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3/13/47

MEMORANDUM

CONFIDENTIAL

It would seem that the failure of the U. S. Government to make any progress on the Palestine issue stems largely from the habit of treating this issue as an isolated problem, wholly apart from the rest of the Anglo-American relations and of Near-Eastern problems. The British Government is naturally aware of this tendency and therefore proceeds on the assumption that British intransigence in the matter of Palestine will have no serious repercussions and will in no wise affect its position vis-a-vis the United States in any of the many issues in which they seek American assistance or support. This, more than anything else, explains British obstinacy.

It appears likely that American efforts in the matter of Palestine will remain ineffective and fruitless unless and until the Department of State decides to include this matter as one of its objectives in the give-and-take negotiations which it conducts with Britain and other countries. This is a natural and normal procedure in international relations.

Countless opportunities of this nature have been neglected in the past. To mention but three: important concessions might have been obtained from Arab States, quite amicably, on a quid pro quo basis at the time when these States were trying to get on the band-wagon of the Western Allies, in the last year of the war. Concessions from the British Government might have been obtained on a quid pro quo basis when Britain desired American acquiescence, in the United Nations and otherwise, in the "independence" of Transjordan. And British agreement to open Palestine for the immigration of the displaced Jews of Europe might again have been obtained at the time when Britain was anxious for an American loan to help her in her own rehabilitation. No advantage was taken of these opportunities, or of any similar opportunities in the past.

A new opportunity for such a give-and-take approach has arisen now in view of the effort of the British Government to get the United States to shoulder foreign commitments in the Near East, hitherto borne by the British Empire. These requests are based on the idea that such American action is necessary to assure international stability in the general as well as in the American interest. Assuming this to be the case, it is nevertheless true that the American action requested would in the first place serve to lighten Britain's burdens while safeguarding Britain's interests. Furthermore, the economic support to be granted by the United States to those countries would, through the trade and currency arrangements existing between those countries and Great Britain, become an important source of dollar exchange for Great Britain and thus directly contribute to the economic rehabilitation of Britain. The contemplated American subsidies (the term "loan" can hardly be seriously applied to these transactions) would, in effect, amount to a further indirect loan to Britain, which, for obvious reasons, the British Government is now reluctant to request directly.

In view of this, it seems entirely appropriate that the United States Government link the Palestine question with these current negotiations. This is the more appropriate since the commitments which America is asked to undertake relate to the Near East. As has been pointed out in the press, by Walter Lippman and others, the problems of the Near East are very intimately interrelated, and the American Government should not be content to deal with them piece-meal. It is not reasonable to ask our Government to take a decisive hand in stabilizing the situation in one part of that area while at the same time being compelled to

tolerate in another part of the same area a state of affairs which it regards as deeply unsatisfactory.

If America is to become active in the Near East, it should do so on its own terms and in accordance with its own policies and not merely as an adjunct of British policies. And if such a course is to involve the United States in Greece or Turkey, it certainly should include a satisfactory solution of the question of Palestine, a country in which the United States Government has an interest of long standing.

Viewed in this light, it is simply unthinkable that at a time when America is asked to contribute materially to international stabilization, Britain should continue to interpose obstacles to a just solution of the Palestine problem. It is remarkable, also, that in her appeal to America Britain should plead poverty and the Burden involved in maintaining 10,000 troops in Greece, while spending \$160,000,000 annually to keep 100,000 men mobilized in Palestine for the purpose of enforcing a policy in defiance of international law. In view of the growing dependence of Great Britain on American financial aid, it is no exaggeration to say that America is helping to finance the vast military establishment in Palestine and the military repression of its population.

Should the United States Government raise the Palestine issue in this context — and in view of the new commitments we are expected to make, — it is reasonable to believe that the British Government will prove far more amenable than heretofore.

The recent British gesture in referring the Palestine question to the United Nations does not affect the validity of this argument. It is no more than a gesture for the moment. The British decision is so vague, unaccompanied by any concrete proposals, and so carefully avoids committing Britain to abide by any decisions of the United Nations, that it amounts hardly to more than another delaying maneuver -- a repetition of the Anglo-American Committee of Inquiry on a wider international scale. In the circumstances, our Government refused to become party to any United Nations inquiry pending clarification of the British position. Essentially, the issue remains one which has to be cleared with Britain directly, and in doing this the approach suggested above may prove effective.

3/13/47

[1947?]

FOR RELEASE APRIL 27, 4:00 P.M.

STATEMENT BY DR. ABBA HILLEL SILVER, CHAIRMAN
of the
AMERICAN SECTION OF THE JEWISH AGENCY FOR PALESTINE

The Jewish people are prepared to assert their right to their national home in Palestine before the United Nations. They hold that right to be inalienable. It is the right of all people, large or small, to a homeland of their own. It is a right which was acknowledged in 1922 when 52 nations of the world, recognizing the historic connection of the Jewish people with Palestine and the need for reconstituting the Jewish National Home, entrusted the Mandate over Palestine to Great Britain for the primary purpose of carrying out this objective through facilitating Jewish immigration and the close settlement of the Jews on the land.

Today, the Mandatory Power, whose only right in Palestine arises from the obligation which it assumed under the Palestine Mandate, is asking the United Nations to reopen the entire question. It seeks international sanction for a policy which it pursues in violation of the Mandate. It is a move calculated to destroy the purpose of its trust. It is an act of hostility against the very people whose interests the Mandatory Power is honor bound to protect. This is a strange proceeding. A trustee who has been faithless to his trust now sits in the parliament of nations and proposes ^{in effect} that he be freed from his obligations and permitted to carry on as he pleases in the future. ^{To accede to this request will} ~~This move is~~ surely ~~be~~ inconsistent with the Charter of the United Nations which proclaims the determination of the peoples of the United Nations "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained."

* * *

It is now proposed to have a full and free debate on the Palestine question. Manifestly, such a debate cannot be full and free if the major party in interest, the Jewish people, is denied participation while the Arab States are represented by five delegates and the Mandatory Power, whose administration over Palestine will be the subject of review, is also represented and able to sit in judgment on its own conduct.

It is, therefore, submitted that one of the first questions which the General Assembly should consider is the seating of the Jewish Agency for Palestine, the official representative of the Jewish people under the Mandate.

It must also be clear to every right thinking person that the committee of inquiry which is to be appointed by the United Nations should also include representation of the Jewish Agency if the Arab States and the Mandatory Power are represented, or else should include none of them.

The absence of the Jewish people from the family of the United Nations underlines the tragic fact of the national homelessness of the Jewish people. It was to solve this problem which has been the source of so many tragedies in Jewish history that the Zionist movement came into existence fifty years ago to give political expression to the need for reconstituting the Jewish State in the ancestral home of Israel. The Zionists foresaw that the Jewish people, subjected everywhere to the disabilities of minority status, would be exposed time and again to attack and persecution. The most brutal confirmation of the Zionist ~~and more particularly during the war~~ prognosis came in the last fifteen years when six million Jews were wiped out.

Many of the Jewish dead would be alive today if there had been a Jewish State. Many of them would be alive today if the British Government, without any sanction or authority from the League of Nations, had not imposed the White Paper policy of 1939 which practically closed Palestine to the Jewish people and doomed them to await death in Hitler's gas chambers in Europe. And the Jewish people today would not be waiting outside the doors of the United Nations, unable to act as their own advocate in the presentation of their own case.

The end of the war brought no relief to the people which suffered most during the war. It is estimated that only 1,500,000 Jews survive in Europe. They emerged two years ago from the darkness, from the concentration camps, and from the cellars and the woods and the caves to greet the sunlight of liberation. But the light quickly faded. In the last twenty-four months the Jews in Europe have struggled for restoration of status, possessions and dignity. But their struggle has yielded them no peace and no security, for the poisonous growth of the ugly seeds of anti-Semitism planted by Hitler will take generations to uproot.

Every objective observer who has investigated the plight of the Jews of Europe has testified that the great majority wish to go to Palestine. It is their only hope. But the resettlement of these refugees has been ruthlessly thwarted by the Mandatory Power which has shut Palestine's doors. Instead of facilitating Jewish immigration as it is pledged to do, Great Britain deliberately and forcibly obstructs immigration. In Palestine itself, the Jews are subjected to racial discrimination in matters of land ^{settlement on the} ~~colonization~~ which are not only in conflict with the Mandate but in violation of the principles of the United Nations Charter.

In Palestine the lawless policy of the British Government has bred ~~the state of violence which all people deplore and to which all nations are pledged to oppose~~ lawlessness. Human rights and fundamental freedoms, which all nations of the United Nations are pledged to respect and to promote, are non-existent. There is no freedom of speech, no freedom of press, no freedom of assembly, no judicial process. All civil liberties have been suspended. The military has undisputed power of life and death over the civilian population. Men are arrested without warrant, imprisoned without charges, deported without trial, and executed without opportunity for appeal. Thousands are forced to evacuate their homes. Tens of thousands are repeatedly subjected to mass arrest, screened, caged, searched and investigated. Martial law and curfew are imposed for weeks on end. Towns and rural settlements are searched and partially destroyed. ^{This} harsh regime provokes ~~the very violence which all people deplore~~ ~~and thus the vicious circle continues~~. If the Mandatory sincerely desires to end violence in Palestine, it can do so in twenty-four hours by raising its illegal blockade and by permitting the Jews to enter.

* * *

If the United Nations is now to inquire into the Palestine question, its inquiry committee should review the Mandatory's record of its stewardship and ascertain the nature and extent of its dereliction. Such an inquiry, we are confident, would lead to the conclusion that had the Mandatory Power faithfully and firmly carried out its trust, there would be a Jewish State in Palestine today, and that country would today be making a great contribution to the progress and development of the entire Middle East.

The inquiry committee should visit Palestine and obtain a first-hand view of what the Jewish people have achieved there and how they have raised the standard of living not only for the Jews but for all the inhabitants of the country.

The inquiry committee, moreover, cannot consider Palestine in isolation from the needs and aspirations of the Jews who live outside of Palestine. If it is to have all the facts, the committee should visit the camps in Europe where Jewish displaced persons continue to waste away within the shadows of Hitler's torture chambers.

* * *

It is inevitable that the committee of inquiry will require months to complete its work and in the meantime helpless Jewish refugees will continue to languish in the camps and the tension in Palestine will continue to mount. It is most urgent that there be immediate relief.

As an earnest of its good faith, the Mandatory Power should proceed, pending this inquiry, to set aside the arbitrary and illegal provisions of the 1939 White Paper and enable Jews to enter Palestine freely and settle there. Unless Great Britain takes such action, it is open to the accusation that it is attempting to use the machinery of the United Nations as a maneuver of delay. We hope that this is not the case. We fear that it is.

We submit that if the agenda of the special session is to include any question other than the appointment of an inquiry committee, the most urgent question is the opening of Palestine at once. The immediate opening of the doors of Palestine and the abrogation of the land laws were urged by the Anglo-American Committee of Inquiry a year ago. This course was urged by the Labor Party in England before it came to power in 1945. It was repeatedly urged by President Truman and the Congress of the United States during the past two years. It is a course demanded by simple justice and humanity.

* * *

The addition of France and Brazil to the committee on the majority report will mean a strong pro-Arab trend in the committee and a whittling down of the area of the Jewish state. Such a whittling down will not insure the 2/3 vote because the opposition to the majority report on the part of some states and the hesitancy on the part of others were not based on the size of the Jewish area. I do not believe that we will win over a single state by reducing the Jewish area. The 14 states who will oppose the majority report will do so because they are opposed to partition and favor a unitary state. Those who will abstain from voting will do so for many reasons none of which will have to do with the size of the Jewish state. It is therefore most desirable that the sub-committee bring in a report as favorable to us as possible.

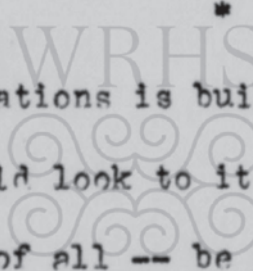
There is also the danger that France and Brazil may bring in a minority report which will throw the matter into chaos. Mr. Evatt should therefore be advised not to change the composition of the committee.

Nor is it desirable to have so-called neutrals placed on the Arab committee. It will be very bad for us if these neutrals come to work out a plan along the Arab line.

TELEPHONED TO HADASSAH CONVENTION HEADQUARTERS ON SATURDAY

OCTOBER 25, 1947

The United States has always taken a sympathetic interest in Jewish aspirations in Palestine. The Jewish people everywhere in the world have been keenly appreciative of that interest. With the reference of the Palestine question to the United Nations, the Jewish people look to the United States delegation to assume an active role to ensure a speedy and equitable solution in conformity with the position taken by the President and the Congress of the United States. We deem this of great importance because a special responsibility rests upon the United States to offer constructive leadership in a matter with which it has been actively concerned over a long period of time. There can be no question but that what the United States does or omits to do in this connection will have a decisive bearing on the outcome.



The United Nations is built on strong moral foundations. The peoples of the world look to it as to the supreme tribunal which will defend the rights of all -- be they strong or weak. The Jewish people look to the UN to protect their basic rights which were internationally guaranteed to them by the nations of the world at the close of the first World War and to ensure that the progress and development of the Jewish National Home shall not be arrested. Like all other peoples, they seek the peace, security and tranquility they have long been denied.

1/ March 2 - Pol - Impressions -
Executive. VN - ① How to present - What =
② Territory =

2/ Purpose of G. B. - Committee

3/ Arabs - proposal

4/ Russia

5/ V. S

6/ Our Representation

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WRHS



STATEMENT ON PALESTINE

BY THE GOVERNMENT OF THE UNITED STATES

Delivered by U. S. Delegate Herschel V. Johnson
Lake Success, N. Y. — October 11, 1947

1. The problem of the future government of Palestine confronts the General Assembly of the United Nations with a heavy and complex responsibility. The General Assembly, having assumed responsibility for making recommendations to the United Kingdom on the subject, must do everything within its power to evolve a practical solution consistent with the principles laid down in the United Nations Charter.

2. The United States Delegation feels that the urgency of the problem is so great that the General Assembly must recommend a solution at this session. The degree of urgency has been brought to our attention by continued violence in Palestine, by the context of the Special Committee's report and by the statement of the delegate from the United Kingdom regarding the recommendations of the committee and future British responsibilities in Palestine.

3. During the past weeks this Committee has had the benefit of the views of several members of this Committee and has heard statements by the representatives of the Arab Higher Committee and the Jewish Agency for Palestine on behalf of the peoples primarily concerned. The United States Delegation believes that this discussion has been of material assistance and hopes that it will continue on the broadest basis.

4. It may be recalled that as a result of the first World War, a large area of the Near East, including Palestine, was liberated and a number of states gained their independence. The United States, having contributed its blood and resources to the winning of that war, felt that it could not divest itself of a certain responsibility for the manner in which the free territories were disposed of, nor for the fate of the peoples liberated at that time. It took the position that these peoples should be prepared for self-government and also that a national home for the Jews should be established in Palestine. The United States Government has subsequently had long and friendly relations with the independent states which were created in the Near East and is happy to note that most of them are members of the United Nations and have representatives present at this meeting.

5. It may be recalled with regard to Palestine that in 1917 the government of the United Kingdom in a statement known as the Balfour Declaration announced that it viewed with favor the establishment in Palestine of a national home for the Jewish people and that it would use its best endeavors to facilitate the achievement of that object, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, nor the rights and political status enjoyed by Jews in any other country. In 1923 the objectives stated in this declaration were embodied in the League of Nations Mandate for Palestine which was entrusted to the government of the United Kingdom as Mandatory. As the United States was not a member of the League of Nations, a convention was concluded between the United States and the United Kingdom in 1924 with regard to American rights in Palestine. The Palestine Mandate is embodied in the preamble to this convention. The United States consented to this Mandate. Members of this Committee are aware of the situation which subsequently developed in Palestine and of the many efforts which

have been made to achieve a settlement. We now have before us a report of the Special Committee of the United Nations with regard to the Palestine question.

6. The United States Delegation supports the basic principles of the unanimous recommendations and the majority plan which provides for partition and immigration. It is of the opinion, however, that certain amendments and modifications would have to be made in the majority plan in order more accurately to give effect to the principles on which that plan is based. My delegation believes that certain geographical modifications must be made. For example, Jaffa should be included in the Arab State because it is predominantly an Arab City. My delegation suggests that the General Assembly may wish to provide that all inhabitants of Palestine regardless of citizenship or place of residence be guaranteed access to ports and to water and power facilities on a non-discriminatory basis; that constitutional guarantees including guarantees regarding equal economic opportunity be provided for Arabs and Jews alike, and that the powers of the Joint Economic Board be strengthened. Any solution which this Committee recommends should not only be just but also workable and of a nature to command the approval of world opinion.

7. The United States Delegation desires to make certain observations on the carrying out of such recommendations as the General Assembly may make regarding the future government of Palestine. The General Assembly did not, by admitting this item to its agenda, undertake to assume responsibility for the administration of Palestine during the process of transition to independence. Responsibility for the government of Palestine now rests with the mandatory power. The General Assembly, however, would not fully discharge its obligation if it did not take carefully into account the problem of implementation.

8. Both the majority report and the statement of the United Kingdom representative in this Committee raise the problem of carrying into effect the recommendations of the General Assembly. We note, for example, that the majority report indicates several points at which the majority thought the United Nations could be of assistance. It was suggested that the General Assembly approve certain steps involved in the transitional period, that the United Nations guarantee certain aspects of the settlement concerning holy places and minority rights, that the Economic and Social Council appoint three members of the Joint Economic Board, and that the United Nations accept responsibility as administering authority of the City of Jerusalem under an international trusteeship.

✓ 9. The United States Government is willing to participate in a United Nations program to assist the parties involved in the establishment of a workable political settlement in Palestine. We refer to assistance through the United Nations in meeting economic and financial problems and the problem of internal law and order during the transitional period. The latter problem might require the establishment of a special constabulary or police force recruited on a volunteer basis by the United Nations. We do not refer to the possibility of violations by any member of the United Nations of its obligations to refrain in its international relations from the threat or use of force. We assume that there will be charter observance.

10. In the final analysis the problem of making any solution work, rests with the people of Palestine. If new political institutions are to endure, they must provide for early assumption by the people themselves of the responsibility for their own domestic order. Acts of violence against

constituted authority and against rival elements of the local population have appeared in Palestine over a period of many years and have greatly increased the difficulties of finding a workable solution to this complex problem. Certain elements have resorted to force and terror to obtain their own particular aims. Obviously, this violence must cease if independence is to be more than an empty phrase in the Holy Land.

11. Mr. Chairman, we must now consider how this committee is to take the next step in dealing with this question. If the Committee favors the principles of the majority plan, we should establish a sub-committee to work out the details of a program which we could recommend to the General Assembly.

12. The recommendations reached by the General Assembly will represent the collective opinion of the world. The problem has thus far defied solution because the parties primarily at interest have been unable to reach a basis for agreement. This is a problem in the solution of which world opinion can be most helpful.



UNITED STATES MISSION
TO THE UNITED NATIONS

Press Release #342
November 26, 1947

FOR IMMEDIATE RELEASE

Statement by Ambassador Herschel V. Johnson before the 124th Plenary Meeting of the Second Regular Session of the General Assembly on Wednesday, November 26, 1947.

Mr. President:

In the consideration of the Palestine problem, the attention which it has been necessary to devote to a number of points of difference has sometimes obscured the many other points on which we are in agreement. Some of those points of agreement may be found in the unanimous recommendations of the UNSCOP Report. In effect, we have become united on certain common purposes with respect to the future of Palestine.

Chief among these are the following. The Mandate for Palestine should be terminated at the earliest practicable date. Independence should be attained in Palestine at the earliest practicable date. The sacred character of the Holy Places should be recognized and protected. The fundamental law of the new governmental institutions which are to succeed the Mandatory regime should contain specific provisions, under the guarantee of the United Nations, relating to human rights and fundamental freedoms and the rights of minorities. Finally, the economic unity of Palestine should be preserved and Palestine should be developed in accordance with the interests of all its inhabitants.

On these points I think we are all in agreement. We now have before us the Report of the Ad Hoc Committee on Palestine, which is designed to carry out these common purposes and to assist the people of Palestine in attaining their independence.

There is no need for me to trace the work of this Session of the General Assembly on the difficult question now confronting us. This work, as well as the preparatory steps taken earlier by the United Nations, is well known to all delegations. The United States delegation has never argued or contended that the plan for the future government of Palestine as presented in the Report now before the General Assembly is perfect in every detail. That plan, however, offers, in the view of the United States Delegation, the best practicable present opportunity and possibility of obtaining, in a future foreseeable to us now, a peaceful settlement in Palestine.

The proposal of partition with economic union which we are considering is genuinely a United Nations plan. It has been evolved as a result of a Special Session of the United Nations and the work of a United Nations Special Committee, in addition to the work of the present Session of the General Assembly.

I would invite the attention of all delegations to the extent to which this plan utilizes the machinery of the United Nations. If this resolution is adopted the General Assembly will have drawn up the fundamental recommendations upon which the plan is based and will designate the special commission which is to play an important and vital role in carrying them out. The General Assembly will receive, jointly with the Security Council, the final report of the commission. If the plan is approved, the Trusteeship Council, now in session, will be able to begin at once its task of preparing the statute of the City of Jerusalem. The Economic and Social Council, for its part, will, at an early date, name the three United Nations members of the joint economic board contemplated in the plan. The Security Council will be called upon to take such steps as may be necessary on its part to carry out the recommendations, and in addition will exercise with respect to Palestine the duties and functions incumbent upon it in the Charter and which may be necessary for the maintenance of international peace and security.

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With the cooperation of these main organs of the United Nations, and with similar cooperation on the part of the members of the United Nations and the peoples of Palestine, the plan for the future Government of Palestine recommended in the Report now before the General Assembly will, in the judgment of the United States delegation, bring about a solution of the Palestine problem.

Much has been said during the course of these debates on the desirability and necessity of presenting to the General Assembly a plan which would command the agreement of both the principal protagonists in this situation. I think there is no delegation here which does not know that no plan has ever been presented, either to this Assembly or to the Mandatory Government during its long years of tenure, or in any other place, which would meet with the acceptance of both the Arabs and the Jews. No such plan has ever been presented, and I do not believe that any such plan will ever be presented. If we are to effect through the United Nations a solution of this problem, it cannot be done without the use of the knife. Neither the Jews nor the Arabs will ever be completely satisfied with anything we do, and it is just as well to bear that in mind.

I now turn to certain specific aspects of the draft resolution. A good deal of discussion has taken place concerning the legal aspects of the plan put forward in this resolution. My delegation on several occasions has expressed its conviction that the action contemplated here falls properly within the scope of the Charter and within the powers and responsibilities of the organs of the United Nations. The General Assembly has, in our view, the undoubted authority under Article 10 to discuss and make recommendations regarding any subject within the scope of the Charter, and under Article 14 to recommend measures for the peaceful adjustment of any situation which the General Assembly deems likely to impair the general welfare or friendly relations among nations.

The General Assembly is here confronted with a problem which is clearly within the scope of the Charter. Palestine is a mandated territory. The problem is international, not domestic; that it is a situation "likely to impair the general welfare or friendly relations among nations" cannot be questioned. The General Assembly may make any recommendations with respect to this question which it deems just and equitable, and in accordance with the principles and purposes of the Charter.

We believe that the resolution now before the General Assembly meets these qualifications. With respect to the commission contemplated by this resolution, no one can question the authority of the General Assembly to establish subsidiary bodies under the provisions of Article 22. The principal legal objection which has been offered to the resolution is that the commission is empowered to take certain administrative steps in the process of the transfer of the functions and organs of government from the Mandatory Power to the people of Palestine. In view of the nature of these ministerial functions, I do not believe that we can seriously question this temporary and transitory assistance which would be extended to the non-self-governing peoples of territories which will become two states in their efforts to establish themselves as free and independent members of the family of nations.

To what I have said on this subject I should simply like to suggest in addition that there is no direct precedent in international law for the problem with which the General Assembly is now confronted. The announced intention of the Mandatory Power to relinquish its mandate over Palestine at an early date and to withdraw its administration and armed forces from that country, and its refusal to assist in the implementation of any plan which does not meet the impossible condition of agreement by both parties, have placed upon the United Nations a very heavy moral responsibility.

Palestine, as a territory under Mandate, is not a state, it is not an international person, but is in a sense a ward of the international community. In the circumstances now prevailing, the General Assembly of the United Nations is the effective voice of the international community in determining the new forms and structures of government which should prevail in Palestine when the Mandate is terminated. The recommendations of the General Assembly are not to the commission, they are to the member states of the United Nations.

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There is another vital aspect of the plan to which I should like to call the attention of the General Assembly. I refer to the definite possibilities which it contains for common action in the economic field. Who can now tell whether such common action may not lead in the foreseeable future to common action in the political, social, cultural and educational fields as well? The Special Committee on Palestine of the United Nations recommended a new political concept in this economic union. The United States delegation believes that the provisions which the Ad Hoc Committee inserted in the plan of partition have strengthened and made more effective this concept of economic union.

Although both the Arab and the Jewish states have been given a separate political existence within clearly defined boundaries, it is our hope that these boundaries will be as freely crossed as the boundaries which separate the individual states within the United States, and will be as friendly as the boundary which runs for three thousand miles between Canada and the United States.

It is the belief of my delegation that the City of Jerusalem, under its special regime as envisaged in this plan and its inevitable position as the metropolitan centre of all Palestine, may well prove to be the catalytic agent which will accelerate and bring about developments such as the ones described. Jerusalem as the joint spiritual, social and cultural as well as educational centre of Palestine contains within it Holy Places for three of the world's greatest religions.

It is now the social, cultural and educational centre of Palestine, and may well become the economic and political centre of that country as well. It is our hope that the peoples of Palestine -- and here we refer to all of the peoples of Palestine, both Arabs and Jews alike -- will, in the eloquent and statesmanlike words of the representative of Pakistan, "settle down not only to peaceful and secure lives but progressively richer lives, and will make their contributions not only to their own welfare and prosperity but to the peace, welfare and prosperity of the rest of the world which does recognize and admire the genius of the Jewish race, the genius of the Arab race and the great contributions which each of them in the past has made toward knowledge, progress and welfare."

It is the sincere belief of the United States delegation that the partition plan recommended by the Ad Hoc Committee on the Palestinian Question, with all its imperfections admitted, provides for the people of Palestine in that land the best practicable means at the present time by which these high objectives may be obtained.

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[The information below is extracted from a letter written by an ARAMCO executive to the President of his Company.]

Cairo, Egypt
December 22, 1947

1. This memorandum, which is likely to be very extensive, is a history of the events beginning November 30th. On that date I left Dhahran and came North with Clark, Orten, and Rockefeller. Prior to going to the airport that morning, I had turned on the radio and had heard about the UN vote on partition. I talked with Col. Eddy before I left, and both of us thought that there would be serious repercussions.
2. When I arrived at Damascus about three o'clock in the evening, we were met by our agent there -- a Mr. Wallace -- who told us there had been serious rioting in Damascus that day, and while we could go to the hotel we could not leave the hotel because of the dangers.
3. We went on to Beirut and arrived there very unexpectedly for the Tapline people Sunday evening. Monday morning, the demonstrations really began in that area. There were mild riots, a few rocks were thrown, there were numerous parades which continued through the early days of the week, and there was a general strike of the students. Monday morning, Orten and Clark were stoned on the road to the office, and after some discussion among themselves, they departed on the same plane that had brought us for Dhahran, as they concluded that Lydda would not be a safe place to land to meet the Camel.
4. During this period, there began to be incidents along the line. The Tapline representative in Aman was beaten, his Arab driver was badly beaten, and a car was burned. A jeep was stolen at the point of a rifle near the Angle Point Camp, and Tapline was warned that the Angle Point was untenable for Americans, and the Americans were withdrawn by plane from these outlying camps. At the same time they moved one of the field parties out of Trans-Jordan into northern Arabia. The Arab Legion stood by to protect property.
5. The news we received from Saudi Arabia indicated that nothing had happened there, and that the King had spoken out against the committing of any acts against the Americans. I might add, that, in the meantime, both the political authorities and the religious authorities had acted to check any further demonstrations. The Grand Mufti had advised the students to go back and do their work. He said that they would be called upon later. In the meantime, there had been, as you know, extremely violent demonstrations in Syria which had resulted in two deaths and several wounded. The American flag had been burned, the Russian and French Legations stoned, and the office of the Friends of Soviet Culture had been violently stormed by the mob. Two deaths had occurred in this storming, the office had been burned, and the papers and records destroyed. In Trans-Jordan the camp of the American contractors outside Mafrak had been sacked by the Bedu, and the American employees driven into our Angle Point Camp. This situation was later controlled by armored cars of the Arab Legion.
6. In the meantime, the Arab League started to meet in Cairo on the 8th of December. I went on down to Egypt to see what was transpiring in connection with the Arab League. I began by calling on Hafif Pasha, the head of the Misr Bank. Hafifi expressed to me his great regrets as to the events which had transpired in the United States. He said that there seemed to be little doubt that the United States

had put pressure on the delegates to decide a matter which should have been decided judicially and without heat. He added that this act undermined the faith of the people of the Middle East. I told him that I was aware of these stories, and that I had advised my own Government of the dangers which were inherent in partition and its support by the Government of the United States; that I had wired my people when it had happened that I thought the United States had "set the woods on fire" and that our Government was thus playing into the hands of destructive forces in the Middle East. I added to him that I thought it would be a pity if the Middle Eastern people penalized their friends in the United States to get at the Zionists; that we were above all anxious to see peace and quiet and further development of the human and physical resources of these most ancient and historic lands. I said I could not tell whether there was any truth in the reports that were current in the papers about the manipulation of the votes of the delegates of the General Assembly. I pointed out to him the necessity for cooperation between Commercial interests in the Middle East and in the United States, and told him that one of the mistakes of the Arabs was their failure to interest the American public in the history and people of their regions.

7. One of the means I pointed out for the development of sentiment in that direction was the development of radio programs, and that I thought the Mier moving-picture group should try to interest a similar group in the United States to cooperate in the making of pictures designed to present the true story of the Middle East to the People of the United States in a light which the people of the Middle East would like and at the same time would be attractive to the people of the United States. I was thinking of historical romances, events in the Middle East which had a historic or a picturesque touch. He said he understood that the movie industry was largely under the control of the Jews in the United States. I said that that was not altogether true and even some of the Jewish movie groups were not Zionists; that the control by the Jews of public opinion in the United States had been exaggerated. I cited some of the reporters who had come to the Middle East and reported favorably on the Arab cause, and added that their reports had been printed. I told him that I had endeavored to get honest men to come to the Middle East and report factually on the situation. It was idle to complain of misrepresentation without making an effort to correct the situation, and I pointed out to him further that the way to correct it was to consider the American public which is quite different in type from the people of the Middle East; that a statement which would be entirely satisfactory in the Middle East would be wholly unsatisfactory in the United States, and vice versa; that a complete study should be made of American publicity methods, and that the truth would in the end win out; that I did not believe the decision to support partition had been made by the President with a thorough understanding of the consequences; that I could see even more tragic consequences than the Arabs could see themselves, and that it was the duty of all good people to work together to get this matter straightened out.
8. Then I impressed on him the possibilities that there were in cooperation between the people in the Middle East and the United States in the development of the resources. I told him that such development was Egypt's only salvation; that it had about reached the peak of its agricultural development, and that it must be industrialized and the products of this industrialization sold to less crowded countries. I pointed out to him that the basis of such an economy must

✓ be fuel in abundance - today, fuel oil; possibly gas tomorrow -- as a source of power in the building up of industry. We discussed the fertilizer problem in the Middle East and I told Hafifi that one of the main sources of nitrogenous fertilizer was through the processing of waste gases and the fixation of air nitrogen. He said that they had some such project in view in Egypt at present. Hafifi Pasha told me that he thought that the task to do now was to promote cooperation between industrial and financial people in the United States and similar people in the Middle East, - combining the raw materials and labor of the Middle East with the skill and capital from the West. He recognized our position and hoped we could continue our work.

9. In the meantime, we were in touch with Azzam Pasha and it was arranged that I go to see him at four o'clock on Wednesday, the 10th. The strain of the conference together with a bad cold had put Azzam in bed. When I went to call, my entrance to his apartment was immediately facilitated and I spent two hours with him alone. We had a very interesting discussion. In the first place, he complained to me about the action of the United States Government in dragooning the various delegates to vote for the resolution of the General Assembly. I said that in the United States, however, it was difficult for the people to understand the situation in the Middle East because they had been brought up on the Bible; that the Bible referred to Palestine as the Jewish homeland, and that was the first thought of anybody who heard of the Palestine problem; that due to the lack of proper publicity and of a clear general presentation of the Arab story, I believed that most of the population had no particular interest in whether partition went through or not and were not aroused to its dangers; that I also knew from direct experience that a large proportion of the people who had dealt with the Middle East situation and were experts on it for the United States Government were opposed to partition because they thought that it would result in very serious events in the Middle Eastern area. I went on to say that the oil companies, of course, had no political influence, and if they had attempted to bring pressure on the Government of the United States during the period, the net result would have been a serious loss to the Arabs; that the Zionists would have been quick to raise the question as to whether the United States was more interested in oil or in the blood of the Jews. X I added that I did not, and I was sure my confreres did not, think that partition was a practical solution of the problem.
10. Azzam then complained to me rather bitterly about the problem he was having with the various countries in the Arab League. He said that one of the difficulties he now faced was that of controlling the mob, which could easily start the massacre of Jewish populations in Egypt, Iraq, and Syria. He said that he had been using all his influence to stop these mob demonstrations, as he did not believe in them. He said that the Arabs must fight the Jews and ultimately expel them from Palestine. He had made an excellent speech (I was told) in which he asked the populace that they do no injury to any foreigners. He said that the foreigners were their most precious possession, and that they should not be injured, insulted, or hurt. X I told him that I was at his service, and that if there was anything I could do to help in this tragic situation, to ask me.
11. I told him our Company was anxious to go along with the development of the oil resources; that he had seen what had been done in Saudi Arabia during his visit recently, and that we wish to build a pipe line to the Mediterranean. I pointed out that the building of this pipe line would help all the countries along the way, and that financial benefits would be derived -- first, from the actual taxation X that we paid, and second, through the purchase of local funds for the payment of

labor; and that the dollars thus realized would be of the greatest assistance to the Middle Eastern countries. He said that he realized this; that he had supported us in the meetings of the League. He said there were great difficulties in controlling the populace, but that he hoped we would be permitted to continue to operate in safety; that he knew we were not pro-Zionist, and that it was in the interest of the Arab people to see us continue our operations.

12. He then said that, at the moment, he was most interested in trying to compose the differences which had arisen between the United States and the Arab countries, and said that he believed a compromise might be worked out which would satisfy the Arabs and still have some possibility of being acceptable to the Jews. I remarked that, if so, it would be of extreme interest to get it before the proper people. He replied that he thought that the matter could be worked out on the basis of a Vatican State for the Jews, which would have all the rights and privileges allotted to the Vatican by the present treaties; that it would occupy a position somewhat similar to the situation of the Church in the Romagna 150 years ago. I asked him where he thought this kind of state could be set up. He said, "Well, of course, the Arabs would like it as far away as possible," and jokingly mentioned Samoa and New Guinea and - as if an afterthought - "even the district around Tel Aviv." I asked him if I could carry his remark to the State Department and say it had been his. He replied that he had no substantial objection to my making such a report.
13. He went on to say that he understood the consequences of war; that he had been a general in the Tripolitanian affair, and that he was greatly interested in preventing the opening of hostilities. But he added that if nothing was done about the situation, the Arabs would proceed to drive the Jews into the sea; that it might take them 200 years but they would succeed in doing it. I believe he was entirely in earnest. He went on to say that he thought this was the time for all good people to work together.
14. He then outlined to me the steps that the Arabs intended to take. He said that they did not intend to send the organized armies to fight in Palestine, but that they would support the guerrillas who would start to operate immediately the British troops had withdrawn; that the organized armies of the countries surrounding Palestine would not interpose unless these countries were invaded.
15. He talked to me in extenso about his experiences in Tripoli and the operations of the guerrilla army. I asked him at this point whether he thought we could build and operate the pipe line under conditions of this kind. He said he feared that we might have trouble, but that he would advise all to do their best to protect us. I pointed out, also, that the supply of petroleum and its products was very important. I asked him of what service I could be, and he asked me to tell the State Department people the truth about the matter in the Middle East.
16. He then complained a bit about the actions of the Grand Mufti and Abdullah of Trans-Jordan. He said that the Grand Mufti had been a controlling factor of late in preventing military operations from starting. But he said, "You can depend on it that the Mufti is anxious for fighting to develop in Palestine. He is more of a radical than I am. I believe it can be avoided. The Mufti is anxious for it to begin." He then discussed Abdullah. He said that Abdullah had promised he would not intervene in Palestine without the support of the other Arab powers.

17. X We closed the conversation by my offering to do what I could to assist in any contacts he might wish to have with the United States Government unofficially. He replied that they would call on me, as they knew from experience that I was one of the people in the United States who could be trusted implicitly. He asked me to come back to see him within the next two or three weeks, as he might have some more things to discuss with me, which was actually confirmed by a messenger who came at a later date. He said at that time he might be then in a little different position. I did not understand what he meant until two days later.
18. Following my meeting with Azzam Bey, I sent word to Prince Faisal that I would be glad to call if it would not cause him any embarrassment under the circumstances existing in Cairo. Prince Faisal immediately set a date and time for me to appear at Nephew's where he was staying. I arrived there at 12:30 noon and looked forward to a rather unpleasant interview due to the events that had taken place in the United States. I was kept waiting some ten minutes, during which time I had the opportunity of talking with Jamil Baroodi, one of the legal advisers of the Saudi Arab delegation in New York. He is a Lebanese.
19. Baroodi told me some of the events leading up to the final ratification, indicating that great pressure had been put on the delegates of certain small countries by those of the United States. Baroodi was very indignant about the matter but agreed that the oil companies had no part in it and were not to be blamed for what had happened.
20. I was then called in to see Prince Faisal. He was in the pleasantest frame of mind that I have seen him for a long time. With him was Mardam Bey, the Syrian Prime Minister. Faisal began by telling me how much the Arab groups had appreciated my help in connection with their relations in Washington. He added, without any prompting on my part, that he knew that practically everybody in the oil companies was opposed to partition, but added that the companies themselves, as he well knew, were not concerned with political matters and had little influence in a case of this kind. I confirmed this fact to Prince Faisal. He turned then to Mardam Bey and told him how well pleased the Saudi Arabs were with their connection with the Arabian American Oil Company, what good work we had done, and how fond they were of us. He then asked me how we were getting along with our affairs in Saudi Arabia. I told him that production had reached 300,000 barrels a day, and added that, if we could get this Palestine matter settled and the pipe line built, greatly increased quantities of oil could be moved. I added, too, that probably the movement of these large quantities of oil would also result in the building of additional refining capacity in the north -- much to the benefit of Syria and Lebanon. He added to me that he thought that the Syrians themselves should proceed to ratify the Syrian Convention, as it was in the interests of all Arabs. He said, however, that I must recognize the fact that at that particular moment there were political difficulties in some of these countries. He turned to Mardam Bey and added that he was sure the Syrians would get this matter behind them as soon as possible. Mardam Bey was not particularly communicative during the interview but did ask me several things about the Company as to whether there were any Zionist interests in it. I said that to my knowledge there were no Zionist groups in the Company or any of the constituent companies; that if there were pro-Zionist stockholders, they had the constituent companies; that if there were pro-Zionist stockholders, they had not, as far as I knew, ever asked that we do anything in connection with the Palestine problem. I pointed out that,

in the United States, anybody could buy stock in a corporation by simply going to the exchange and buying it, and that that was the privilege of Americans, Arabs, or anybody who wanted to become interested in the enterprise; that if I were to give the Arabs good financial advice I would probably suggest to them that they buy stock in the four parent corporations.

21. Faisal then indicated in front of me to Mardam that he thought it was time for the Syrians to take action in the matter. He did say to me that he looked forward to a long period of fighting in the Middle East; that the Arabs were determined to eliminate the Jews from Palestine, and that no stone would be left unturned to force this to a conclusion. He was most affable and suggested to me that I might speak to Nuri Pasha, who was arriving in town that day. I saw Nuri privately for a few minutes later in the day. I have never seen Prince Faisal in a more friendly frame of mind, and I believe that he purposely asked Mardam Bey to the interview to impress him with his friendly feeling toward us and to urge Mardam to take steps to get the Convention in Syria ratified. It is interesting to note that this interview took place before Mr. Rodgers' interview in Riyadh, and it is evident that the Prince was acting either because of his knowledge of the King's wishes or upon instructions from the King. He closed the interview by thanking me again for the service that I had rendered in Washington and the service that the Company had been to the Saudi Arabs for years, repeating again that he knew that we were not connected with the politics that had resulted in the UN decision; that we were part and parcel of the Middle East and, as such, to be protected and encouraged.
22. Nuri Pasha mentioned to me the \$85,000,000 loan which the Iraq Government had been trying to conclude with the International Bank and affirmed the importance of this to Iraq because of the need for irrigation and other developments there. He also confirmed the feeling that the British were still the Anchor to the windward in the Middle East and showed his definite pro-British leaning. He told me however, that the Iraqis were much disturbed when it appeared improbable that they were going to get this loan from the International Bank, and I gave him a long dissertation on the importance of cooperation between all peoples in the Middle East for the development of Middle East resources. I talked about the necessity of manufacturing industries, and particularly of the extension of irrigation in Iraq and eastern Syria, and the need for the development of dams and irrigation work on a large scale; and said that when the world was short of food it was absurd to see vast quantities of water hurrying past towns like Basrah; that this water should be used to irrigate the desert stretches on both sides of the two rivers -- an area which had been one of the most fertile in the world in ancient times; that it was a tragedy that the Palestine question had become the determining factor in this matter. I added that all good people in the United States were anxious to cooperate through the Government agencies and through private business in the development of the Middle East. Nuri reiterated something which had been mentioned to me by Azzam Pasha, that is, the difficulties the Governments were having in preventing the massacre of Jewish populations within their boundaries; and this, I believe, still remains a critical matter in many countries. It only needs one fiery speech by someone in authority in the United States to light this fire.
23. After leaving Prince Feisal I went to call on Ibrazhim Abdelhadi Pasha, the King's Chef du Cabinet. He is a very handsome Egyptian, rather a poseur and inclined to speak in the measured platitudes of the professional politician. He was extremely hostile when I started to talk and gave me a long lecture on the actions of the United States. I listened patiently to this and then asked him if he realized that the companies themselves were not concerned with the political situ-

ation in the United States and had little, if any, influence in this matter; that individuals like myself who knew the Middle East and were connected with the Company were as upset over this decision as the Arabs were themselves; that I did not think it would work; that I thought it would redound to the discredit of all concerned, and that the greatest tragedy of all was that military operations in Palestine would ultimately result in tragic consequences for the Jews in many countries; that one of the greatest results of this whole thing would be the rise of anti-Semitism in many countries of the world. I repeated, however, that this was the time for all people of good intentions to stand together to see what could be done to prevent bloodshed, and to curtail the political ambitions of unscrupulous groups. I told him that I had come to Egypt to talk the matter over and see how the Arabs felt, and that I had always advised the people I knew within the Government of the United States that partition would result in bloodshed; that I thought it was neither in the interests of the Arabs or the Jews. I then went on to say that I was a member of the Company, and I spoke in this way as an individual; that the Company was not concerned and could not be concerned with political problems, under American law; that we were in the Middle East to assist its citizens and its governments in the development of natural resources; that that was our task, and that we hoped that these unfortunate happenings would not result in a delay in something that was so necessary to the common good.

24. After we had sparred a little about the political situation in the United States, Abdelhadi asked me if the people in the United States were in favor of partition. I reminded him that most of the people in the United States were Christians brought up with a Bible in their hand, and that it was natural for them to think of the Jews in Palestine; that they did not know of the political complications which had developed in the Middle East, and that, to my mind, not enough good information had been presented to the American people, in the form which the average American ~~had been presented to the American people in the form~~ could understand, with reference to the Arab position; that the Arabs had, in my opinion, put forward their position in a way which would influence people in Arab countries; that it was time for them to sit down with some good American public relations agents and present the matter in the form which would appeal to the American people; that it involved the use of movies, newspapers, magazines, and might go down to very fundamental ideas like the presentation of historical romances and stories which would bring to the American mind the history of the greatness of the Arab world; that it should be presented in a form which was interesting and not to be taken for propaganda; that this was a long and difficult job. I then added that I did not myself at all despair as to the ultimate solution of the Palestine problem; that the proposed two states in Palestine seemed to me politically and geographically impossible; that two such states could only exist when they were inhabited by friendly people, and certainly there was no evidence that the Arabs and the Jews could live in harmony in Palestine; that I thought, therefore, this matter should be continually presented to Americans by people who had a friendly and sympathetic feeling for the American people; that this question of approach in the United States was all-important; that the Jews themselves had spent immense amounts of money in propaganda, but they did not, as commonly reputed, control completely either the press or the moves; that at that very moment they were reporters in the Middle East who were reporting faithfully the situation as it actually stood.

25. I went on to say that there had been some talk of cancellation of the concessions, and that, in considering this, the Arabs should bear in mind that they were hurting their friends and not their enemies; that a great many Zionists would be delighted if the Arabs took the opportunity to cancel the American and British oil concessions, as this would be a further weapon in Zionist hands. Abdelhadi then told me that he had been pleased to hear what I had to say and indicated that he would pass the information I had given him on to King Farouk. He told me, too, that after discussing the matter with me it was his opinion that the Arabs should give all facilities to us to continue our work. I pointed out to him that the building of the line would, in my opinion, considerably alleviate Egypt's supply problem, and he added to me that they were at that time considering rationing of fuel oil. I replied that, if we had the line built at this time, rationing would be unnecessary; that there would be ample fuel oil; and that looking at Egypt I could see that their great necessity was to build up an industrial nation. Abdelhadi asked me to come back to see him immediately upon my return to Egypt.
26. From Abdelhadi's office we went to the office of Mohamed Hassan Youssef Bey. He is the Assistant Chef du Cabinet. Youssef Bey -- I was told later -- is likely to be the next Ambassador to the United States, and he is certainly the most pro-American Egyptian I met in Egypt with the possible exception of Saba. I repeated to Youssef Bey the statements I had made to Abdelhadi. I found him a lot more sympathetic. I told him I would be glad to send a telegram to my people in the United States regarding the fuel shortage, but that I could not guarantee there would be any amelioration. He told me in the course of the conversation that the shortage of fuel oil might lead to unemployment. He asked me what the possibilities were of building a refinery in Egypt, and I replied that I understood Caltex was still considering the matter, but that the political situation in the Middle East made it necessary that we be more certain of our position. I reiterated that, upon the ratification of the Convention in Syria, we were prepared to push the construction of a line to get oil to the Mediterranean at an early date, and that this would aid in the supply of fuel oil to Egypt, which seemed to me to have possibilities of ever increasing gravity in the future. Hassan Youssef Bey said that he would bring the matter to the King, and I am told by Saba that Hassan Youssef Bey is much more the personal confidant of the King Farouk than Abdelhadi Pasha.
27. The next day I went to see Sidki Pasha. Sidki is much more of an industrialist than the others. He was primarily interested in the fuel oil situation, which he discussed at length with me, though he also discussed the Palestine situation. Briefly, he told me that, if he had been Premier, there would have been no demonstrations because he would have taken stern measures to suppress them. I promised Sidki Pasha also to wire the United States regarding the fuel oil shortage. Part of the shortage is due to actual shortage of product, but there seems also, according to Sidki, to be some question about the available funds. He added that they were taking canal tolls' payment against the importation of fuel; in other words, they were taking payment in fuel oil for the Suez tolls. Sidki may yet return to power.

28. The next morning, Saba told me that, on account of the agitations of the Sand party, it seemed certain that the cabinet of Nokrashy Pasha would fall very shortly after the conclusion of the Arab League meetings; that the probable Prime Minister was Abdelhadi, who would be in the way of a political figurehead; and that the Deputy Prime Minister would be Azzam Pasha. As it has been agreed that Egypt will produce 42% of the funds to be used by the League, the entrance of Azzam into the Egyptian Cabinet as Deputy Prime Minister is an interesting factor. You will recall that Azzam had just been conferring with King Ibn Saud and was later at Dhrahan. It will be interesting to see if this proposed political combination comes to pass. Parenthetically, Saba had been pressed to become Minister of Finance in this Cabinet, but will, I believe, refuse.
29. I was asked to call on a number of other figures in Egypt, but it seemed unwise to extend my discussions beyond the point indicated in this memorandum. I did not go to see Riad Bey Selh, for the simple reason that I did not wish to say anything which might be contrary to what was being said to the Lebanese authorities in this area by the Tapline group.
30. After these discussions, my general impression is that it is recognized in governmental circles that it would be to the vast profit of the Arab group to facilitate the operations of the Company. It would give a flow of dollars into the hands of governments which they badly need, especially if hostilities in Palestine should be prolonged. This is recognized by practically all the responsible people. They labor under the difficulty, however, of possibly being unable to control their own people. If the United States takes military steps, in most of the countries -- Saudi Arabia being the exception -- the governments could not live and at the same time support an American institution, even though that institution had no connection with its own government. Further than that, the average political personage in the Middle East will not commit political suicide; he would sail with the wind of public opinion, hoping to beat back again to the shore of reason. Every person I talked to emphasized his wish that we go ahead with our program, but almost every person also said that possibly for the moment things would happen where the governments did not have control themselves. This apparently is particularly true in Syria, and that situation is aggravated by the fact that Syria is the arena in which certain of the Arab powers rival one another. The Hashomites from Iraq and Trans-Jordan are trying to realize the ancient vision of a united Syria under Hashimite domination. This is bitterly opposed by the Egyptians who had throughout history some interest in these countries to the north; and of course by King Ibn Saud to the south. I have thought, and continue to think that Faisal has ambitions ultimately to be King of Trans-Jordan, Abdullah, who is not as bitterly opposed to partition as the other countries because he feels that he will inherit the Arab portion of Palestine. Of a rather different type, we have the Grand Mufti who is anxious himself to be the ruler of Palestine and has important political ambitions. Note that Azzam Pasha said to me that Husaini wished ultimately for war in Palestine.
31. You will note also that the Communists have been extremely active in the Middle East. They are supposed to have been at the bottom of the troubles in Damascus. I am told they have agents in Saudi Arabia. They are extremely active in Palestine where the Stern Gang is now completely controlled by Soviet-

dominated elements. There is much comment in the Middle East over the offer of the Soviets to furnish troops in the Palestine affair. One cannot help having the feeling that the Soviet vote for partition was simply an effort to promote distrust and ill feeling by which they could largely profit. Their bitter attacks on the company itself, the subterranean attacks of Communist origin on American citizens indicate to me that the Soviets see clearly their opportunity to disrupt the countries of the Middle East to move in with their troops, to stop the flow of oil to the democratic countries and to control it for their own usage. There is little doubt, if the Soviets moved into this area, that they would immediately proceed to enlist large numbers of Arabs and train them as troops in their effort to control the Mediterranean for their own purposes. This is a danger too lightly taken in the United States. I think it is highly probable that the disturbances in Bahrein

32. The decisions of the Arab League have now been announced. They call for guerrilla war in Palestine, and for the national armies to stay out of the country. This includes the Arab Legion of Abdullah, the armies of Syria, Lebanon, and Egypt. The plan is for the Arab forces acting as guerrillas to enter Palestine, and if they are defeated, to retreat behind the screen of the organized armies in the surrounding countries. The question of confiscation of petroleum properties has been put in abeyance, chiefly on account of the influence of the Egyptians, the Saudis, and to a certain extent, the Lebanese. It has been announced that King Ibn Saud will contribute four million dollars to the Palestine cause. There is, however, in the air a feeling that a compromise should be arrived at in the Palestine question. Everybody fears the Russians. They would like to have the United States on their side. They cannot afford to pay the price of partition to the United States for its political and financial aid. They cannot do this because the populations themselves have been aroused to fever pitch by the feeling against the Jews. If an acceptable compromise should be produced, the matter could be put on the agenda of past events and the development of the Middle East could proceed. Everyone sees this. I have had no contact with the Jewish side. The significant fact is that the good (sic) Jews are leaving Palestine, and that Arabs are leaving Palestine, to take refuge in other lands. The Palestine groups of Jews remaining are showing more radical tendencies. The red flag flies in Palestine along with the star of David, and it is generally recognized that Jewish Palestine will be organized as a communistic state.
33. There is a common illusion in the United States that the Arabs do not have arms. Large quantities of arms were buried by the Arabs during the western Desert campaign -- field guns, rifles, machine guns, mortars, ammunition of all sorts and descriptions, discarded by fleeing Allied and Axis armies. This material is now being dug up, reconditioned, and transported into Palestine. I have a feeling that, when the cards are down, we will find that the Arabs are about equally as well armed as the Jews, and that the desert tribes, who have now been quiet for a number of years, will welcome the opportunity to raid and to pillage.
34. The people of the Middle East face a fearful future. Undoubtedly, should serious fighting take place in Palestine, there would be attacks on Jews and possibly other foreigners in many cities of the Middle East. This is the time to see if something cannot be done to patch the matter up. The forward look in this respect is so bad and so tragic for all concerned -- both Arabs and Jews -- that I have hope that moderate people will yet gain control of the situation.

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HEARINGS BEFORE THE SPECIAL COMMITTEE TO INVESTIGATE THE
NATIONAL DEFENSE PROGRAM, U. S. SENATE, WASHINGTON, D. C.

Thursday, January 29, 1948, pp. 1538 - 41

THE CHAIRMAN: That is even more interesting. I do not think you referred to that. What is that situation?

SECRETARY FORRESTAL: The number of new wells drilled in this country ranges from a low of around 26,000 to say 40,000 per year, and the number of dry holes, that is non-producing wells, out of that total of new drilling runs from 25 to 35 per cent. In other words, from 9,000 to 12,000. And I think you have to keep in mind that the drilling of a new well now involves about \$125,000 capital investment. This gives you some idea of that.

THE CHAIRMAN: You contrast that with Arabia.

SECRETARY FORRESTAL: Last year there were 27 drilled, and there was no dry hole.

THE CHAIRMAN: So the point which Mr. Duce stressed here, that the cost is about twice as much to drill a well in Arabia is not of particular significance.

SECRETARY FORRESTAL: It is of significance only in the immediate expenditure category. You are committed to a much larger original investment. The recapture through profit on that investment will be at a much higher rate, because you do not have the non-productive wells.

THE CHAIRMAN: Almost infinitely higher as the result of the free flow of those wells there. I think I should ask you this, Mr. Secretary, probably yourself as well as for the record, because there has been some intimation as to your association with the oil business, and I would be glad to have your statement regarding that, so that there need be no question as to precisely the situation.

SECRETARY FORRESTAL: I would be very glad to furnish your committee with a list of my investments.

THE CHAIRMAN: No, I did not have reference to that.

SECRETARY FORRESTAL: My associations otherwise.

THE CHAIRMAN: Have you not seen any suggestion regarding that it was as to your activities in private business and former connections with some of these companies here concerned?

SECRETARY FORRESTAL: I was employed by the firm of Dillon, Reed and Company from 1915 to 1923, and became a partner in 1923, and during that period, and from then on, I think my firm had financed either through the sale of bonds of stock, the securities of the Standard Oil of California, of the Union Oil of California, the Amarado Corporation, and as a matter of fact, the Royal Dutch at one time I think we did an issue with them, and the Texas Company. That I think is all. I will check my records and let you have any additional ones.

THE CHAIRMAN: I thought it would be well to have that.

SECRETARY FORRESTAL: I should add to that I think also although it may be gratuitous, that my association with the firm of Dillon Reed and Company ceased as of the year 1940, at which time I withdrew the capital I had in that enterprise, and obviously any sharing in its earnings.

THE CHAIRMAN: So that we have the benefit of your knowledge regarding petroleum acquired in your earlier experience but without any impairment of your interest in the public welfare, as the result of any private connections.

SECRETARY FORRESTAL: I hope that is true, Mr. Chairman

THE CHAIRMAN: I gather that it is.

SECRETARY FORRESTAL: I do not think my advocacy of these suggestions that did some modified violence to the free enterprise system endeared me very much to some of my former associates.

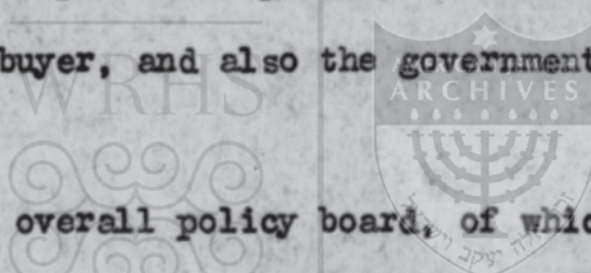
THE CHAIRMAN: I think your statement before the Armed Services Committee is quite clear that we are distinctly in the evolutionary stage so far as our petroleum policy is concerned, that the government must move forward.

SECRETARY FORRESTAL: I should like to supplement that, however, with the statement that the National Security Resources Board, of which Mr. Hill is Chairman, has under the precept given by the Congress the responsibility to address itself to that, to precisely that, as well as other questions of our national resources, so far as they are applying to our readiness for war.

THE CHAIRMAN: You have reorganized the Army-Navy Petroleum Board into a tripartite board under the reorganization, as I think you testified.

SECRETARY FORRESTAL: Yes. We have now concentrated the responsibility for the purchase of petroleum and petroleum products into a single agency, so that the industry can deal with one buyer, and also the government may know who is doing the buying.

The policy is set by an overall policy board, of which the Air Forces, the Army and the Navy are members.



F.O.

MEMORANDUM CONCERNING THE PRESENT POSITION OF JEWS IN MOSLEM COUNTRIES

Nearly 900,000 Jews are living today in Moslem countries, most of them belonging to the Sephardi (Oriental) Community. They have lived in this part of the world for generations in comparative peace and security, save that they suffered a discrimination which the Moslem laws impose against all infidels. Occasionally there were outbreaks of violence, such as the attacks in Damascus in 1840, arising out of the charge of ritual murder; but generally the Jewish congregations were able to proceed with their daily work and to carry out their religious observances. Till the First World War the Turkish Government, though at that time not progressive, maintained fair order and protection for the Jews throughout their empire.

A table is appended showing the estimated distribution of the Jewish population.

Conditions have gravely deteriorated since the First World War; and with the semi-independence which was granted to the Arab Provinces separated from the Turkish Empire, intense nationalism has prevailed. The Jews, being a weak minority, have been the first sufferers; and after the brutal policies and massacres of Hitler and the Nazi regime were perpetrated, a similar attitude developed amongst certain sections and leading persons throughout the Moslem countries. The measure of this Jew-baiting depends on the cultural and educational development of each country. The treatment of the Jews is in direct relation to the cultural level of the surrounding population.

The worst conditions prevail in the more backward countries such as the Yemen and Afghanistan. In the Yemen the Jews are not only second-class citizens, but are regarded as serfs, dependent on the goodwill of the Imam for their existence. They may not walk on the same pavement as Moslems, or ride a horse; they wear special clothing; their orphans are forcibly converted to Islam; generally, their condition is one of permanent danger, humiliation and misery. For several generations the Jews of Yemen have been fleeing from the country wherever possible; and the majority come to Palestine. Some thousands are now stranded in a concentration camp at Shoikh Othman in the Adon Peninsula, awaiting permission to enter Palestine. The camp is organised by the British Government, and is maintained by Jewish charitable institutions.

In Afghanistan the spirit of intolerance reigns. The Jews are required to live in ghettos in the interior of the country, and are forbidden to enter certain towns and places, particularly on the borders of the state. The 5,000 who are still living there are in grave peril. The case of 300 who fled to India and have been allowed to remain on sufferance in Calcutta is typical. Their aim is to get, at the first opportunity, to Palestine, as their only hope of salvation.

In Iran persecution and massacre were rife when Pahlevi Shah took control. Recently, notwithstanding the goodwill of the present administration, the Imams and Mullahs have been stirring anti-Jewish feeling, and the safety of the congregations is endangered.

In Iraq where 130,000 Jews remain, principally in Baghdad and Basra, their

condition has deteriorated. The community, which is descended from that of ancient Babylon, has existed uninterruptedly for thousands of years. They have been considered a productive element. The people of Iraq, however, have become extremely nationalist, and after the death of King Feisal I, the Jews were quietly dismissed from positions in the Government. Today, the entire community may be regarded as prisoners of the administration, restricted in their movements and at the mercy of the mob or the incitement of a political party. When Rashid Ali failed in his campaign against the Allied Armies in 1941, an outbreak of violence culminated in the massacre of 500 Jews and the destruction of a large part of Jewish property in Baghdad. Since then the condition of the Jewish population has continued to deteriorate. The Government and several political parties have embarked on an anti-Jewish campaign in connection with the Palestine question.

No Jew may leave Iraq unless he deposits £5,000 with the Government authorities to guarantee his return. Jewish passports are marked "Not valid for Palestine". No foreign Jew, British, American or other national, may pass through Iraq in transit; there have been cases where Jews travelling by air across Iraq were ordered to leave the plane and were thrown into gaol. Pressure is constantly used against individual members of the community to extract large sums of money for Arab organisations which are fighting the Jewish aspirations in Palestine. A boycott against Jews and Jewish goods coming from Palestine, or in transit from Palestine, is enforced, notwithstanding the provisions of the Charter of the United Nations against such discriminatory measures. The declaration of U.N.O. about Palestine has rendered desperate the condition of the community.

In Syria similar conditions prevail. Not only does the administration act against the community as a whole, but every Moslem may take the law into his own hands. In December, 1947, all twelve synagogues in Aleppo were burned to the ground, a great part of Jewish property was destroyed, and many casualties were inflicted. The number of those killed is not known, but ~~some thousands~~ ^{many} of the Jewish inhabitants have fled to Beirut for safety. It may be recalled that the synagogues contained treasures of historic value, among them the earliest Hebrew copy of the Bible, which is dated in the early centuries of the Christian era.

In the Lebanon, where there is a Christian majority, conditions are somewhat better, yet there also they have recently deteriorated. A bomb was thrown at the school of the Alliance Israelite, and another at the house of a Jew who refused to contribute to the funds of the Arab Committee for the defence of Palestine.

In Egypt, the most democratic and advanced country in the Middle East, troubles arose in November, 1946, through anti-Jewish propaganda and incitement, and led to the destruction of Jewish property on a large scale. The property of Europeans also was attacked, which indicates that, once the fanatical feelings of the masses are aroused, the danger affects Europeans as well as Jews. Threats against the lives of individuals are common. Jew-baiting and incitement to the use of force have become permanent features of the local Press. Recently, members of the Egyptian Parliament submitted a Bill recommending that Zionism should be outlawed, and a committee was appointed to consider the Bill. By the definition of Zionism contained in it, no Jew would escape persecution, nor would his property be protected from confiscation. The Arab League has recommended legislation on similar lines to all the member States. The anti-Jewish campaign in the Middle East emanates from Cairo, where the Arab League, whose principal bond is the united

effort against Zionism, has its headquarters. Discrimination, though not yet enforced by law in Egypt, is practised administratively; it is continually developing, and threatens the economic position of the young Jewish generation.

The most recent anti-Jewish outbreak has been in the British Colony of Aden, and in the British Protected Territory of Bahrein. In December, 1947, during the riots at Aden, 78 Jews were murdered according to the official figures (which may be underestimated), the greater part of the property of the community was destroyed by fire and looting, and the synagogues were desecrated. The Jews of Aden have been British subjects for over a century, and have been loyal and devoted to the interests of the Government. On more than one occasion their services have been acknowledged by the British Government. During the disturbances a number of casualties were suffered by the refugees from Yemen in the camp at Shoikh Othman. It is stated that the British Government wishes to repatriate them to Yemen. We cannot believe that this intention will be carried out, for their lives would be in peril.

In Bahrein one woman was killed, 67 members of the community of 55 families were seriously wounded, and most of the property was destroyed. The survivors are in utter misery and apprehension.

The Jewish bodies named below turn to His Majesty's Government with the urgent request that they will take measures to avert worse disturbances. Religious fanaticism, coupled with national chauvinism, is fraught with danger, particularly since the anti-Jewish campaign is made part of the struggle against Zionism. The position of the Jewish communities in Moslem countries should be divorced completely from the question of Palestine. It is a matter of simple humanity and of the regard for human personality which the United Nations have undertaken to protect. The Jews of these communities and their leaders have had no part in the Jewish councils on the Palestine question; and their spiritual and lay leaders have repeatedly affirmed their loyalty to the countries in which they reside. The communities themselves dare not make a direct appeal. Should they even repudiate our efforts, it is because they are not free to do otherwise. The Sephardi Jewish Community in Palestine, which is composed of representatives of all these communities, is entitled to speak for them, because of its direct connection and kinship. That Community, and the Jewish bodies in the United Kingdom who are associated in this memorandum, appeal to His Majesty's Government to take adequate steps to ensure that the Member States of the United Nations in which these communities reside, respect and protect their human rights, in accordance with the principles of the Charter.

TABLE OF JEWISH POPULATIONS IN
MOSLEM COUNTRIES

French Morocco	190,000
Iraq	130,000
Algeria	120,000
Iran	90,000
Egypt	80,000
Tunisia	80,000
Turkey	75,000
Yemen	40,000
Libya	30,000
Spanish Morocco and Tangiers	30,000
Syria	11,000
Aden (including refugees from Yemen)	8,000
Lebanon	7,000
Afghanistan (including the refugees in India)	5,000
Other countries (Hadramuth, Sudan, Bahrein)	3,000
Total	899,000



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MEMORANDUM "A"

LEGAL MEANING OF THE "TERMINATION OF THE MANDATE"

Palestine is today a legal entity but it is not a sovereign state.

Palestine is a territory administered under mandate by His Majesty (in respect of the United Kingdom), who is entirely responsible for both its internal administration and for its foreign affairs.

2. After the 15th May, 1948, Palestine will continue to be a legal entity but it will still not be a sovereign state because it will not be immediately self-governing. The authority responsible for its administration will, however, have changed.

3. Where the sovereignty of Palestine lies at the present time is a disputed and perhaps academic legal question about which writers have expressed a number of different conclusions. Where the sovereignty of Palestine will lie after the 15th May, 1948, is perhaps also a question on which different views will be held but so far as His Majesty's Government are aware, it is a question which it is unnecessary to answer in connection with any practical issues.

4. After the 15th May, 1948, the United Nations Commission will be the Government of Palestine. It does not seem very material whether it is considered to be the de facto or the de jure Government. In any case, its title to be the Government of Palestine will rest on the resolution of the General Assembly.

5. His Majesty's Government will recognise the United Nations Commission as the authority with which to make an agreement regarding the transfer of the assets of the Government of Palestine.

6. The present employees of the Palestine Administration are the servants of the Crown of the United Kingdom in right of its Government of Palestine. The existing contracts of employment of such employees are automatically terminated when His Majesty ceases to be responsible for the government of Palestine because they never agreed to serve any other authority than His Majesty.

7. Subject to the views set out above on the legal position and the action necessarily following from those views, all proper assistance will be given to the Commission in making arrangements for continuing the employment of all officials in office on the same terms as they enjoy at present and with the same rights, on the understanding that it will be open to the officials concerned voluntarily to accept or refuse any offer made by the Commission.

~~HS~~
AHS

March 2, 1948

52

REQUESTS OF THE GENERAL ASSEMBLY FOR ACTION
ADDRESSED TO THE SECURITY COUNCIL
(Some Precedents)

by
Jacob Robinson

1- According to Article 10 of the Charter, the General Assembly may discuss any questions or any matters within the scope of the present Charter and may make recommendations to the Security Council. It will be recalled that the Palestine question was brought before the General Assembly by the Mandatory Government precisely under Article 10 of the Charter.

The Resolution of the General Assembly of November 29th addresses three requests to the Security Council whose contents are known.

2- Whether or not the Security Council will comply with these requests is a matter whose importance goes beyond the Palestine controversy. It is a problem of the coordination of the activities of the various organs of the United Nations. A serious break in the normal play of this mechanism may add an additional blow to the Organization of the United Nations (not to speak here of the political and moral blow which may arise from non-implementing a solemn decision of the General Assembly).

The question may be asked, what are the precedents in regard to such requests?

3- The first request of the General Assembly to the Security Council was embodied in Resolution 1(I) adopted during the First Part of the First Session of the General Assembly at its Seventeenth plenary meeting, 24 January 1946. This was the Resolution concerning the "Establishment of a Commission to deal with the Problems raised by the Discovery of Atomic Energy". For this purpose the General Assembly established a Commission (like the General Assembly established the United Nations Palestine Commission). But this Commission "shall submit its reports and

recommendations to the Security Council" (like the United Nations Palestine Commission has to submit its monthly and special reports to the Security Council). In addition, the Security Council shall "issue directions to the Commission in matters affecting security" (again it is the Security Council who has to issue instructions to the United Nations Palestine Commission).

✓ It is^a well known fact that all these responsibilities under the Resolution of the General Assembly were accepted by the Security Council.

4- The second Resolution with requests to the Security Council was Resolution 41(I) adopted at the Sixty-third plenary meeting of the Second Part of the First Session of the General Assembly, 14 December 1946, and dealing with "Principles governing the general regulation and reduction of Armaments". This Resolution made a number of recommendations to the Security Council which were all again accepted by the Security Council.

5- Should the requests of the General Assembly to the Security Council be disregarded that would create a fateful precedent for a fight between two organs which are supposed to coordinate their activities and not to oppose each others requests.

6- It may be argued that in one additional case the Security Council did not comply with the recommendations of the General Assembly, namely, with the Resolution 113 (II) adopted by the Second Regular Session of the General Assembly at its Hundred and eighteenth plenary meeting, 17 November 1947. This Resolution requested the Security Council to reconsider the applications of Ireland, Portugal, Transjordan, Italy, Finland, and Austria in the light of the determination of the General Assembly that these countries are able and willing to carry out the obligations of the Charter and should therefore be admitted to membership in the United Nations.

It is well known that the Security Council did not yield to this determination but it did comply with the Resolution, did reconsider the applications, but was unable to marshal seven affirmative votes in favor of these applications including the concurrent votes of the five permanent members.

7- It may be useful for our representatives in their discussions with representatives of governments and most specifically with members of the Security Council to know this background of the relationship between the General Assembly and the Security Council.

In this discussion there is no necessity to refer to the situation stated in paragraph 6 of this paper. Should, however, the argument be raised on the basis of the facts stated in this paragraph, I thought it useful to bring the answer.



URGENT
CONFIDENTIAL

COPY

12 March, 1948.

AHS
NF

My dear President,

As I promised in my letter of March 10th, I have now obtained from London and Jerusalem answers to the questions in the list furnished to me by Senator Austin on behalf of the Four Permanent Members of the Security Council at our meeting on March 9th.

The memorandum which I transmit to you herewith contains answers to all these questions with the exception of No. 8, on which I made my position clear at the meeting on March 9th.

In addition to answering the specific questions listed by Senator Austin, I have included such information as is available to me on supplementary points which arose during our discussion of the questions. A further such point which was put to me was whether His Majesty's Government in the United Kingdom have entered into any conversations with the Governments of Arab States bordering on Palestine in regard to incursions of Arab irregulars. In this connection I am authorized to inform you that His Majesty's Government have protested to the Governments of Syria and Transjordan against the incursions of Arab irregular forces into Palestine from the territory of those States, and have asked them to use their best endeavours to prevent similar incursions in future.

I am sending copies of this letter and enclosure to my United States, French and Soviet colleagues, to the Chairman of the Palestine Commission and to the Secretary-General for his personal information.

Yours sincerely,

(Sd.) V.G. LAWFORD.

Dr. Ting-Fu Tsiang,
President,
Security Council,
United Nations.

(For Sir Alexander Cadogan)

MEMORANDUM

QUESTION 1: Have any incursions by armed elements from outside Palestine occurred in addition to those already reported to the Palestine Commission by the Mandatory Power?

ANSWER 1: The following information is now available in addition to that already supplied:

(a) On or about the 24th February, between 500 and 1,000 Iraqis, Lebanese, Syrians, Egyptians and Transjordanians entered Samaria and Galilee across the Jordan and the Palestine-Lebanon frontier.

(b) A band of up to 500 Yugoslavs presumed to be Bosnian Moslems were reported en route to the Lydda District during the first week of March.

(c) On the 5th/6th March, a small party under Fawzi Bey Kawukji entered Palestine. Kawukji's present whereabouts and intentions are unknown, and no report of his having established a permanent headquarters has been received by the British authorities.

(d) Numbers of Egyptians have entered Gaza District in parties of up to 100 at a time. It is possible that other smaller contingents have entered unreported.

QUESTION 2: Has the Mandatory Power been able to identify personnel involved in such incursions?

ANSWER 2: The information of the Palestine authorities regarding the origin of personnel involved in these incursions is derived from common knowledge available locally and from intelligence reports. As regards the character of these forces, they consist of irregular formations and not organised units of any national armed force.

QUESTION 3: Are these incursions privately organised by individuals or unofficial groups, or are they supported or encouraged by Governments outside Palestine?

ANSWER 3: H.M.G. have no special information on this point other than that given in the answer to question 2.

QUESTION 4: Are arms now flowing into Palestine from outside sources to individuals or groups unauthorized by the Mandatory Power to possess arms?

ANSWER 4: Both Arabs and Jews in Palestine are now receiving illicit consignments of arms from outside sources. While the Palestine Government have no exact knowledge of the quantity and description of arms possessed by either side, it is their opinion that the Jews are better armed than the Arabs. In this connexion it will be recalled that there have recently been instances of the seizure in the United States by United States authorities of large consignments of high explosives destined for Jewish organisations in Palestine.

As regards the possibility which has been suggested of illicit importation of arms by aircraft landing in the desert, the Palestine Government consider this unlikely. Such clandestine importation by air would, however, be easier for the Jews than for the Arabs, in view of the better facilities possessed by the former for wireless communication and for distribution of arms after receipt.

QUESTION 5: What measures, military and civil, by the Mandatory Power are now in effect to prevent the movement of hostile elements into Palestine from outside Palestine?

ANSWER 5: The principal points of entry by land are guarded by troops or police, but owing to the length of the frontier and the difficult nature of the terrain, it is impossible for frontier control to be one hundred percent effective. As regards the sea frontier, the measures taken by the Mandatory authorities to prevent the entry of Jewish illegal immigrants are well known.

QUESTION 6: To what extent are disorders inside Palestine due to participation by armed elements from outside Palestine?

ANSWER 6: The present series of disturbances began in December last against a background of Jewish inspired disorder which had been going on for 2½ years. The Arabs implicated in this series of disturbances were originally all Palestinians. Since then both Palestinian and non-Palestinian Arabs have been engaged.

QUESTION 7: To what extent are disorders inside Palestine attributable to incitement to violence from outside Palestine?

ANSWER 7: As far as the Palestine Arabs are concerned, their opposition to partition is spontaneous and universal. Inflammatory material has appeared in the press of the neighbouring Arab countries, although the situation in this respect has recently improved. On the Jewish side, widespread propaganda has of course been conducted for some time in the press of the United States and other countries by persons and organisations inciting the Jewish community to violence and terrorism principally against the Mandatory Power.

UNITED KINGDOM DELEGATION TO THE UNITED
NATIONS

12th March, 1948.



March 15, 1948

Called at 12:35 by the Secretary of the President of the Security Council who informed me that they had had another consultation, as a result of which they would like to submit to us the following question to which they would wish to receive a written reply, preferably this evening but not later than tomorrow morning. The question is "Would the Jewish Agency be prepared to enter into the necessary agreements to bring about an effective truce in Palestine?"

On inquiry from me, I was informed that this question was submitted to us by all the Big Four.

Asked to explain what would happen in the meantime, during the truce, was told that he, the Secretary, was in no position to explain but that Mr. Trygve Lie might be in a position to give us further information.

The reply should be sent to Mr. Lie or to the President of the Security Council this evening, or tomorrow morning to the office of Mr. Gromyko.

A.H.S.

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A.H.S.

① Going forward with the plan?
② For how long?

March 18, 1948

**ADDITIONAL CONCLUSIONS AND RECOMMENDATIONS CONCERNING
PALESTINE**

1. The plan proposed by the General Assembly is an integral plan which cannot succeed unless each of its parts can be carried out. There seems to be general agreement that the plan cannot now be implemented by peaceful means.

2. We believe that further steps must be taken immediately not only to maintain the peace but also to afford a further opportunity to reach an agreement between the interested parties regarding the future government of Palestine. To this end we believe that a temporary trusteeship for Palestine should be established under the Trusteeship Council of the United Nations. Such a United Nations Trusteeship would be without prejudice to the rights, claims or position of the parties concerned or to the character of the eventual political settlement, which we hope can be achieved without long delay. In our opinion, the Security Council should recommend the establishment of such a trusteeship to the General Assembly and to the Mandatory Power. This would require an immediate special session of the General Assembly, which the Security Council should request the Secretary General to convene under Article 20 of the Charter.

3. Pending the meeting of the proposed special session of the General Assembly, we believe that the Security Council should instruct the Palestine Commission to suspend its efforts to implement the proposed partition plan.

I visited F. at 10 a.m. at his suite at the Pennsylvania Hotel. After an exchange of social amenities, F. related that he had wanted to return to the Philippines, on several occasions, but that President Roxas always insisted that he remain. F. said he will remain as long as the President insists, but that he is worried because during his stay here he is getting no income from his law office, and his practice there is being neglected.

At first, F. indicated he thought there is not much for the Commission (Palestine Commission) to do, in the light of recent developments. He even questioned the value of their going to England on April 7th, as at present scheduled. When I brought up the question of the Commission's coming out for the immediate establishment of a provisional Government for the Jewish area, he was, at first, negative. He stated that the Panamanian and the Bolivian ~~xxxx~~ members are in favor, but ~~xx~~ that the Danish member, and the Chairman, opposed.

I pointed out that the decision therefore rested with him, that his role is a decisive one, that the world admired the way General Romulo, on earlier occasions in the UN, stood up for colonial and weaker peoples, and that this reflected glory on the new Philippines Gov't. I reminded him of the time, in 1938, when I organized an Indignation Meeting in Manila against the Nazi mistreatment of Jews, when leading Catholics and Filipinos participated, and a representative of Filipino youth stood up and said: "On behalf of the youngest nation in the world, we Filipinos protest against what is being done to the oldest nation, the Jews."

I told him how much the Jews appreciated his own record, and his own participation on the Palestine Commission. Then I told him that last Sunday, at a dinner with several ardent Zionist friends, business men, they had mentioned that they had plans for exporting their products to the Philippines, and had asked me whether F. would be ~~xxxx~~ available as attorney and public relations counsellor. I mentioned to F. that they would doubtless pay excellent fees ~~xxx~~ for such services, and asked whether he would be interested. F. stated that it would not be right for him to engage in such work while here on a special mission for his Gov't., but that on his return to ~~Manila~~ Manila he would be interested. At the same time, F. mentioned to me that, when the Bell Act came up in the Philippines legislature, it was he, as floor leader in the Senate, who helped push the bill thru. (This bill gives equal rights, actually preferential rights, to American business men).

I returned to the point that my Zionist friends would be enormously grateful, and would have increased regard for, F. if he would take a vigorous position on this point, and also, by standing for the continuation of the Commission, indicate to the world that even the Philippines is a small and a new nation, it will not be pushed around, or dictated to, by the Big Powers.

I reminded F. that the Philippines has its own bone to pick with the U.S. Gov't., that of a rehabilitation loan, and that General Romulo had spoken to me of his disappointment with Washington. I told F. that many Americans, including myself, felt the Philippines should get this loan, in keeping with the spirit of Pres. Roosevelt's message at the time the Philippines were invaded. F. seemed to appreciate this expression.

Our talk swung to the Overseas News Agency, when I showed F. the Nussbaum series on the Mufti, which he found of interest. He told me his chief news sources are the material furnished by the Jewish Agency, and by the British. I asked him to let me ~~have~~ have priority on any statement he may make relative to his work on the Commission (press statement). He said he would, asked me what papers are served by ~~NO~~ ONA, told me he could make any statements he liked, even now, but didn't want to make statements on any subjects that are sub judice.

F told me he is meeting later today with other members of the Commission concerning the establishment of a Provisional Council, etc. I did not press him for an explicit promise as to his position, but from his words it was evident that his position was a better one than it had been at the outset of our talk.

In taking leave, F. assured me that he would always be glad to talk ~~me~~ to me about matters relating to the Palestine Commission, that he felt honored by my visit, wanted to be remembered to mutual friends, and suggested that I call him Friday concerning dinner (at which he would meet my friends).



A.

DRAFT TRUSTEESHIP AGREEMENT FOR PALESTINE
WITH THE UNITED NATIONS AS THE ADMINISTERING AUTHORITY

Preamble

WHEREAS the territory known as Palestine has been administered by His Britannic Majesty under a mandate confirmed by the Council of the League of Nations; and

WHEREAS His Britannic Majesty was selected as Mandatory for Palestine by agreement of the Principal Allied and Associated Powers; and

[WHEREAS France, the United Kingdom, and the United States are the remaining Principal Allied and Associated Powers; and]

WHEREAS Article 75 of the Charter of the United Nations, signed at San Francisco on 26 June 1945, provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements; and

WHEREAS under Article 77 of the said Charter the international trusteeship system may be applied to territories now held under Mandate; and

WHEREAS His Majesty accordingly has indicated his desire [France, the United Kingdom, and the United States have indicated their desire] to place Palestine under the said international trusteeship system; and

WHEREAS the General Assembly has recommended that Palestine be provisionally administered under ~~the~~ trusteeship, without prejudice to the rights, claims, or position of the parties concerned or to the character of the eventual political settlement; and

WHEREAS in accordance with Articles 75 and 77 of the said Charter, the placing of a territory under the international trusteeship system is to be effected by means of a Trusteeship Agreement;

NOW THEREFORE the General Assembly of the United Nations hereby resolves to approve the following terms of trusteeship for Palestine.

Article 1

Establishment of Trusteeship

The territory of Palestine, delimited on the east by Transjordan, on the north by the Republics of Syria and Lebanon, on the west by the Mediterranean and on the south by the Sinai Province of Egypt is hereby placed under the trusteeship system established in the Charter of the United Nations.

Article 2

The Administering Authority

The United Nations, acting through the Trusteeship Council, is hereby designated as the Administering Authority for Palestine.

Article 3

Powers of the Administering Authority

Subject to the terms of this Agreement, the Administering Authority shall have full powers of administration, legislation, and jurisdiction over Palestine which shall be exercised through the agency of the Government of Palestine as hereinafter provided.

Article 4

General Objectives

1. The Administering Authority undertakes to administer Palestine in such a manner as to achieve the basic objectives of the international trusteeship system laid down in Article 76 of the Charter of the United Nations.

2. The administration will be conducted in such a manner as to encourage the maximum cooperation between the Jews and Arabs in Palestine leading to a form of self-government which will be acceptable to both communities.

Article 5

Territorial Integrity

1. The territorial integrity of Palestine and its status as defined in this Agreement shall be assured by the United Nations.

2. The Governor-General shall inform the Trusteeship Council of any situation relating to Palestine the continuance of which is likely to endanger the territorial integrity of Palestine, or of any threat of aggression or act of aggression against Palestine, or of any other attempt to alter by force the status of Palestine as defined in this Agreement. If the Trusteeship Council is not in session and the Governor-General considers that any of the foregoing contingencies is of such urgency as to require immediate action by the United Nations, he shall bring the matter, through the Secretary-General of the United Nations, to the immediate attention of the Security Council.

Article 6

Preservation of Order

The Governor-General shall be responsible for the organization and direction of the police forces necessary for the maintenance of internal law and order and

for the protection throughout Palestine of the Holy Places, religious buildings and sites.

Article 7

Local Defense and the Maintenance of Law and Order

1. The Governor-General shall, in accordance with Article 84 of the Charter, organize a volunteer force to provide for local defense and for the maintenance of law and order within Palestine.
2. Until such time as the force provided for in paragraph 1 of this Article shall be able to function effectively, or if subsequent to such time a situation arises with respect to which the force requires assistance, the Governor-General shall call upon the Governments of _____ to assist in the defense of Palestine or in the maintenance of law and order within Palestine. The responsibilities of the aforementioned states shall be set out in a separate Protocol.

Article 8

Citizenship

Without prejudice to the provisions of legislation which may subsequently be enacted in Palestine, the following categories of persons shall be regarded as citizens of Palestine:

- (1) Persons resident in Palestine on July 1, 1947, who were not on that date nationals of any state outside of Palestine;
- (2) Persons resident in Palestine on July 1, 1947, who were nationals on that date of a state outside of Palestine, if they have filed with the Government of Palestine at any time before November 1, 1948 a declaration, in such form as may be provided by the Government of Palestine, that they renounce their former nationality in favor of Palestinian citizenship;
- (3) Persons who have resided in Palestine for three months and who, while continuing to be residents of Palestine, file with the Government of Palestine a declaration that they renounce the nationality of any state outside of Palestine of which they may be nationals, and take an oath of allegiance to the Government of Palestine;
- (4) Children of Palestinian citizens, wherever born provided such children have not at birth or subsequently acquired the nationality of a state outside of Palestine⁷.

Article 9

Fundamental Human Rights and Freedoms

1. All persons in Palestine shall enjoy freedom of conscience and shall, subject only to the requirements of public order, public morals and public health, enjoy all other fundamental human rights and freedoms, including freedom of religion and worship, language, education, speech and press, assembly and association, and petition, including petition to the Trusteeship Council.
2. No discrimination of any kind on grounds of race, religion, language or sex shall be made against any person in Palestine.
3. All persons in Palestine shall be entitled to equal protection of the laws.
4. No person within Palestine may be arrested, detained, convicted, or punished except according to due process of law.
5. No person or property ~~within~~ within Palestine shall be subject to search or seizure except according to due process of law.
6. The legislation of Palestine shall ensure that accused persons shall have adequate rights of defense.
7. The legislation of Palestine shall neither place nor recognize any restriction upon the free use by any person of any language in private intercourse, in religious matters, in commerce, in the press or in publications of any kind, or at public meetings.
8. Except as may be ~~is~~ required for the maintenance of public order, good government and public health, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths. No measure shall be taken which discriminates on grounds of religion or nationality against any representative or member of such bodies.
9. The family law and personal status of the various persons and communities and their religious interests, including ~~xxx~~ endowments, shall be respected.

Article 10

Organs of Government

1. During the trusteeship period, the Government of Palestine shall be composed of a Governor-General, a Cabinet responsible to the Legislature, a bicameral legislature, and a judiciary: Provided that, pending the coming into being of the Cabinet and Legislature and during such times as they may be dissolved or suspended, as provided in this Agreement, the Governor-General shall be assisted

by an Advisory Council, which shall function until such time as in the opinion of the Governor-General the citizens of Palestine demonstrate their willingness to cooperate in a Cabinet and Legislature as provided in this Agreement or in any other form of government on which both Jewish and Arab communities have reached agreement.

2. The Advisory Council referred to above shall be composed of the permanent chiefs of the administrative departments of the Government and of representative Palestinian citizens appointed by the Governor-General from each community.

Article 11

Selection and Responsibility of the Governor-General

The Governor-General of Palestine shall be appointed by the Trusteeship Council and shall be responsible to it.

Article 12

Term of Office of the Governor-General

1. The term of office of the Governor-General shall be three years from the time of his appointment, provided that

- (a) the Trusteeship Council may extend the term of office of the Governor-General in any particular case for such period as it may think fit;
- (b) the Governor-General may resign his office upon due notice to the Trusteeship Council, and the Trusteeship Council may terminate his appointment for due cause at any time.

2. At the expiration of x his term of office or extended term the Governor-General shall be eligible for reappointment.

Article 13

General Powers of the Governor-General

1. The Governor-General shall be the representative of the United Nations in Palestine.

2. The Governor-General, on behalf of the United Nations, shall exercise executive authority in Palestine and shall act as Chief Administrator thereof, subject only to the provisions of this Agreement and Instructions of the Trusteeship Council. He shall be responsible for ensuring the peace, order and good government of Palestine.

3. The Governor-General and his official and private property shall not

in any way be subject to the jurisdiction of the Legislature or of the courts of Palestine.

Article 14

Power of Pardon and Reprieve

The Governor-General may grant to any offender convicted of any offence in any court of Palestine a pardon, either free or conditioned, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor-General thinks fit, and may remit fines, penalties or forfeitures which may accrue or become payable to Palestine by virtue of the judgment of any court of Palestine or of the operation of any legislation of Palestine.

Article 15

Governor-General's Emergency Powers

1. If, in the opinion of the Governor-General, the administration of Palestine is being seriously obstructed or prevented by the non-cooperation or interference of persons or groups of persons in Palestine, the Governor-General during the period of the emergency shall take such measures and enact by order such legislation as he may deem necessary to restore the effective functioning of the administration, and such orders shall have effect notwithstanding anything to the contrary in any legislation in force in Palestine.

2. The circumstances in which the Governor-General may have exercised any power conferred upon him by this Article shall be reported to the Trusteeship Council as soon as may be practicable.

Article 16

Organization of the Administration

1. The Governor-General, after consultation with the Trusteeship Council, shall appoint a Chief Secretary to assist him in his duties.

2. The Governor-General shall appoint an administrative staff, including an Attorney General, the members of which shall be selected on a non-discriminatory basis for their competence and integrity and, whenever practicable, from the residents of Palestine. Subject to any Instructions of the Trusteeship Council and to any legislation of Palestine, the appointments of members of the administrative staff may be terminated by the Governor-General at any time.

3. In the performance of their duties, the administrative staff shall not seek or receive any instructions from any government or authority other than

the Government of Palestine.

Article 17

Acting Governor-General

If the office of Governor-General is vacant, or if the Governor-General is absent from Palestine or otherwise unable to exercise his powers or perform his duties, the officer holding ~~the~~ substantively the appointment of Chief Secretary, or, if there is no such officer or he is absent from Palestine or unable to act, such person as may have been authorized to act in the circumstances by the Trusteeship Council, may exercise all the powers and perform all the duties of the Governor-General so long as the office of Governor-General is vacant or the Governor-General is absent from Palestine or otherwise unable to exercise his powers or perform his duties.

Article 18

Disqualification from Public Office

~~ix~~ A person shall be disqualified from holding any public office, central or local, in Palestine, including membership of the Advisory Council and of the Legislature, if he holds any office under any other State: Provided that the Governor-General may appoint to any public office in Palestine for a limited period any person seconded from the service of another State.

Article 19

The Cabinet

1. The Cabinet shall be composed of Ministers selected by a Prime Minister, all of whom shall be appointed by the Governor-General. Each Minister shall, during his term of office, serve as head of one of the administrative departments. Under him shall be a permanent chief of the administrative department and permanent administrative staff appointed by the Governor-General.

2. The Cabinet shall be individually and collectively responsible to both chambers of the Legislature.

3. Upon a vote of no-confidence by either chamber of the Legislature, the Cabinet shall tender its resignation to the Governor-General who may then call upon responsible leaders in the Legislature to form a new Cabinet or may dissolve the Legislature and cause a general election to be held. The Cabinet shall also tender its resignation upon suspension or dissolution of the Legislature in accordance with the Agreement.

Article 20

Legislature

1. The Legislature shall consist of two chambers.
2. The House of Representatives shall be composed of Palestinian citizens 25 years of age or older elected from single-member districts, each of which districts shall be a geographical unit with a population approximately equal in number to that of every other electoral district.
3. The Senate shall be composed of 30 Palestinian citizens 25 years of age or older elected in equal numbers by the registered members of the Arab and Jewish communities in Palestine. The Arab representation shall consist of Moslems, Christians, and Druses in proportion to their numbers in the Arab population.
4. Legislative provision may be made as to disqualification for election to or membership in either chamber of the Legislature resulting from loss of legal capacity.
5. Remuneration of members of both chambers of the Legislature shall be determined by legislation.

Article 21

Elections to the Legislature

1. The members of both chambers of the Legislature shall be elected by the citizens of Palestine 21 years of age and over, on the basis of universal suffrage and by secret ballot.
2. Legislative provision may be made as to disqualification from voting resulting from loss of legal capacity.

Article 22

Duration of the Legislature

1. The term of both chambers of the Legislature shall be three years from the date of its election unless earlier dissolved.
2. If, at the end of a three-year term of the Legislature, it is the opinion of the Governor-General that circumstances are inappropriate for the conduct of a general election, the Governor-General may temporarily prolong the term of the Legislature then in existence.
3. If, in the opinion of the Governor-General, the special objectives of this Agreement are being gravely imperilled by the conduct of either of both Houses of the Legislature, the Governor-General may temporarily suspend the Legislature as a whole and shall forthwith report the circumstances to the

Trusteeship Council for instructions.

4. The Governor-General may at any time dissolve the Legislature. In the event of a dissolution, new elections shall be held as soon as circumstances are, in the opinion of the Governor-General, appropriate.

Article 23

Legislation and Resolutions

1. Bills and resolutions may be introduced in the Legislature by any member thereof.

2. The Governor-General, or a member of his staff designated by him, may make statements or answer questions before the Legislature or may introduce any bill or resolution and may participate without vote in the deliberations of the Legislature on the bill or resolution so introduced.

3. A bill adopted by the Legislature shall become law only upon approval and promulgation by the Governor-General ~~xxx~~ except that on the expiration of thirty days after the transmission of a bill to the Governor-General, if he has by that time neither approved nor disapproved it, he shall promulgate it as a law. The Governor-General may disapprove a bill, if, in his opinion, it is in conflict with the provisions of this Agreement, or it would impede the administration of Palestine or inflict undue hardship on any section of the inhabitants, and he shall then inform the Legislature of the reasons for his disapproval.

Article 24

Legislation by Order of the Governor-General

1. At any time when there is no Legislature for Palestine or the Legislature is suspended, the Governor-General may legislate by order and any such order shall become law.

2. If the Governor-General shall consider that it is essential to the normal functioning of the administration (which expression shall, without prejudice to its generality, include the obligations imposed by this Agreement and all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer) that any bill or resolution introduced in the Legislature should have effect, and if the Legislature fail to adopt such a bill or resolution within such time and in such form as the Governor-General may think reasonable and expedient, the Governor-General may, at any time in his discretion, notwithstanding any other procedures for legislation set out in this Agreement or in the Standing

Orders of the Legislature, declare that such bill or resolution shall have effect as if it had been adopted by the Legislature, either in the form in which it was so introduced or with such amendments as the Governor-General shall think fit which have been proposed in the Legislature. The said bill shall thereupon become law or the said resolution shall have effect.

3. The Governor-General shall forthwith report to the Trusteeship Council any action taken by him by virtue of this Article.

Article 25

Standing Orders of the House of Representatives and Senate

1. Each chamber of the Legislature shall adopt such Standing Orders for the conduct of its business as it may deem appropriate, provided that the Trusteeship Council shall have the authority to revoke any such Order.

2. The House of Representatives shall elect a chairman from its own membership: Provided that if it fails to elect a chairman within a period prescribed by the Governor-General, the Governor-General shall appoint the chairman. The Governor-General, or a person designated by him, shall preside over the Senate and shall cast a deciding vote in the event of a tie.

3. The Governor-General shall convene the first session of each Legislature and may at any time convene an extraordinary session.

4. Subject to the provisions of Article 22 of this Agreement, subsequent sessions of the Legislature shall be convened annually on the first Monday of October.

5. The Governor-General may at any time prorogue or adjourn the Legislature.

6. Subject to the provisions of Article 22 of this Agreement, the Governor-General shall convene an extraordinary session of the Legislature upon the request of not less than a simple majority of the members of either chamber.

Article 26

Immunity of Members of the Legislature

1. No member of the Legislature shall be liable to any judicial or administrative penalty, or be called to account in any other way outside the Legislature, by reason of anything which he may have uttered, or of any vote which he may have cast, in the course of his duties as a member of the Legislature.

2. No member of the Legislature shall be liable during the sessions of the Legislature to criminal, administrative or disciplinary proceedings, nor shall he be deprived of his liberty, without a two-thirds vote of the chamber of which he is a member: Provided that he may be apprehended in the act of committing

a crime and detained if his detention is or becomes imperative in the interests of justice or in order to counteract the effects of such crime, but in any such case his apprehension shall be reported as soon as may be practicable to the Legislature and he shall be released without delay should the chamber of which he is a member so request.



CONFIDENTIAL

Article 27

Judicial System

1. There shall be established by legislation an independent judicial system for Palestine, including a Supreme Court and such subordinate and other courts as may be deemed appropriate. Such legislation shall establish the jurisdiction of the courts, and provide for their organization.

2. All persons within Palestine shall be subject to the jurisdiction of Palestine, subject ~~at~~ to any immunity for which provisions is made in this Agreement.

3. The Supreme Court shall consist of such number of Judges, not being less than three or more than five as the Trusteeship Council may determine, of whom one shall be President of the Supreme Court and shall be designated Chief Justice. They shall be appointed by and their appointments shall be terminated only by the Trusteeship Council.

4. Judicial personnel other than the Chief Justice and the Judges of the Supreme Court shall be appointed and may be suspended or dismissed by the Chief Justice with the approval of the Governor-General, in accordance with any procedure for which provision may be made in the Instructions of the Trusteeship Council.

5. The existing status and jurisdiction of religious courts in Palestine shall be respected. In the case of any conflict regarding jurisdiction between religious courts or between religious courts and civil courts, the Supreme Court shall be competent to decide in which court the jurisdiction shall lie.

6. Decisions by the Supreme Court shall be by a majority of its members: Provided that, if in any case the opinion of the Court be equally divided, the opinion of the Chief Justice shall prevail.

Article 28

Constitutionality of Legislation and Official Actions

1. In cases brought before the Courts of Palestine this Agreement shall prevail over any legislation or official action. The Supreme Court shall have original and appellate jurisdiction in all cases involving claims that such legislation or action is incompatible with the provisions of this Agreement.

2. In any case in which the Supreme Court decides that any legislation or official action is incompatible with the provisions of this Agreement, such legislation or official action shall be void and of no effect.

Article 29

Immigration

1. Immigration into Palestine shall be without distinction between individuals as to religion and blood and shall be in accordance with the absorptive capacity of Palestine, as determined annually by the Governor-General: Provided that, except as set forth in paragraph 2 of this Article, not more than _____ persons shall be permitted to enter Palestine to establish permanent residence in any one year.

2. During the first two years of trusteeship, the immigration of _____ Jewish displaced persons shall be permitted into Palestine. The selection and administration of the immigration of Jewish displaced persons to Palestine shall be conducted by the International Refugee Organization, subject to the conditions of this Agreement and any regulations established thereunder by the Governor-General.

Article 30

Access to Palestine

Subject only to the requirements of public order and security, and of public morals and public health, freedom of entry into and of temporary residence in Palestine shall be ensured to all foreign pilgrims and visitors without any distinction as to nationality or faith.

Article 31

Land Policy

1. The Governor-General shall establish and maintain a land system appropriate to the needs of Palestine, in which there shall be no limitation on the sale, purchase, lease or use of land which discriminates on grounds of race, nationality, community or creed. However, under the authority of the Governor-General, adequate measures shall be taken to assure protection for the interests of small owners or tenants in cases of transfer of arable or grazing lands.

2. The Governor-General shall appoint a commission of impartial experts, who shall be neither Arab nor Jew, to recommend the criteria

upon which the land system described in paragraph 1 shall be based.

Article 32

Educational System and Cultural and Benevolent Institutions

1. Education in Palestine shall be directed to the full physical, intellectual, moral and spiritual development of the human personality, to the strengthening of respect for human rights and fundamental freedoms and to the combating of the spirit of intolerance and hatred against other nations or racial or religious groups.

2. There shall be maintained in Palestine an adequate system of primary and secondary education on an equitable basis for the Arab community and for the Jewish community in their respective languages and in accordance with their respective cultural traditions.

3. Subject to such educational requirements of a general nature as the legislation of Palestine may impose, the right of any community or of any specific group within any community, to maintain its own institutions for the education of its own members in its own language shall not be denied or impaired.

4. Foreign education establishments shall be permitted in accordance with the legislation of Palestine: Provided that existing rights shall continue unimpaired.

5. Educational and cultural establishments, charitable institutions and hospitals shall not be liable to any form of taxation from which they were exempt on the day preceding the termination of the Mandate.

Article 33

Finance and Budget

1. The legislation of Palestine shall govern in accordance with principles laid down in this Agreement, the fiscal and credit policies of Palestine, including the operation of a system of currency, the establishment of a central bank, the conduct of international financial operations, the raising of funds through loans or taxation, the disbursement of such funds, and similar financial operations, the execution of which is not otherwise provided for in this Agreement.

2. The Governor-General shall be responsible for the preparation of the annual and supplementary budgets of Palestine, and only the Governor-General, or a member of his staff designated by him, shall

introduce bills pertaining to budgets in the Legislature.

3. The expenses of government under this Agreement, except those incurred under paragraph 2, Article 7, and the salaries and emoluments of the Governor-General, Chief Secretary, and the Judges of the Supreme Court, shall be defrayed from the revenues of Palestine, provided that such funds as are deemed by the Governor-General and the Trusteeship Council essential to accomplish the provisions of this Agreement and which cannot be raised by the Government of Palestine, shall be provided by the United Nations, either through subsidies or through loans repayable from future revenues of Palestine. The salaries and emoluments of the aforementioned officials shall be borne by the United Nations.

4. Any subsidies or loans made by the United Nations under paragraph 3 of this Article shall be shared by the United Nations as a whole in the proportions according to which Members of the United Nations contribute to the budget of the United Nations at the time such subsidies or loans may be granted.

Article 34

Local Government

1. Existing local autonomous units and such new local autonomous units as may be created in Palestine shall enjoy wide powers of local government and administration in accordance with the legislation of Palestine.

2. The Governor-General shall be responsible for the organization of local government in Palestine in such a manner as to encourage the maximum cooperation between all elements of the local citizenry.

Article 35

External Affairs

1. Subject to the provisions of this Agreement, and to any Instructions of the Trusteeship Council, the Governor-General shall conduct the external affairs of Palestine.

2. The Trusteeship Council, and the Governor-General to the extent that he is given general or special authority so to do by the Trusteeship Council, shall make arrangements by means of special international agreements or otherwise for the protection abroad of the interests of Palestine and of its citizens.

3. The Governor-General, on behalf of Palestine, may sign

treaties which are consistent with this Agreement.

4. The Governor-General shall adhere on behalf of Palestine to the provisions of any international conventions and recommendations drawn up by the United Nations or by the specialized agencies referred to in Article 57 of the Charter of the United Nations which may be appropriate to the particular circumstances of Palestine.

5. Such international undertakings entered into by the Governor-General shall be subject to approval by the Trusteeship Council, unless the Trusteeship Council should decide otherwise in any particular case or class of cases. The Governor-General shall inform the Legislature when it is in session concerning such international undertakings.

6. To the extent that they may be applicable to it, Palestine shall be bound by all international undertakings, both general and special, to which it has become a party. Subject to any right of denunciation provided for therein, such international undertakings shall be respected by Palestine throughout the period for which they were concluded.

7. Foreign powers shall enjoy immunities in respect of their property within Palestine no less than those in force on the day preceding the termination of the Mandate.

Article 36

Holy Places, Religious Buildings and Sites

1. The protection of the Holy Places, religious buildings and sites within Palestine shall be assured by the United Nations and shall be the special concern of the Governor-General.

2. If any question arises as to whether any place, building or site not hitherto regarded as a Holy Place, religious building or site shall be a Holy Place, religious building or site for the purposes of this Agreement, the Governor-General shall decide. For the purpose of deciding any such question, the Governor-General may appoint a Committee of Enquiry to assist him.

3. If any dispute arises between any religious communities or within any religious community in connection with any Holy Place, religious building or site, the Governor-General shall decide on the basis of existing rights. For the purpose of deciding any such dispute the Governor-General may appoint a Committee of Enquiry to assist him.

He may also, if he shall think fit, be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

4. A decision of the Governor-General under paragraphs 2 or 3 of this Article shall not be called in question in any court. No court shall have jurisdiction to determine any such question as is mentioned in the said paragraphs, and, if any such question shall arise in any proceeding in any court, the court shall refer the same to the Governor-General for decision.

5. If at any time it appears to the Governor-General that any Holy Place, religious building or site is in need of urgent repair, he may call upon the community or denomination or section of the community concerned to carry out such repair. If the repair is not carried out, or is not completed within a reasonable time, the Governor-General may himself carry out or complete the repair and his expenses of so doing shall be a charge on the revenues of Palestine but may be recovered from the community or denomination or section of the community concerned, subject to existing rights.

6. No form of taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation of that form on the day preceding the termination of the Mandate. No change in the incidence of any form of taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings and sites or would place such owners or occupiers in a position less favorable in relation to the general incidence of that form of taxation than existed on the day preceding the termination of the Mandate.

7. The Governor-General shall ensure by order that:

- (a) decisions of the Governor-General under paragraphs 2 and 3 of this Article are carried into effect and provision is made for the method of recovery of sums recoverable by virtue of paragraph 5 of this Article;
- (b) existing rights in respect of Holy Places, religious buildings and sites are not denied or impaired;
- (c) subject always to the requirements of public order and decorum and public health, free access to the Holy

Places, religious buildings and sites and free exercise of worship therein are secured in conformity with existing rights, and that, for this purpose, freedom of transit ~~thru~~ through Palestine shall be ensured to all foreign pilgrims and visitors without any distinction as to nationality;

- (d) the Holy Places, religious buildings and sites are preserved;
- (e) no act is committed which may in any way impair the sacred character of the Holy Places, religious buildings or sites; and
- (f) generally that the provisions of this Article are carried into effect.

8. An order under paragraph 7 of this Article may contain penal provisions.

9. An order under paragraph 7 of this Article shall have effect notwithstanding anything to the contrary in any legislation enacted in Palestine.

10. The Governor-General shall transmit a copy of every order made under paragraph 7 of this Article to the Trusteeship Council as soon as practicable and the Trusteeship Council may give such Instructions to the Governor-General in relation thereto as it may think fit.

Article 37

Protection of Antiquities

The legislation of Palestine shall provide for the protection of the antiquities of Palestine.

Article 38

Equal Treatment

1. In accordance with the provisions of Article 76 of the Charter of the United Nations and subject to the provisions of Article 39 of this Agreement, the Trusteeship Council, acting through the Governor-General, shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all Members of the United Nations and their nationals and to this end:

- (a) shall ensure the same rights to all nationals of Members of the United Nations in respect of entry into and residence in Palestine, freedom of transit and navigation, including freedom of transit and navigation by air, acquisition of property both movable and immovable, the protection of person and property, and the exercise of professions and trades;
- (b) shall not discriminate on grounds of nationality against nationals of any Member of the United Nations in matters relating to the grant of concessions for the development of the natural resources of Palestine, and shall not grant concessions having the character of a general monopoly;
- (c) shall ensure equal treatment in the administration of justice to the nationals of all Members of the United Nations.

2. The rights conferred by this Article on nationals of Members of the United Nations apply equally to companies and associations controlled by such nationals and organized in accordance with the law of any Member of the United Nations.

Article 39

Public Services and Monopolies

Measures taken to give effect to Article 38 of this Agreement shall be subject always to the over-riding duty of the Administering Authority in accordance with Article 76 of the United Nations Charter to promote the political, economic, social and educational advancement of the inhabitants of Palestine, to carry out the other basic objectives of the international trusteeship system, and to maintain peace, order and good government. The Trusteeship Council, acting through the Governor-General, shall in particular be free:

- (a) to organize essential public services and works on such terms and conditions as are considered just;
- (b) to create monopolies of a purely fiscal character in order to provide Palestine with the fiscal resources which seem best suited to local requirements, or otherwise to serve the interests of the inhabitants of Palestine;
- (c) where the interests of the economic advancement of the inhabitants of Palestine may require it, to establish or permit

to be established, for specific purposes, other monopolies or undertakings having in them an element of monopoly, under conditions of proper public control; provided that, in the selection of agencies to carry out the purposes of this paragraph, other than agencies controlled by the Government or those in which the Government participates, there shall be no discrimination on grounds of nationality against Members of the United Nations or their nationals.

Article 40

Reciprocity

Nothing in this Agreement shall entitle any Member of the United Nations to claim for itself or for its nationals, companies and associations the benefits of Article 38 of this Agreement in any respect in which it does not give to the inhabitants, companies and associations of Palestine equality of treatment with the nationals, companies and associations of the state which it treats most favorably.

Article 41

Cooperation with International Bodies

The Trusteeship Council may arrange for the cooperation of Palestine in any regional advisory commission, regional technical organization or other voluntary association of states, any specialized international bodies, public or private, or other forms of international activity not inconsistent with the Charter of the United Nations.

Article 42

Collaboration with the General Assembly and the Trusteeship Council

1. The Governor-General shall collaborate fully with the General Assembly of the United Nations and the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the Charter of the United Nations, and to facilitate any periodic visits to Palestine which they may deem necessary.

2. The Governor-General shall make to the Trusteeship Council of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the Charter of the United Nations. The Governor-General shall also submit such special reports as may be requested by the Trusteeship Council. Such reports shall include information concerning the

measures taken to give effect to suggestions and recommendations of the General Assembly and the Trusteeship Council. The Governor-General shall designate an accredited representative to be present at the sessions of the Trusteeship Council at which the reports with regard to Palestine are considered.

Article 43

Amendments

The terms of this Agreement may be altered or amended in accordance with the Charter of the United Nations.

Article 44

Settlement of Disputes

If any dispute whatever should arise between Members of the United Nations concerning the validity, interpretation, or application of provisions of the present Agreement, such dispute, if it cannot be settled by negotiation or other means, may be submitted, by any party, to the International Court of Justice for decision, pursuant to Chapter XIV of the Charter of the United Nations and the Statute of the International Court of Justice. The decision of the Court shall be binding upon all parties to the dispute.

Article 45

Entry into Force

1. The present Agreement shall come into force upon approval by the General Assembly, acting by a two-thirds majority of the Members present and voting.

2. The governance of Palestine shall be based solely upon the Charter of the United Nations, the terms of the present Agreement, and measures pursuant thereto.

Article 46

Transitional Measures

Transitional Measures

1. As a transitional measure during the period immediately following the entry into force of this Agreement and prior to such time as the Government of Palestine envisaged in this Agreement can be fully established, the Governor-General may utilize, conformably with the terms of the present Agreement, such governmental machinery as may be in existence. During this period the Governor-General shall be empowered to act in accordance with paragraph 1, Article 24 of this Agreement.

2. All legislation in force in Palestine on the day preceding the entry into ~~force~~ force of this Agreement, in so far as it is not inconsistent with the provisions of this Agreement, shall continue to apply to Palestine, with such modifications as may be required by reason of the entry into force of this Agreement, until such time as it may ^{be} amended or revoked by other legislation of Palestine.

Article 47

Termination of Trusteeship

1. In order to enable the inhabitants of Palestine to attain full self-government as soon as possible, it shall be the responsibility of the Governor-General to take all possible steps to bring about agreement between the Palestinian Jewish and Arab communities, acting through their representatives in the Legislature, upon a plan of government for Palestine.

2. This Agreement will terminate (a) as soon as the General Assembly has approved a plan of government agreed upon in accordance with paragraph 1 above and such government is established, or (b) whenever, after the expiration of 3 years from the effective date of this Agreement, the General Assembly, upon recommendation of the Trusteeship Council, shall agree upon a plan of government for Palestine, which is approved by a majority of both the Arab and Jewish communities of Palestine by means of a plebiscite conducted by the Governor-General.

B2 A.H. Silver
April 28, 1948

THE LEGAL BASIS FOR THE ESTABLISHMENT OF AN ARAB
DOMINATED STATE IN THE WHOLE OF WESTERN PALESTINE

I JAMAL HUSSEINI'S THESIS

Jamal Husseini, representative of the Arab Higher Committee, in his speech delivered in Committee I of the General Assembly on the 26th of April, 1948, made a few references to the legal basis of the planned Arab State in the whole of Palestine. On page 7 of his statement (Press Release PM/898) he contends:

"..the relevant paragraph [obviously paragraph 4] of Article 22 of the Covenant of the League of Nations requires the existence at the termination of the Mandate of a democratically constituted government, which would take over the responsibilities of an independent state at that date. Indeed, the primary duty, the only duty of the Mandatory, as a tutor, is to see the minor under his Mandate come to age for the purpose of assuming full responsibility over his own rights and duties.

"Furthermore, Article 28 of the Mandate, implies that duty of establishing a Palestinian government before the termination of the Mandate, Article 28 reads in part, as follows:

'In the event of the termination of the Mandate, hereby conferred upon the Mandatory, the Council of the League of Nations...shall use its influence for securing under the guarantee of the League that the Government of Palestine (emerging from the termination of the Mandate)¹⁾ will fully honor the financial obligations legitimately incurred by the Administration of Palestine (whose existence is brought to an end)¹⁾ during the period of the Mandate...'

.....

"Neither the Covenant of the League of Nations, nor the Mandate empower Great Britain as Mandatory, or any other authority, to characterize that independence, either by the imposition of the will of the minority in the country for cession at the termination of the Mandate, or by dividing the country into parts wherein different states could be established.

"Upon proper construction of these Provisions, the British Government is morally and legally bound to hand over the Administration only to one Palestinian Government representing the lawful citizens of Palestine. This handing over must comprise the whole of Palestine as one unit.

"We are approaching now the date in which the Mandate is to be terminated, but we see no sign of the minor that has been brought up to assume responsibility of his own rights and duties and to stand alone in complete independence. It is because of the absence of such a government, which it was the bounden and primary duty of the Mandatory to institute, in Palestine, that the present turmoil and approaching vacuum are created. In the face of such a failure on the part of the Mandatory, it became the duty of the United Nations to provide for the establishment of such a regime. That would have been the only legal appropriate step under Article 22 of the Covenant of the League of Nations which covenant from a legal point of view, still governs the whole situation."

The concluding paragraph of his speech reads as follows:

1) The words in brackets do not appear in the text of Article 28. For a full text of this Article see page 2.

"Failing agreement on this question,¹⁾ I am authorized to inform your august body that the Arabs of Palestine are determined to proceed on the following lines, at the termination of the Mandate. Article 22 of the Covenant of the League of Nations and Article 28 of the Mandate explicitly and implicitly impose that there should emerge, at that date, an independent Palestinian Government. This duty, under the Covenant of the League of Nations, was the responsibility of the Mandatory. Now, that the Mandatory has failed to fulfil this duty, the overwhelming majority of the people of the country have decided to carry it out themselves, in expression of their inalienable right of self-determination. This action on their part is in complete harmony with the United Nations Charter and is a principal requirement of the Covenant of the League of Nations under which the Mandate was given."

If this somewhat incoherent argument, couched in vague terms could be formulated in legal language, it would mean that the legal basis for the establishment of a unitary Arab State in the whole of western Palestine can be found in Article 22, paragraph 4, of the Covenant of the League of Nations and in Article 28 of the Mandate. According to these sources of law, it was the duty of the Mandatory to hand over the regime upon termination of the Mandate to what is called a "democratically constituted government." Failing that, the Arab population in Palestine will create an "independent Palestinian Government" on its own.

II ARTICLE 28 OF THE PALESTINE MANDATE AND JAMAL HUSSEINI'S THESIS

It is somewhat surprising that an Arab representative, who on numerous occasions expressed the view that the Palestine Mandate as a whole is illegal and invalid, should look to the Palestine Mandate for justification of an intended arbitrary act by the Arab Higher Committee. The reference to Article 28 is the more astonishing, since it is difficult to see what this article has to do with the regime (unitary, federal, partition, or any other) of post-Mandate Palestine. Indeed, Article 28 of the Mandate reads in full as follows:

"In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honor the financial obligations legitimately incurred by the administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities."

The purpose of this article is, first of all, to safeguard in perpetuity the rights secured by Articles 13 and 14 of the Mandate concerning the Holy Places. It is addressed to the Council of the League of Nations and it proceeds on the assumption of the continued existence of the League which will guarantee the rights under Articles 13 and 14 of the Mandate. In addition,

1) "At this stage, I desire to refer to the proposal put forward by the United States delegation. I am authorized to state that if that proposal is meant to be the establishment of an interim government for the purpose of filling the gap during a short and a fixed period between the termination of the Mandate and the final settlement of the question, we will be ready to consider its provisions on the understanding that it is meant to lead to the goal of independence of Palestine, as a single democratic state in which the legitimate rights of the different sections of the citizens will be safeguarded." (Press Release PM/898).

it requests the Council of the League of Nations to use its influence so that "the Government of Palestine will fully honor the financial obligations legitimately incurred by the Administration of Palestine." How this article can be interpreted as meaning that the end of the Mandate must necessarily produce a unitary State is difficult to see.

With regard to the safeguarding in perpetuity of the status of the Holy Places, there should be no difficulty in doing so, even if Palestine is partitioned into two or more units, as is evidenced by the Plan of Partition with Economic Union of November 29, 1947. (Part I C, Chapter I, and Part III). Nor is there anything specific in the guarantees for honoring the financial obligations of the Mandatory which presupposes that it can be carried out only and exclusively in a unitary state. Here again the Plan of Partition with Economic Union (Part I C, Chapter 3, par. 3) has taken care of these financial obligations.

Why two states would not be able to safeguard the Holy Places and guarantee the financial obligations of the Mandatory while one state would be able to do so is beyond any logic.

Probably Jamal Hussein gives the expression "government of Palestine" a meaning of unitary government which it does not have. In fact, the agenda on the second regular session of the General Assembly, and now again on the second special session of the General Assembly is called "future government of Palestine," which obviously does not pre-empt in any way consideration of the kind of government or number of states. "Government of Palestine" means nothing but the new administration which will follow the end of the mandatory regime; it gives no indication of the nature of the new administration. Thus, we arrive at the conclusion that the reference to Article 28 has no basis in law to justify Jamal Hussein's thesis.

III ARTICLE 22, PARAGRAPH 4 OF THE COVENANT OF THE LEAGUE OF NATIONS AND JAMAL HUSSEINI'S THESIS.

In discussing the relevance of Article 22, paragraph 4 of the Covenant of the League of Nations we should first of all have a close look at the language of this paragraph. The first sentence¹⁾ of this Article reads as follows:

"Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone..."

1) In this connection the second sentence is of no relevance.

There is nothing in the language of this paragraph to suggest that it requires the existence at the termination of the Mandate of a democratically constituted government as claimed by Jamal Husseini. This paragraph does not direct the course of events following the termination of the Mandate, but has an entirely different function.

It is not a provision of law conferring rights or duties on members of the League of Nations or any other persons, but statement of fact. It does not refer to all communities "formerly belonging to the Turkish Empire" but only to certain communities. Were the intention of the authors to have this somewhat vague statement refer to all communities of the former Turkish Empire under mandate of the League, they would have said so.¹⁾ Moreover, even "certain communities" as used in this paragraph does not imply automatic recognition as existing "independent nations"; it only provides that such recognition can be granted.²⁾ Nor does it spell out who can grant this recognition: individual members of the League of Nations? The League of Nations? or the Principal Allied Powers -- collectively or individually? In so far as the League is concerned, no such recognition was ever given to any of the mandated territories formerly belonging to the Turkish Empire.

1) It is interesting to note in this connection that paragraph 5 of Article 22 speaks of "other peoples, especially those of Central Africa" and not of "other peoples, especially certain peoples of Central Africa." Thus, when the authors of the article purport to include all groups in a class, they use language different from that in paragraph 4.

2) See also Palestine Royal Commission Report (Cmd. 5479) p. 28, UNSCOP Report, Vol. I, p. 35.

Only one mandated territory -- Iraq -- was given provisional recognition in the sense of Article 22, paragraph 4 by express language as evidenced by Article 1 of the 1922 Treaty between Great Britain and Iraq which reads in part as follows:

"At the request of His Majesty the King of Iraq, His Britannic Majesty undertakes, subject to the provisions of this Treaty, to provide the State of Iraq with such advice and assistance as may be required during the period of the present Treaty, without prejudice to her national sovereignty." (Emphasis added.)

This language is strikingly similar to that of Article 22, paragraph 4. Recognition in international law finds its most eloquent expression in the right to accredit diplomatic representatives and to issue exequaturs to consuls. Article V of the Treaty of 1922 granted these rights (although limited) to the King of Iraq:

"His Majesty the King of Iraq shall have the right of representation in London and in such other capitals and places as may be agreed upon by the High Contracting Parties. Where His Majesty the King of Iraq is not represented, he agrees to entrust the protection of Iraq nationals to His Britannic Majesty. His Majesty the King of Iraq shall himself issue exequaturs to representatives of foreign Powers in Iraq after His Britannic Majesty has agreed to their appointment."

Nothing of the sort is contained in the Mandate for Syria despite the promise contained in Article 94 of the non-ratified treaty of Sevres, and certainly not in the Mandate for Palestine.

How this paragraph can be quoted as a source for an assertion that at the end of the mandate a unitary state must be established in Palestine is difficult to see. In this connection it may be useful to recall that authorities have long ago agreed on the fact that Article 22 is far from being a legally formulated act.

Sir William Finlay (later Lord Finlay, Judge of the Permanent Court of International Justice) stated as early as 1921 that Article 22 appeared to him "to have been, for perfectly intelligible reasons, drafted in very general terms," and once more: "...all this is purposely and inevitably vague."¹⁾

Professor Saty notes (in British Yearbook for International Law, 1921-1922, page 119) that "Article 22 of the Covenant was drafted with a high regard for Mr. Wilson's supposed announcement that 'he did not want a lawyer's treaty.'"

1) Official Journal of the League of Nations, Vol. 2, pp. 443-444.

Sir J. Fischer Williams in his work Some Aspects of the Covenant of the League of Nations (Oxford, 1934, pp. 202-203, 205) refers to the "studied vagueness" of Article 22, and points out that it use language appropriate, not to a legal document, but rather to a preamble, or to the speech of a Minister introducing a Bill into Parliament. Article 22, in other words, is not a code couched in language of legal precision, and is not to be taken as dealing exhaustively with every possible application of the mandatory system.

Finally, Dr. H. V. Evatt, in a remarkable article entitled "The British Dominions as Mandatories" (Proceedings of the Australian and New Zealand Society of International Law, Vol. I, 1935, pp. 27-54) characterized the language of Article 22 as "cryptic" (p. 27) and somewhat later he speaks of "language as vague and pontifical as that employed in Article 22."

Coming back now to this article and its possible application to Palestine our position is as follows:

Laying to one side the language of paragraph 4 referring to "certain communities" rather than "the communities," and laying to one side the characterization of paragraph 4 as permissive rather than mandatory, the following facts are conclusive of the proposition that paragraph 4 does not refer to Palestine:

a) The Preamble to the Palestine Mandate makes no reference to Article 22, paragraph 4, but only to Article 22 as a whole in the first recital and Article 22, paragraph 3 in the last recital. In this respect the Preamble of the Mandate for Palestine is similar to the Preambles of all the so-called B and C Mandates. On the other hand, the Mandate for Syria and the Lebanon (first recital of the Preamble), the Treaty of 10 October 1922 between His Britannic Majesty and His Majesty The King of Iraq (Article 1) and the 27 September 1924 Decision of the Council of the League of Nations applying the principles of the Covenant to Iraq (recital 5) make explicit references to Article 22, paragraph 4. This distinction between the instruments for Iraq, Syria and Lebanon, on the one hand, and Palestine, on the other, is most striking.

¹⁾
b) While Article 94¹⁾ of the Treaty of Sevres of August, 1920, referring to Iraq and Syria directly refers to Article 22, paragraph 4,

1) "The High Contracting Parties agree that Syria and Mesopotamia shall, in accordance with the fourth paragraph of Article 22, Part I (Covenant of the League of Nations), be provisionally recognized as independent States subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone."

This decision (in so far as Syria is concerned) was not carried out nor was a similar provision included in the Mandate for Syria. See also Palestine Royal Commission Report (Cmd. 5479), p. 28, opinion of Sakenobe in 32 PMC, pp. 192-193; UNSCOP Report Vol. I. p. 35.

1)
Article 95 of the same Treaty dealing with Palestine omitted such reference.

c) This distinction has already been observed in the Note of the Colonial Office to the Palestine Arab Delegation of 1st March, 1922, paragraph 4 of which reads as follows:

"With regard to Article 22 of the Covenant of the League of Nations, I am to observe that this Article, in so far as it applies to territories severed from the Ottoman Empire, has been interpreted by the Principal Allied Powers in Articles 94 to 97 of the Treaty of Sèvres, Syria and Iraq are explicitly referred to in Article 94 of that Treaty as having been provisionally recognised as Independent States, in accordance with the fourth paragraph of Article 22 of the Covenant of the League of Nations. Article 95, on the other hand, makes no such reference to Palestine. The reason for this is that, as stated in that Article, the Mandatory is to be responsible for putting into effect the Declaration originally made on the 2nd November, 1917, by the British Government, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, and the rights and political status enjoyed by Jews in any other country. There is no question of treating the people of Palestine as less advanced than their neighbours in Iraq and Syria; the position is that His Majesty's Government are bound by a pledge which is antecedent to the Covenant of the League of Nations, and they cannot allow a constitutional position to develop in a country for which they have accepted responsibility to the Principal Allied Powers, which may make it impracticable to carry into effect a solemn undertaking given by themselves and their Allies." (Cmd. 1700)

This survey proves beyond the shadow of a doubt that:

1) On January 10, 1920 (date of the signature of the Covenant) it was stated in Article 22, paragraph 4 that provisional recognition under certain conditions can be granted to certain communities formerly belonging to the Turkish Empire;

2) On August 10, 1920 (date of the signature of the non-ratified Treaty of Sèvres) the contracting parties to that treaty undertook to give provisional recognition under certain conditions to Mesopotamia (Iraq) and Syria;

3) On the 24 of July 1922 (date of the Syrian-Lebanese Mandate) the possibility of such recognition was held out in the preamble to that Mandate but not incorporated in the Mandate itself or in any other subsequent

1) "The High Contracting Parties agree to entrust, by application of the provisions of Article 22, the administration of Palestine, within such boundaries as may be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers. The Mandatory will be responsible for putting into effect the declaration originally made on November 2, 1917, by the British Government, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country."

international instrument. On the contrary, according to Article 3 of the Mandate

"The Mandatory shall be entrusted with the exclusive control of the foreign relations of Syria and the Lebanon and with the right to issue exequaturs to the consuls appointed by foreign Powers. Nationals of Syria and the Lebanon living outside the limits of the territory shall be under the diplomatic and consular protection of the Mandatory."

4) on the same date -- 24th of July 1922 -- the Mandate for Palestine was enacted without any reference to possible provisional recognition;

5) on the 10 October 1922 (date of signature of the British-Iraqi Treaty)¹⁾ such recognition was conditionally granted to Iraq (and later confirmed in the Decision of the Council of the League of Nations of 27th September 1924).

IV THE SUI-GENERIS CHARACTER OF THE PALESTINE MANDATE

In this connection it should be restated once more that contrary to views sometimes expressed, the Palestine Mandate is not an "A" Mandate. The theory of the classification of the Mandates in three categories A, B, and C, has no basis in the wording of Article 22 and was created later as a quasi-legal construction for the purpose of generalization. Any suggestion of some substantial common denominator of the three so-called "A" Mandates, despite some similar clauses can be shown to be unwarranted on the following grounds:

While in the Mandate for Iraq (Treaty and Decision of the Council) all the territory of this region came under one international instrument, this is not the case with the Mandates for Syria and Palestine allegedly belonging to the same category. The Syrian Mandate was promulgated for the purpose of creating two states, Syria and the Lebanon; so too (with certain reservations) the Palestine Mandate which provides for two regions under different status, a western region and Transjordan. If we consider the legal form of the Mandates, we will see that, while the Mandates for Syria and Palestine are formal mandates, the proper nature of the Mandate for Iraq can be gauged only from the comparison of the Treaty between Great Britain and Iraq of 1922 and the Decision of the Council of the League of Nations of 27 September 1924.²⁾

The real character of a Mandate is not determined by paragraphs 4, 5, and 6, but by paragraphs 3 and 8 of Article 22 of the Covenant of the League of Nations. Paragraph 3 of Article 22 provides that:

1) Ratifications exchanged December 19, 1924.

2) The difference between these Treaties in regard to their ultimate purpose is dealt with below.

"The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances;"

while paragraph 8 establishes that:

"The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council."

These are the determining paragraphs for the proper classification of the Mandates. In other words, it is the text of the Mandate itself which is definitive.

Any desire to put the Palestine Mandate into a strait jacket of any particular class must fail. The highest authority for the interpretation of the Mandates, namely, the Permanent Mandates Commission made this discovery as early as at its 5th session in its report to the Council of the League of Nations (Minutes for the Fifth Session, page 188) and more explicitly in the opinion expressed by Sakenobe, a member of the Permanent Mandates Commission, in the 32nd Session of the Permanent Mandates Commission, Minutes pages 192-194. This view was always held by the representatives of the Mandatory even after the inauguration of the White Paper policy in 1939. Mr. MacDonald, Secretary of State for the Colonies, made a statement that the Palestine Mandate was different from all others. (36 Minutes Permanent Mandates Commission, page 121).

V THE ALLEGED DUTY OF THE MANDATORY TO CREATE A UNITARY ARAB STATE

Jamal Husseini's thesis is also based on the assertion that it was the duty of the Mandatory to create in Palestine a unitary Arab State. There is no authority for this statement. This "duty" is deduced by Jamal Husseini from an analogy of private law (relationship between tutor and minor). Such analogies are no source of law and must be used with great circumspection in the absence of positive provision of international law pertaining to the subject. Nor does the vague language of the Covenant give any clue to the problem. It is the Mandate for Palestine which contains the terms^{of reference} of the Mandatory but not the family code of any legal system. Here again a comparison with Iraq and Syria is most enlightening. Iraq was constituted as state even before the decision was taken by the Council of the League of Nations to charge Great Britain with the mandatory supervision. The Mandate for Syria and the Lebanon provides in Article 1, paragraph 2, second sentence:

"...
The Mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent States..."

There is no such provision in the Mandate for Palestine. This, however, is not all. This would only disprove the statement that the Mandatory was under a legal obligation to create a unitary state. Moreover, the Mandatory was under no such obligation. The primary purpose of the Mandate was to give effect to the Balfour Declaration, and the Mandate itself is completely geared to this purpose. While there is no explicit provision regulating post-Mandate developments, its Preamble leaves no doubt on at least the following two points:

a) that the Mandate cannot be terminated without the firm establishment of the Jewish National Home; and

b) that the termination of the Mandate must either find the Jewish National Home definitely established or make possible its further development and growth.

This conclusion would indicate unequivocally that while partition of Palestine with Economic Union would be in accordance with the Mandate and its purpose, the establishment of a unitary state would not,

VI CONCLUSIONS

It is, therefore, submitted that:

1) Article 28 of the Mandate in no way indicates the nature of the future government of Palestine;

2) Palestine was not granted "provisional recognition" as independent nation by the Covenant or the Mandate;

3) the Mandate for Palestine is unique in its legal nature;

4) upon termination of the Mandate only such a regime can be established which will make possible the further growth and development of the Jewish National Home.

M. Eliash
May 4, 1948

AHS
NF

An endeavor to clarify the meaning of:

1. A Jewish State envisaged
2. A Jewish State coming into existence
3. Provisional Council of Government
4. Provisional Government
5. Independence
6. Partition,

as applicable to Jewish Palestine on 16.5.48.

A. Was a Jewish State created by the Resolution of 29.11.47?

One is much tempted to answer this question in the affirmative. A plausible argument is suggested by the following:

(a) In Art. A, 2, the Mandatory Power is requested to "use its best endeavors to ensure that an area situated in the territory of the Jewish State....shall be evacuated....not later than 1 February 1948." The words used are not "the future Jewish State", or the "envisaged Jewish State", but "the Jewish State."

(b) In Art. B, 3, the Commission is charged with carrying out measures for the establishment of the frontiers of "the Arab and Jewish States", again using language applicable to existing entities.

(c) In Art. B, 4, the Commission is enjoined to consult with the "democratic parties and other public organisations of the Arab and Jewish States", and then to "select and establish in each State as rapidly as possible a Provisional Council of Government." Again, the same Article proceeds to provide for the contingency "if by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions", and orders the Commission to communicate that fact to the Security Council for "such action with respect to that State as the Security Council may deem proper". Here again the States are discussed and referred to as existing entities and it may be said that they are contemplated to be in a state of existence even if no Provisional Council of Government be elected for them.

(d) Again, Art. B, 6, provides that "The Provisional Council of Government of each State, acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence." Clearly, the existence of the State before the establishment of that State's independence is a logical conclusion which might be legitimately inferred from the wording of the Article.

(e) Again, Articles B, 7, B, 8, and B, 9, in speaking of the "Provisional Council of Government of each State", or of "residents of that State", or of "the armed militia in each State", or "the election regulations in each State", or "the voters for each State", seem to suggest the existence of the State not merely in perspective, but in fact.

B. This argument, however, could be shown to be specious, and it will no doubt be pointed out that the use of language in the Plan is somewhat loose, and that its text is incapable of the same conclusive interpretation as the legal text of a Statute. Thus, Art. B, 9, in dealing with the transitional period, speaks of "the proposed Arab State" and "the proposed Jewish State". Part C speaks of a Declaration to be made by "the Provisional Government of each proposed State". And Art. B, 5 uses the expression "areas under their control", and not "their respective States", when dealing with the authority of the Provisional Councils of Government.

C. A further deduction against the argument that the States were created by the Resolution could be made from the following:

On November 29th, 1948, the Danish Delegation submitted an Amendment (A/AC 14/43), proposing that the General Assembly should request the Security Council to "determine as a threat to peace, breach of the peace or act of aggression,....any attempt to alter by force the settlement brought into effect by this resolution".

The Resolution itself, however, on 29.11.47 passed the request (C) with the wording "...any attempt to alter by force the settlement envisaged by this resolution." The deduction which could be invited from this change of language would be that the Resolution did not by itself bring a settlement into effect, but merely envisaged it in certain proposed consecutive stages.

D. The true answer to the question is that the Plan envisaged a process, which was to be partly pre-natal and partly post-natal, and in which the moment of the nativity of the State, in its first stage still dependent upon the United Nations and its Commission, must be ascertained from the exercise by it of the simplest functions attributable to even a dependent political entity. That moment could at best be taken to be that of the establishment of a Provisional Council of Government. Prior to that moment, the envisaged State, or proposed State, or embryonic State, whatever it be called, is only a designated area, administered either by the Mandatory or by the Commission, or partly by the one and partly by the other. By establishing a tangible organ of authority, the Commission was to have brought about the actual birth of the State. The sound view, therefore, would be that the crucial date of the State's coming into existence (but still far from being independent) is the date upon which the Provisional Council of Government begins to function.

E. What was to have been the sequence of Events under the Plan of 29.11.47?

1. It must be borne in mind that the Plan envisaged the gradual taking over of authority not in terms of functions, but in terms of areas. Neither the date of the termination of the Mandate (15.5.48), nor the distinction between that date and the date of the withdrawal of the Mandatory Forces, were known at that time. There was to have been a progressive withdrawal of armed forces, and a progressive turning over to the Commission of areas which have been evacuated. The Mandatory Power was to have maintained full responsibility for

administration in areas from which it has not withdrawn its armed forces. The Mandatory Power was "to advise the Commission, as far in advance as possible, if its intention...to evacuate each area". The actual co-ordination of the various dates (1.2.48 as the latest date for the evacuation of a seaport and hinterland adequate to provide facilities for a substantial immigration, 1.4.48 as the latest date for the establishment of a Provisional Council of Government, and 1.8.48 as the latest date for both the termination of the Mandate and the withdrawal of all armed forces) was left to circumstances, and the unavoidable overlapping periods, when the existence of a Jewish Provisional Council of Government was to go together with a continuing Mandatory Government or Commission Government, might have been of varying and uncertain duration. But the final dates indicated in the Plan itself, and the announcement of the date of termination of the Mandate, help to establish the default of the Commission in respect of certain envisaged stages, and to apply its provisions, mutatis mutandis, to 16.5.48.

2. The Commission was to proceed by the following stages:

(a) To establish a Provisional Council of Government. This Council was to act under the general direction of the Commission, but to "have full authority in the area under its control, including authority over matters of immigration and land regulation." The Council was to receive progressively from the Commission full responsibility for the administration of the State in the period between the termination of the Mandate and the establishment of the State's independence. The Council was to proceed to establish, under the instructions of the Commission, the central and local administrative organs of Government. The Council was further to recruit an armed militia, of which the control was to be exercised by the Commission.

(b) At some unspecified date the Provisional Council of Government was

to enter into an undertaking, to be drafted by the Commission, with respect to Economic Union and Transit.

(c) The Provisional Council of Government had time until 1 October 1948 to hold elections to a Constituent Assembly.

(d) The Constituent Assembly was to choose a Provisional Government and to draft a democratic constitution for the State.

(e) The Provisional Government so chosen was to make a declaration to the United Nations, the stipulations of which were to have the force of fundamental laws of the State.

(f) Then the independence of the States was to become effective, upon which sympathetic consideration was recommended to its application for admission to membership in the United Nations.

3. It will certainly be held against us, that the default by the Commission and the termination of the Mandate cannot serve as sufficient causes for the Jewish State to declare its independence without the intervening stages as envisaged by the Plan. Nor could any body, other than a Constituent Assembly, choose a Provisional Government, or an administration under any other name which would arrogate to itself the title of a permanent government. Nor could the required Declaration be given to the United Nations by any other than a properly chosen Provisional Government.

4. It would seem, therefore, that if the Plan is still to serve as the fons et origo of Jewish Statehood, then the only step which could be taken in conformity with its provisions and with the full benefit of the default of the Commission, is the establishment of a Provisional Council of Government. No public declaration or other solemn announcement as to the establishment of the State are necessary, any more than such were necessary had the Provisional Council of Government been selected and established by the Commission. That the beginning of functions by a Provisional Council of Government in fact denotes the birth of the State is a matter which is neither destroyed by silence, nor bolstered up

by acclamation.

5. Constitutionally, this Provisional Council of Government will still depend upon the United Nations, and will still have to accept such directions or instructions as the Commission may deem fit to give it. Equally, the State could not achieve its independence, until it follows out the entire route prescribed for it by the Plan. But both de jure and de facto, the Provisional Council of Government could have full authority in the areas under its control, including authority over matters of immigration and land regulation, central and local administration and defence. It will have to assume economic authority de facto in the absence of the factors envisaged by the Plan.

6. If a Truce is, therefore, forced upon us, and if that Truce must contain a reference to abstaining from the proclamation of an Independent State, then that condition might be accepted, provided it is so formulated as not to estop us from establishing a Provisional Council of Government, as a body which will have full authority over the area under Jewish control. In fact, the original timetable gives us up to 1 October 1948 for the various steps still to be taken. If the Truce Commission would eventually take over some or all of the functions of the Palestine Commission, then out of the metamorphoses of the Truce period there may eventually emerge a Provisional Government and an Independent State.

7. As to "partition", this term had from the start a physical as well as a legal connotation, and the point already made that partition has in fact taken place since the Resolution can only gain weight by repetition, particularly since the Azcarate report confirmed the attitude taken by us. Many will, legally speaking, disagree with Dr. Fabrigat when he maintained that the State was born with the Resolution. Partition, however, was certainly born since. A mother may pray that she be spared twins before they are born: after their birth, her prayer is not only futile: it is blasphemous.

UNITED STATES MISSION
TO THE UNITED NATIONS

May 13, 1948

THE GENERAL ASSEMBLY

The present situation in Palestine
Taking account of the Resolutions adopted by the Security Council with reference to Palestine on March 5, April 1, April 17, and April 23, 1948,

I

Strongly affirms its support of the efforts of the Security Council to secure a truce in Palestine and calls upon all persons, organizations, and Governments to cooperate in making effective such a truce.

II

1. Empowers a United Nations Commissioner for Palestine, to be chosen by a committee of the General Assembly composed of representatives of China, France, the U.S.S.R., the United Kingdom and the United States, to exercise the following functions:

a. to use his good offices as mediator with the local and community authorities in Palestine to

(1) arrange for the operation of common services necessary to the safety and well being of the population of Palestine;

(2) assure the protection of the Holy Places, religious buildings and sites in Palestine;

(3) promote agreement on the future government of Palestine.

b. to cooperate with the Truce Commission for Palestine appointed by the Security Council in its Resolution of April 23, 1948.

c. to invite, as seems to him advisable, with a view to the promotion of the welfare of the inhabitants of Palestine, the assistance and cooperation of appropriate Specialized Agencies of the United Nations such as the World Health Organization, of the International Red Cross, and of other governmental or non-governmental organizations of a humanitarian and non-political character.

2. Instructs the United Nations Commissioner to render progress reports monthly, or more frequently as he deems necessary, to the Security Council and to the Secretary-General for transmission to the Members of the United Nations.

3. Directs the United Nations Commissioner to conform in his activities with the provisions of this resolution, and with such instructions as the Security Council may issue.

4. Authorizes the Secretary-General to pay the United Nations Commissioner an emolument equal to that paid to the President of the International Court of Justice, and to provide the Commissioner with the necessary staff to assist in carrying out the functions assigned to the Commissioner by the General Assembly.

III

Discharges, as of this date, the Palestine Commission from the further exercise of responsibilities under its Resolution 181(II) of November 29, 1947.

FIRST COMMITTEE

FURTHER CONSIDERATION OF THE FUTURE GOVERNMENT OF PALESTINE

REPORT OF SUB-COMMITTEE 9

RAPPORTEUR: Mr. FINN MOE (Norway)

1. The Sub-Committee was appointed at the 137th meeting of the First Committee held on 4 May 1948 and was composed of the Officers of the First Committee and of the representatives of Argentina, Belgium, Canada, Cuba, Guatemala, France, India, Union of Soviet Socialist Republics and the United States of America.

The terms of reference of the Sub-Committee are contained in document A/C.1/292.

2. The Sub-Committee met informally on 4 May 1948 and elected the Officers of the First Committee to serve as Officers of the Sub-Committee. The first (formal) meeting of the Sub-Committee was held on 5 May 1948 during which it was decided by a vote of eight in favour, three against (Guatemala, Poland and the Union of Soviet Socialist Republics) and the Chairman abstaining, that the meetings should be held in private, and that at the end of the Committee meetings the Press Officer of the United Nations would issue a full press communique approved by the Vice-Chairman and the Rapporteur.

3. The Sub-Committee has held eleven meetings, in the course of which a number of working papers and proposals have been submitted. The major suggestions or proposals have been submitted by the delegation of France (A/C.1/SC.9/W.1), the Rapporteur (A/C.1/SC.9/W.5), the United States (A/C.1/SC.9/1), and Poland (A/C.1/SC.9/W.13 and A/C.1/SC.9/2).

/4. The

4. The Sub-Committee sought the assistance, in its work, of the Chairman of the Palestine Commission, the representative of the Mandatory Power and Mr. P. Ascarate.

5. The working paper prepared by the Rapporteur was submitted to the representative of the Arab Higher Committee and the representative of the Jewish Agency, who stated their attitudes with regard to it.

6. The proposal of the United States' delegation (document A/C.1/SC.9/1) was submitted to the Sub-Committee at its tenth meeting held on 13 May 1948, and the Sub-Committee had no opportunity to examine the financial implications of that proposal.

7. The United States Draft Resolution was voted upon paragraph by paragraph with the following results:

(a) The Preamble, as amended, was adopted by eleven votes in favour and one abstention.

(b) The Polish amendment to the first paragraph was rejected by six votes against, one in favour and five abstentions.

(c) The first paragraph was adopted by nine votes in favour and two abstentions.

(d) The Polish amendment to Paragraph II, Sub-paragraph 1 was rejected by eight votes against, with two in favour and two abstentions.

(e) An amendment to Paragraph II, Sub-paragraph 1, replacing the word "Commissioner" with the word "Mediator," was adopted by four votes in favour, three against and four abstentions.

(f) Paragraph II, Sub-paragraph 1, as amended, was adopted by eight votes in favour, one against and two abstentions.

(g) The Polish amendment to Paragraph II, Sub-paragraph 1 (a) was rejected by five votes against, two in favour and five abstentions.

(h) Paragraph 2, Sub-paragraph 1 (a) was adopted by ten votes in favour and two abstentions.

(i) Paragraph II, Sub-paragraph 1 (a) (1) was adopted by ten votes in favour, one against and one abstention.

/(j) Paragraph II,

(j) Paragraph II, Sub-paragraph 1 (a) (2) was adopted by eleven votes in favour and one abstention.

(k) Paragraph II, Sub-paragraph 1 (a) (3) as amended, was adopted by seven votes in favour and five abstentions.

(l) Paragraph II, Sub-paragraph 1 (b) was adopted by ten votes in favour and two abstentions.

(m) The Polish-Norwegian amendment to Paragraph II, Sub-paragraph 1 (c), adding after the word "advisable," a phrase "and in agreement with the Jewish and Arab authorities, or one of them," was rejected by four votes in favour, four against and four abstentions.

(n) Paragraph II, Sub-paragraph 1 (c) was adopted by ten votes in favour with two abstentions.

(o) The Polish amendment to Paragraph II, Sub-paragraph 2 was rejected by seven votes against, one vote in favour and four abstentions.

(p) Paragraph II, Sub-paragraph 2 was adopted by ten votes in favour and two abstentions.

(q) Paragraph II, Sub-paragraph 3, was adopted by ten votes in favour, with two abstentions.

(r) Paragraph II, Sub-paragraph 4 was adopted by eight votes in favour, two against and two abstentions.

(s) An amendment to Paragraph III replacing the word "Discharges" by the word "Suspends," was adopted by six votes in favour, five against and one abstention.

(t) An amendment to Paragraph III, replacing the words, "as of this date" by "as of a date which the Secretary-General deems appropriate" was rejected by six votes in favour and six votes against.

(u) Paragraph III as amended, was adopted by six votes in favour, one against and four abstentions.

It was the general agreement in the Sub-Committee that while recommending to the First Committee the adoption of the following resolution this resolution does not in any way prejudice the rights and legal position of the parties concerned:

/RESOLUTION

RESOLUTION ADOPTED AT THE ELEVENTH MEETING OF
SUB-COMMITTEE 9, HELD ON 13 MAY 1948

THE GENERAL ASSEMBLY

① Taking Account of the present situation in regard to Palestine,

I

Strongly affirms its support of the efforts of the Security Council to secure a truce in Palestine and calls upon all governments, organizations and persons to co-operate in making effective such a truce.

II

② 1. Empowers a United Nations Mediator in Palestine, to be chosen by a committee of the General Assembly composed of representatives of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States, to exercise the following functions:

(a) to use his good offices with the local and community authorities in Palestine:

- WRHS AMERICAN JEWISH ARCHIVES
- (1) arrange for the operation of common services necessary to the safety and well being of the population of Palestine;
 - (2) assure the protection of the Holy Places, religious buildings and sites in Palestine;

③ (3) promote a peaceful adjustment of the situation in Palestine.

(b) to co-operate with the Truce Commission for Palestine appointed by the Security Council in its Resolution of 23 April 1948.

(c) to invite, as seems to him advisable, with a view to the promotion of the welfare of the inhabitants of Palestine, the assistance and co-operation of appropriate Specialized Agencies of the United Nations such as the World Health Organization, of the International Red Cross, and of other governmental or non-governmental organizations of a humanitarian and non-political character.

2. Instructs the United Nations Mediator to render progress reports monthly, or more frequently as he deems necessary, to the Security Council and to the Secretary-General for transmission to the Members of the United Nations.

/3. Directs

3. Directs the United Nations Mediator to conform in his activities with the provisions of this resolution, and with such instructions as the Security Council may issue.
4. Authorizes the Secretary-General to pay the United Nations Mediator an emolument equal to that paid to the President of the International Court of Justice, and to provide the Mediator with the necessary staff to assist in carrying out the functions assigned to the Mediator by the General Assembly.

III

Suspends, as of 1 June 1948, the Palestine Commission from the further exercise of responsibilities under its Resolution 181 (II) of 29 November 1947.



May 14, 1948

Memorandum to L.S. from F.K.

Since I was unable to reach Fraser and Evatt by telephone the night before last, I sent both a long cable, ~~(text attached)~~, I thought it just as well, in any case, to give them the facts before I talked to them.

Last night (Thursday) I reached Evatt in Canberra. He had been out of touch because of the serious illness of his daughter who is in the hospital. He sounded extremely worried and preoccupied and said he had been at the hospital all day. He said Mrs. Evatt, who knew I was trying to reach him, sent her love to us both.

I asked him what his intentions were in regard to recognition of the Jewish state and explained very briefly why I thought his position was of particular importance. He said he really hadn't seriously thought about it. He had tried to keep the delegation on the right line, but the question of recognition hadn't been brought up. He spoke of the favorable development of events in Palestine and I told him how urgent it was that the consolidation of the Jewish position there should be backed up by international action. I talked about the situation in the U.N.; described American tactics, British maneuvers, etc., but briefly and with difficulty because the connection was frequently broken. Then I explained very specifically the danger that, when the state was announced, recognition would come promptly from the Eastern European governments and from one or two more or less unimportant South and Central American states. I told him how essential it was that at least one "Anglo-Saxon" democracy should make a prompt announcement of recognition and that on account

of his own distinguished role, as well as Australia's fine record in the U.N., the logical torch-bearer was Evatt!

He promised that he would think the thing over and come to a decision as quickly as possible, recognizing the importance of the time element. He said, "Of course I can't give you an answer right off on the telephone," and I assured him I didn't expect that.

I believe a little more urging by people he respects -- preferably non-Zionists -- would be useful. How about Sumner Welles?

F.K.



COPY

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REPORT FROM JERUSALEM

19th May, 1948

Six days ago the British were still a factor in Jerusalem. Fox-Strangways was still on the phone, soldiers were guarding the security zones. On May 14th all the British pulled out, and since then they have been dead. They no longer exist even as a concept, and it requires an effort of imagination to convince oneself that there was ever such a thing as a Mandatory Government. It was impossible to foresee that such a complete change could come about overnight.

Two hours after the British left, we drove from the Jewish Agency to the French Consulate through King George Avenue, Wauchope Street and Julian's Way. Heavy firing had already started, and bullets were flying across King George Avenue. But this made less of an impression than the utter emptiness of the whole area. Haganah men had taken the place of the Warwickshires at the entrance to Zone B, but apart from them there was not a living soul in sight the whole way. The entrance to the zone in Julian's Way was completely deserted, and a glance down to Mamillah Road and the foot of Princess Mary Avenue revealed nothing. The King David compound looked like a desert. All the barbed wire was still in place, but nothing looks as dead as barbed wire that no longer serves any purpose. We were in a no-man's land. The British had gone, and there was nothing except the Red Cross sign on the Y.M.C.A. perimeter to show that anyone was taking their place.

The atmosphere at the French Consulate was nervous and tense. The Truce Commission was in session. The presence of a Belgian, a Frenchman, an American, a Norwegian and a Spaniard symbolized the United Nations. Every few minutes the telephone rang - to pass some piece of news, to tell the Belgian consul about the fate of his wounded driver, to bring messages from the Arabs, to announce that the Polish Consul had disappeared. But it was not only this that made the quiet conduct of negotiations impossible. Bullets were whizzing past or hitting the building all the time. Suddenly a Red Cross man came in panting with the latest news from Kfar Etzion. Repeated efforts were made to arrange a ceasefire for the Arab representatives, who claimed they were unable to reach the Consulate because of the heavy fighting. Meanwhile an aged manservant went around offering Arak. The Belgian Consul kept twittering, the Frenchman jumping up and down nervily. The American looked solemn, representing the majesty of his government rather than the United Nations, while the Spaniard maintained a posture of prayer and contemplation. When accusations of bad faith started flying like bullets, while it was clear that nothing effective was being done, there was nothing for it but to go. It was like a nightmare, and the drive back was not much better.

The French consulate, in an exposed position overlooking Jaffa Gate and Mount Zion, is not the best possible venue for truce negotiations. There are something like fifty people permanently on the premises, including the consul's six children, whose presence in this danger zone adds to their father's nervousness. The consulate is without electricity, without water or wine, without bread, and now also without a telephone. As its radio installation is out of order as well, it is almost completely cut off from the outside world. The only carrier of food and news is a Jewish member of the consular staff who sallies forth at times like the dove from Noah's ark. The consul, incidentally, has reverted to a practice of Turkish times by starting his own postal service. Quai d'Orsay revenue stamps have been overprinted "Postes francaises. 20 millimes", and there is a special Jerusalem postmark.

The work of the Truce Commission has been made difficult by a number of circumstances. The Arabs have been reluctant to meet them, and have found all sorts of excuses for putting them off. There is considerable rivalry and ill-feeling between the Commission and the Red Cross, which has proposals and ambitions of its own. On the Commission itself there is something of a split between American and the other two members. At least as long as the British were here, the American was much closer to their point of view than his two colleagues. To add to the Commission's difficulties, communications between them and Lake Success are rather precarious, depending as they do on the vagaries of the American Consul's radio teletype. In consequence partly of these difficulties, but mostly of the difficulties inherent in the situation itself,

the Truce Commission has so far achieved nothing. It is true, however, at least of the French and Belgian members, and certainly of the Spanish and Norwegian members of the U.N. staff, that they would be happy to achieve something if they only knew how.

Morale among the Jews of Jerusalem has not been good. They have been in heaven one day, and down in the dumps the next. This perpetual see-saw is a constant strain on their nerves. The lack of electricity in the city makes it practically impossible to listen to the wireless, and very difficult to print newspapers. The consequent dearth of reliable information breeds rumour - and rumour, as Vergil said, is the swiftest of all evils. It does not matter whether a rumour is good or bad; there are always plenty of mouths to repeat it, and plenty of ears to listen. The fear of the unknown is also a powerful factor in depressing morale. Only a small number of Jerusalemites knows the effect of artillery shelling, or what a tank is and can do. The Arab Legion has become such a legend, partly owing to our own propaganda against it, that its very name instils fear even among people who ought to know better. But above all it is the consciousness of being cut off from the rest of Jewish Palestine that has a wearing effect on people's nerves. If only they could listen-in to Telaviv Radio, or if a few Jewish planes appeared overhead, they would not feel so lonely. As things are, even the leaders of the community do not do enough to set a good example.

The civilian authorities have, on the whole, solved distribution problems fairly well. Fair rations are issued to all through the shops, while water is brought to the people's houses. There is a good deal of queue-ing, which in the hot weather and under fire makes the housewife's lot a hard one, and doubtless some of it could be avoided with better organization. People grumble - but this is inevitable under the circumstances, and anyway their inalienable right. But they are appreciative of the fact that basic needs are still met: there is no real shortage of bread, and of water I have already written. In fact, if it were not for the shelling and the lack of news, and one or two other things, people would probably be fairly happy. When it comes to a really stiff test, they are likely to show more guts than most observers would give them credit for.

The shelling of Jerusalem, which has gone on pretty constantly for several days, seems to have no purpose except to wear down the nerves of the civilian population. It does not draw off soldiers from street fighting or guard duties, and its damage to buildings is relatively slight. People are getting used to being shelled, but they undoubtedly suffer through loss of their night's sleep, which is bad for the temper and reduces efficiency.

Communications between Jerusalem and the outside world are bad. There are a few Jewish transmitters working, but all efforts have so far failed to provide a transmitter for press purposes. Newspaper correspondents have to rely either on the irregular and unpredictable aeroplane service, or on the radio facilities provided by the American and British consulates. As a result, the Jerusalem story has not been adequately told in the world's press for the past week. Correspondents, moreover, find it difficult to move about; a group of British correspondents have shut themselves up in St. George's Close, where they obtain no first-hand news of any kind. The suspension of communications of a more personal kind has also been badly felt. It is now nearly three weeks since postal services broke down, and the new Jewish post office has not yet succeeded in forwarding letters in bulk to addresses outside Jerusalem. Most families have not heard from their relatives in other parts of Palestine for a long time; this in a time of general strain, and particularly of worry about sons and daughters who are away fighting, has been a real trial for thousands. Never was the importance of orderly communications more clearly shown than in the phase through which Jerusalem is at present passing.

The consular corps have been having a trying time. Consuls are no longer accredited to anybody, their exequaturs are not valid, they are living in a vacuum, obsessed with the same worries about food and water and personal safety that afflict the general population. In their plight, the telephone is their only weapon and comfort and they keep ringing each other up to learn the latest news. The Polish consul recently spent four hours in a ditch under Arab fire, until the Haganah came to rescue him. The British consul, soon to be British Political Representative, is the latest addition to their ranks. He has installed himself in a building at the Damascus Gate, effectively inaccessible from the Jewish quarters. His staff are largely recruited from among members of the former Palestine Government, and something of the Government's tone has

been noticeable in their communications to the Jewish Agency.

This is an incomplete report. It has not dealt with the loss of Kfar Etzion, the evacuation of Atarot and Neve Yaakov, and other events on the Jerusalem periphery which closely affect the city's population. Nor has it attempted to deal with the work of the Jewish national institutions, with military developments in the city, or with the extent to which normal life still continues. But it describes some aspects of Jerusalem life as it is lived immediately after the end of the Mandate - and some of these aspects deserve perhaps to be recorded.

s/ W. E. (Eytan)



MEMORANDUM

* *

June 11, 1948

1. In dealing with the removal of certain passengers from the S.S. Marine Carp in the port of Beirut and their interment by the Lebanese government, it should be considered that if the removal and interment were in accordance with generally accepted rules of international law, the US government had no sound reasons to protest and demand release of the passengers involved on the sole ground that they were American citizens. If, on the other hand, the removal and interment were contrary to the rules of international law, the acts of Lebanese authorities in removing and interning the passengers of the American vessel who are not American citizens constitute just as much of a violation of international law as their acts in respect of those passengers who hold American citizenship. While the special concern of the American government with the welfare of its own citizens is fully understood, the essential issue involved is that whether the forcible removal and detention of passengers of an American vessel was, under circumstances, justified or not. It is not the nationality of the passengers involved, but the fact that they were forcibly removed from a non-Lebanese vessel, which is the deciding element in the situation.
2. In protesting to the Lebanese government against the removal of the American passengers from the Marine Carp and their subsequent detention in Lebanon, the U.S. Government has apparently acted on the assumption that the removal and detention were contrary to international law. In no other case would the protest have been justified. This assumption is correct, indeed, since the Lebanese action was taken neither by virtue of a status of belligerency - which status the Lebanese government does not claim, nor by virtue of an alleged infringement by the individuals concerned of the laws of the Lebanon. Once, however, this position is taken, there is absolutely no justification for the limitation of the American protests to passengers of U.S. nationality only. As the country of the flag of the vessel aboard which the action violative of international law was taken, the U.S. must protest in respect of all victims of the action irrespective of nationality. If the incident had occurred aboard a non-American ship, it would have been perfectly proper for the U.S. to add its protest on behalf of any American nationals involved to the protest which the country of the flag would have made on behalf of all victims. Similarly, if there arose a supplementary question of a mistreatment of detainees by the Lebanon or of a denial of justice to such detainees by Lebanese courts, it would have been quite proper for the U.S. to make special representations on behalf of its citizens. But insofar as the illegality of the Lebanese action arises merely from the fact that passengers of various nationalities have been removed from an American vessel and subsequently detained, any limitation by the American Government of its protest to American nationals only amounts for practical purposes, to holding that any passengers, other than American citizens, who travel under the American flag may be interfered with to the complete indifference of the government of the U.S. It is submitted that this is a position utterly irreconcilable with the general standards of international law and with precedents set by past U.S. practice.
3. It is submitted, therefore, that a further protest to the Lebanese government on behalf of all other detained passengers of the SS Marine Carp is urgently called for.
4. It is understood that, in the case of some of the non-American detainees, the question of the point of their destination in case they are released by the Lebanese government might arise. From a formal point of view this question is no concern of

the Lebanese government. As long as they are returned by the Lebanese to an American vessel in the port of Beirut, possibly the Marine Corp, the Lebanese government has no further legitimate interest in the question. From a practical point of view, the question of the passengers' destination could be solved in several ways: some of them may hold re-entry permits for the U.S.; others may be taken to another port of call of the American Export Lines, where arrangements could be made, if necessary, to obtain for them Israeli immigration visas (with the proviso that, if they are "fighting personnel" within the meaning of the Security Council Resolution, they could be placed under special supervision in accordance with the truce conditions as determined by General Bernardotte); others, again, may be willing and able to return to their countries of origin pending further developments.

5. Clarification of the position of the U.S. Government is also urgently required in the case of actual or threatened confiscation and of any other form of interference by member states of the Arab League with cargoes aboard American vessels, and with American-owned cargoes aboard vessels of whatever nationality, on the ground that such cargoes come from or are bound for Israel. The principle involved, here again, is that in the absence of the two necessary conditions of belligerency and of an effective blockade against Israel, such interference, either on the high seas or in the ports and territorial waters of the Arab states, is violative of the generally recognized rules of international law. (I do not take up the question whether such action is not equally violative of specific provisions in any treaties or agreements between the U.S. and the Arabs, since such provisions, if any, would be merely supplementary to general international law.) On this basis, it is up to the government of the U.S. to protest against such actions by the Arab States in the past, to demand assurances against any such occurrences in the future and, if necessary, to take measures designed to prevent future recurrences.

6. From a practical point of view, it is important to determine the kind of measures which could be taken in order to ensure future compliance with international law by the Arab States. In the ensuing paragraphs, no suggestions to that end are being made which might commit the U.S. Government to war-like actions or to actions which would be too onerous from an overall political viewpoint. Only such measures are proposed here as are generally accepted as normal and peaceful procedures of redress.

7. The first measure of this kind would be the presentation by the American Government to the Lebanese Government of a claim for damages and compensation on behalf of the detained passengers of the Marine Corp, on behalf of any American owners of confiscated cargoes, on behalf of any American insurance companies whose interest may have been prejudiced, and on behalf of the American Export Lines and other ship owners involved, in case they have suffered pecuniary damage by reason of delay or otherwise. Such a claim on behalf of American citizens or corporations is, of course, quite in keeping with long standing American and international practice. Should the governments of the Arab states involved reject the claims, the government of the U.S. should seek adjudication of the claims by the International Court of Justice, under the optional clause or under a special arbitration compromise.

8. A second measure would be to seek binding assurances from the Arab states involved that they will not in the future interfere with American shipping, American passengers, and American owned cargo bound for or from Israel. Failing such assurances, the U.S. government should take steps to discontinue the calling of American commercial vessels at the ports of the states concerned.

There is no need to seek for a precedent for such action. Barely a few days ago, the U.S. government demanded such an assurance from the authorities of Israel as a preliminary condition for allowing the Marine Corp to call at the port of Haifa.

Demanding the same assurance from the Arab states would be a matter of reciprocity. Failing to demand such an assurance, or permitting American vessels to call at Arab ports in the absence of such an assurance, would be rank and flagrant discrimination.

9. It is understood that there may be urgent need for having American vessels call at certain Arab ports in order to take aboard American citizens desirous of returning to the U.S. If this is the case, and if one or more of the Arab states refuse to give the assurances in question, it is suggested that vessels of the American Naval Squadron in the Mediterranean call at the Arab ports involved and take aboard the American citizens who seek to be evacuated. They can then be embarked aboard a commercial vessel at some other Mediterranean port.

10. Should the Arab states refuse to give satisfactory assurances as envisaged above, the vessels of the U.S. Naval Squadron in the Mediterranean should be asked, if need be, to escort American commercial vessels in the Mediterranean zone adjacent to the Arab countries.

11. The suggestions made in paragraphs 9 and 10 above are set out for the sake of completeness. They are rather academic in nature, since it may be safely assumed that action along the lines suggested in paragraphs 7 and 8 would speedily insure satisfaction. The reason behind the sublime impertinence with which the Arab states have been recently violating international law lies in their conviction that no matter what they do, the U.S. would never go beyond verbal protests because of the over-all political situation. The procedures suggested in 7 and 8 would indicate to the Arab governments that certain measures can and will be taken which will damage substantial Arab interests. Therefore, even though there won't be compliance in principle, there is good reason to expect compliance in practice.

12. Steps along the lines suggested above are necessary, not only in order to ensure the safety of American passengers and the freedom of American shipping in Near Eastern waters. These steps are also necessary in order to decrease the likelihood of more warfare in Palestine after the expiration of the four-weeks truce. Indeed, as long as the Arab States assume -- and unfortunately their past experience in the Palestine matter has given them every reason to assume -- that no matter what they do, neither the U.S. nor the UN will put obstacles in their way, nothing except their belief of the military superiority of Israel will prevent their embarking on a new campaign of bloodshed. The steps suggested above, while very peaceful and normal in character, will indicate to the Arab governments that they will be called to answer and to pay for their acts. This, more than anything else, will ensure a lasting peace in Palestine after the expiration of the truce.

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[June 7 1948?]

COPY

FOLLOWING RECEIVED QUOTE TELAVIV JUNE 8 EPSTEIN MH355 CABLED SECRETARY OF STATE
AS FOLLOWS QUOTE YOUR UNDOUBTED SYMPATHY WITH CONSTRUCTIVE RESETTLEMENT AND
REHABILITATION OF JEWISH VICTIMS OF NAZI PERSECUTION IN STATE OF ISRAEL
CONCURRENT WITH UTMOST DEVELOPMENT OF ISRAELS ECONOMIC RESOURCES FOR FUTURE
PEACE AND PROSPERITY OF PALESTINE AND MIDDLE EAST ENCOURAGES US TO SOLICIT
YOUR FAVORABLE CONSIDERATION OF APPLICATION OF PROVISIONAL GOVERNMENT OF
ISRAEL TO IMPORT AND EXPORT BANK OF USA FOR LOAN OF ONEHUNDRED MILLION DOLLARS
STOP THIS LOAN IS INTENDED TO FACILITATE PRODUCTIVE ABSORPTION OF LARGE NUMBERS
OF REFUGEES IN ISRAEL AND TO PROMOTE COUNTRYS AGRICULTURAL AND INDUSTRIAL
DEVELOPMENT AS WELL AS TO FINANCE HOUSING SCHEMES AND ALLEVIATION OF TEMPORARY
SUPPLY OF SHORTAGES CAUSED BY PRESENT EMERGENCY CONDITIONS STOP APPLICATION
IS BASED ON SOUND SCHEMES OF INVESTMENT AND ECONOMIC DEVELOPMENT AND BULK
OF LOAN WILL BE SELF LIQUIDATING STOP WE BELIEVE THAT RECORD OF JEWISH
DEVELOPMENT IN PALESTINE IN LAST 25 YEARS IN VIEW OF FARREACHING DISABILITIES
IMPOSED BY OUTSIDE TUTELAGE IS RELIABLE INDICATION OF CONSTRUCTIVE POTENTIALITIES
OF INDEPENDENCE NOW GAINED AND CONSEQUENTLY OF CREDITWORTHINESS OF OUR STATE
STOP WE SINCERELY HOPE THAT YOUR FAVORABLE CONSIDERATION WILL ENABLE US TO
OBTAIN THIS MEASURE OF ASSISTANCE FOR CARRYING THROUGH A PROGRAMME OF RECON-
STRUCTION BASED ON OUR SELFRELIANT EFFORT AND CLEAR UNDERTAKING OF COMPLETE
REPAYMENT STOP AWAITING YOUR REPLY AT YOUR EARLIEST CONVENIENCE EITHER DIRECT
OR THROUGH OUR SPECIAL REPRESENTATIVE WASHINGTON STOP MOSHE SHERTOK MINISTER
FOREIGN AFFAIRS UNQUOTE

July 1948

MEMORANDUM

DESECRATION OF HOLY PLACES IN PALESTINE

In the light of the propaganda from Arab and pro-Arab sources on the question of the holy places in Jerusalem, which tends to present a distorted picture of the situation, the following dispatches and reports from Palestine may help to establish the facts with regard to the holy places and their ruination and desecration.

Who Is Responsible for the Destruction of the Holy Places?

What has actually happened during the Arab-Jewish War in Jerusalem and who is directly responsible for the subjection of the Holy City with its religious shrines to destruction and desecration is admirably stated by a British missionary in Jerusalem, Mr. W.L. Hull, in a letter to the Editor of the Manchester Guardian of June 1st. We quote the letter verbatim:

"Sir: A few months ago, when no danger existed, there was a great outcry by the Archbishop of York and some other Church leaders concerning the protection of the holy places in Jerusalem. Now that that danger actually exists they are strangely silent.

"Day after day shells are being poured into Jerusalem by Arab Legion troops. The arms, uniforms and wages of this force are paid for by British taxpayers, and no one acquainted with the situation in Palestine doubts that these troops are there by the tacit consent of the British Government. The shells from these British 25-pounder guns and mortars are devastating that city and bringing ruin to places both holy and unholy.

"Yet the Church is silent; no outcry is made either by the Archbishop of Canterbury or the Archbishop of York. No meetings of protest have been called by Church leaders; the Church is silent. Are we to judge from this that political expediency means more than veneration? Is the British public aware that the British guns, firing British shells, paid for by British taxpayers, are dug in on the Mount of Olives by the very spot from which our Lord ascended to Heaven? Is the British public aware that those shells fired from the Mount of Olives are passing directly over the spot where Jesus knelt in agony of prayer that fateful night before Calvary?"

Haganah Opens King David's Tomb to Christians

For 500 years the King David tomb on Mount Zion in Jerusalem was tightly closed by the Moslems to any Christian visitors. Not before the Israeli Army took over the place could any Christian enter the tomb. The first visit of a Christian dignitary to the tomb after 500 years is described by Julian Louis Meltzer in the New York Times of July 5:

"Jerusalem, July 4 -- Msgr. Gustavo Testa, Roman Catholic Apostolic Delegate, entered the Tomb of David on Mount Zion last week. He was the first Christian dignitary to go inside this Moslem-guarded chamber in 500 years.

"The Tomb of David was closed to non-Moslems by a decree of Caliph Ed-Daher but pilgrimages to the Room of the Last Supper on an upper floor were permitted. King David is regarded by Moslems as a saint.

"Msgr. Testa is papal administrator of the Latin Patriarchate pending the appointment of a new patriarch. He came to inspect the damage to religious edifices. If he had entered the tomb early in the Twentieth Century under the Ottoman regime in Palestine Moslem zealots might have attacked the Christian community, charging desecration of the tomb.

"... Haganah troops retained possession of this area after being ejected from the Old City by the Transjordan Arab Legion May 20. Churches, monasteries and convents were respected by the Haganah, which posted guards to keep intruders away.

"The first Christians to enter the tomb in 500 years were Benedictine and Franciscan priests, who went in last month. They found damage from shelling. Part of the tomb's covering was broken off.

"Msgr. Testa was accompanied by the Jewish Agency's Liaison Officer to Churches, Dr. A.J. Braver, an authority on ancient churches. Differing religious rituals were observed. The Christians went bareheaded into the building, while their Jewish companions donned headgear in deference to the holy spot."

What the Anglican Bishop in Jerusalem Has to Say

The Right Reverend Western Henry Stewart, the Anglican Bishop in Jerusalem, arriving in London early in July for the World Anglican Conference, made the following statement (as quoted from a dispatch by Bernard Minns for the New York Star, datelined London, July 6):

"... So far as I have seen, the holy places in the Old City have suffered little damage, with the exception of the two ancient synagogues, which were destroyed by the Arabs. One of them had been occupied by Haganah forces, and was shelled after the Arabs had sent them a 24-hour ultimatum to quit. The other was filled with unarmed people taking shelter from the fighting."

The Bishop said that while the Arabs had intentionally shelled and later destroyed synagogues, the Arab mosques were respected by the Jewish forces. The largest mosque, Dome on the Rock, remains untouched. "After Haganah had captured the northwest sector of the New City, I saw a mosque marked in Hebrew letters, 'This is a holy place.'"

The Bishop confirmed reports that British officers and men were still serving with Arab forces. He said deserters from the Palestine Police and the British Army have joined the Arab Legion.

He concluded: "Though I have for many years been opposed to partition in Palestine, it is now a fact and will have to be accepted."

Loot and Desecration by Arab Armies

During the first week of April 1948, armed Arabs broke into the Franciscan Abbey convent in Bethlehem and stole 2,087 pounds (\$8,348) in cash and a check for 4,000 pounds (\$16,000), all of which was earmarked for charity, the Arabic daily, Falastin, of Jaffa reported.

On April 26 monks were maltreated and valuable religious articles carried off as war spoils by the Iraqi "Liberation Army" in a surprise swoop on the Greek-Orthodox monastery Marsebah, near Jerusalem. In Safad on the same day a Protestant church was blown up by Arabs.

In a much-publicized anti-partition statement made in March by a newly organized Committee of the Christian Church Union of Palestine, Palestine's Christian community was said to be "in complete agreement both in principle and in deed with the Moslems." The statement was protested by the Anglican

Bishop of Jerusalem, who stated that the Anglican Church did not associate itself with it. He also said that the Arab Christian body affiliated to the Anglican Church signed the statement without consulting the head of the Church. The dissociation of the Anglican Church is not surprising in view of the fact that its own congregation, which had worshipped at Christ's Church inside the Walled City, was obliged to leave there at the outbreak of the disturbances because its worshippers were in danger. Its services are now being held in the Street of the Prophets, in the heart of the Jewish Quarter.

Heavy Destruction of Jerusalem's Synagogues

In a dispatch from Jerusalem dated June 7, the following report is given in the New York Times of the indiscriminate destruction of Jewish synagogues in the Old City of Jerusalem:

"Twenty-two of the 27 synagogues in the Jewish Quarter of Jerusalem's Old City were destroyed before the community surrendered to Arab forces May 28, Isaac H. Herzog, Chief Rabbi of Palestine, said today. The five others probably were demolished after the Jews' departure, he added.

"More than 500 Torahs (holy scrolls), many sacred vessels and books and manuscripts of historic value were burned and looted, the rabbi declared, and other Jewish property was burned after the Jews had left."

Arabs Fighting from Christian Churches

Christian churches and religious foundations in Palestine have been widely used by the Arab armies as military headquarters and as fortified positions from which fire was directed at the Jewish sections of Jerusalem.

Here are some facts:

On May 14 the Convent of Ste. Claire, belonging to the Sisters of the Clarine Order, was occupied by Arab troops and from it fire directed on the Jewish Talpioth Quarter and the German colony occupied by Jews.

On May 16 the Armenian Orthodox Cathedral of St. James in Jerusalem was occupied by Iraqi troops, who plundered the church and the Armenian

Quarter around it. A strong protest on the part of His Beatitude, the Armenian Patriarch, was of no avail.

On May 17 an Arab mortar position was established in the Syrian Orthodox Church, Deir Surian, in the Armenian Quarter. Mortars shelled the Jewish Yemin Moshe (Montefiore) Quarter.

On May 17 a similar mortar position was established in the Greek Orthodox Church of St. George in the Armenian Quarter.

On the night of May 17-18 an Arab machine-gun position was set up in the French Convent of Ste. Claire, from which fire was directed against Talpioth.

On May 19 the Arab command in the Old City set up its headquarters in the above-mentioned Armenian Cathedral of St. James. It was here that the surrender terms were subsequently accepted by the defenders of the Jewish Quarter in the Old City.

On May 18 Arab troops broke into the Convent of Notre Dame de France and committed acts of plunder and desecration against which the abbe of Notre Dame, Pere Lordre de Sion, protested most strongly. He himself was killed on May 21 when, in view of the advance of Jewish forces, the Arabs blew up parts of the building.

On May 19 the Greek Orthodox Monastery of Mar Elias was occupied by the Arab Legion, which turned it into a base for attacking the settlement of Ramat Rahel.

In the latter part of May the Trappist Monastery of Latrun was occupied by Arabs and turned into a main stronghold and an artillery base, an operation against Jewish forces that were massed there in order to lift the siege of Jerusalem.

In addition to acts of destruction and vandalism incidental to the

occupation of churches and monasteries, the following instances have been recorded of damage caused to Christian establishments by Arab shelling:

On May 16 the Abyssinian Cathedral in Jerusalem was hit several times by mortar bombs. Serious damage was caused to the building, and the clergy had a narrow escape.

On May 18 the Anglican Cathedral of St. George was shelled by Arabs from their positions in Sheikh Jarrah. The British Consul is reported to have filed a strong protest.

On May 19 the Ratisbon Monastery was shelled by Arab forces. The father superior sent a letter of protest to the delegate of the Red Cross. Three mortar shells hit the French Monastery of the Order of the Assumption.

Arab shell fire wounded three nuns in the Convent and the School of St. Joseph de l'Apparition.

On May 22 the Terra Sancta College building suffered a direct hit during Arab Legion shelling. The college had formerly been placed under the protection of the International Red Cross as a refugee center.

On May 24 the Convent of the Soeurs Reparatrices was shelled and set on fire. Members of the Haganah saved five nuns from under the debris. An official letter of thanks was afterward received by the Jewish commander. The Convent of the Soeurs du Rosaire in the Old City was hit by Arab shell fire.

On May 26 an Orthodox church in the Russian compound was hit by shell fire.

Between May 16 and the end of the month eight shells hit the Abyssinian Cathedral and another twenty exploded in its courtyard.

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subject was being discussed; "Much has been said during the course of these debates on the desirability and necessity of presenting to the General Assembly a plan which would command the agreement of both the principal protagonists in this situation. I think there is no delegation here which does not know that no plan has ever been presented either to this Assembly or to the Mandatory Government during its long years of tenure or in any other place which would meet with the acceptance of both the Arabs and the Jews. No such plan has ever been presented and I do not believe that any such plan will ever be presented. If we are to effect through the United Nations a solution of this problem, it cannot be done without the use of the knife. Neither the Jews nor the Arabs will ever be completely satisfied with anything we do and it is just as well to bear that in mind."

The argument that no definitive action should be taken on Palestine until an agreed solution has been reached is a most deceptive one. It is precisely because no agreed solution could be reached by the Mandatory that it turned over the problem to the United Nations.

At the General Assembly last November the British Representative, Sir Alexander Cadogan stated; "After years of strenuous but unavailing effort, His Majesty's Government have reached the conclusion that they are not able to bring about a settlement in Palestine based upon the consent of both Arabs and Jews, and that the Mandate is no longer workable."

More than ten years ago the Royal Commission on Palestine, which made a thorough study of the situation and likewise recommended Partition as a solution, declared; "Neither Arab nor Jew has any sense of service to a single State... The conflict will go on. The gulf between Arabs and Jews will widen...The hope of harmony between the races has proved untenable. We would suggest that there is little moral value in maintaining the political unity of Palestine at the cost of perpetual hatred." The United Nations Special Committee on Palestine stated; "Taking into account the fact that devising a solution which will be

fully acceptable to both Jews and Arabs seems to be utterly impossible, the prospect of imposing a solution upon them would be a basic condition of any recommended proposal." Mr. Bevin, the Foreign Secretary of Great Britain, stated in the House of Commons on February 25, 1947: "We should not get agreement but would have to come to a decision and then apply force to put it into operation."

When in the face of this overwhelming testimony the United States Government now requests the scuttling of a plan approved by the United Nations and in process of implementation in favor of renewed consultations for an agreed solution between Jews and Arabs, which everyone knows are doomed to failure, it is rendering a great disservice to Palestine, to the prestige and authority of the United Nations, and to the moral leadership of our country on the international scene in these desperate times. It is an act of political improvisation which is not dictated by any responsible statesmanship, by concern either for basic national interest or for the larger interest of the world community. No one can help but agree with sentiments expressed by Mr. Sumner Welles, former Under-Secretary of State, who stated yesterday: "The official explanations of the reversal of our policy on Palestine at least make two points wholly clear. There is no shadow of justification for this reversal; and the position which the United States now occupies is profoundly humiliating... What confidence can the weaker nations have in our good faith when this Government waffles on its commitments. The United States was chiefly responsible for the adoption by the Assembly of the Partition Resolution four months ago. Since that time the President, the Secretary of State, and the American Delegate to the United Nations, have given repeated assurances that the American Government stood four-square behind that decision. The Jews of Palestine have relied on those assurances. Their entire course has been governed by that faith. Yet those assurances have now been deliberately violated... This reversal by the United States will increase and not diminish the danger of a major war in the Near East."

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- (b) The Security Council consider if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security the Security Council should supplement the authorization of the General Assembly by taking measures, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this resolution, to exercise in Palestine the functions which are assigned to it by this resolution;
- (c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution; "

It will be noted that neither of these three sections dealt with an international force.

The second part of the resolution aimed at the establishment of a Committee of the Security Council comprising the permanent members of the Council whose functions will be, inter alia, to consider whether the situation with respect to Palestine constitutes a threat to international peace and security, and to report its conclusions as a matter of urgency to the Council together with any recommendations for action by the Security Council which it considers appropriate.

It will be noted that along with this function the permanent members of the Security Council were advised to consult also with the Palestine Commission, the Mandatory Power and representatives of the principal communities of Palestine concerning the implementation of the General Assembly recommendation of November 29, 1947. This action meant a new attempt at conciliation.

On March 5th, the Security Council, at its afternoon meeting, rejected the first paragraph of the American resolution by a vote of 5 in favor, 0 against and 7 abstentions and carried the other part of the resolution with a majority of 7 in favor, none against and 4 abstentions.

It is now important to analyse what the rejection of the first part of the resolution meant. It meant first of all that at that stage the Security

✓ Council was not ready to take the necessary measures, as provided for in the Plan, for its implementation. And while/it ^{formally} ^{it} meant also that/rejected the suggestion that the Security Council consider whether the situation in Palestine constitutes a threat to ^{the} international peace and security, at the same time, it charged the Big Four to consider that question. In other words, the problem of the possibility that the situation in Palestine does or does not constitute a threat to the peace and security was temporarily taken out from the jurisdiction of the Security Council and turned over to the jurisdiction of the Big Four.

b. Consultations of the Big Four

The procedure of the consultations of the Big Four took a turn away from the language of the resolution. Questions were put before the Mandatory, UNPC, the Jewish Agency and the Arab Higher Committee whose tendency was to find out once more the possibility of agreement and the suggestive question was put to all of the parties interested in the possibility of implementation of the Palestine Plan by peaceful means. The problem of the situation in Palestine from the viewpoint of the threat to peace was dealt with in the consultations with the Mandatory. Among the questions put before the representative of the Mandatory were:

- (1) Have any incursions by armed elements from outside Palestine occurred in addition to those already reported to the Palestine Commission by the Mandatory Power?
- (2) Has the Mandatory Power been able to identify personnel involved in such incursions?
- (3) Are these incursions privately organized by individuals or unofficial groups, or are they supported or encouraged by Governments outside Palestine?
- (4) Are arms now flowing into Palestine from outside sources to individuals or groups unauthorized by the Mandatory Power to possess arms?
- (5) What measures, military and civil, by the Mandatory Power are now in effect to prevent the movement of hostile elements into Palestine from outside Palestine?

- (6) To what extent are disorders inside Palestine due to participation by armed elements from outside Palestine?
- (7) To what extent are disorders inside Palestine attributable to incitement to violence from outside Palestine?

While the answers were evasive, insincere and always "balanced", they conveyed the unmistakable impression that the situation in Palestine is developping into a threat to peace, while refusing to say it in just so many words, ~~leaving the~~ feeling that this is a matter to be defined by the Security Council.

In Mr. Austin's report, on March 19th, in the afternoon, only a few references were made to this aspect of the situation despite the admissions of the British Government, the three reports of the UNPC and the two heavily documented memoranda of the Jewish Agency, and despite the fact that no denial at all of the facts therein concluded has been forthcoming from the Arab side, (while protesting in generalities their innocence)

c. Security Council - Second Stage

Strangely enough, Mr. Austin failed completely to give facual^t account of the situation in Palestine from this viewpoint and confined himself to four conclusions with the purpose of suspending the activities of the UNPC, calling for a truce, substituting trusteeship for partition and convocation of the Special General Assembly. While not all of these conclusions were introduced in the form of resolutions, none of them (neither S/704 nor S/705) made the slightest reference to the real situation in and around Palestine despite the vigorous statement of Mr. Shertok to which the answer was given on the same day, on April 1st, by Mr. Austin to the effect that the pending matter is truce and the Security Council should return to that subject.

d. CONCLUSION

Even the appearances of the debate on the Palestine question before the Security Council do not bear out the assertion of some high personalities to the effect that the reversal of the American policy is due to the unwillingness

of the Security Council to provide an international army. No such demand was made, no big Power took the lead, nor was it absolutely necessary to talk about an international army without having exhausted all other measures as they were formulated by the representative of the Jewish Agency (9-point program). No attempt at all was made to invoke Article 4 of the Charter, dealing with non-military measures.

II. THE REALITIES OF THE SITUATION

If we should, however, turn now from appearances to realities, the situation is such that from the beginning of the discussion in the Security Council on February 24th to the provisional end on April 1st, no attempt whatsoever, was made by the American delegation to do something about the removal of the obstacles to implementation. The attitude of the U.S.A. delegation was a purely negative one, aiming to demonstrate the "truth" that there is no ~~chance~~ possibility of implementing the partition plan. Under these conditions, to try to blame the Security Council seems rather unfair and more so because the Security Council is what the big powers want it to be; and among these big powers certainly the position of USA is dominant. But if the USA does not want the Security Council to act, where should the initiative come from?

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forward they will never again think in any other political idiom but that of national sovereignty; and the trusteeship regime will be separated from the Jews by a widening gulf of mental and spiritual distrust. The Arabs too may awaken early to their loss of an objective which they had at least partially gained by the award of statehood in a part of Palestine on November 29.

12. But the trustee will not merely be called upon to swim against every current of political sentiment in the country. He will be faced with a process of virtual partition which has gathered such momentum in recent weeks that not even considerable armed force could now arrest it. This process has for long been inherent in the political and social realities of Palestine. Ten years ago the Royal Commission was already able to report that: "to maintain that Palestinian citizenship has any moral meaning is a mischievous pretence. Neither Arab nor Jew has any sense of service to a single State...There is little moral value in maintaining the political unity of Palestine at the cost of perpetual hatred." UNSCOP and the General Assembly merely recognised and expressed this political separation. They did not create it. Palestine is inhabited by two peoples. They have separate political aspirations, though common economic interests. The scheme of partition with economic union is such a full response to these basic realities that having once begun to operate it has inevitably crystallised very quickly into the receptive framework of Palestinian life.

13. The disintegration of the Mandatory regime since November 29 has given a spectacular impetus to this partition tendency, both in its functional and its territorial aspects. As the mandatory relinquishes an essential governmental service in the Jewish area, the Jews begin to operate it. As the mandatory virtually evacuates a certain zone, Jewish authority asserts itself. There are large populated areas of the country, both Jewish and Arab, in which the writ

MEMORANDUM

Even if the new United States proposals do not muster the requisite two-thirds majority, the forthcoming Special Session might leave the Resolution of the General Assembly of November 29, 1947 in a confused and weakened position without continued two-thirds support.

The history of the Resolutions of the General Assembly regarding the controversy between India and the Union of South Africa illustrates the point. At the Second Part of the 1st Session of the General Assembly, which met at Lake Success in the fall of 1946, a Resolution was adopted which in substance called upon the Union of South Africa to comply with international obligations entered into between India and the Union of South Africa, and the relevant provisions of the Charter, regarding the treatment of Indians resident in the Union of South Africa. This resolution was adopted after a rather bitter controversy first waged in a Joint Committee composed of the First and Sixth Committees, and continued in the Plenary Sessions of the Assembly. Two-thirds of those voting in the Plenary Session supported the resolution.

At the Second Session of the General Assembly which met at Lake Success in September 1947, the India- Union of South Africa controversy was again before the Assembly. No progress having been made to alleviate the causes of the

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controversy, India sought the passage of another Resolution which included a provision which would reaffirm the Resolution of the previous Session. Due in part to the failure of the original Resolution to achieve good results, a two-thirds majority could not be mustered at the 1947 Session in support of reaffirmation. As it turned out, no substitute resolution could muster the requisite majority and so none was adopted.

The question arises as to the effect of the failure of the refusal of the 1947 Session to reaffirm the 1946 Resolution. Does the 1946 Resolution still have vitality? Whatever the technical position, the Government of the Union of South Africa has every reason to take the position that the refusal of the Assembly to reaffirm relieves that Government of the necessity of compliance with the 1946 Resolution, because that Resolution no longer has the support of the requisite majority of the members of the United Nations.

There is the possibility that at the coming Special Session a parliamentary situation might arise which would confront the Assembly with the necessity of voting again on the substance of the November 29th Resolution; and that in view of recent developments and the change in the position of the United States, the partition plan might no longer secure approval by a two-thirds majority. This would seriously weaken the continued effectiveness of the November 29th Reso-

lution. If, however, the vote is limited to new proposals or to amendements of the November 29th Resolution, and these do not obtain two-thirds majority, the Resolution of November 29th would continue to have full vitality so far as the General Assembly is concerned.



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Recommendation(1)

Introductory statement

2 In the early stages of the discussions it became apparent that there was little support for either of the solutions which would take an extreme position, namely, a single independent state of Palestine under either arab or Jewish domination. It was clear, therefore, that there was not disposition in the committee to support in full the official proposals of either the Arab States or the Jewish Agency as described in Chapter IV of the report. It was recognized by all members that an effort must be made to find a solution which would avoid meeting fully the claims of one group at the expense of committing grave injustice against the other.

3 At its forty-seventh meeting on 27 Aug. 1947, the Committee formally rejected both of the extreme solutions.....But the committee also realized that the crux of the Palestine problem is to be found in the fact that two sizeable groups, an Arab population of over 1,200,000 and a Jewish population of over 600,000, with intense nationalist aspirations, are diffused throughout a country that is arid, limited in area, and poor in all essential resources. It was ~~xxxxxxxx~~ relatively easy to conclude, therefore, that since both groups steadfastly maintain their claims, it is manifestly impossible, in the circumstances, to satisfy fully the claims of both groups, while it is indefensible to accept the full claims of one at the expense of the other.



[mid]

The Jewish Agency for Palestine finds it necessary to restate in a few sentences its attitude ~~on~~ the present stage of the committee's discussions.

We have already expressed the opposition of the Jewish Agency to any plan of trusteeship for Palestine. We believe that the trusteeship system is quite inapplicable to Palestine; that it is particularly incongruous to ~~in~~ envisage a trusteeship at the present time, when a process of actual partition is far advanced; and that any deferment of the establishment of a Jewish government in the Jewish state area would be a prejudice to the rights and position of the Jewish people.

*Beyond the
terminating
of the matter*

I feel it my duty to remind the committee further of the position which we stated in the Security Council, namely, that no proposals of trusteeship, and no proposals of truce which would prejudice or postpone the exercise of Jewish rights under the November 29th resolution can be accepted by the Jewish Agency or the ^{Jewish} people of Palestine. That remains our position today.

AMENDMENT SUBMITTED BY THE UNITED STATES

Change paragraph 3 as follows:

Words in parentheses old text -- words underlined new text*

Calls upon all governments and particularly those of the countries ~~neighbouring Palestine~~ to take all possible steps to assist in the implementation of the measures set out under paragraph 1. above and particularly those referring to the entry into Palestine of armed bands, (individuals armed or capable of bearing arms) and fighting personnel, groups and individuals and weapons and war materials.



* drafting change to conform to amended language of 1 (b)

[n.d.]

BELGIAN AMENDMENT TO THE DRAFT RESOLUTION ON THE PALESTINE QUESTION
SUBMITTED BY THE UNITED STATES (Document S/685)

THE SECURITY COUNCIL,

Having received the resolution of the General Assembly of 29 November 1947, on Palestine, and having received from the United Nations Palestine Commission its First Monthly Report, and its First Special Report on the Problem of Security in Palestine;

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RESOLVES:

To establish a Committee of the Security Council comprising the five permanent members of the Council whose functions will be:

(a) To inform the Security Council regarding the situation with respect to Palestine and to make recommendations to it regarding the guidance and instructions which the Council might usefully give to the Palestine Commission (at a later stage);

X

(b) To consider whether the situation with respect to Palestine constitutes a threat to international peace and security, and to report its conclusions as a matter of urgency to the Council, together with any recommendations for action by the Security Council which it considers appropriate;

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(c) To consult with the Palestine Commission, the Mandatory Power, and Representatives of the principal communities of Palestine concerning the implementation of the General Assembly recommendation of 29 November 1947; to report thereon to the Security Council (together with any recommendations as to the action to be taken by the Council in the matter.)

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APPEALS to all Governments and peoples, particularly in and around Palestine, to take all possible action to prevent or reduce such disorders as are now occurring in Palestine.

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At the May meeting of the Cardinal's Coordinating Committee, held at the Chancery office, the main topic considered was the Palestine question. The lecture was given by Rev. Francis W. Anderson, S.J., who spent the last 12 years in the Holy Land and who is an authority on affairs in the Near and Middle East. To summarize his talk, which took three hours, would take considerable space, but I will endeavor to give you its main points.

To begin with, consider the geography of Palestine. It covers about 10,000 square miles, about the size of the State of Vermont. However, only 1/3 of it is habitable. The other 2/3rds represents desert and mountain region. The only industry is farming and there are no natural resources such as oil, forests, mining, etc. The total population is only about 2,000,000 with about 1,200,000 Moslem; less than 800,000 Jews and about 140,000 Christians, of whom 40,000 are Catholics. With only 1/3 of the country habitable, it is obvious that conditions are extremely crowded and in the City of Tel-Aviv, the largest Jewish City, the average is 2 7/8 persons to a room. In Jerusalem 3 9/10 per room. Consequently, there is no more room in the country for emigrants and certainly no industry to absorb them. Further colonization means more congestion.

Now let us consider the character of the Jewish population. Outside of 25,000 Jews living in the center of Jerusalem, quietly observing their ancient Jewish rites, the rest of the Jewish population is not a religious but a political body and are dyed in the wool atheistic Communists with no interest in any religion. Their numbers are being increased daily with Soviet aid, who bring them from the Ghettos of Europe into Palestine through the underground to foment trouble, riots and bloodshed and thus keep the people of the East including England and the U.N. very much occupied while Russia "goes to town" on the puppet states in the West, bringing all Europe under her heel. Again, this Communist group, aided by all the left wing Jewish organizations such as world Zionists, etc., tell the world that the Jew wants the right to go back and live in peace with his religion in the home of his fathers. This is false and blind, for the Jew rejected Palestine when he crucified Christ. Furthermore these Jews have no consideration of the fact that they are outnumbered by the Arab by about 400,000. that these Moslems too have a religious idea of their own plus the equal right to judge who should rule the country. The Jew insists that under the Balfour Declaration of 1915, England guaranteed Palestine to the Jews as a national home. This is true only to the extent it would not entail doing anything by which the civil and religious rights of the non-Jewish population might be jeopardized. This point in the Declaration is always ignored by the Zionists who refuse to consider the rights of the Arab. Tied up with this Soviet scheme is the untrue statement that the displaced persons of Europe must be given entry into Palestine. On this score Cardinal Spellman recently stated that better than 70% of the displaced persons of Europe are Christian and not Jews.

We finally come to the point of asking how should the question be settled. Father Anderson says that the Christian in Palestine would be far better off under Arab than Jewish Rule for several reasons, the most important being the fact that our people have gotten along well with the Arabs in the past and that under the U.N. the Arabs would like to pose as champions of liberty guaranteeing freedom to all under their flag. This would keep the Jew in place and protect the shrines in the Holy Land. On the other hand if the Jew gain control, being super-Communists, they will destroy the Holy Land and all it means to Christians, and continue to revel in their voluptuous manner of living which Father Anderson said is disgraceful, especially along the shores of the Red Sea where they have built watering places or Lidos which are steeped in immorality.

I urge our members to pass this information along to their friends and fully consider the true state of affairs when reading the press or listening to radio broadcasts which are presently rather numerous in their condemnation of England for its "atrocities" to the poor Jew. Remember, the Jew England is fighting here is a Communist, a man who hates all religion and a Jew in name only. He must be suppressed, his bombings and gang war ended and peace restored under firm leadership.

Introduction

In Part A of this paper a number of authoritative opinions are cited on the practicability of a Palestine solution acceptable both to Arabs and Jews.

In Part B the results of previous attempts within the past ten years to achieve a settlement by conciliation, inquiry and judgment are summarised, with special reference to Arab and Jewish reactions.

PART A

VIEWS ON POSSIBILITY OF AGREED SOLUTION

Views of Investigating Bodies

(1) The Royal Commission on Palestine (Report Chapter XX Para 5)

Peel - Ch. XX - Para. 5

"An irrepressible conflict has arisen between two national communities within the narrow bounds of one small country.... There is no common ground between them.... They differ in religion and in language. Their cultural and social life, their ways of thought and conduct, are as incompatible as their national aspirations.... In these circumstances to maintain that Palestinian citizenship has any moral meaning is a mischievous pretence. Neither Arab nor Jew has any sense of service to a single State.... The conflict will go on, the gulf between Arabs and Jews will widen.... The hope of harmony between the races has proved untenable. We would suggest that there is little moral value in maintaining the political unity of Palestine at the cost of perpetual hatred."

(2) The Anglo-American Committee (1946) - (Report Chapter III Para. 1)

"It is nine years since the Peel Commission reported... The gulf between the Arabs of Palestine and the Arab world on the one side, and the Jews of Palestine and elsewhere on the other, has widened still further".

(3) The United Nations Special Committee on Palestine (Report Volume I)

"Taking into account the fact that devising a solution which will

be fully acceptable to both Jews and Arabs seems to be utterly impossible, the prospect of imposing a solution upon them would be a basic condition of any recommended proposal."

Views of United Kingdom as Mandatory Power

- ✓ (4) Mr. Bevin (House of Commons, February 18, 1947)

"There is no prospect of reaching.... any settlement which would be even broadly acceptable to the communities in Palestine".

- (5) Mr. Bevin (House of Commons, February 25, 1947)

"We should not get agreement, but would have to come to a decision and then apply force to put it into operation".

- (6) Sir Alexander Cadogan (General Committee of Special Session of General Assembly April 29, 1947)

"Any recommendation or decision which the General Assembly may take in this matter may have to be enforced".

- ✓ (7) Sir Alexander Cadogan (General Assembly, November 26, 1947)

"After years of strenuous but unavailing effort, His Majesty's Government have reached the conclusion that they are not able to bring about a settlement in Palestine based upon the consent of both Arabs and Jews and that the mandate is no longer workable".

✓ Views of Other Governments

- (8) Mr. Hershel V. Johnson, United States (General Assembly, November 26, 1947)

"Much has been said during the course of these debates on the desirability and necessity of presenting to the General Assembly a plan which would command the agreement of both the principal protagonists in this situation. I think there is no delegation here which does not know that no plan has ever been presented, either to this Assembly or to the Mandatory Government during its long years of tenure, or in any other place, which would meet with the acceptance of both the Arabs and the Jews. No such plan has ever been presented, and I do not believe that any such plan will/ever be presented. If we are to effect through the United Nations a solution of this problem, it cannot be done without the use of the knife. Neither the Jews nor the Arabs will ever be completely satisfied with anything we do, and it is just as well to bear that in mind."

(9) Mr. Andrei Gromyko, Soviet Union (General Assembly, November 26, 1947)

"All of us are aware of the fact that the Arabs and Jews have not reached agreement between themselves. The experience during the discussion of this question at this session of the General Assembly abundantly proves that they are in no position to agree now. More than that, we see no prospect of any possible agreement between Arabs and Jews in the near future. I shall go further than that; it has become abundantly clear that we cannot count on any possible agreement between Arabs and Jews."

(10) Mr. Ilsley, Canada (General Assembly, November 26, 1947)

"But it would be folly to assume that there would be any less likelihood of disorder if any of the other alternatives ^(to partition) were adopted. Indeed in our judgment, this likelihood, in the case of every one of the other alternatives, would be not less, but greater."

"We must take it as certain that well meant and fervent exhortations to conciliations, the kind of exhortation that we have heard during the last two months, are getting nowhere."

(11) Dr. H. Evatt, Australia, Chairman of Conciliation Sub-Committee
(Ad Hoc Committee on Palestine, Nov. 22, 1947)

"The Vice Chairman, the Rapporteur and your Chairman explored the ground from every point of view. We reached the conclusion that right up to the present time no more could be done. It was because agreement between the two main interests was so difficult to obtain that the matter came to the United Nations".

(12) Mr. Thor Thors, Iceland, Rapporteur of Ad Hoc Committee on Palestine
(General Assembly, November 29, 1947)

"The gulf between the two parties was too great then to be bridged by conciliation. The Arabs did not seem willing to permit large-scale immigration of Jews and to grant independence to a Jewish State in Palestine. The Jews would not accept anything less than reasonably free immigration and the prospect of independence. Between these definite contentions no conciliation could be found during the treatment of the problem of the United Nations..."

"The Arab Higher Committee was approached by UNSCOP on more than one occasion -- it it refused. In the Ad Hoc Committee the representative of the Arab Higher Committee stated that he was prepared to take part in the discussions only with respect to that item of the agenda dealing with the establishment of

of an independent unitary State. Again in Sub-Committee 1 the Arab Higher Committee was invited to assist the Sub-Committee on the question of boundaries, but again the reply was that it was prepared to assist only in connection with the discussion of the establishment of an independent unitary State."

Views of Arabs and Jews

- ✓ (13) Mr. Jamal Husseini, Arab Higher Committee (Cairo) February 11, 1947

"We will not accept any other solution than the extermination of the Zionists and complete independence for the whole of Palestine."

- ✓ (14) Spokesmen of Arab Higher Committee (Al Ahram, Cairo, March 4)

They would never agree to a bi-national unitary state and would continue to fight for their national programme, namely, an Arab State in all of Palestine... They were unprepared to enter into discussions on any other favourable solution of the Palestine problem, since the struggle for Palestine had passed in their opinion from the political sphere to the practical.

- (15) Syrian Defence Minister (Statement March 8, 1948)

"We have obtained superior weapons with which to fight the Jews. As soon as the British army withdraws from Palestine the big fight will start."

- (16) Lebanese Prime Minister (Statement February 25, 1948)

"There shall be nothing in Palestine but a unitary Arab State."

- (17) Mr. Shertok, Jewish Agency for Palestine (Security Council, February 27, 1948)

"It is high time for the representatives of the Arab governments to realise that the Jewish people in Palestine will never submit to the status of a minority on sufferance which is the lot of the oriental Jewish communities; that the urge for independence will never be eradicated from Jewish hearts; that the very logic by which one Arab country after another in the Middle East has achieved its national sovereignty makes the Jewish claim to statehood in Palestine indisputable and its realisation irresistible; that as long as Arab states continue to resist by force the attainment of the Jewish national goal there can be no peace or stability in the Middle East; and that the long-term interests of all concerned can only be served by mutual ~~and~~ adjustment based on equality of status rather than by attempts at suppression and obliteration."

(18) Dr. Silver, Jewish Agency, Security Council, March 5, 1948

"The Jews do not wish war with their neighbours, only peace and co-operation. Within the framework of the plan calling for two independent states joined in economic union there is definitely the possibility for such peace and co-operation. The national status and independence of each people is guaranteed and their economic co-operation for the good of both is provided for."

PART B ATTEMPTS at Arab-Jewish Conciliation. 1937-1948

Since the Arab disturbances of 1936-9 repeated attempts have been made to find a solution of the Palestine problem, acceptable both to Arabs and Jews. These attempts have taken three forms:-

- (I) Investigations by Commissions appointed by or on the initiative of the Mandatory Power.
- (II) Conferences convened by the Mandatory Power to formulate proposals for the future government of Palestine.
- (III) Investigations and discussions by international bodies under the auspices of the United Nations.

I Investigations By Commissions Appointed By or On Initiative of the Mandatory Power

1. The Mandatory Power during the period under discussion has initiated two investigations on the future government of Palestine (apart from technical enquiries by experts arising from the Reports of those two Commissions). These investigations were undertaken by the Royal Commission in 1937 and by the Anglo-American Committee in 1945.

Report of Royal Commission

1937 ✓ 2. The Royal Commission on Palestine recommended the partition of
Palestine into an Arab State; a Jewish State; and an enclave under Mandate including Jerusalem and Bethlehem with a corridor to the sea at Jaffa, and also Nazareth and the Sea of Galilee. The Commission found that the conflict between the predominantly European Jewish community and the predominantly Asiatic Arab community, with the incompatibility of their cultural and social life and their national aspirations was irrepressible and would continue and grow worse. "Partition offers a possibility of

obtaining a final solution of the problem which does justice to the rights and aspirations of both the Arabs and the Jews, and discharges the obligations we undertook towards them twenty years ago to the fullest extent that is practicable in the circumstances of the present time."

3. Reaction of the United Kingdom Government, July 1937 - 5513

In accepting the Royal Commission's Report, the British Government stated:- "In supporting a solution of the Palestine problem by means of partition, His Majesty's Government are much impressed by the advantages which it offers both to the Arabs and the Jews. The Arabs would obtain their national Independence and thus be enabled to co-operate on an equal footing with the Arabs of neighbouring countries in the cause of Arab unity and progress. The Jews would at last cease to live a minority life and the primary objective of Zionism would thus be attained. Under the proposed Treaties the rights of minorities in both States would be strictly guaranteed."

X 4. Attitude of the Jewish Agency (Resolutions of Zionist Congress August 1937)

The Twentieth Zionist Congress while not accepting the specific frontier scheme put forward by the Commission empowered "the Executive to enter into negotiations with a view to ascertaining the precise terms of His Majesty's Government for the proposed establishment of a Jewish State. In the event of the emergence of a definite scheme for the establishment of a Jewish State, such scheme shall be brought before a newly elected Congress for decision."

X 5. Attitude of the Arab Higher Committee (Memorandum to Permanent Mandates Commission July 23, 1947)

"The Arabs of Palestine ... forcibly repudiate the partition scheme in its entirety."

Attitude of the Permanent Mandates Commission (Minutes of 36th Session)

6. "All the members agree in thinking that the considerations put forward in the report of the Royal Commission of 1937 have not lost their relevance .. and should be borne in mind at the appropriate moment."

The Partition Commission

7. The Partition Commission (Woodhead Commission) was appointed in 1938

to work out a scheme of partition which "would necessitate the inclusion of the fewest possible Arabs and Arab enterprises in the Jewish area and vice versa." The Commission presented three plans each of which reduced the size of the Jewish State and increased the size of the Arab State as compared with the Royal Commission's proposals.

8. Attitude of the Jewish Agency (Statement, November 1928)

The Jewish Agency rejected these proposals on the ground that the Jewish "State" of the Majority Report "comprised an area of less than 1/20th of Western Palestine and less than 1/100th of the area indicated by the Royal Commission as having been intended in 1917 for the National Home ... That this proposal does not comply with the obligations to the Jews was pointed out by one of the Commissioners, Sir Alison Russell."

9. Attitude of the Arab Higher Committee

The Arab Higher Committee which had rejected the Royal Commission Report also rejected all the proposals of the Partition Commission which offered an increase in the area of the Arab State.

Report of the Anglo-American Committee of Enquiry

10. In November 1945 an Anglo-American Committee was appointed at the request of the United Kingdom Government to make recommendations for the solution (inter alia) of the Palestine problems. The Committee recommended the continuation of the Mandate, the immediate admission of 100,000 Jewish refugees from Europe to Palestine, the continuation of immigration thereafter according to the principles of the Mandate and the freedom of land purchase throughout the country.

Attitude of Jewish Agency (Statement May 1946)

11. The Jewish Agency accepted the urgent recommendations of the Anglo-American Committee and announced its readiness, when these were implemented, to discuss the other recommendations with the Governments of the United Kingdom and the United States.

Attitude of Arab Higher Committee

12. The Arab Higher Committee rejected the Report of the Anglo-American Committee in toto.

Attitude of the United Kingdom (Mr. Attlee's Statement May 1, 1946)

13. The British Government "wish to be satisfied that they will not be called upon to implement a policy which would involve them single-handed in such heavy, immediate and long-term commitments." The recommendations of the Anglo-American Committee were never implemented.

Attitude of the United States (Statement by President Truman April 30, 1946)

14. President Truman said:- "I am very happy that the request which I made for the immediate admission of 100,000 Jews into Palestine has been unanimously endorsed ... I am also pleased that the Committee recommends in effect the abrogation of the White Paper of 1939, including existing restriction on immigration and land acquisition ..." The President said that he would take the other recommendations under advisement.

II. Proposals Submitted at Conferences Convened by the Mandatory Power

The White Paper

15. In April 1939 the United Kingdom Government invited Jewish and Arab representatives to a conference in London. The Arab representatives refused to sit with the Jews, and the British Government consulted each party separately. In its Statement of Policy (White Paper 1939 ? 6019) the British Government announced that no agreed settlement had been reached and that it felt free to formulate its own policy.

16. The White Paper of 1939 envisaged the establishment of Palestine after ten years, as an independent State with an Arab majority and a Jewish minority.
During these ten years the total Jewish immigration would not exceed 75,000 unless Arab acquiescence were secured. Legislation was foreshadowed and later enacted to limit the freedom of Jews to purchase or settle in land covering 95% of the country's area.

Attitude of Jewish Agency (Dr. Weizmann's Letter May 31, 1939)

17. Dr. Weizmann in rejecting the White Paper on behalf of the Jewish Agency wrote:- "This virtual repudiation of the promise contained in the historic declaration of November 1917 has caused profound dismay among Jews in Palestine and throughout the world. In their opposition to the new policy the Jews are fortified by the support of many distinguished leaders of public opinion in

*

various parts of the world including Great Britain itself to whom the new policy appears as a breach of faith."

Attitude of the Arab Higher Committee (Statement May 1938)

18. The Arab Higher Committee rejected the White Paper on the ground that "the Jewish National Home is still recognised" that "75,000 Jewish immigrants are ? to be allowed" and "that the possibility of land transfer is not finally removed". The statement went on: "Palestine shall remain forever Arab The British Government will remain responsible for the continuance of the bloodshed."

Attitude of United States (March 16, 1944)

19. President Roosevelt said: "The American Government has never given its approval to the White Paper of 1939."

Attitude of Permanent Mandates Commission (Minutes of the 36th Session)

20. The Commission reported that a majority of its members "did not feel able to state that the policy was in conformity with the Mandate. "The Commission learned that following upon the publication (the White Paper) there was an attempt on the part of the more extreme Arab elements to revive the activity of armed bands in the rural areas and terrorism in the towns."

The Morrison Federal Proposals July 1946. ? 7044

21. On July 31, 1946 Mr. Herbert Morrison outlined a proposal in the House of Commons for a federal State in Palestine with an Arab province representing 40% of the country's area, a Jewish province representing 18% of the country's area and a province under British Mandate in the rest of the country. Provincial governments were to have defined powers including the right to propose immigration subject to the veto power of the central government.

100,000 Jews were to be admitted during the first year.

Mr. Morrison explained that "the plan leaves the way open for

*In a House of Commons debate the White Paper was criticised by Mr. Churchill, Mr. Amery, Mr. Morrison, Mr. Creech Jones, and Sir Archibald Sinclair on the grounds that it was "a betrayal of pledges to the Jews" (W. Churchill).

peaceful progress and constitutional development either towards partition or towards federal unity. Our plan does not prejudge this issue either way."

Attitude of Jewish Agency (Zionist Congress, December 1940)

22. In rejecting this plan the President of the Jewish Agency, Dr. Weizmann, explained in a speech to the Zionist Congress (Basle, 1946) that it restricted Jewish development to only 18% of the country without even conferring complete freedom to the Jews in the totally inadequate area assigned to them. The Zionist Congress declared the plan to be unacceptable even as a basis for discussion.

Attitude of Arab Higher Committee

23. The Arab Higher Committee rejected the Morrison Plan and refused to attend any conference at which it was discussed. The Arab States who attended the London Conference in September 1946 also rejected the Plan.

Attitude of United States (Statement of October 4, 1946)

24. President Truman announced that he could not support the Morrison Plan as it was opposed by both major political parties."

The Bevin Proposals February 1947

25. In February 1947 Mr. Bevin put forward to the Jewish Agency and Arab States proposals for a unitary State with local autonomy. These proposals differed from the Morrison proposals in two respects:-

- (a) Jewish immigration was reduced from 100,000 in one year to 96,000 in two years
- (b) The provision leaving the way open for partition was repealed and a unitary State with an Arab majority was to be established ? a five-year period of Trusteeship.
- (c) The local administration areas would not be contiguous.

Attitude of Jewish Agency (Statement February 13, 1947)

26. The Jewish Agency rejected the scheme, as being inadequate in terms of immigration, territory and independence, and as violating the Mandate in all three respects.

Attitude of Arab Higher Committee and Arab States (Statement February 14, 1947)

27. The Arab delegations announced that the plan could not even be "a

basis for further discussion" and that no proposal which involved any form of partition or any Jewish immigration would be acceptable.

13,
Jewish Counter-Proposals (Statement February 1947)

28. During the discussions with the British Government in February 1947, the Jewish Agency ~~for~~ put forward the following proposals:-

- (a) Free Jewish immigration and settlement should be allowed in the whole of Palestine until it became a Jewish State, in accordance with the intentions of the Mandate.
- (b) If it was not desired to determine the country's political future and the Mandate was to continue, it should be carried out in the letter and spirit.
- (c) If it was desired to determine the political future of the country immediately, the Jewish Agency would accept "a viable Jewish State in an adequate area of Palestine."

Arab Counter-Proposals (? 7044)

29. The Arab States put forward proposals for a unitary Arab State with a Jewish minority and no further Jewish immigration. Citizenship was available on the basis of ten years continuous legal residence (i. e., only to 30% of the Jewish minority). Irrespective of the proportion of the populations "Jewish representatives shall in no case exceed one third of the total number of the members."

III. Investigations and Discussions by the United Nations. In February 1947 the United Kingdom announced that no solution acceptable to Arabs and Jews had been found and that it would ask the General Assembly to make a recommendation on the future government of Palestine.

The United Nations Special Committee 2 v f o t s -

29. In May 1947 the General Assembly appointed a Special Committee of eleven medium and small powers to investigate the Palestine problem. The majority of the Committee (Sweden, Canada, Netherlands, Czechoslovakia, Uruguay, Peru, Guatemala) recommended a plan for Partition with Economic Union. The minority (India, Iran, Yugoslavia) recommended a plan for a federal State. The Council unanimously recommended the immediate termination of the Mandate.

Attitude of Jewish Agency (Statement in the Ad Hoc Committee of the General Assembly, 30 September 1947)

30. Speaking for the Jewish Agency, Dr. Silver announced the readiness of the Jews to accept the principles of the Majority Report in deference to international opinion and in order to secure an immediate settlement.

Attitude of Arab Higher Committee (Statement in the Ad Hoc Committee, 29 September 1947)

31. Mr. Jamal Husseini for the Arab Higher Committee rejected both the Partition and Federal Plan and announced its refusal to accept anything but a unitary Arab State with no Jewish immigration and no independent Jewish political institutions. He added that the Jewish minority "must have no special or preferential status."

Attitude of Arab States

32. The Arab States maintained the same attitude as the Arab Higher Committee as will be seen from the following extract from a Report of the 39th meeting (private) of the UNSCOP in Beirut on July 23, 1947:

The Chairman, Mr. Sandstrom (Sweden) "Several solutions have been mentioned: (a) A bi-national State with a limited immigration, (b) A federal State with two or more parts, each having the power to determine whether or not immigration would take place, (c) Partition. . . . Do you consider all those solutions

as having the same disadvantages? I would like to ask if you adopt a certain order in those solutions."

Mr. Hamid Frangie (Lebanon) "No. We refused them all, because they all have the same disadvantages."

Attitude of General Assembly to Various Solutions

33. In the General Assembly/³³votes were recorded for Partition with Economic Union; in the Ad Hoc Committee 12 votes were obtained for the project of a unitary Arab State. No proposal for a federal State was voted upon and only one member spoke on its behalf.

Jewish Efforts at Conciliation

34. The Jewish Agency has twice recently approached the Arab League* with a view to Arab-Jewish understanding on the basis of United Nations proposals.

1. On September 25, 1947 two representatives of the Jewish Agency met the Secretary General of the Arab League, Azzam Pasha, at the Savoy Hotel, London. They proposed a programme of Arab-Jewish co-operation based on the UNSCOP majority report, and including a guarantee of frontiers, Jewish participation in regional Middle Eastern institutions and Jewish assistance in the economic rehabilitation of the Arab world. The Secretary General rejected this offer and expressed himself against any attempt to seek an agreed solution except on the basis of "abandoning Zionism entirely."

2. On December 1947, the Head of the Arab Department of the Jewish Agency addressed a letter to the Secretary General of the Arab League, proposing a lasting Arab-Jewish agreement on the basis of the General Assembly's Resolution. This letter has remained unanswered.

*The Arab Higher Committee has always refused to meet the representatives of the Jewish Agency.

The Present Attitude of Jews and Arabs

35. The Jewish Agency attitude is that expressed by its representative in the Security Council on February 27, 1947:

"The Jewish Agency bowed to the imposed verdict of the international tribunal. It was the combination of these three elements -- statehood, the given area, and freedom of immigration -- that constituted the irreducible minimum which the Jews accepted, but beyond which they would not go."

(Mr. M. Shertok)

The Arab

36. The Arab Higher Committee's most recent expression of attitude is that of its Vice-President, Jamal Husseini, in Cairo on February 11:

"We ~~regx~~ reject such a solution (i.e. the federal State) and will not accept any other than the extermination of the Zionists and complete independence for the whole of Palestine."

37. The Arab States position was expressed by the Lebanese Prime Minister (Riad al Solh) on February 21. He opposed "any Jewish entity in Palestine" and went on "Our interest...dictates that there should be nothing in Palestine but a unitary Arab State...There shall be nothing in Palestine but that."

IV. Note on Solution advanced by Arabs

38. It will be seen that the establishment of Palestine as an Arab State with a Jewish minority is the only solution to which Arab acquiescence has ever seemed possible. This solution has been examined on six occasions in the past decade, with the following results.

(1) The Royal Commission (Ch. V. Para. 57)

"The solution of the problem advanced by the Arab Committee was, as has been seen, a simple one. The prompt establishment of national independence, they asserted, is the only ~~ax~~ way to peace.....We find it difficult to believe that Arab opinion really thinks the claims can be conceded...for it means the surrender of the Jewish National Home to government by Arabs who outnumber

the Jews by two to one ... Nor can we forget that the hatred of the Arab politician for the National Home has never been concealed. We cannot abandon them (the Jews) ^{to} the good intentions of an Arab Government."

¹¹
(?) The Permanent Mandates Commission of the League of Nations at its 36th session examined the situation which would arise if under the White Paper, the Jews were to be abandoned to the good intentions of an Arab Government. The Chairman, Mr. Orts (Belgium) said:

"The Jewish national home in an independent State with a permanent Arab majority would see its destinies placed in the hands of a race that could not forgive its existence... The Mandates Commission could not be expected to consent to any such step which would amount to a denial of its past history and a reversal of its decisions. It was necessary to reflect -- The argument of necessity -- of the necessity of satisfying that majority might lead very far."

(III) The Anglo-American Committee in rejecting the Arab proposals wrote (Page 4): "The legitimate national aspirations of both Jews and Arabs ... cannot be reconciled under a constitution in which a mere numerical majority is decisive."

(IV) The United Kingdom Government on February 15, 1947 intimated that it had not found the Arab proposals acceptable.

(V) The United Nations Special Committee unanimously rejected the Arab proposal at its 47th meeting (UNSCOP Vol. 1, Page 42) and a majority went on to say:

"Only by means of Partition can these conflicting national aspirations find substantial expression and qualify both peoples to take their places as independent nations in the international community and in the United Nations."

(VI) The General Assembly's Ad Hoc Committee on Palestine examined a Resolution worked out by a Sub-Committee, envisaging a unitary Arab State with a Jewish minority. This Resolution was rejected by 29 votes to 12.

39. The Arab Higher Committee and the Arab States continue to oppose all other proposals except that rejected on all these occasions. (viz. statements by Jamal Husseini and Riad el Solh quoted in para. below). The imposition of this solution by force is stated to be the aim of Arab resistance. Thus the Lebanese Prime Minister declared on February 25, 1947:-

"Our interest dictates that there shall be nothing in Palestine but a unitary Arab State. There shall be nothing in Palestine but that. In my confidence in that regard I rely on a study of the means and resources available to the Arabs, all of which they will throw into the arena, however wide the battlefield, however long the struggle."

SUMMARY

The Jewish Record on Conciliation

40. While maintaining its right under the Mandate to establish a Jewish State in the whole of western Palestine the Jewish Agency gave close attention to compromise solutions put forward at various times -- especially those submitted by impartial investigating tribunals (e. g., the Royal Commission, the Anglo-American Committee, the U. N. Special Committee). It was willing to negotiate on measures advanced by those Commissions which satisfied minimal requirements on three cardinal points of independence, area and immigration. The Jews entirely rejected certain solutions such as the White Paper, the Morrison Plan and the Bevin plan which they deemed to undermine their rights in all three of these aspects, and which were unilateral formulations of policy not emerging from any process of investigation or judgment. In the final resort they submitted their case to the international tribunal, and accepted the award of the General Assembly which they hold as final and irreducible. On two occasions within the past six months they have approached the Arab League with a

view to an accord with the Arab world on the basis of United Nations proposals and resolutions.

The Arab Record in Conciliation

41. The Arabs have rejected all proposals submitted by all investigating bodies and all proposals formulated by any other authority, British or international -- both those which aimed at satisfying Jewish aspirations to some extent, and those which were regarded by the Jews as a total surrender to Arab claims.

42. They have uncompromisingly rejected the Royal Commission proposals, the Partition Commission proposals, the White Paper of 1939, the Anglo-American Committee's proposals, the Morrison (federal) plan, the Bevin (provincial autonomy plan), the Majority Report of UNSCOP, the Minority Report of UNSCOP and the Resolution of the General Assembly.] They have also consistently refused to meet or negotiate with Jewish representatives.

43. The only kind of solution which has proved likely to win Arab acquiescence is one which has been repeatedly rejected by every tribunal or authority to which it has been submitted.

44. The impracticability of an agreed solution involving no enforcement is unanimously acknowledged by all who have shared responsibility for the Palestine problem in recent years.