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March 25, 1948

PROBLEMS OF TRUSTEESHIP IN PALESTINE

Introduction

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1. The Background of Trusteeship

Palestine has been under a trusteeship (the British Mandate) for twenty-five years. Recently the conditions under which the British Mandate operated became so intolerable to Jews, Arabs, Britain, American public opinion and the community of nations as a whole, that the termination of the Mandate became the only common aspiration of all the parties concerned. The United Nations Special Committee reported unanimously against any further tutelage; in the General Assembly not a single voice was raised on behalf of such a solution. In Britain the longing to relinquish an odious task of repression has become so profound and passionate that it is doubtful if any government could with impunity prolong what Mr. Churchill called "a squalid war". It is certain that any government which ran counter to that sentiment would be regarded as the puppet of American interests and would have to fight its own public for the "right" to remain in Palestine. Anglo-American relations must inevitably suffer from such an invidious arrangement.

2. Since any trusteeship invokes^{iv} coercion of either Arabs or Jews (and almost certainly of both), and since the United States would be politically or even administratively responsible for the consequences of this trusteeship, it would directly incur the active opposition of both Arabs and Jews, as Britain has done, according to her own admissions.

3. The present Mandatory regime is rapidly disintegrating and exerts scarcely any authority in either the Arab or the Jewish community. Both communities are entirely obedient at this moment, not to the Mandatory Power, but to their own authorities and institutions. It is impossible to galvanize a dying Mandate into life or to build a new trusteeship on the wreckage of the old. All other trusteeships have arisen as a smooth and uninterrupted continuation of mandates previously held under peaceful conditions.

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It is difficult to imagine that in obedience to a reversal of United States policy, Great Britain would obligingly abandon a program unanimously endorsed by the British public and now embodied in a Parliamentary Act. Even if there were readiness in Whitehall to do this, that readiness would not easily survive the first clash of British troops with either Arab or Jewish forces in Palestine. Yet it is certain that no trusteeship is contemplated by those responsible for the present reversal of U. S. policy without British participation. For all practical purposes it is to be either a new British trusteeship supported by the United States, or a direct Anglo-American trusteeship, with or without France. In any such event, the trusteeship will be drafted on British terms. British policy in the Middle East is firmly wedded to the sponsorship of the Arab League. Consultation with "states directly concerned" would be interpreted by Great Britain as consultation with the Arab States. It is clear therefore that the new trusteeship would be directed against those fundamental Jewish interests which the United Nations, under American leadership, has but recently approved. The task of suppressing a disillusioned and resentful Jewish population would involve the trustee in heavy military liabilities, in much odium throughout the liberal world, in a constant clash with public opinion in this country, and in a loss of leadership in the United Nations.

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However anti-Jewish the terms and conditions of the Trusteeship agreement may be, it will still evoke opposition from the Palestine Arabs. They as well as the Jews are deprived of substantial advantages by this American reversal. Under partition they were to inherit independence in a large part of the country. Under trusteeship they get no independence at all. The opposition already expressed by the Arabs to trusteeship, though largely tactical in character, is not by any means insincere.

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The idea that the prospect of Russian expansion in the Middle East is diminished by the American reversal cannot be seriously entertained. Conditions in which the Western Powers are heavily engaged alone in Palestine as a target of resentment of Arabs or Jews, or both, would be highly satisfactory to Russian aspirations. The two peoples of Palestine would see the Western Powers as the visible obstacles to their independence; in this atmosphere Russian sympathies would grow apace in both communities. It is futile to imagine that Arab gratitude to the United States for abandoning partition would result in Arab readiness to accept trusteeship.

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The new American proposal appears to have been conceived in total disregard of the interests of the United Nations as an organization. In itself the reversal is a blow to the authority of the General Assembly; it shows up the Security Council as a body incapable of securing Charter observance or suppressing aggression; it now threatens to embroil the Trusteeship Council in an effort to impose tutelage on unwilling populations perfectly mature for self-government -- a role entirely out of accord with its task and principles. While undermining the foundations of the U.N. structure as a whole, the American proposal thus aims a well-directed individual blow at each of its principal organs.

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10. The partition scheme admittedly involved difficulties, but these can hardly compare with the accumulation of hazards involved in its abandonment. The problem of enforcement cannot be shirked. A degree of self-enforcement resides only in partition with its corollary of independence and strong local forces.

It is proposed to force a trusteeship on a country torn with civil strife, paralysed by administrative chaos, threatened with foreign aggression and moving inexorably towards a de facto partition in a pattern of growing decentralisation. The population, though divided on the nature of Palestine's independence, is unanimously inspired by a sense of maturity and a desire for national freedom. In these conditions a trusteeship is proposed without any assurance that a trustee is available, that the General Assembly will approve an agreement, that any section of the population will co-operate or that adequate means of enforcement can be secured.

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It is certainly the duty of Americans to safeguard their own interests; but few democratic statesmen would agree that a nation may advance its subsidiary interests at the expense of the vital interests of other parties, especially weaker parties, such as the Jewish people on the threshold of its independence. The absolutism of national self-interest is a totalitarian concept. If America were to subscribe to it, even ^{its} ~~our~~ self-interest would suffer, as the moral advantages of a correct international position are a potent asset in peace and in war.

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UNITED STATES MISSION
TO THE UNITED NATIONS

April 5, 1948

The following general principles are advanced by the Delegation of the United States as tentative suggestions to other Members of the Security Council regarding a temporary trusteeship for Palestine. The submission of these tentative general principles is designed to elicit the suggestions of other Members on a similar tentative basis and does not at this stage commit the United States Government. The Delegation of the United States welcomes the comment and advice of the other Members of the Security Council on the following principles:

1. A Temporary Trusteeship Agreement for Palestine would be without prejudice to the rights, claims, or position of the parties concerned or to the character of the eventual political settlement.
2. The Agreement should be designed to be of indefinite duration, but subject to prompt termination whenever the Arab and Jewish communities of Palestine agree upon the future Government of that country.
3. The Agreement might designate the United Nations itself as administering authority. This responsibility could best be discharged by the Trusteeship Council.. It would be undesirable for the Trusteeship Council to undertake day-to-day governmental functions. Administrative, legislative and judicial powers should be exercised in Palestine through a separate body called the Government of Palestine, acting in accordance with (1) the principles of Trusteeship contained in the Charter and (2) such instructions as the Trusteeship Council might find it necessary to give, in accordance with the terms of the Agreement.
4. A Temporary Trusteeship Agreement for Palestine could include many of the features developed by the Trusteeship Council for its draft statute for the proposed international territory of Jerusalem.
5. The Government of Palestine should be headed by a Governor-General appointed by and responsible to the Trusteeship Council.
6. The Government of Palestine should include a Cabinet and a democratically elected legislature, possibly in two Chambers. In the event, however, that such a legislature could not be assembled or if assembled could not function effectively, the Governor-General should have the authority to legislate by order.
7. The Trusteeship Agreement should provide for the maintenance of law and order within Palestine. Insofar as possible, the Government of Palestine should be responsible for law and order through its locally recruited police and volunteer forces under Article 84 of the Charter. When the forces of the Government of Palestine are insufficient for this purpose, the Governor-General

should

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should be authorized to call upon such states as would be specified in the Agreement to assist in the maintenance of security in Palestine. A separate protocol to this Trust Agreement would contain an undertaking by those named to accept such responsibility on specified conditions.

8. The Agreement should make it possible for the Government of Palestine to take over on a temporary basis existing arrangements in Palestine pending the establishment of the organs specified in the Agreement.

9. The Agreement should make specific provision for immigration and land purchase, on a basis to be negotiated in consultation with representatives of the Jewish and Arab communities of Palestine.

10. The standard of living and public services in Palestine under the Temporary Trusteeship should, in general, be those which can be supported by the resources of Palestine; large subsidies by the United Nations should not be anticipated. The costs of the Government of Palestine under the Trusteeship regime should, in general, be met from funds available to the Government of Palestine from Palestine revenues. This principle accords with the information which has been made available concerning the fiscal situation of Palestine under the mandate, which is to the effect that Palestine, except for extraordinary security expenditures, is budgetarily self-supporting.

11. Under a United Nations Trusteeship, expenditures arising in connection with the employment of forces of members of the United Nations to assist in the defense of Palestine or in the maintenance of law and order should be defrayed by those members.

12. The United Nations would presumably wish to pay the salaries and emoluments of certain principal officers of the Government, such as the Governor-General and the Chief Justice, as an evidence of the responsibility of these officers to the United Nations.

13. If the General Assembly, on the recommendation of the Trusteeship Council, considers that funds which cannot be raised by the Government of Palestine are essential to accomplish the minimum purposes of the Temporary Trusteeship, those funds should be supplied, as subsidies or recoverable loans, by the United Nations as a whole on the regular scale of contributions to the budget of the United Nations. The Palestine budget should be handled by the United Nations as a separate budget, not as a part of the ordinary budget of the organization.

14. The Agreement should contain adequate guarantees for the protection and preservation of the holy places in Palestine, for the settling of disputes pertaining to them and for assuring, subject to necessary safeguards of public order and security, freedom of entry into Palestine for all foreign pilgrims and persons who desire to visit the holy places.

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15. The Trusteeship regime for Palestine should terminate as soon as a majority of the members of each of the two principal communities in Palestine--Arab and Jewish--have agreed upon a plan of Government for Palestine. It should be a responsibility of the Governor-General to take all possible steps to bring about such an Agreement.



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Dr. Silver

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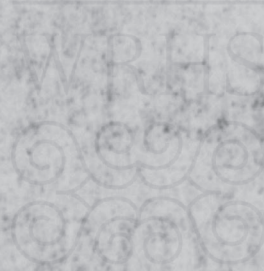
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Bolivia
Argentina

Selling arms to
Brazil - some arms

Warrant for
in Argentina

Trapp - de Eulanga
Vand - 1

William Darcia

W. Shott

Warrant to Vand.
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~~Sold to - de Newey~~

~~For Van -~~

~~James Farley~~

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There is no enthusiasm anywhere for the new United States proposals of trusteeship. The press has reacted negatively. Many United Nations delegates have raised serious objections. They are not at all persuaded that the new proposals will either insure peace or take care of the vacuum which the President fears.

It is clear that if the United States Government will not pressure diplomatically for its proposals at the Special Assembly they will not receive the required two-thirds vote. It is therefore suggested that the United States exercise no diplomatic pressure, either prior to or during the Special Assembly, on the member states. It should permit its proposals to take their normal course.

In November the United States Delegation maintained the position that the solution of the Palestine problem was a United Nations affair, not specifically a United States affair. It is this attitude which should be rigorously maintained in connection with the new Special Assembly. When the United States proposals are voted down, the United States should take the position that it accepts loyally the collective judgment of the Assembly. Immediately thereafter the Governor for the Jerusalem area should be appointed (in fact, serious thought should be given to this matter now and the proper person selected), an international police force for the Jerusalem area should at once be sent in, to which the United States, if it desires, should contribute a contingent of troops (the composition of this international police force for Jerusalem should be agreed on now or before the Assembly concludes its sessions, so as not to lose time). As far as the Jewish State is concerned, the

Jewish Militia should be immediately legalized and adequately equipped. This means the immediate revision of the embargo so as to make it possible for the Jewish Militia to obtain what it requires and the United Nations Commission should be instructed at once to proceed to Palestine.

If this is done by May 15th, there will be no vacuum. There will be a Governor and an international police force in the Jerusalem area. There will be a United Nations Commission in Palestine to take over, there will be a Jewish Militia equipped to maintain law and order in the Jewish State and to defend itself against possible attacks from without.

This procedure would be a face-saving device for the United States Government. It will restore the authority of the United Nations and will make possible the carrying out of the partition solution which the President of the United States, as well as the Secretary of State, still believe to be the correct solution for the Palestine problem.

1) Hildner
4. Abdallah
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