came to Palestine. They were not the original inhabitants of Palestine. They came from outside as invaders, massacring everybody before them, and killing every living creature in order to take a small part of Palestine on the eastern side in the mountains. Even Jerusalem was not completed by them until the days of David in the tenth century before Christ.

"According to the proposal of the majority, the Jewish state is to be on the sea-coast. The sea-coast was always held and fought for by the Phillistines. The name of Palestine is taken from the Phillistines of history, of antiquity who fought with the Jews and strove with them for a very long period, and did not allow them to reach the sea-coast. The country now given to the Jews was never occupied by the Jews and the Jews never settled there. It is not a historical principle which has been adopted. It is simply some fantastic dream of the Zionists who wish to have that country for themselves. When the Jews had that dynasty in Palestine, 2,500 years ago, there were many other tribes and nations which flourished at that time. All of them disappeared, and do not exist now. There are the Babylonians, the Sumerians, the Akkadians, the Assyrians, the Phoenicians and the Hittites.

"There were so many nations that contributed greatly to the civilization of the world and which were stronger and more powerful than the Jewish dynasty. Yet, we find none of them in existence now. They were not exterminated, but they were assimilated by their invaders and adapted themselves, to the environments in which they found themselves. But only the Jews of the peoples of antiquity keep this isolation and seclusion for themselves, to the dissatisfaction and anger of their compatriots and their neighbours who never failed to molest and persecute them, on each occasion giving to the world a problem of refugees, a problem of displaced persons. Not a single century in history has been free from such a problem as we face now. The world has always been faced with the problem of Jewish refugees and displaced persons and Jewish persecution at some time or other. Why is that? The only reason for this is because of the special manner of life which the Jews adopt for themselves and which they adhere to in spite of all the developments and the metamorphoses which have taken place all over the world for all nations. The Jews are all alone, and the United Nations now is faced with the last, but not the least, of these problems. It is as important as any of the previous problems.

"In order to solve this problem, I understand that the Jews wish to have a sovereign state. It would be extraordinary to find judges who would admit that claim and admit also that historical claim for Palestine. It would be very strange to reach that point of comprehension and conception.

"The Soviet Union prepared a way to satisfy this Jewish aspiration, as it was pronounced that they have aspirations which ought to be satisfied. The Soviet Union gave them a certain area which was more vast than Palestine, and called it the Jewish Socialist Republic of Birobidjon. Birobidjon has an area, as I have said, which is more than double the area of Palestine,

and already there are about 200,000 Jews who have emigrated there and who are very happy. The country there is sufficient to hold perhaps all the displaced Jews, and more than that number. They say it is possible to hold about four million people. The soil there is very fertile, and there are rich mineral deposits and virgin forests. They have established textile and other industries there. They are exporting to other countries.

"I do not see why the International Refugee Organization has not thought of taking the displaced Jews of Europe to that country to live happily with their co-religionists and save the world from this problem which has given so much annoyance and difficulty to all the members of the United Nations and the world in general.

"Finally, in that respect I should like to state that the Arabs are convinced that the United States of America, with whose money is financed the Zionist wide-spread propaganda and their terroristic underground activities, is able, if it wishes, to put an end to all these evils, and grant them, by an act of justice and fairness, an honest service in support of the principles of the United Nations. United States arms and money are freely sent to other countries to aid a majority against the opposition of a minority within the same nation. But in the case of Palestine, American arms and money are willingly sent to aid a minority of intruders against the lawful indigenous majority, and against the mandatory authority itself.

"It requires a great amount of tolerance and hypocritical courtesy to refrain from denouncing such an equivocal attitude.

"In conclusion, I must solemnly state that the peace-loving Syrian and Arab peoples squarely oppose the recommendations of the Special Committee, and will never allow a wedge of a foreign hostile bridgehead to be

driven into the heart of their fatherland. They expect that this great Organization, which was created to maintain peace, may be reminded that justice is the only safeguard of peace. They also earnestly hope and wish that they shall not be compelled by acts of injustice to have no other course but to resort to the sacred right of self-defense.

A N N E X K

Excerpt from Mr. DESPRADEL's (Dominican Republic) speech in the Eighty-Ninth Plenary Meeting of the General Assembly on Monday, 22 September 1947.

(A/P.V. 89, pp. 18-20)

Translation from Spanish: (A/P.V. 89, pp. 6-7)

"With regard to the case of Palestine our position was clearly defined at the Special Session of the Assembly which was convened especially for that purpose. After reading the diligent report of the special committee sent to Palestine by the United Nations, we are confident that it is possible to reach a solution which will be harmonious and just for the two great human groups, Arabs and Jews, whose destinies are linked to that territory. We admire and respect those two noble peoples whose rights and aspirations are rooted in millenary traditions, and in accordance with our policy of asylum and support for all unjustly persecuted communities, we have offered to the Jews suitable shelter and work in our country."

A N N E X L

Excerpt from Mr. AMIR FAISAL AL-SAUD's (Saudi Arabia) speech in the Eighty-Ninth Plenary Meeting of the General Assembly on Monday, 22 September 1947.

(A/P.V. 89, pp. 67-68)

Translation from Arabic:

"We are faced at this session with many complex problems, the solution of which requires concerted and unremitting efforts. One of these problems is the Palestine question, which in reality is the problem of all

the Arabs. In fact, it is the problem of the Middle East. It is upon the solution of this problem that peace in that part of the world will depend. Saudi Arabia has complete faith that this Organization will give the Palestine question all the study and attention it merits, without being influenced by the opinion of a committee or any individual country. We had hoped that the Secretary of State of the United States, Mr. Marshall, would not have been so hasty in expressing his views on this problem until such a time when the Political Committee had occasion to meet and discuss all its phases. We had expected the United States representative and his Government to take a neutral stand prior to the meeting of the Committee. Unfortunately, he impetuously expressed his views before the other representatives had time to form an opinion based on extensive research and careful study. I do not have the least doubt but that this Assembly will uphold right and justice and never permit aid to be extended to the aggressors.

"The Arabs do not wish to encroach upon the rights of anyone, nor do they wish to attack any country. What they are seeking is to live in peace and harmony in their own country and thus be enabled to devote themselves to the betterment of their condition. But, at the same time, they desire to defend themselves and their country against people who have been forced upon them.

"The Arabs were protectors of the Jews at a time when the Jews were persecuted all over the world, especially in Europe. But today the Arabs wish to repel the aggression of this political minority group, namely, the Zionists. It is a group which does not represent world Jewry. It is a group which is more political than religious, a group whose ways and methods are not different from those of the Nazis.

"The League of Nations is dead, and dead also are the treaties that were concluded during its short life. The boundaries in Europe have been completely changed. Why then should the traces of the League be maintained in Palestine?

"We firmly believe that right still has supporters and that this Organization will not re-adopt the unjustified resolution which was adopted by the League of Nations. We furthermore believe that there still exist people of integrity and high thinking who will have the courage not to be influenced by the words of General Marshall.

"We shall face the Committee with the belief that with God's help right and justice will prevail.

"May the peace and mercy of God be upon you."

WRHS
A N N E X M

AMERICAN JEWISH
ARCHIVES

Excerpt from Mr. MANUILSKY's (Ukrainian SSR) speech
in the Eighty-Ninth Plenary Meeting of the General
Assembly on Monday, 22 September 1947.

(A/P.V. 89, pp. 74-75; 76; 91)

Translation from Russian: (A/P.V. 89, pp. 2; 5; 18)

"Although the war against fascist aggressors has long ago been concluded, in many points of the globe hostilities still continue. They are continuing in the Far East, in the South Seas, in Greece, in Palestine." . . .

"A genuine war on the part of Great Britain is being waged on the territory of Palestine which is fully justified in seeking independence . . ."

"The essence of the Greek question is not that someone or other is threatening the independence and territorial integrity of Greece--and that the United States has to protect the Greece of Tsaldaris and of Zervas from this danger. The warmongers want to transform Greece into a focus of trouble and acute conflict in the Balkans. Plans are cherished to drag Greece into

a military alliance with Turkey and perhaps also with Italy and to provoke a conflict in the Balkans. Somebody, after having occupied Greece with its armies wants to establish itself in the Mediterranean Sea with the perspective to penetrate into Palestine and the countries of the Arab East to come closer to the Suez Canal and in the same time occupy such a strategic position which would be a threat to the Soviet Union."



MEMO #30

CONFIDENTIAL

October 13, 1947.

TO: EXECUTIVE OF THE JEWISH AGENCY

FROM: Jacob Robinson

Re: The Powers of the General Assembly
to implement a Decision on Palestine

There seems to be some misunderstanding in regard to the powers of the General Assembly to implement a decision on Palestine.

Mr. Sumner Welles, in an article published last Tuesday in the Herald Tribune, takes the view that it is up to the Security Council to implement any decision of the General Assembly.

"The Security Council has as yet no armed force at its disposal. Under Article 11 of the Charter the General Assembly is empowered to refer to the Security Council any question relating to the maintenance of international peace and security 'on which action is necessary.' Under Article 43 the Security Council is authorized to call upon all members of the United Nations 'in accordance with a special agreement or agreements,' for 'armed forces . . . for the purpose of maintaining international peace and security.'"

Mr. Welles then goes on to say that

"In the present instance the Assembly is, therefore, entitled to obtain from the Security Council the action needed to enforce its decision with regard to Palestine, and all member nations are obligated to make available through special agreements such forces as the Security Council may require."

This would suggest that, according to Mr. Welles, the implementation of the General Assembly's decision on Palestine will be carried out by the Security Council. The effect of construing the Charter in this way would mean that the General Assembly can by itself undertake no measures to implement any decision reached by it.

Speaking for Sweden at the meeting of the Ad Hoc Committee on October 9th, Mr. Sandler referred to the subject in the same spirit. He assumed that any resolution adopted by the General Assembly would have to be implemented by another organ of the United Nations, in his view none other than the Security Council, since the question would be one of safeguarding peace and security. It was therefore important that this task should fall to the Security Council.

The theory of Mr. Sumner Welles, as endorsed by Mr. Sandler, does not seem to be well founded, according to a proper interpretation of the Charter. While it is true that there are no special provisions in the Charter to this effect, the General Assembly is under no legal obligation to refer all its enforcement problems, except those indicated in Article 11 of the Charter, to the Security Council.

The jurisdiction of the General Assembly under Article 11 is concurrent with that of the Security Council though the latter has priority of authority. But the General Assembly has another jurisdiction which is exclusive in character, namely that formulated in Article 10 of the Charter. For the implementation of decisions taken under Article 10 there is no rule which would instruct the Assembly to appeal to the Security Council for help. It would therefore have to act on its own.

Now it should be recalled that the British request for the consideration of the Palestine problem was made explicitly under Article 10. Despite the fact that there are no special provisions for the use to be made, if necessary, of police or other armed forces for the General Assembly, such use is clearly implied, for instance, in Article 81, which provides for the United Nations Organization to be an administering authority in trust areas. While it is true that so far no collective trusteeship has been concluded, the very fact that provisions for such a collective trusteeship are made in the Charter is very significant. It is

obvious that if the United Nations is to be the administering authority in any trust area, the United Nations will likewise have to have its own police or military forces. Since the Trusteeship Council works under the authority of the General Assembly (in non-strategic areas) it will be for the General Assembly to recruit and organize such forces.

It may be argued that in the case of Trieste it was the Security Council which was charged with the maintenance of law and order, but this was a result of the wording of Article 2 of Annex VI of the permanent statute of the free territory of Trieste.

We come, therefore, to the conclusion that the General Assembly has the right to organize its own forces and that it need not necessarily act through the Security Council.



October 20, 1947.

RHS
ENRESOLUTIONS BEFORE THE AD HOC COMMITTEE
ON THE PALESTINIAN QUESTION1) LIST OF RESOLUTIONS SUBMITTED

So far 17 Resolutions have been submitted to the Ad Hoc Committee on the
Palestinian Question:

- 1- SALVADOR A/AC.14/3 (Arab-Jewish conversation, religious interests);
- 2- URUGUAY A/AC.14/10 (Admission of 30,000 children and special
immigration quotas for fathers and mothers);
- 3- COLOMBIA A/AC.14/11 (Acts of violence)
- 4- COLOMBIA A/AC.14/12 (Proposal on Jewish DP's)
- 5- GUATEMALA A/AC.14/13 (Approval of Majority Report, Implementation,
Amendments incl. Three Men Authority for the
transitional period; Military Force composed
of national contingents);
- 6- UNITED KINGDOM A/AC.14/14 (Refugees and DP's);
- 7- UNITED STATES A/AC.14/16 (Accept Majority Plan);
SWEDEN
- 8- UNITED STATES A/AC.14/17 (Sub-Committee);
- 9- NETHERLANDS A/AC.14/18 (Solution, Implementation, Jewish Refugees and
DP's);
- 10- YUGOSLAVIA A/AC.14/19/Corr.1 (Immigration of Cyprus detainees)
- 11- URUGUAY A/AC.14/20 (Accept Majority Report, territorial changes,
Sub-Committee on Economic Union);
- 12- IRAQ A/AC.14/21 (Reference to International Court of Justice
of the pledges concerning Palestine);
- 13- SYRIA A/AC.14/22 (Trusteeship for Transition Period);
- 14- CANADA A/AC.14/23 (Amending A/AC.14/17) (U.S.A.)
- 15- EGYPT A/AC.14/24 (Reference to the International Court of Justice,
powers of the General Assembly);
- 16- SYRIA A/AC.14/25 (Reference to International Court of Justice;
consistency of the Palestine Mandate with
Art. 22, of partition with Charter, powers of
Assembly);
- 17- LEBANON A/AC.14/26 (Prohibition of Aid to Immigration into Palestine)

2) PRIVILEGED RESOLUTIONS

Out of these Resolutions the following three claim to be privileged:

- 1- URUGUAY A/AC.14/19, p.4 Admission of Children — for urgent consideration, independently from the debate and final resolution on the whole problem of Palestine.

A/AC.14/20, p.7 ~~repeated~~ repeated.

- 2- YUGOSLAVIA A/AC.14/19/Corr 1 Admission of Cyprus detainees (regardless of present immigration quotas or of future provisions governing immigration into Palestine)

- 3- LEBANON A/AC.14/26 Prohibition of Aid to Immigration into Palestine

before discussion of any other resolution before it.

All other Resolutions make no such claim.

3) CLASSIFICATION OF THE RESOLUTIONS

I Substantive Resolutions on the matter on the Agenda:

A - 1) Approval of the Majority Report as basis for discussion:

- a) GUATEMALA A/AC.14/13
- b) USA and SWEDEN A/AC.14/16
- c) URUGUAY A/AC.14/20 (point 2 (a))

2) Amendments to the Majority Report:

- a) GUATEMALA A/AC.14/13 (Length of transitory period point 1
Administration by UN " 2
Military Force points 3-4
Measures against disturbances of peace point 6
- b) URUGUAY A/AC.14/20 (Boundaries point 3
Economic Union " 4
Transitional period " 5
Recommendation No.XXI " 6
Attache-European Jews and Oriental
tion

B - To draft proposals for a fair and practicable solution of the Palestine question, as far as possible acceptable to both parties involved and implementation (NETHERLANDS A/AC.14/18 (a), (b).

C - SYRIA A/AC.14/22 Draft resolution on future Government of Palestine suggesting a Trusteeship Agreement for the transitional period.

II Resolutions on procedures for the substantive resolutions:

- 1) U S A A/AC.14/17: Establishment of a Sub-Committee with terms of reference and deadline;
- 2) CANADA A/AC.14/23 : Amending A/AC.14/17 and extending its jurisdiction to administration in the transitory period and implementation;
- 3) URUGUAY A/AC.14/20: Deadline for amendments : 2 (b)

III Resolutions on Particular Elements of the Issue:

A - Immigration to Palestine:

- 1) URUGUAY A/AC.14/10 (1-4) and A/AC.14/20 (7): Admission of 30,000 children (humanitarian grounds), special quotas for parents and pregnant mothers;
- 2) YUGOSLAVIA A/AC.14/19/Carr.1 : Admission of detainees from Germany to Palestine;
- 3) LEBANON A/AC.14/26: Facilitation of Aid to Immigration into Palestine. Cf. Additional Point on the Agenda.

B - Displaced Persons and Refugees:

1) Substance

- a) UNITED KINGDOM A/AC.14/14 Urgent measures for settling a fair share of DP's and refugees in its country.
NB: motives Jews
resolution general
- b) NETHERLANDS A/AC.14/19 To draft recommendations for an early solution of the problem of Jewish refugees and displaced persons.
point 2. Contribution of member states.
- c) COLOMBIA A/AC.14/12

2) Procedure

- COLOMBIA A/AC.14/12 Establishment of a Sub-Committee on Recommendations VI and XII and Sections VI and VII of the minority proposals, point 1.

C - Acts of Violence

COLOMBIA A/AC.14/11: Call upon the peoples of Palestine
Inconsistency between Motives (and elsewhere)
and the operating part.

D - Religious Interests in Palestine

SALVADOR A/AC.14/3, point 2.

IV RESOLUTIONS aiming at delays:

- 1) SALVADOR A/AC.14/3, point 1 Arab Jewish Conference
(Our attitude: a) Arabs always refused to sit with us,
it is for them to state whether
they changed their tactics;
b) no delay
c) what basis?

2) Reference to the International Court of Justice:

- a) IRAQ A/AC.14/21 pledges to Arabs cover Palestine
(See Report Chapter II, p.159, 167-175)
b) EGYPT A/AC.14/21 is recommendation on the powers of the Assembly
to recommend and implement majority or
minority solutions. See also SYRIA
A/AC.14/25, point 3.)
c) SYRIA A/AC.14/25 Legality of Mandate and partition.

All these proposals can be taken up only after the defeat of the Arab
proposal on the establishment of Palestine as a unitary state.

4) It is suggested herewith that the following courses are open to the Chair:

either it may first eliminate the resolutions aiming at delays and aiming at

details and then proceed to a vote on ~~the~~ the substantive resolution on the

subject under consideration and then on the procedure (establishment of such

committee), or the Chair may first vote on the American proposal concerning the

confirmation of the principles of the majority report. Should such a vote prove

to be of a majority then all other votes will fall by themselves and there will

only be a need for a second vote on the establishment of a sub-committee.

From our viewpoint, the most sensible thing to do is to concentrate exclusively on the two American sponsored resolutions, on that of substance and that of procedure, and refer all other resolutions concerning details to the sub-committee for consideration without vote.



November 14, 1947.

CONFIDENTIALA CONSTITUTION FOR ERETS ISRAELPreliminary Observations

by
Jacob Robinson

1. The expression "Jewish State" used throughout the UNSCOP Report, though it has its value and justification, should be replaced as soon as possible by a proper name. In the following comments, the expression Erets Israel is employed but it is not suggested that this should necessarily be the name of the state. Many considerations will have to be taken into account in choosing a name, including the possibility of having a simple adjective, as Erets Israel seems awkward and hardly acceptable in the Indo-Germanic languages.

2. References to the "constitution or other fundamental laws" are contained both in Recommendation VII (Chapter V) and in Recommendation B 2, B 4, C - Chapters 2 and 4 (Chapter VI, Part I of the UNSCOP Report).

It is obvious that the Ad Hoc Committee of the General Assembly will have to combine these two sets of recommendations and remove any unnecessary repetitions and stylistical inconsistencies existing both between them and in the second group of Recommendation B4 and Recommendation C, Chapter 1 and 2.

3. It should be borne in mind that the constitution of Erets Israel is not a tabula rasa. In fact, certain elements of the constitution are already laid down in the sections of the UNSCOP Report mentioned in the previous paragraph and will hardly be changed substantially by the General Assembly. Moreover, the Report provides that Chapters 1 and 2 of the Declaration shall be "embodied" in the constitution. whether "embodiment" is synonymous with inclusion is a matter for further discussion.

The UNSCOP Report not only catalogues certain rights, but also to a certain extent, prescribes the basic political regime, i.e. a parliamentary democracy as distinct, let us say, from a presidential democracy.

It should also be noted that the Declaration and parts of the Constitution "embodying" the Declaration will be under the guarantee of the United Nations.

4. The UNSCOP Report makes it clear (Chapter V, Recommendation VII) that the adoption of a constitution is to precede the grant of independence. While there may be doubts as to the legal aspect of a grant of independence and while the language may undergo certain changes, the basic idea of this recommendation, namely, that the adoption of a constitution in keeping with the spirit of the Report is a prerequisite for the establishment of an independent state, seems to be beyond reasonable doubt.

5. In such circumstances, it would seem that a beginning should be made in this direction in the not too distant future. Moreover, the deadline for the new proposal on implementation would indicate that a preliminary draft constitution should be prepared for submission to the Constituent Assembly by the spring of 1948. The Assembly may meet in March and is due to conclude its work between May and July.

It is obvious that the Constituent Assembly will be unable to complete its work without a preliminary draft prepared by the Vaad Leumi or the Jewish Agency. This need not necessarily be a completely unanimous draft in every respect, but it should reduce the area of disagreement and enable the Assembly to concentrate its discussion on the real issues.

6. The task of drawing up the Constitution should be undertaken at once. The bodies to be consulted should include:

- 1) Political Parties?
- 2) Chief Rabbinate?
- 3) Bar Association?
- 4) Experts in comparative government? Administration?
- 5) Arab leaders?

Should these groups work in one or several study-groups?

The cooperation of numerous members of the legal profession should be most helpful since they are conversant with more than one legal system.

7. No useful purpose is served by starting in immediately on the constitution proper, which would presumably consist of an octroi and an autonomous constitution (this also with reservations). The work of the Committee or committees should begin with a discussion of certain basic problems. In order to give some idea of the scope of the work both in the preliminary and the final stages, a tentative table of contents of the Constitution for Erets Israel is annexed hereto (Annex A).

8. While the Constitution will have to be adjusted to the specific conditions of the Yishuv and Palestine, the experience of other countries could be usefully exploited. In this respect there is no difference between valid constitutions and those having only an historic interest. I have compiled (Annex B) a list of Constitutions which it might be useful to have on hand in the preparatory work. It would be worthwhile to find out immediately which of these volumes are obtainable in Palestine and which should be immediately bought elsewhere.

Special consideration should be given to more recent constitutions such as those of France, Italy and Yugoslavia. A special note on these constitutions will be prepared soon.

9. The basic assumption on which the Committee should work is that there is no ideal constitution suitable for all countries, peoples, and epochs. The target of the working groups should not, therefore, be to prepare a perfect

constitution to delight the constitutional lawyer but to frame one best fitted for the specific social and psychological traits of the community it is going to serve.

10. In preparing the Constitution, special consideration should be given to the following:

a) The fact that Eretz Israel will embark upon large development plans and that its population will increase for years through the immigration of heterogeneous elements is liable to change radically the corps electoral.

b) The existence of the Diaspora and its influence on the drafting of the constitution in such questions as freedom of emigration, asylum, minorities and human rights.

c) The existence of a vast Arab minority and the surrounding Arab States.

d) United Nations approval of the constitution.

11. It may be of use to divide these basic problems into two categories:

a) those of a general nature and,

b) those of a specific nature.

No attempt is made to deny the connection and interrelationship between these two categories.

12. This is a tentative list of problems of a general nature for the Committee:

a) Delimitation of constitutional law and ordinary legislation, i.e. a careful selection of subjects fitting better into a constitutional charter than into ordinary law. This will have its influence also on the scope of the constitution.

b) Shall the constitution be more in the nature of a declaratory

document or of positive law (imperative)? In the first case reference will have to be made to subsequent legislation.

c) Shall the Constitution be made rigid or flexible, in regard particularly to amendments and revision?

d) Shall the operating section of the Constitution be preceded by a Preamble?

e) Shall the principles of election include literacy tests? Shall it encourage or discourage multiplicity of political parties?

f) Shall the representative organ consist of one or two Chambers?

g) Types of self-government:

aa) Regional

bb) Personal and Cultural

cc) Professional (Chambers of Commerce, Labor, Organizations, Professions)

h) Shall we discuss the economic regime, yet not give economic and social directives?

i) Shall the Constitution elaborate the problem of the duties of citizens as correlated to their rights?

j) Shall the Constitution be based on a rigid interpretation of the theory of separation of powers or should the rule of law be enthroned by way of judicial review of legislative (and/or administrative) acts?

13. This is a tentative list of some of the major specific problems:

a) How great is to be the degree of autonomy granted to the Constituent Assembly in regard to matters covered by the Declaration?

b) Should the Constitution reproduce the provisions contained in the Declaration?

c) The character of Erets Israel as a state (a national Jewish state or a "welfare state" for all its inhabitants - present and future?) resulting from numerous factors such as the ethnic composition of the population.

the anticipated mass immigration of refugees, DP's and Jews in distress elsewhere, the asylum clause in the Constitution for victims of anti-Jewish discrimination and persecution.

d) How far should Erets Israel and its institutions be construed as continuous to the Yishuv and its institutions (Asefath Hanivharim e.g.). How far should the legal continuity of the Mandatory regime be preserved. (This may become a problem for the Provisional Government).

e) Modern and traditional elements in the Constitution of Eretz Israel?

f) Subject to the provisions of the Declaration, what should be the relationship in Erets Israel between religion and the State as exemplified in the position with regard to the Sabbath and Jewish Holidays, Family law, legal status of the Rabbinate, the place of religion in the educational system, etc. The import and provisions concerning family law and personal status (Report Chapter VI, Recommendation C, Chapter II, par. 2) for a proper solution of this problem should not be overlooked.

g) Shall the Constitution elaborate on nationality (citizenship) beyond the recommendations of UNSCOP? Is every immigrant to become immediately a citizen of Erets Israel?

h) Should the government administer the affairs of minority elements or should such minorities be granted autonomy in their internal affairs?

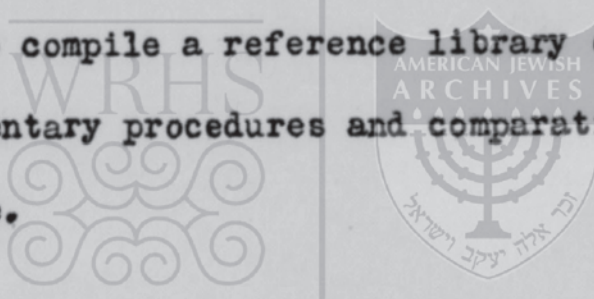
i) Should there be a special section on the legal system of Erets Israel and if so, should it be a general clause and exhaustive in enumeration, or should the subject be referred to a regular law? Its issuance, incidentally, might be necessary immediately upon establishment of the provisional government as law No. 1.

j) A careful study of the electoral law of the Constituent Assembly as provided for in the Recommendation B 2 (page 48) is of urgent importance.

This Recommendation, however, refers only to the election of the Constituent Assembly and not to the regular electoral laws which may differ from this subject, however, to other provisions of the Report Recommendation B 4a (page 49).

k) Terminology of government and law in Hebrew. It might be useful for a special section of the Vaad Halashon to begin work at once not only on terminology but also on problems of Hebrew style for the future Constitution.

14. Common sense, knowledge of the social milieu, legal acumen and many more qualities, primarily a spirit of cooperation, will be necessary to produce a Constitution. Stress is laid here on the accumulated experience of other nations in this field. Immediate steps should be taken to secure the help of comparativists and to compile a reference library on constitutions, electoral laws, parliamentary procedures and comparative government for the benefit of the Committee.



ANNEX A.

Tentative Table of Contents of the Constitution
of Erets-Israel

PREAMBLE

GENERAL PROVISIONS:

I. Basic characteristics of Erets Israel:

- 1) Republic (sovereign, independent, democratic, social, unitary, etc.).
- 2) Source of Sovereignty --- the People.
- 3) Capital.
- 4) Official language.
- 5) Flag.
- 6) Coat of Arms.

II. Erets Israel in the international structure:

- 1) international law as part of municipal law,
- 2) renunciation use of force in international relations,
- 3) peaceful settlement of international disputes,
- 4) favoring international regulation of economic matters (labor, commerce, etc.)

III. The People.

- 1) nationals,
- 2) naturalizations,
- 3) aliens,
- 4) nationals abroad (diplomatic protection).

FIRST PART:

RIGHTS AND DUTIES OF CITIZENS:

I. The State as guarantor of the rights of the citizens.

II. Status of Equality:

- 1) removal of privileges before the law due to:

- a) sex,
- b) race,
- c) religion
- d) birth,
- e) social conditions
- f) other reasons

2) the State to remove obstacles to genuine equality.

III. Status of Liberty:

- 1) general (autonomy of the human personality);
- 2) inviolability of
 - a) persons (arrests),
 - b) domicile (searches),
 - c) correspondence (violation of the secrets);
- 3) freedom of movements:
 - a) right of residence and movement,
 - b) right to emigrate,
 - c) right not to be expelled or extradited,
 - d) right of asylum to racial and religious persecutees;
- 4) freedom of opinion and expression:
 - a) speech,
 - b) press,
 - c) other forms of reproduction and diffusion,
 - d) limits of censorship (if any), and confiscation,
 - e) theatre, movies, radio, etc.,
 - f) protection of public morals;
- 5) freedom of assembly:
 - a) private,
 - b) public,
 - c) street manifestations;

6) freedom of association:

- a) private,
- b) public;

7) fair trial:

- a) in private relations,
- b) in public relations
- c) the natural judge,
- d) non-retroactivity of penal laws,
- e) defence of cruel punishments and death-sentences,
- f) admissibility of confiscation;

8) political rights:

- a) suffrage,
- b) petition,
- c) freedom of political organization;
- d) access to public offices;

9) freedom of conscience and religion:

- a) freedom of conscience
- b) freedom of worship.

IV. Status of Security:

1) labor and other occupations (rights and duties):

- a) freedom of labor and rights of labor,
- b) freedom of contracts, of commerce and other economic activities,
- c) rest and recreation,
- d) special privileges of women,
- 3) trade-unions' freedom;

2) the family:

- a) the family as the basis of the social structure,
- b) marriage,
- c) maternity,
- d) children .

3) education and culture:

a) education:

- aa) rights of the children,
- bb) rights and duties of the family
- cc) functions of the state in regard to elementary education (compulsary and free), secondary (free) and higher education; private schools; encouragement of young talents.

b) sciences, arts monuments (freedom, care, encouragement by the state)

4) social security:

- a) old age,
- b) sick,
- c) unemployment.

V. Duties of Citizens:

- 1) social and political solidarity,
- 2) loyalty to laws and public order,
- 3) real and personal services,
- 4) defence of the state.



SECOND PART

THE ORGANIZATION OF THE STATE:

I. Organs of the State:

1) the people:

- a) vote,
- b) referendum,
- c) legislative initiative;

2) the Parliament:

- a) one or two chambers
- b) in the absence of an upper house possible auxiliary organs (legislative, economic and other councils),

- c) the chamber(s):
 - aa) composition
 - bb) election (electorate, eligibility, election system, terms of office),
 - cc) convocation (ordinary and extraordinary sessions),
 - dd) votes -- quorum,
 - ee) publicity and reports,
 - ff) rules of procedure,
- d) members of the chamber(s):
 - aa) incompatibility,
 - bb) responsibility,
 - cc) immunity,
 - dd) remuneration,
- e) in case of a two-chamber system relationship between them and solution of conflicts.

3. The Head of State:

- a) mode of election:
 - aa) by the people,
 - bb) by the Parliament,
 - cc) by special electoral assemblies;
- b) eligibility and incompatibility;
- c) remuneration;
- d) oath;
- e) powers:
 - aa) representation,
 - bb) promulgation of laws and ordinances,
 - cc) nomination of high officers,
 - dd) ratification of international treaties,
 - ee) declaration of war,
 - ff) chief commander of the armed forces,
 - gg) right of grace,
 - hh) relationship with Parliament -- veto and return of law, dissolution of the chamber, referendum;
- f) period of office:
 - aa) deputy,
 - bb) resignation,
 - cc) vice-president;
- g) responsibility.

4) Government:

- a) the Prime Minister:
 - aa) appointment by the President, by the Parliament, trust of both,
 - bb) powers -- ~~superiority~~ over cabinet members,
- b) the Cabinet:
 - aa) appointment
 - bb) powers,
 - cc) number and distribution of the offices;
- c) the terms of office of the Government:
 - aa) vote of non-confidence of the Parliament - voting procedure,
 - bb) non-confidence of the Head of State
 - cc) in case of disagreement dissolution of the chamber, referendum.

II. Functions of the State:

1) Legislation:

- a) constitutional,
- b) ordinary,
- c) integrative,
- d) delegated,
- e) emergency;

2) Administration:

- a) auxiliary consultative and controlling organs (Council of the State, Comptroller)
- b) services of the individual, ministries,
- c) civil servants:
 - aa) employment,
 - bb) legal status,
 - cc) economic status,
 - dd) responsibility for acts injurious to individuals;
- d) honoris causa officials;

3) Courts:

- a) jury,
- b) elected or appointed,
- c) judges, their legal status,
- d) guarantees for independence
- e) administrative, constitutional and other courts;



4) The State and economic matters:

a) limits of interference,

b) organs;

5) Finances (taxes, budget, financial control):

6) Religious matters:

7) Self-government

a) local,

b) personal - cultural,

c) professional;

8) Regime of the Holy Places.

FINAL PROVISIONS:

1) Constitutional guarantees (constitutional jurisdiction)

2) The legal system of Erets Israel

3) The Revision of the Constitution:

a) by the Parliament, quorum,

b) referendum,

c) dissolution of the Parliament,

d) two successive approvals by Parliament.

ANNEX B.

REFERENCE LIBRARY OF THE CONSTITUTIONAL
LAWYER

First List

The purpose of this survey is to supply the constitutional lawyer with the necessary recorded material on constitutional experience in the western world. This is why some older collections are also included in this list. For this specific purpose no distinction was made between valid constitutions and constitutions of purely historical background.

The collections are organized according to the language in which they were written to meet the requirements of persons having different linguistic and cultural backgrounds. Within each linguistic group the collections are organized chronologically.

SPANISH

- ORTEZ and ABAD DE APARICIO:
Constituciones vigentes de los principales Estados de Europa. 2nd ed., Madrid, 1872-1873, 3 vols.
- MURO, Martinez Jose:
Constituciones de Espana y de las demas naciones de Europa, Madrid, 1881, 2 v.
- MORENO, A. Garcia et G. La Iglesia:
Coleccion de las instituciones politicas y juridicas de los pueblos modernos, Madrid, 1882.
- ESPINOSA, J. Barnados:
Derecho constitucional. Constituciones de Chile, Francia, Estados Unidos, Republica Argentina, Belgica, Espana, Inglaterra, y Suiza. Madrid, 1890.
- OVALLE, Estevan:
Codigo de constituciones vigentes de todas las naciones civilizadas. Sevilla. C. Salan, 1897 ff.



FRENCH

- DELACROIX, J.V.:
Constitutions des principaux etats de l'Europe et des Etats-Unis de l'Amerique, Paris, Buisson 1791-92. 4 vols. in 2.
- DUFAU, Pierre Armand:
Collection des constitutions, chartes et lois fondamentales des peuples de l'Europe et des deux Ameriques. Paris, Pichon et Didier, 1821-30. 7 v.
- INFAN, Pierre Armand:
Collections des constitutions. Paris, Pichon et Didier, 1821-1830. 7 vols.
- BALBO, J.:
Constitutions republicaines du globe, Paris, 1848.
- PAILLET, J.B.:
Constitutions americaines et francaises, 1848.

SPANISH

- CARRANZA, Arturo B.:
Digesto constitutional americano;
constituciones nacionales. Buenos
Aires, Compana sud-americana de
billetes de banco, 1910. 2 v.
- ALTAMIRA Y CREVEA, Rafael:
Coleccion de textos para el studio
de la historia y de las institucio-
nes de America. Madrid, Compania
ibero-americana de publicaciones.
1926-1930.
- PEREZ, Serrano N. and C. Gonzales Posada:
Constituciones de Europa y America.
Madrid, 1927. 2 vols.
- MIRKINE-GUETZEVITCH, Boris S.:
Les Nuevas constituciones del mun-
do. Madrid, Editorial Espana, 1931.
- NICANOR, Nascimento:
Diretivas constitucionais (depois
da guerra). Rio de Janeiro, A. Coel-
ho Brane f.O. 1932. 528 pp.
- LAZCANO Y MAZON, Andres Maria:
Constituciones politicas de America.
La Habana, Cuba, Cultural s.a.
1942. 2 v.
- PASQUEL, Leonardo:
Las constituciones de America.
Mexico, 1943. 2 v.

ENGLISH

- PHILIPS, J.T.:
The fundamental laws and constitu-
tions of seven potent kingdoms and
states in Europe. London, 1752.
427 pp.
- POORE, B.P.:
Constitutions. Washington, 1878.
2nd ed.
- NEW YORK(state) CONSTITUTIONAL CONVENTION
1894 Foreign Constitutions, prepared in
pursuance of Chapter 8 of laws of
1893, and Chapter 228 of laws of
1894, by George A. Glynn. Albany,
The Argus company, printers, 1894.

FRENCH

- LAFFERRIERE, E.:
Les constitutions d'Europe et
d'Amerique. Paris, 1869.
- HELIE, F.A.:
Les constitutions de la France.
Paris, 1880.
- DENOMBYES, Gabriel:
Constitutions europeennes.
Paris, Larose et Forcel, 1881.
2.v.
- LESIGNANO, Mme de:
Les constitutions de tous les
pays. Brussels, 1882.
- CROZAT, Charles:
Les constitutions de Pologne, de
Dantzic, d'Esthonie et de
Finlande. Toulouse, Faculte de
droit, 1925. 450 pp.
- DARESTE, F.R.:
Les constitutions modernes.
Paris, Librairie du Recueil
Sirey, 1928-1934. 6 vols.
- MIRKINE-GUETZEVITCH, Boris S.:
Les constitutions des nations
americaines. Paris, Delagrave,
1932. 486 pp.

GERMAN

- ZANGEN:
Die Verfassungsgesetze deutscher
Staaten. Darmstadt, 1828. 2 v.
- POLITZ, Karl Heinrich Ludwig:
Die europaischen Verfassungen
seit dem Jahre 1789 bis auf die
neueste Zeit. Leipzig, Brock-
haus, 1832-33.
- BROMME:
Die Verfassungen der Vereinig-
ten Staaten, der Freistaaten
Pennsylvania und Texas, der
Koenigreiche Belgien und Nor-
wegen, der Schweiz und die
englische Staatsverfassung.
Stuttgart, 1848.

ENGLISH

- MOORE, W. Harrison:
The Constitutions of the Commonwealth of Australia. London, 1902.
- BRYNCE, Viscount:
Constitutions. New York, Oxford University Press, 1905.
- RODRIGUEZ, Jose Ignacio:
American constitutions. Washington, 1906-7 (written in the language of the originals, with Spanish or English translations).
- DODD, Walter Fairleigh:
Modern Constitutions. Chicago. The University of Chicago Press. 1909.
- WRIGHT, Herbert F.:
The Constitutions of the States at War. 1914-1918. Washington, 1919. Govt. Pr. Off.
- McBAIN, Howard L. and Lindsay Rogers:
The New Constitutions of Europe. New York, Doubleday, Page and Co., 1922.
- SELECT CONSTITUTIONS OF THE WORLD.
Dublin, Stationery Office, 1922.
- MARTIN, Charles E. and William H. George:
Representative Modern Constitutions. Los Angeles, Times Mirror Press, 1923.
- HEADLAM-MORLEY, Agnes:
The new democratic constitutions of Europe. London, Oxford University Press, H. Milford. 1929.
- STRONG, Charles F.:
Modern political constitutions: New York-London, Sidgwick, 1930.
- ANDREW, Milton H.:
Twelve Leading Constitutions with their Historical Backgrounds. Compton, Calif. American University Series, 1931.

GERMAN

- SCHUBERT, F.W. von:
Die Verfassungsurkunden und Grundgesetze der Staaten Europas, der nordamerikanischen Freistaaten und Brasiliens. Koenigsberg, Samter, 1848-50.
- POSENER, Paul:
Die Staatsverfassungen des Erdballs. Charlottenburg, Fichtner & Co. 1909.
- ZUCHARDT, K.:
Moderne Staatsverfassungen. Leipzig, 1919.
- LANGHANS-RATZEBURG:
Die Verfassungen des Erdballs. Justus-Perthes, Gotha, 1927.
- SCHLOTTMANN, Rudolf:
Die Verfassungen Englands, Nordamerikas, Frankreichs, der Schweiz, Deutschlands. Berlin, Stilke, 1931.



ENGLISH

RAO, B. Shiva:

Select Constitutions of the World.
Madras Law Journal Press, Madras.
1934.

GREAT BRITAIN FOREIGN OFFICE:

The Constitutions of all countries.
London, H.M. Stationery Office.
New York, British Library of Information. 1938.

HAWGOOD, John Arkas:

Modern Constitutions since 1787.
London, Macmillan and Co., Ltd.
1939. 539 pp. (Analysis).

DAVIS, Helen Clarkson:

Constitutions, electoral laws,
treaties of states in the Near
and Middle East. Durham, N.C. Duke
University Press, 1947.

RUSSIAN

WRHS

SBORNIK DYEYSTWUYSHICH KONSTITUTSYON-
NYCH AKTOW.

Perevod pod redaktsyey i s wstu-
pitelnym slovom W.M.Hessena i B.E.
Nolde. St.Petersburg, Pravo, 1905.
First Part: Konstitutsionnye
Monarchyi.

SRAWNITELNAYA TABLITSA SOWREMIENNYCH
KONSTITUTSYI.

Izdanye S.A. Wyelichowa. SPB. 1906.

DURDENIEWSKIJ, W.K.:

Konstitucji Wostoka. Leningrad,
Gosizdat, 1926.

POSLEYEWOYENIYE KONSTITUCJI ZAPADA.

Moskwa, Gosizdat, 1937. 3 vls.

AMERICAN JEWISH
ARCHIVES

ITALIAN

GIANNINI, Amadeo:

Le costituzioni degli stati
dell'Europa orientale Rome. Isti-
tuto per l'Europa orientale. 1929.

TESTI E DOCUMENTI COSTITUZIONALI DEL
MINISTERO PER LA COSTITUENTE.

G.C. Sansoni, Editore, Firenze,
1946.

BOLLETTINO D'INFORMAZIONE E DOCUMEN-
TAZIONE DEL MINISTERO PER LA COSTI-
TUENTE.

Edito dal Ministero per la
Costituente.

In addition to these collections current information (now of historical value) on constitutions is contained in the following volumes which are of a more general nature:

- 1- BRITISH STATE AND FOREIGN PAPERS, nos. 1-137 from 1812-1934.
- 2- ANNUAIRE DE LEGISLATION COMPARE beginning with 1870-1871 and ending with 1934-1936 altogether 62 volumes.
- 3- JAHRBUCH DES OEFFENTLICHEN RECHTS DER GEGENWART, Bd.1-25 (1907-1939), Paris, Sirey, 4 vols. in 2.
- 4- ANNUAIRE DE L'INSTITUT DE DROIT PUBLIC, vols.1-12 from 1929-1940.
- 5- UNION INTERPARLEMENTAIRE, INFORMATIONS CONSTITUTIONNELLES ET PARLEMENTAIRES, Nos. 1-24, 2ieme serie, nos.1-6, from 1930-1936. Paris, Sirey, 4 vols. in 2.
- 6- UNIVERSAL DIGEST OF LAWS AND ORDINANCES.
Text in French and English; includes constitutions and treaties. 1938. Geneva, international legislative information Center.

Furthermore,

HANDBUCH DES OEFFENTLICHEN RECHTS, Tuebingen Mohr, in 21 vols. 1883-1901

as well as the following series

HANDBUCH DES OEFFENTLICHEN RECHTS DER GEGENWART

may be of great use..

Two additional volumes should be mentioned. Collection of a certain cross-section of constitutional provisions, namely:

CONSTITUTIONAL PROVISIONS CONCERNING SOCIAL AND ECONOMIC POLICY, International Labour Office publication, Montreal, 1944,

and the first

YEARBOOK OF HUMAN RIGHTS, now under press, published by the Economic and Social Council of the United Nations.

The Jewish Agency in Palestine

STRICTLY CONFIDENTIAL

MEMORANDUM

December 11, 1947

To: Members of the Executive

FROM: Dr. Jacob Robinson

RE: Conversation with Mr. Stavropoulos.

1. At the suggestion of A.F. I was invited this morning by S. for a discussion on certain matters concerning activities and procedures of the United Nations Commission and more specifically, of its staff.
2. It is the (probably intensively indoctrinated) sentiment among the members of the Secretariat that:
 - a) United Nations must be successful in the solution of the Palestinian question in accordance with the Assembly Resolution of November 29th.
 - b) to a great extent will this success depend on the careful planning, drafting and acting of the Secretariat due, infer alia, to the expected lack of continuity between the UNSCOP and the new Commission.
3. Stavropoulos will head the legal department of Dr. Bunche's staff which will deal with:
 - a) Interpretation of the Assembly Resolution of November 29th and problems of international law arising out of the process of the termination of the Mandate and the establishment of the three units,
 - b) constitutional problems of the two states,
 - c) problems of Palestine law.

While he feels that he will be able to deal with problem (a) he is looking for assistance in problems (b) and (c).

4. It was suggested by S. that the Agency organise immediately its own working groups to serve as the opposite numbers of the working groups of the United Nations Commission (and staff):

- a) military affairs,
- b) police
- c) boundaries,
- d) economics,
- e) laws and constitution,
- f) administration (central and local)

The groups under (e) and (f) will be these from which his department expects cooperation and assistance.

5. He would like to have at the earliest possible time a list of civil servants ~~now~~ under the Mandatory ready and capable to serve under the United Nations Commission and subsequently under the Provisional Councils of Government (following the relinquishing of the Mandate by United Kingdom), Jews, Arabs and Englishmen alike whom we could recommend. If there is nobody in New York capable of supplying us with this information, could Jerusalem be induced to do it right now?

6. I understood that -- in the views of the Secretariat -- their most important job will be to find persons fearless enough to serve on the Provisional Council of Government in the Arab State. S. claims to know two such persons. It is characteristic that the Secretariat envisages such members being held in "protective custody".....

J.R.

