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Jewish Agency, United Nations, Palestine, 1947-1948 undated.

SERIES I

GENERAL CORRESPONDENCE
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WRHS



March 10, 1947

For the following reasons it is preferable that the Palestine matter come before the Security Council rather than the General Assembly:

1. The Security Council, which numbers eleven, comprises the following: the Big Five (America, Britain, Russia, France and China), Poland, Brazil, Belgium, Australia, Colombia and Syria. There is thus one Arab state out of the eleven, and of the others there is some hope that America, France, China, Poland, Brazil and Colombia might take a pro-Zionist line. Britain, Australia and Syria presumably will be against us. Russia's attitude would depend a good deal on what is proposed in relation to Britain. Belgium tends to come within the British sphere of influence but is not necessarily committed to the British. There is, therefore, a possibility of obtaining the necessary seven out of eleven votes in the Security Council.

In the Assembly there is an initial hostile bloc of ten out of fifty-five, which numbers virtually a Moslem unit: the five Arab states, Turkey, Iran, Afghanistan, India and Ethiopia. The British bloc, i.e. Great Britain and the Dominions, together with Holland, Greece and Belgium, must also be counted as probably negative. Add to this Russia and the satellites and certain of the South American countries, including Haiti and Cuba, who have not been favorable, and it would be seen that our relative position in the Assembly is much worse than in the Security Council.

2. The Assembly can make recommendations only by a two-third majority. In these circumstances there is little probability of a two-third majority in our favor. The Security Council requires seven out of eleven.
3. In the Security Council the influence of the United States is proportionately greater than in the Assembly.
4. It will be far easier for us to concentrate pressure on the relatively small group of states represented in the Council than on the fifty-five represented in the Assembly.
5. The Assembly can only recommend. The Security Council can make binding decisions.
6. There is some possibility of our being able to plead our case directly before the Security Council or a committee appointed by it. This would hardly be feasible for technical reasons before the Assembly.
7. Even if our pressure on the United States now to bring the matter before the Security Council does not succeed, it will pay off because it may elicit some commitment on the part of the American Government and, in any case, will place it on notice that we are alive to the situation that may develop in the Assembly.
8. It is significant that neither Britain nor the Arab states, which undoubtedly must have considered the relative merits of the Assembly and the Security Council from their point of view, are anxious to press the matter before the Security Council.

UNITED NATIONS
Department of Public Information
Press Division
Lake Success, Nassau County, New York

Press Release GA/29
2 April 1947

CAUTION - ADVANCE RELEASE!

NOT TO BE PUBLISHED OR QUOTED FROM BY PRESS OR RADIO BEFORE 9 PM (EST)
TONIGHT, WEDNESDAY, 2 APRIL 1947!

UNITED NATIONS TELEGRAM TO MEMBER NATIONS ON PALESTINE

The Acting Secretary-General of the United Nations, Dr. Victor Hoo, today sent the following telegram to all Members of the United Nations, except the United Kingdom:-

"Have honor notify you that on 2 April United Kingdom Government requested Secretary-General to place question of Palestine on agenda next regular session of General Assembly. In accordance with Rule four provisional rules procedure General Assembly have honor inform you that United Kingdom Government further requested Secretary-General in view of desirability of an early settlement in Palestine to summon special session General Assembly as soon as possible for purpose of constituting and instructing a special committee to prepare for the consideration of above question at next regular session. Therefore have honor inquire whether your government concurs in summoning special session for this purpose and to request you notify me of its decision. If within thirty days majority of members concur, special session will be convoked in accordance rules three and eight and provisional agenda circulated in accordance rule eleven.

Victor Hoo

Acting Secretary-General"

-0-0-0-0-0-0-0-0-

(NOTE: The rules referred to in the above telegram are as follows:-

Rule 4: Any Member of the United Nations may request the Secretary-General to summon a special session. The Secretary-General shall thereupon inform the other Members of the United Nations of the request and inquire whether they concur in it. If within thirty days of the date of the communication a majority of the Members concur in the request, a special session of the General Assembly shall be summoned in accordance with the provisions of Rule 3.

Rule 3: Special sessions of the General Assembly shall also be held within fifteen days of the receipt by the Secretary-General of a request for such a session either from the Security Council or from a majority of the Members of the United Nations.

Rule 8: The Secretary-General shall notify the Members of the United Nations at least fourteen days in advance of the opening of a special session convoked at the request of the Security Council, and at least ten days in the case of a request by a majority of the Members.)

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CONFIDENTIAL

April 22, 1947

MEMO # 2

TO: Executive of the Jewish Agency
FROM: Jacob Robinson

Re: Terms of Reference for the Special Committee on Palestine

1. It appears from the note of Sir Alexander Cadogan to the Acting Secretary-General of April 2, 1947, that Great Britain intends:

a) to submit to the Assembly an account of their administration of the League of Nations Mandate;

b) to ask the Assembly to make recommendations concerning the future government of Palestine.

While this formulation is not binding for the General Assembly, it is to be expected that the terms of reference will ex proprio modo follow the line of the initiator of the special session of the Assembly.

2. In the light of this consideration the tentative formulation of the terms of reference of the Special Committee is submitted herewith:

I The Special Committee should be charged with the following tasks:

a) to determine the real purposes of the Mandate for Palestine as they appear from the relevant international instruments;

b) to examine in the light of a proper interpretation of the Mandate the British administration of Palestine in regard to its conformity with the spirit and letter of the Mandate;

c) to consider the British policy in Palestine based on the White Paper of May, 1939, in the light of the provisions of the Mandate;

d) to suggest both ^{im} interim measures for the implementation of the provisions of the Mandate and a final solution of the Palestine problem with due regard to the established rights of peoples concerned. (Art. 80 of the Charter).

II In order to be in a position to reach fair and unbiased conclusions:

a) the Commission should give ample opportunity to the British Government, the Jewish Agency for Palestine, and representatives of the Palestine Arab population as well as other interested parties to state their views and to cooperate with the Special Committee;

b) the Special Committee should proceed to the DP camps in Europe;

c) the Committee should proceed to Palestine in order to get on the spot first hand impressions and information.

3. It is obvious that the terms of reference will be the result of many compromises reached by the General Committee and possibly by the First Committee. We will have to follow watchfully the developments in these two Committees in order to be able to contribute to a formulation which will give us full satisfaction.



AHS

CONFIDENTIAL

MEMO # 11

April 30, 1947

TO: Executive of the Jewish Agency
FROM: Jacob Robinson

Re: Request by the General Assembly to the International
Court of Justice to have an advisory opinion on the
administration of Palestine and its consistency with
the Mandate.

As you know, Dr. Akzin, in a mimeographed note circulated among the
members of the Executive and some other personalities, strongly advocated such
a course. I thought, it might be of interest to have my reactions to this
idea, which are contained in the attached letter to Dr. Akzin.



att.

April 29, 1947

Mr. Benjamin Akzin
American Zionist Emergency Council
342 Madison Avenue
New York 17, N.Y.

Dear Mr. Akzin:

Many thanks for your note of April 28 and copies of the letters from Prof. Hanna and Mr. Cox. I believe that I told you that I duly received your memorandum on the same subject a few days earlier.

I have still very grave objections against your idea, and here they are:

1. Article 96 of the Charter of the United Nations provides that only the General Assembly or the Security Council have the basic authority to request the International Court of Justice to give an advisory opinion on any legal question. A vote on such a question will probably require only a simple majority (Art. 18, par. 3 of the Charter). It is, maybe, improbable that such a majority could be marshalled for such a proposal in this session, even if we succeed in finding a sponsor. At this moment, at least, it appears that nobody is too anxious to have a too long session with too many debates. It is obvious, however, that such a decision will have to be taken after very protracted debates and, if at all, carried against a very heavy opposition. Strangely enough, both Great Britain and Soviet Union will oppose such a move for different reasons. Great Britain, because of the possibility of a condemnation of her policies by the International Court of Justice, the Soviet Union because of her consistent policy to boycott the International Court of Justice.

2. If, however, undeniable proof could have been produced by the effect that a majority could be marshalled for such a proposal, it is obvious that that can be done only after a tremendous concentration of all our forces to achieve this only objective. It is a matter of grand strategy to decide whether we should do so in view of the fact that there are many other problems requiring our immediate attention.

3. Let us admit for a minute that such a decision has been taken by the Assembly. It is clear that this would certainly necessitate an adjournment of the establishment of the special committee on Palestine. Without legal guidance such a committee could not start working. That would mean that not only this Assembly would not accomplish its limited purpose of appointing a Special Committee, but what is still worse, the next General Assembly will not have before it the advisory opinion of the International Court of Justice. It is inconceivable that the International Court of Justice would be able to produce such an opinion before the third Tuesday in September, 1947. (cf. Art. 65 and 66 of the statute of the Court). This would mean that not only will the

Mr. Benjamin Akzin, 4/29, 1947

purpose of the special session be defeated, but also the regular Assembly will not be able to take any action in regard to Palestine and the whole affair will have to be postponed until the next regular Assembly 1948. There is no chance to have a special session on Palestine in 1948 in advance to the regular session of 1948.

Are we interested in a delay? Are we interested to play in Arab, or British, or maybe somebody else's hands? Where are the guarantees that the Assembly of 1948 or the general climate of 1948 will be more favorable to us than now? How can we assume such responsibilities, we who have no immediate access to any international body, who must rely on benevolent sponsors?

4. All the previous considerations are built on the assumption that we have an assurance that the International Court of Justice will give us full satisfaction. But that is not a foregone conclusion. It is a new court, never tested in any case at all. While it can be assumed that it will in general follow the jurisprudence of the Permanent Court of International Justice (Art. 38, par. 1, Section 4 of the statutes of the International Court of Justice) this is no guarantee for a favorable opinion.

5. Some of these objections can be met by including in the terms of reference of the Special Committee on Palestine the authority to request the International Court of Justice to give an advisory opinion on the problem of White Paper (or whatever other legal problem might arise). Against this there is first of all the doubt whether a Special Committee is an organ of the United Nations in the sense of Art. 96 of the Charter (cf. also Art. 7). It is open to doubt whether Art. 7 dealing with the subsidiary organs had in mind Commission, or Committee, and such permanent organization as the Atomic Energy Commission. In addition, according to Art. 96 such authority can be not given by the United Nations in blason. Even provided that these two objections are overcome, there still remains the doubt as to whether it would be advisable to vest this Committee with such an authority, and again the time factor remains as before, although in a somewhat mitigated form.

6. But let us assume that the opinion will be favorable; this will certainly give us moral satisfaction, but not only not add substantially to the strength of our claim, nor to our legal position, but it would not necessarily have a bearing on the recommendations for the future. The problem to be solved is a political problem and not a purely legal. Our interest is that there should be certain limits to the jurisdiction of the United Nations, but this problem I would hesitate to submit to the International Court of Justice. Knowing how non-committal it wants to be and how hesitant it is at all to render judgment, I am not very hopeful, even if we take the risk of submitting this delicate problem to the International Court of Justice.

I am sorry that I was not able to change my viewpoint on the strength of your arguments and the arguments of Prof. Hanna and Mr. Cox, who did not at all discuss the problem in its connection with the structure and functions of the United Nations. I would be, however, very glad if we could sit down together and have it all discussed viva voce.

Sincerely yours,

Jacob Robinson
Counsel

jrihe

6 May 1947

RESOLUTION
INTRODUCED BY THE UNITED STATES DELEGATION
ESTABLISHING COMMISSION OF INQUIRY ON PALESTINE

Whereas the General Assembly of the United Nations has been called into special session for the purpose of constituting and instructing a special committee to prepare for the consideration at the next regular session of the Assembly of the future government of Palestine.

The General Assembly resolves:

To establish a Commission of Inquiry on Palestine consisting of one representative of each of the following governments:

Canada, Czechoslovakia, Iran, Netherlands, Peru, Sweden, Uruguay

To instruct the Commission

to assemble, analyze, and collate all pertinent data on the question; to receive testimony from interested governments and from such non-governmental organizations and individuals as the Commission in its discretion may deem appropriate; to study the various issues which are involved and to submit to the next regular session of the General Assembly such proposals for the solution of the problem of Palestine as it may determine to be useful for the effective consideration of the problem by the General Assembly.

To authorize the Commission, in consultation with the Secretary General with a view to ensuring adequate administrative services and economy, to sit wherever it may consider necessary or desirable for the fulfillment of its functions;

The General Assembly

Requests the Mandatory power, and other Members, to make available to the Commission, on its request, any pertinent data or factual information which it believes may be useful in the preparation of its report;

Requests the Secretary-General to enter into suitable arrangements with the proper authorities of any state in whose territory the Commission may wish to sit or to travel, to provide necessary facilities, and to assign appropriate staff to the Commission;

(MORE)

Document

6 May 1947

Authorizes the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternate representative from each government represented on the Commission on such basis and in such form as he may determine most appropriate in the circumstances.

Authorizes the Secretary-General to advance from the Working Capital Fund such funds as may be required to finance the expenses of the Commission without regard to existing limitations on such advances.



FIRST COMMITTEE

REPORT OF SUB-COMMITTEE 6 ON THE TERMS OF REFERENCE FOR THE
SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE

Sub-Committee 6 of the First Committee held its third meeting on Saturday, 10 May 1947, at 3:00 p.m. and considered the proposals submitted by the Representatives of the Union of Soviet Socialist Republics, India, Philippine Republic, Iraq, and Poland (documents A/C.1/166, 167, 168, 169 and 170), and its first report to the First Committee (document A/C.1/165).

The following text is submitted by the Sub-Committee for the consideration of the First Committee. Where the Sub-Committee was unable to agree unanimously, alternative texts are included.

WHEREAS the General Assembly of the United Nations has been called into special session in pursuance of the request of the Government of the ~~United Kingdom~~ for the purpose of constituting and instructing a Special Committee to prepare for the consideration at the next regular session of the Assembly of *a report on the question* ~~the future government~~ of Palestine,

The General Assembly RESOLVES that:

1. a Special Committee be created for the above-mentioned purpose consisting of the representatives of _____
2. the Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine,
3. the Special Committee shall determine its own procedure,
4. the Special Committee shall conduct investigations in Palestine, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, from Governments and from such organizations and individuals as

/it may

Worst of both - had (understand)
①

it may deem necessary.

5 A

the Special Committee shall bear in mind the principle that independence for the population of Palestine should be the purpose of any plan for the future of that country

5 B

the Special Committee shall be guided by the principle that independence for the people of Palestine should be the purpose of any plan for the future of that country

5 C

the Special Committee shall bear in mind the principle that independence for the population of Palestine should be the ultimate purpose of any plan for the future of that country

5 D

the Special Committee shall be guided by the principle that the independence of Palestine should be the purpose of any plan for the future of that country

6 A

the Special Committee shall give most careful consideration to the interests of all the inhabitants of Palestine and also to the religious interests in Palestine of Islam, Judaism and Christianity

6 B

the Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity

(The majority of the members of the Sub-Committee were in favour of the omission of both texts of Paragraph 6)

7. the Special Committee shall prepare a report to the General Assembly and shall submit such proposals as it may consider appropriate for the solution of the problem of Palestine

(The Representative of the Union of Soviet Socialist Republics and the Representative of India proposed the addition to the above of the following words):

"including a proposal on the question of establishing without delay the independent democratic state of Palestine"

8. the Special Committee's report shall be communicated to the Secretary-General if possible by 15 August 1947, but in any event not later than 1 September 1947, in order that it may be circulated to the Member States of the United Nations in time for consideration by the Second Regular Session of the General Assembly.

Worst of both - had (understand)
①
not. official - Conf. Pol. Res.

AHS

CONFIDENTIAL

May 13, 1947

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

A. On four different occasions during the current sessions of the Special Assembly, Arab speakers inveighed against continued Jewish immigration into Palestine; they claimed that the right of Jews to immigrate into Palestine is denied by the Charter of the United Nations and "the resolution of the General Assembly of December 15, 1946."

I At the meeting of the General Committee on April 30, 1947, El Khouri (Syria) made the following statement:

"We do not understand why the displaced persons of Europe, who are searching to be resettled somewhere in the world, should go to Palestine. The United Nations in the General Assembly had a resolution at the last session in October clearly stating that the non-self-governing territories could not be the place for sending new displaced persons without the consent of the population of those countries."
(A/BUR/P.V.31, p.16)

It may be useful to recall:

1) That incidentally the resolution to which El Khouri refers is the resolution of December 15, 1946 (and not of October) approving the "draft constitution and interim arrangement pending the establishment of the International Refugee Organization;"

2) That it is not a general resolution establishing policies of the United Nations with regard to migration and resettlement in general, but a resolution merely approving the Constitution of a new specialized agency, the International Refugee Organization;

3) That the section of the Constitution of the International
(g)
Refugee Organization, Annex I, section 1 reads as follows;

"The Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations. In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or re-settlement of refugees or displaced persons might be contemplated, either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors,¹⁾ to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question."

It is sufficient to compare the text of this resolution with the simplified formula of the Syrian representative to see how gross a distortion his statement contains. In fact, according to El Khouri, before sending displaced persons to any non-self-governing country, the previous consent of the population of that country must be obtained. Nothing of the kind is contained in the Constitution of the International Refugee Organization. The Constitution instructs the Organization to give "due weight" etc., but not to require previous consent of the indigenous population, nor is there anything which would give to the "evidence of genuine apprehension and concern" a pre-eminent place among all other considerations. It is one of the factors which should determine the policies of the International Refugee Organization, but neither an exclusive one nor the most important of all.

II The same speaker, at the meeting of the First Committee on May 9th, returned to this problem and referred again, in the same language to the same Annex I, section 1 ^(g) (A/C.1/P.V.52, pp.67,69-70).

III Speaking on behalf of the "Arab Higher Committee", Henry Kattan in the First Committee on May 9th referred to the "conflict between the provisions of the Mandate imposing the obligation to facilitate

1) *Italics ours.*

Jewish immigration and the obligation undertaken by the British Government on becoming a party to the Charter of the United Nations."

The same speaker goes on to say:

"The obligations in the mandate relating to the Jewish national home and the facilitation of Jewish immigration, if such are to be construed to imply their discharge against the will of the original inhabitants of the country and the majority of the population, are clearly in conflict with the purposes and principles of the Charter."

It will be noted that the expressions "original inhabitants" and "majority of population" have been substituted by the speaker for the "indigenous population."

It should be said en passant that there is nothing in Chapter I of the Charter (Purposes and Principles) or in its Preamble to suggest that the Mandate is in conflict with them. On the contrary, the Preamble expressly enjoins the United Nations to respect the "obligations arising from treaties." Nothing in the Charter is of itself capable of invalidating a legal instrument like the Mandate. Moreover, Article 80 of the Charter, as can easily be ascertained from its text and from the records of the San Francisco Conference, clearly aimed to preserve the Mandate.

The last paragraph of Kattan's statement, referring to the same problem, reads as follows:

"They (scil: the obligations in the Mandate) are again in conflict with the resolution of the General Assembly of the United Nations adopted at its sitting of the 15th December, 1946, which disapproved of the resettlement of displaced persons where the resettlement would be likely to disturb friendly relations with neighbouring countries. The resolution further states that due weight should be given, among other factors, to any evidence of genuine apprehension and concern felt inter alia by the indigenous population of non-self-governing countries."

(A/C.1/P.V.52, p.88)

Here again let us first make note of certain inaccuracies in the statement of Kattan:

1) While the official text says that

"the organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations,"

the Arab speaker uses the expression as if the United Nations

"disapproved of the resettlement of displaced persons where the resettlement would be likely to disturb friendly relations with neighboring countries." ¹⁾

Note particularly the expression "with neighboring countries" which does not appear in the text of the resolution and whose substitution for "nations" has been made in order to create the impression that their neighbors have some special rights in the determination of the immigration policy of a given country.

2) The inclusion of the words "inter alia" would suggest that in regard to non-self-governing territories not only the concern and apprehension of the indigenous population should be taken into consideration, but also some other factors. However, the text of the Annex to the Constitution makes it absolutely clear that while in regard to plans of resettlement of refugees or displaced persons in countries contiguous to their respective countries of origin, the concern felt by the country of origin of the persons involved should be given due weight, in the case of resettlement of refugees in non-self-governing countries, due weight should be given to evidence of genuine apprehension and concern of the indigenous population of the non-self-governing country in question (with no mention of neighboring other states).

1) Italics ours.

IV Jamali (Iraq) echoed the same views in the meeting of the First Committee on Monday, May 12th:

"I think the decision of the General Assembly, of 15 December last, was very clear on the issue that displaced persons could be taken to lands where the populations therein did not object and where neighboring States had no points of difficulty."

(A/C.1./P.V.54, p.78)

No comment is necessary to indicate the gross misrepresentation here implied of the Annex of the Constitution of the International Refugee Organization.

B. It is our contention that the resettlement in Palestine of Jewish displaced persons and refugees by the International Refugee Organization would in no way conflict with the clause referred to above. Even if some neighboring states do not favor settlement of Jewish refugees in Palestine, it is still a far cry from the situation described in the phrase "disturbing friendly relations among nations."

Moreover, whether or not Palestine is a "non-self-governing territory" in the sense of the Constitution of the International Refugee Organization is open to question. It is to be assumed that the expression "non-self-governing territories" is used in the Constitution and in the Charter (Chapter XI) in the same sense. If so, Palestine (covered by Chapter XII) does not come under this definition. But even if it does, the clause concerning "due weight to be given to genuine apprehension and concern to indigenous population" cannot be applied to Palestine because of the simple reason that "genuine concern and apprehension" on the part of the Arab sector can hardly be ascertained. Surely at least as many instances of friendly relations between the two peoples could be

cited as of antagonisms or resentments. If there is any apprehension and concern on the part of the indigenous population at all, it is the concern of the Jewish sector to have as many new settlers as possible without harming the other sector of the population.

C. It should furthermore be emphasized that the Constitution of the International Refugee Organization (not yet in operation) is binding upon the International Refugee Organization alone but is not valid for or binding on other specialized agencies of the United Nations, not to speak of the United Nations as a whole, or the Mandatory Power. Therefore the suggestion made in Kattan's speech that under the circumstances, Art.103¹⁾ of the Charter should prevail is without any foundation. The charter was written with full knowledge of the existence of the Palestine Mandate and its extended validity. There is therefore no conflict between Great Britain's obligations under the Charter and those under the Mandate to facilitate Jewish immigration.

It may also be of interest to note that the British Government in its endeavours to stop Jewish immigration never appealed to the Charter or the Constitution of the International Refugee Organization for legal warrant in its struggle against Jewish immigration. On the contrary, the very fact that the British Government in the British Zone of Occupation in Germany organized special groups of Jewish displaced persons to proceed to Palestine would suggest that the views of the British Government

1) "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

on the legal aspects of the matter are in complete agreement with ours; the fact that the British Government made no use of arguments advanced by the Arab states is probably the best proof of their fallacy, or at best, of their irrelevance.

D. It should also be stressed that the problem of migration and resettlement is a problem of domestic jurisdiction. The records of the San Francisco Conference reporting the discussions on Art.2, par.7 make clear that everyone understood the matter of migration and resettlement to come within the sphere of domestic jurisdiction.

When it established the International Refugee Organization the United Nations did not at all overstep its jurisdictions; it left the problem of resettlement to the individual governments to decide on, while limiting such resettlement in two specific cases. However, these two reservations are valid only for the activities of the International Refugee Organization, but have nothing to do with the activities of other organizations or with activities in countries where special provisions for immigration into these countries may exist.

E. The theory of El Khouri that the problem of refugees in Europe is the exclusive domain of the International Refugee Organization and that therefore the Special Committee on Palestine should have nothing to do with it (*ibid.* pp.67-70) is certainly wrong. There is nothing in the Constitution to suggest that the International Refugee Organization is the only body in the world to care for the displaced persons and refugees. Among the many problems of the displaced persons and refugees there are certain specific ones, nobody can deny, and these specific problems require specific solutions.

F. In conclusion, it should be said:

1) That there is nothing in the Constitution of the International Refugee Organization which would of itself bar this organization from resettling Jewish Displaced Persons in Palestine;

2) That inasmuch as the International Refugee Organization is a specialized Agency its Constitution has no wider implications for individual governments, other organizations, governmental or non-governmental, or the United Nations as a whole.



UNITED STATES MISSION
TO THE UNITED NATIONS

Press Release #410
March 19, 1948

ADVANCE RELEASE

ADVANCE RELEASE

FOR RELEASE ON DELIVERY -- CHECK AGAINST DELIVERY

The following statements regarding the results of the Palestine consultations among the Permanent Members of the Security Council are to be made by Ambassador Warren R. Austin at this morning's meeting of the Security Council.

I.

1. The consultations among the Permanent Members of the Security Council and informal communications with the Palestine Commission, the Mandatory Power, the Jewish Agency and the Arab Higher Committee held since March 5, 1948, have developed the following facts regarding the situation with respect to Palestine:

1. The Jewish Agency accepts the partition plan, considers it to be the irreducible minimum acceptable to the Jews, and insists upon the implementation of the plan without modification.

2. The Arab Higher Committee rejects any solution based on partition in any form and considers that the only acceptable solution is the formation of one independent state for the whole of Palestine whose constitution would be based on democratic principles and which would include adequate safeguards for minorities and the safety of the Holy Places.

3. No modifications in the essentials of the partition plan are acceptable to the Jewish Agency and no modifications would make the plan acceptable to the Arab Higher Committee.

✓ 4. The Palestine Commission, the Mandatory Power, the Jewish Agency and the Arab Higher Committee have indicated that the partition plan cannot be implemented by peaceful means under present conditions. (2 June 48) - in the force

✓ 5. The Mandatory Power has confirmed that a considerable number of incursions of illegal arms and armed elements into Palestine have occurred by land and sea.

6. The gradual withdrawal of the military forces of the Mandatory Power will, in the absence of agreement, result in increasing violence and disorder in Palestine. Warfare of a guerrilla type grows more violent constantly.

7. If the mandate is terminated prior to a peaceful solution of the problem, large-scale fighting between the two communities can be expected.

II.

✓ 1. As a result of the consultations of the Permanent Members regarding the situation with respect to Palestine, they find and report that a continuation of the infiltration into Palestine (by land and by sea) of groups and persons with the purpose of taking part in violence would aggravate still further the situation, and recommend

✓ (a) that the Security Council should make it clear to the parties and governments concerned that the Security Council is determined not to permit the existence of a threat to international peace in Palestine, and

(b) that the Security Council should take further action by all means available to it to bring about the immediate cessation of violence and the restoration of peace and order in Palestine.

STATEMENT BY A.A.GROMYKO
at the meeting of the Security Council
on March 30, 1948.

The Security Council has been discussing the Palestine question since February 24. Meanwhile the Security Council has made no progress in the fulfilment of its task of rendering assistance to the Palestine Commission charged with the responsibility for the implementation of the General Assembly decision on the partition of Palestine into two states.

Moreover, all of us are aware that the Security Council not only has not made any progress in this matter, but it has begun to move backwards. Not only does it not render any help to the Palestine Commission in the fulfilment of the task assigned to it and does not give it appropriate instructions to this end, but, on the contrary, it confuses and complicates the whole question of Palestine and jeopardizes the implementation of the decision already adopted by the United Nations.

Of course, the greatest complications are caused by the submission of the new American proposals envisaging the abandonment of the already adopted partition plan and its substitution by the establishment of the United Nations trusteeship over Palestine.

In connection with the situation existing now in the Security Council while it ^{is} discussing the Palestine question and, in particular, in connection with the submission of the new American proposals, I consider it necessary to state the position of the Soviet Union both on these new proposals and on the situation generally created in the Security Council during the discussion of this problem.

The Government of the Soviet Union considers, as it did before, that the decision adopted by the General Assembly on the

partition of Palestine into two independent -- Jewish and Arab -- states is a just solution. It is just, first of all, because it corresponds to the fundamental national interests both of Jews and Arabs. Namely, due to the fact that this decision conforms with the interests of both peoples inhabiting Palestine, each of whom has the right of creating an independent state, the Soviet Union, as a result of the discussion of the question of the future of Palestine by the General Assembly, arrived at a conclusion that such a decision is the most just one.

As is known, the United Nations Organization has not come to this decision at once. It has been the result of its continuous and thorough consideration, at first, by the special session of the General Assembly, and then in the Committee specially set up by this session, and, finally, at the regular session of the General Assembly in 1947, which took the decision on partition. As a result of such a thorough consideration of the question of the future of Palestine, it was recognized that the partition had advantage over any other possible solution.

It is known that at the beginning of the discussion of the Palestine question, particularly at the special session of the General Assembly, several possible alternatives of its solution were mentioned, including the alternative of the establishment of a single Jewish-Arab state with equal rights both for the Jews and Arabs. In the course of the consideration of this question, however, it became clear that the alternative of the establishment of a single Jewish-Arab state, as well as some others could not constitute a basis for the settlement of the relations between the Jews and Arabs and consequently a basis for the proper solution of the question of the future of Palestine, and that, on the contrary, the partition of Palestine into two independent states establishes a firm foundation for the settlement of the relations between those peoples both in their own interests and in the interests of international peace.

Precisely in view of the fact that the partition of Palestine into two states has an advantage over any other solution of the Palestine problem, the overwhelming majority of states at the General Assembly adopted the plan of partition and voted for the approval of this plan. The United States also voted for this plan, and not only did it vote for it, but it was an active defender of such a decision. At the General Assembly the delegation of the United States was actively defending the proposal on the partition of Palestine and sought its adoption by the required majority of states. The American delegates used all their influence in order to attain the adoption of this plan. It is clear that doing this the United States government took a great responsibility for the decision adopted by the General Assembly on the partition of Palestine.

What is the situation to-day? We are witnessing a very strange phenomenon. The United States has changed its attitude towards the decision already adopted, the decision adopted with its active participation. Not only has it refused to support this decision, but it has raised a question of its abolition and introduced to this effect entirely new proposals.

It is needless to say that such a conduct of the United States, having as its aim to kill the decision adopted by the United Nations on Palestine, has provoked more than an amazement in all the countries of the world. It is clear to any one that the effort of the United States to kill the adopted decision is dictated by the interests having nothing in common with the interests of the United Nations Organization with which the leading circles of the United States ceased to reckon long ago.

The United States representative in the Security Council asserts as if the decision to partition Palestine cannot be carried out in practice by peaceful means. He tries to prove to

us, without giving any facts or arguments worthy of attention, something that/more than peaceful measures is necessary for the implementation of the decision on partition. Speaking about this, he tries to convince us as if the partition of Palestine into two states is unworkable in practice and that the United Nations must seek another solution.

Now it has become apparent that all those arguments were aimed at preparing the ground to bury the plan of the partition and to justify the new American proposal on Palestine. What could only have been guess work two weeks ago, especially when the representatives of the permanent members of the Security Council conducted their consultations at the request of the Security Council, which requested them to carry out such consultations with the purpose of preparing for the Security Council recommendations ensuring the fulfilment of the General Assembly resolution, has now become clear.

All the arguments of the United States representative were intended to substantiate and to justify the step of the United States government, directed at the wrecking of the decision on partition and at its substitution by the establishment of trusteeship for Palestine. It is necessary to say, however, that those arguments are not convincing at all and bear no criticism. It is impossible to agree to an assertion as if the decision on partition cannot be carried out by peaceful means. No one has ever proved this. The Security Council has hardly discussed this question. Nor has it been discussed in the course of the consultations by the representatives of the permanent members of the Security Council. Only the representatives of the United States and China have made definite statements to this effect, the statements, the meaning of which it was not difficult to understand even before the submission of the American proposal on trusteeship.

But the matter would not change if the viewpoint of the United States representative were shared not only by the representative of China, but also by the representatives of certain other states. It would not change, because such a viewpoint is not supported by any facts. The assertion to the effect as if the decision on partition of Palestine cannot be implemented by peaceful means is unfounded for the very reason that the Security Council not only has not used all possible peaceful means, but it has not adopted a single decision at all, aimed at assuring the partition of Palestine.

In view of the position of several states, and of the United States in particular, the Security Council embarked upon endless discussions and delay in the consideration of this question while it was requested to take concrete decisions, assuring the effective fulfilment of the resolution on partition. What grounds are there for the assertion that the partition cannot be effected by peaceful means? There are no grounds for such an assertion and there can't be any. The statements by the United States representative to this effect are only misleading public opinion.

For the same reasons groundless are the assertions as though the fulfilment of the General Assembly decision can involve graver sacrifices for the population of Palestine than the administration of her on the basis of trusteeship. But where does this follow from? What is the reason for such a conclusion? It is obvious that no foundations exist for such a conclusion, especially if we take into account the reaction which was caused among the peoples of Palestine by the new American proposals.

These sacrifices can be reduced only through prompt and effective creation of two states in Palestine, as it was outlined by the Assembly. If the United States and some other states wreck the implementation of the partition and consider Palestine as a component element in their economic, military and strategic

calculations, then any decision on the future of Palestine, including the establishment of trusteeship will mean the transformation of Palestine into a field of dissention and struggle for the Jews and Arabs and will only increase the number of victims.

Naturally, it would do harm, first of all, to the peoples of Palestine -- the Arabs and Jews, whose legitimate rights were trampled enough in the past, particularly during the administration of Palestine on the basis of the mandate.

All this gives us reasons to draw a conclusion that full responsibility for the killing of the decision on the partition of Palestine rests on the United States which, according to general opinion, takes care not of the just settlement of the question of the future of Palestine and the relations between Arabs and Jews, but of their own oil interests and military-strategic positions in the Middle East. All of you are aware that this is precisely what underlies the new political line of the United States on the Palestine issue, as this line is directed towards sacrificing the decision, already adopted by the United Nations, to economic and military-strategic interests of one power, for the sake of the interests, which, as I have already mentioned, have nothing in common with the interests of the United Nations as a whole.

It is beyond any doubt that the wrecking of the decision on partition would mean a serious blow upon the United Nations Organization, and the responsibility for the blow rests fully on the United States.

Some American politicians, and all American diplomats without exception, often like to speak about their support of the United Nations Organization. We had no doubts even before that the statements of such kind do not correspond to reality. This opinion at present becomes more and more widespread. Now the Americans themselves, including prominent persons, for example,

many members of Congress, speak about it more and more extensively. This point of view is fully shared by the major part of the American press. If still another proof is necessary that the ruling circles of the United States always ignore the United Nations when the interests of this Organization do not coincide with the narrowly understood interests of one power, then the best proof is the policy of the United States on the Palestine question.

The United States submitted new proposals on the establishment of the so-called temporary United Nations trusteeship for Palestine. It is necessary to dwell specially upon these proposals and to analyse what their meaning is and what they are leading to. It is not difficult to understand, what these new proposals mean, and what their authors are aiming at. First of all, it is necessary to point out that these proposals, not without reason, are considered as an attempt to convert Palestine into a military-strategic base of the United States and England under the pretext of maintaining order in that country.

One may say that nothing is said about this in the American proposals. Of course, the American proposals do not say openly about this. But any one understands that this is precisely what the new United States proposals are aiming at.

This fact alone shows that the new proposals contradict the interests of our Organization, expressed in the decision adopted on the partition, and consequently the interests of the maintenance of peace. The adoption of such proposals would mean the substitution of common interests of the United Nations for the interests of certain states to the detriment of the cause of security.

Moreover, it is necessary to point out that the decision on the establishment of trusteeship for Palestine would not eliminate difficulties, to which the United States and some other states

refer, refusing to support the General Assembly resolution since the establishment of the trusteeship would be directed against both the Arab and Jewish population in Palestine. In case of adopting the decision on trusteeship, both the Jews and Arabs in Palestine would be placed in a position of peoples, deprived of an independent state.

Thus, the proposal for trusteeship not only does not correspond to the interests of the maintenance of international peace, but it does not meet the interests of the Arabs and Jews in Palestine either. Its adoption would only correspond to the interests of the influential circles of some of the great powers, placing their economic and military-strategic interests above the common interests of the United Nations.

Submitting its new proposals on the Palestine question, the United States also proposed to convene a special session of the General Assembly with a view of revising the previously adopted decision. We do not see any ground for convening special session of the Assembly, since such a session on Palestine did take place in 1947. As a result of the specially held session, and also of the discussion of this question at the regular session in 1947, the decision on the partition was adopted. The convening of a new special session on the Palestine issue would mean throwing the United Nations backwards, at least, for a year in regard to the Palestine question, while our task is not that of moving backwards, but of making progress and of implementing the decision already adopted.

It follows, therefore, that the Security Council would act incorrectly if it accepted the proposal to give instructions to the Palestine Commission to suspend its work, aimed at the implementation of the decision on the partition. The Commission cannot stop working for it has no right to do so until the decision adopted by the General Assembly remains in force.

Finally, it should be noted that reports have lately appeared in the press as though the British statements on the withdrawal of their troops from Palestine in connection with the termination of the Mandate on the 15th of May, 1948 may remain unfulfilled. Hints are being made that Great Britain may change its decision and leave its troops in Palestine either at the request of the United States or, maybe, at the request of some one else, in order to ensure the fulfilment of the American plan for the establishment of trusteeship for Palestine and to start the execution of this plan with the same English or other foreign bayonets already known to the peoples of Palestine.

I do not know to what extent these reports are in accordance with reality. But the public opinion of the United Nations has the right to be on the alert in connection with the appearance of such reports. In view of the reversal of the United States position on the Palestine question, the public opinion realizes the fact that not always one can rely upon the statements made by the official representatives of those countries for which Palestine is one of the pawns in their political gamble.

UNITED STATES MISSION
TO THE UNITED NATIONS

Press Release #417
March 30, 1948

Memorandum for the Press

For the convenience of correspondents, the recent statements by President Truman and Secretary of State Marshall regarding United States policy on Palestine are given in full below:

Statement by President Truman -- March 25, 1948:

It is vital that the American people have a clear understanding of the position of the United States in the United Nations regarding Palestine.

This country vigorously supported the plan for partition with economic union recommended by the United Nations Special Committee on Palestine and by the General Assembly. We have explored every possibility consistent with the basic principles of the Charter for giving effect to that solution. Unfortunately, it has become clear that the partition plan cannot be carried out at this time by peaceful means. We could not undertake to impose this solution on the people of Palestine by the use of American troops, both on Charter grounds and as a matter of national policy.

The United Kingdom has announced its firm intention to abandon its mandate in Palestine on May 15. Unless emergency action is taken, there will be no public authority in Palestine on that date capable of preserving law and order. Violence and bloodshed will descend upon the Holy Land. Large scale fighting among the people of that country will be the inevitable result. Such fighting would infect the entire Middle East and could lead to consequences of the gravest sort involving the peace of this nation and of the world.

These dangers are imminent. Responsible governments in the United Nations cannot face this prospect without acting promptly to prevent it. The United States has proposed to the Security Council a temporary United Nations trusteeship for Palestine to provide a government to keep the peace. Such trusteeship was proposed only after we had exhausted every effort to find a way to carry out partition by peaceful means. Trusteeship is not proposed as a substitute for the partition plan but as an effort to fill the vacuum soon to be created by the termination of the mandate on May 15. The trusteeship does not prejudice the character of the final political settlement. It would establish the conditions of order which are essential to a peaceful solution.

If we are to avert tragedy in Palestine, an immediate truce must be reached between the Arabs and Jews of that country. I am instructing Ambassador Austin to urge upon the Security Council in the strongest terms that representatives of the Arabs and Jews be called at once to the Council table to arrange such a truce.

The United States is prepared to lend every appropriate assistance to the United Nations in preventing bloodshed and in reaching a peaceful settlement. If the United Nations agrees to a temporary trusteeship, we must take our share of the necessary responsibility. Our regard for the United Nations, for the peace of the world and for our own self-interest does not permit us to do less.

With such a truce and such a trusteeship, a peaceful settlement is yet possible; without them, open warfare is just over the horizon. American policy in this emergency period is based squarely upon the recognition of this inescapable fact.

Vacuum

Statement by Secretary Marshall -- March 20, 1948:

The position of the United States on Palestine was stated by Ambassador Austin in the Security Council on Friday.

The course of action with respect to the Palestine question which was proposed yesterday by Ambassador Austin appeared to me, after the most careful consideration, to be the wisest course to follow. I recommended it to the President and he approved by recommendation.

The primary and overriding consideration in that situation is the need to maintain the peace and to prevent chaos and widespread disorder upon the termination of the mandate on May 15, 1948. We believe that the United Nations should do everything it can to bring the fighting to an end and save the lives of the men, women, and children which would be lost in the bitter fighting which could otherwise be expected to follow the withdrawal of British troops.

The grave international situation which the President described in his message to the Congress on March 17 further emphasizes the compelling importance of preventing the outbreak of open warfare in Palestine. The interest of the United States in a peaceful settlement in Palestine arises not only out of deep humanitarian considerations but also out of vital elements of our national security.

The United States supported the partition plan for Palestine in the General Assembly last autumn.

Since that time we have explored every possibility of a peaceful implementation of that recommendation. We sought to have the Security Council accept the plan as a basis for its own action in the matter. This it refused to do on March 5, 1948. We then sought to find through consultations among the five principal powers some basis of agreement on which the partition plan might go forward by peaceful means. These consultations were unsuccessful in developing any measure of agreement between the Jews and Arabs of Palestine or any substantial agreement among the permanent members as to how the Security Council might proceed. #

Informal consultations with other members of the Council have made it clear that the Security Council would not now pass a resolution to proceed with partition. In addition to efforts within the United Nations we have attempted by diplomatic means to obtain a wider degree of acceptance of the recommendation of the General Assembly. These efforts did not lead to any substantial result.

We are faced, therefore, with the prospect that the United Kingdom will abandon the mandate of Palestine on May 15, 1948 and that no successor government will be in position on that date to maintain law and order.

A truce is essential. A military truce cannot be achieved under existing circumstances without a parallel truce in the political field. A political truce, however, would bring us up to May 15 without elementary arrangements for keeping order in that situation.

The United States suggestion is that a temporary trusteeship should be established in order to maintain the peace and to open up the way to an agreed settlement. This trusteeship could be ended as soon as a peaceful solution can be found. The trusteeship itself would be established without prejudice in any way to the eventual political settlement which might be reached for Palestine.

The United States has repeatedly stated that we are seeking a solution for Palestine within the framework of the United Nations and that we are not going to act unilaterally in that matter. The proposal for a temporary United Nations trusteeship, without prejudice to the ultimate solution, made by this Government, is the only suggestion thus far presented which appears to offer any basis for action by the United Nations to meet the existing situation in Palestine.

UNITED STATES MISSION
TO THE UNITED NATIONS

Press Release #418
March 30, 1948.

ADVANCE RELEASE
FOR RELEASE ON DELIVERY

ADVANCE RELEASE

CHECK AGAINST DELIVERY

DRAFT RESOLUTIONS ON THE PALESTINIAN QUESTION

Statement by Ambassador Warren R. Austin in the Security Council.

The time appears suitable to offer to the Security Council Resolutions to carry out Part II of the paper representing the views of four of the Permanent Members, (S/P.V.270 19 March 1948, page 7), as follows:

"As a result of the consultations of the permanent members regarding the situation with respect to Palestine, they find and report that a continuation of the infiltration into Palestine, by land and by sea, of groups and persons with the purpose of taking part in violence would aggravate still further the situation, and recommend

"(a) that the Security Council should make it clear to the parties and governments concerned that the Security Council is determined not to permit the existence of a threat to international peace in Palestine, and

"(b) that the Security Council should take further action by all means available to it to bring about the immediate cessation of violence and the restoration of peace and order in Palestine."

The statement made by the President of the United States on March 25 indicates the urgent necessity of exerting every effort in the Security Council to arrange a truce between the Jews and Arabs of Palestine.

Such a truce should be based on two fundamental considerations:

First, it is absolutely essential that violence and bloodshed in Palestine cease. This is demanded by humanitarian considerations. We must prevent anarchy. It is required to keep international peace. Cessation of hostilities is imperative.

Second, both the Jews and Arabs of Palestine must be prepared to accept truce arrangements which would not prejudice the claims of either group. The truce should include suspension of political as well as military activity.

My Government considers it essential that representatives of the Jewish Agency and of the Arab Higher Committee be called upon to state their views on the necessary arrangements for a truce. Such representatives should, of course, be fully authorized to enter into definitive truce arrangements with the Council.

To provide for the immediate cessation of hostilities and the basis for a truce, Mr. President, I have submitted for the consideration of the Council the following resolution:

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THE SECURITY COUNCIL,

In the exercise of its primary responsibility for the maintenance of international peace and security,

Notes with grave concern the increasing violence and disorder in Palestine and believes that it is of the utmost urgency that an immediate truce be effected in Palestine;

Calls upon the Jewish Agency for Palestine and the Arab Higher Committee to make available representatives to meet at once with the Security Council for the purpose of arranging a truce between the Arab and Jewish communities of Palestine, and emphasizes the heavy responsibility which would fall upon any party failing to observe a truce,

Calls upon Arab and Jewish armed groups in Palestine to cease acts of violence immediately.

no relat. to
U.N. decision
as U.N. is
not involved

It is the view of my Government that the immediate cessation of hostilities and the establishment of a truce in Palestine are the most urgent objectives. We believe that the Council should also proceed as promptly as possible to the consideration of the additional conclusions and recommendations concerning Palestine. I alluded to these in my statement to the Council at its 271st meeting on Friday, March 19.

In this connection, we feel that the first step which should be taken by the Security Council is to request the Secretary-General to convoke a special session of the General Assembly. Accordingly, I have been requested by my Government to submit for the consideration of the Council the following resolution:

THE SECURITY COUNCIL:

Having on December 9, 1947, received the resolution of the General Assembly concerning Palestine dated November 29, 1947, and

Having taken note of the United Nations Palestine Commission's First and Second Monthly Progress Reports and First Special Report on the problem of security, and

Having on March 5, 1948, called on the permanent members of the Council to consult, and

Having taken note of the reports made concerning those consultations,

Requests the Secretary-General, in accordance with Article 20 of the United Nations Charter, to convoke a special session of the General Assembly to consider further the question of the future government of Palestine.

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It will be noted that this resolution does not mention trusteeship. The United States adheres to the view I stated in the Security Council on March 19, and which was reaffirmed by the Secretary of State on March 20, and again by the President of the United States on March 25, that a temporary trusteeship should be established to maintain the peace. This trusteeship would be without prejudice to the character of the final political settlement in Palestine. We believe that a trusteeship is essential to establish order, without which a peaceful solution of this problem cannot be found or put into effect.

The exigencies of the time limits confronting the Security Council require prompt decision and issue of the call for a Special Session. This should not be delayed by debate over details of the temporary trusteeship. The United States is ready to offer and consider with other members of the Security Council proposals regarding such details while the necessary notice period is running.

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UNITED NATIONS
Department of Public Information
Press and Publications Bureau
Lake Success, New York

Press Release PM/906
28 April 1948

STATEMENT BY FINN MOE (NORWAY) IN COMMITTEE I - 28 APRIL 1948

Mr. Chairman,

There seems to be a certain reluctance to start a debate on what we are going to do about the present situation in Palestine, including the possibility of a trusteeship or another UN regime. It is however only in such a debate that we will be face to face with the realities.

In order to be helpful, to try to get this debate started, I venture to make a few observations on the present situation in Palestine and the trusteeship idea.

In the opinion of my delegation the most urgent problem is to find ways and means not only to stop the fighting that is now going on, but to find a basis for a halt to the hostilities, while a new attempt is made to find a peaceful solution to the Palestine problem.

It may well be that it is already too late. But I cannot but feel that this is the main duty of those delegations which are worried that failure in this tragic situation may well mean the end of the authority of the United Nations as similar events meant the end of any real influence of the League of Nations.

For this reason my delegation is willing to consider the idea of a temporary trusteeship agreement or any other idea which in this late hour may stop the fighting in Palestine, and prevent open warfare in the Near East.

It is in a spirit of conciliation and in order to make a small contribution to this end, that I intend to mention a few -- as it seems to me -- inescapable facts, which must be taken into consideration when one tries to find a temporary solution to the serious situation in Palestine, be it trusteeship or a UN provisional regime.

It is evident after the statements we have heard from the distinguished representatives of the Arab states and the Arab Higher Committee, that continued implementation of partition will be met by the most bitter resistance on the part of the Arabs and thereby will lead to increased and very probably open

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warfare in Palestine.

This certainty of bitter and determined Arab resistance to partition raises the question of enforcement.

But in this connection there is one dominant fact, that should not be forgotten. That is that the Security Council has declined to enforce the decision on partition and that in all probability the Council will not change its attitude, quite apart from the legal question of a recommendation by the General Assembly can legally be enforced.

For this reason it is quite clear that if one should reaffirm the decision on partition or if one should decide to continue the implementation of partition, it will either be an empty gesture or one risks to make exactly the same mistake that was made at the last regular session, that is, making a decision without going carefully into the possibilities of implementation and enforcement.

As a way out it has been proposed, as implied in one of the proposals before us, to leave the enforcement to local militia forces. It is evident that this means open warfare in Palestine, with the only difference that the responsibility of the UN would be seriously engaged as the local militias would be created by the Palestine Commission of the UN.

For the reasons I have mentioned, it seems therefore that a necessary element in any workable solution that will bring peace to Palestine, is a temporary suspension of the implementation of the decision on partition.

The next fact that should be taken into consideration in any realistic analysis of the situation, is the following:

The Jews in Palestine do now -- or will from May 15th -- exercise all authority -- civil and military -- in certain parts of Palestine, parts which correspond approximately with the regions of the planned Jewish state.

In the opinion of my delegation it should be unjust towards the Jews to ask them to relinquish this authority in all its aspects, because it has been established as a consequence of a decision of the United Nations General Assembly and in confidence that this decision would be carried out.

And even if it was not unjust, it would certainly not be psychologically

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wise in the present situation.

It is evident from statements made by representatives of the Jews that any attempt to break up the present situation would be met by a determined resistance, that means that such an attempt would also lead not to peace, but to more or less open warfare.

In our opinion it is one of the weaknesses of the proposed trusteeship agreement circulated by the US delegation that it does not take this fact sufficiently into consideration, as there are no provisions for maintaining regional authority in the different parts of Palestine as it is exercised at the present moment.

It seems to my delegation therefore that another necessary element in any workable solution to bring peace to Palestine is that the parties should continue to exercise the largest degree of regional authority in those parts of Palestine where they do so at present -- parts which I understand correspond to the regions mentioned in the decision of the General Assembly.

It is evident that one of the main functions of the Trusteeship authorities would be to safeguard the rights of the respective minorities. But besides that the authorities acting on behalf of the United Nations, would only concern themselves with the interests of the country as a whole and maintain law and order.

I am fully aware that there are still many difficult questions to be solved, especially the questions of immigration and land policy. But the difficulties with regard to immigration and land policy are present in whatever solution is proposed. I have not entered into other questions of detail in order not to take up too much of the Committee's time.

But my delegation is convinced that any workable solution will have to be based on these two basic elements: that implementation of partition must be suspended and that the regional authority that exists today in the different parts of Palestine must be recognized.

A temporary solution based on these two fundamental elements has on the other hand the advantage that it does not in any way prejudice the final solution of the Palestine problem. If partition should be the final solution it would present no difficulties to create different states. If a unitary Palestine on a

federal or cantonal basis should be the final solution, it would present no difficulties to replace the trusteeship authorities by an elected government.

There is however one difficulty in this connection. Statements from both sides seem to make it a condition for any temporary arrangement, that the partition decision should either be clearly upheld or clearly reversed. It is evident that if these conditions are maintained there is very little hope of any agreement. The only basis for agreement is a temporary suspension of the partition decision, a temporary suspension that does not neither in law nor in fact, alter the present situation.

In the meantime the parties as well as the United Nations, would get the necessary time to see if it should not be possible in a spirit of goodwill and mutual trust to work out a solution that might finally bring peace to the Holy Land.

There is one more fact that has to be taken into consideration.

If it should not be possible to arrive at any agreement for a temporary solution between the contending parties, it is clear that any decision on trusteeship would have to be enforced, provided that under these circumstances the necessary majority would find it advisable to recommend trusteeship as a temporary solution. It is evident that if it is doubtful if a decision on trusteeship will be implemented and enforced, it is of no use to make such a decision. That would only be repeating the mistake that was made last fall despite the warnings of many delegations among which I would especially mention the Canadian and the New Zealand delegations. The United Nations cannot stand too many such mistakes, so if implementation and enforcement are not provided for, it would certainly be better not to recommend trusteeship as a temporary solution.

I am fully aware that a temporary solution in the form of a trusteeship or other UN provisional government, imposes heavy sacrifices on both parties. They will have to renounce their immediate independence. To a certain extent it is a choice between immediate independence or immediate peace, a very difficult choice to make for any nation. If the parties should decide that they will rather fight for their independence, I am certain almost every member of this

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Committee would understand such a decision. But it is quite evident that the efforts of the UN, of this Committee, can only have one aim -- peace in Palestine.

I have tried, Mr. Chairman, to tell how a delegation, who is not one of the parties to the strife in and around Palestine, looks upon the situation. And I want to state quite emphatically that these observations of my delegation have not been made in order to favor the one or the other of the contending parties, but only in order to find a basis for an armistice that will prevent open warfare and save the authority of the United Nations.

We cannot forget that our ability to arrive at a solution that means peace in Palestine is a crucial test for the United Nations itself, and that the most important task of the United Nations is to maintain peace and security all over the world.

It is in this spirit that my delegation has made these suggestions, which are meant only as a sincere contribution to find a way out of a situation that grows more serious every day.



**SUGGESTIONS REGARDING WITNESSES BEFORE
COMMITTEE ON INQUIRY OF THE UNITED NATIONS**

I. Position of Jews outside Palestine

A. Displaced persons in Germany, Austria and Italy

1. General McNarney

Query: whether we should not request Committee to take his testimony immediately in United States. If this is impossible, we should endeavor to obtain a written statement from McNarney which can be offered in evidence.

2. Judge Rifkind

3. Dr. Bernstein

4. Dr. Schwartz

5. Two or three representatives of the D.P. Camps

6. Query: whether to use any representatives of UNRRA.

In addition to this oral testimony, we should refer Committee to Truman-Atlee correspondence in regard to the 100,000.

B. Other European Jews

1. Dr. Schwartz

2. Testimony concerning Hungarian, Roumanian and Bulgarian Jewry.

3. Testimony concerning unsettled refugees in Switzerland, France, Belgium, Holland and England.

C. Oriental and North African Jews

Testimony concerning their position.

II. Practical impossibility of Jewish immigration to countries other than Palestine

A. Failure of international efforts to resettle Jews outside Palestine

1. James G. McDonald

B. Worldwide immigration restrictions (country by country)

1. Dr. Jacob Robinson to prepare a memorandum for presentation to Committee

III. Jewish achievement in Palestine, 1882 to date

A. Economic

1. See witnesses under IV

B. Health, hospitalization, etc.

1. Witnesses from Hadassah

IV. Economic absorptive capacity of Palestine

A. In general

1. E. Kaplan

2. D. Horowitz

3. Mr. Hoofien

4. Representative of Palestine Manufacturers' Association

5. Robert Nathan

B. Further economic development of Palestine

1. Lowdermilk

2. Hays

3. Savage

4. Wolman

V. The right of the Jewish people to reconstitute their home in Palestine

A. Genesis and meaning of the Balfour Declaration

1. Hon. L. S. Amery
2. Field Marshall Smuts ?
3. Dr. Chaim Weizmann

B. Arab-Jewish agreements

1. Dr. Weizmann
2. Mr. Justice Felix Frankfurter

If Justice Frankfurter's oral testimony cannot be obtained, then a written statement from him should be submitted.

C. Observations and recommendations of the permanent Mandate's Commission and rulings of the Council of the League of Nations

1. Hon. L. S. Amery
2. Baron Van Asbeck
3. Monsieur Rappard

D. The 1939 White Paper

1. Baron Van Asbeck
2. Monsieur Rappard

Full reference will be made to the documentary material concerning the above topics. This whole subject will be comprehensively covered in our written brief.

VI. Administration of Mandate by Great Britain

- A. Immigration policy**
- B. Land policy**
- C. Fiscal policy**
- D. Repression**
 - 1. Civil liberties**
 - 2. Colonial type of exploitation**

Agency members and Agency experts to give testimony on these topics. Consider advisability of calling Viscount Samuel.

It is important that the evidence under topic "D"-1 be objectively appraised, preferably by counsel who have not lived through the repression.

VII. Arab-Jewish relations in Palestine

- A. Cooperation in field of business, labor and agriculture**
- B. Cooperation in municipal affairs**
- C. Friendly relations between general Arab and Jewish population, as distinct from Arab leaders**

Agency experts to testify on this topic.

VIII. Record and activities of Arab Higher Committee under leadership of Mufti

- A. Instigation of riots in 1920, 1922, 1929, 1936-39**
- B. Alliance with Nazis and fascists from 1936 to 1945**

VIII. (continued)

C. Active participation of Mufti and associates in program of extermination of Jews

The evidence concerning these topics is essentially documentary. We cannot afford to rely on newspaper summaries or on other hearsay sources. We must carefully collect and examine all the documentary material and offer photostatic copies in evidence before the Committee. We should endeavor to obtain access to the documents in the State Department files and in the files of counsel in the Nuremberg trial. If access to these sources is denied, we must review carefully how we obtained the photostats which we have and consider whether we can offer any testimony in regard to their authenticity.

IX. The Arab-Jewish war records: World War I and World War II

- A. Record of Palestine Arabs and Palestine Jews
- B. Record of entire Arab world outside of Palestine and of world Jewry outside of Palestine

This, so far as we know, can be proved only by reference to published statements and documents.

Query: whether there is any ex-British officer who may give testimony in this regard.

X. Refutation of the Arab case

A. British pledges to the Arabs

Best refutation is found in British official statements to which reference will be made.

B. These alleged pledges ruled invalid by Allied and associated powers of the First World War, and by League of Nations in the adoption and effectuation of Mandate.

This point should be covered in the Rappard and Van Asbeck testimony referred to above.

C. No pledges made by any of the other Allied and associated powers of the First World War or the League of Nations.

Same comment as "B".

D. Regardless of alleged pledges of 1915-18, Arab official representative fully recognized right of Jews to Palestine in 1919 in Feisal-Weismann Treaty and Feisal-Frankfurter correspondence, and in other ways.

This will be covered in "V"- "B".

E. Right of self-determination

1. Arab people as a whole has been fully given this right and has taken full advantage of it in Arab states now existing and recognized.

2. Arabs of Palestine had no right of self-determination distinct from the right of the entire Arab people.

(a) There was no such thing as a separate geographical unit of Palestine before the Allied and associated powers of the First World War created it at the conclusion of the war for the specific purpose of reconstituting the Jewish National Home.

(b) Turkey ceded Palestine to the Allied powers for that specific purpose.

(c) Limitations on doctrine of self-determination.

F. Benefits to Palestine Arabs from Jewish National Home

1. Comparison of condition of Palestine Arabs prior to 1919 with condition today

2. Comparison of condition of Palestine Arabs today with Arabs in adjoining lands

G. Miscellaneous refutations

Agency to supply witnesses on all of the above topics.

XI. Support of world Jewry for reconstitution of Jewish National Home

- A. Representatives of American, Latin-American, British, French and Eastern European Jewry**

XII. Solutions of Palestine Problem

- A. Analysis of recent British proposals and of proposals of previous committees of inquiry**
- 1. Agency members to testify as to this**
- B. Solution proposed by Jewish Agency**
- 1. Ben Gurion**

XIII. Security forces necessary to effectuate final solution

- A. Agency to supply witnesses**

XIV. Religious interests in Palestine of Islam, Judaism and Christianity

QUESTIONS FOR DISCUSSION

- A. Liaison with other Jewish organizations who will offer testimony.
- B. Should a glossary of important Hebrew terms be prepared for the benefit of the Committee?
- C. Since many Jewish organizations will apply for permission to testify, should a memorandum concerning the constituency and activities of various Jewish organizations throughout the world be prepared?
- D. We should call in as witnesses on various aspects of the case representatives of the following in Palestine: the Histadruth, the Sephardic communities, the Vaad Leumi, the Chief Rabbis, and possibly other Palestine organizations.

by
m. sandles

AHS.
[n.d.]

PALESTINE AND THE UNITED NATIONS

I. Preparation of the Zionist Case.

A. The Problem of Organization

1. The development of a master plan.
2. The designation by the Agency Executive of a small working committee for day to day policy decisions. It is assumed that this committee will receive its general policy directives from the Executive and Actions Committee. The best brains of the movement should be enlisted on an ad hoc basis to assist in the formulation of policy within the framework of the Executive's directives.
3. Retention of a General Counsel of the standing and caliber of Justice Owen J. Roberts and General William J. Donovan. Associated with him should be a legal committee composed of such persons as Handler, Tulin, Cox, Alfange, and Bernstein. Informal and advisory aid should be obtained from Judge Rifkind, Justice Frankfurter, Judge Proskauer, and similar persons. A paid staff of lawyers should be set up to undertake necessary research and to handle the necessary leg work.
4. Retention of outstanding public relations counsel.

5. Establishment of an Informal Advisory Diplomatic Committee composed of people such as Sumner Welles, Professor Phillip C. Jessup and various friends in the public service.

B. Preliminary Activities.

1. Exploration of manner in which issue will come before U. N. and its procedure in handling it.
2. Preparation of briefs, statements, etc.
3. Enlisting whole-hearted support of U. S.
 - (a) Action on the diplomatic front.
 - (b) Political activity.
 - (c) Education and support of American people.
 - (d) Pressure.
4. Enlisting support of other members of the United Nations.

C. Hearings before U. N. Committee.

1. Presentation of evidence; selection of witnesses; preparation of their statements; etc.
2. Recognition of crucial fact that U. N. acts as a legislative and not a judicial body.
3. Compilation of documents.
4. Written briefs and arguments.

D. Strategy and Tactics.

1. The Russian bug-a-boo.
2. Refuting the Arab case.
3. The possibilities and methodology of compromise; varieties of positions that may be taken by member nations of the U. N.

E. Lobbying and Other Activities While Matter is Before U. N.

F. Continuation of "Illegal" Immigration.



AIDE-MEMOIRE ON POSITION OF THE JEWISH AGENCY FOR PALESTINE
WITH REFERENCE TO THE SPECIAL ASSEMBLY OF THE UNITED NATIONS

1) As the United Nations Special Assembly begins to deal with the Palestine issue, there are certain aspects of the question which the Jewish Agency for Palestine wishes at this moment to emphasize. What is paramount, in the view of the Jewish Agency for Palestine, is that while a variety of solutions may be considered, none will meet the situation unless the rights of the Jews enshrined in the Mandate are respected, preserved and safeguarded. Amid all the fluctuations of debate and inquiry, this absolute basic principle must be reaffirmed.

2) For the immediate future, it may be recalled that as matters now stand, the Jews are not directly represented at the Special Session. It is the view of the Jewish Agency that under the circumstances, the Jewish Agency should be accorded a special status which would enable it to be represented in the proceedings of the Assembly. While this may establish a precedent, there is nothing in the Charter or the rules of the Assembly which excludes such a possibility, though it is assumed that any delegation thus seated would not possess a vote. Within the Assembly, five Arab State members of the United Nations will be present, and these countries are ones which have identified themselves with the intransigent leadership of the Palestine Arab Committee. If a general debate should arise within the Assembly, it will be advantageous to all who seek a fully rounded picture of the situation that the Jewish Agency be able to take part.

3) It is furthermore the view of the Jewish Agency that the United Nations will not wish the present unhappy state of affairs in Palestine to be prolonged because of its own deliberations. In the meantime, it should therefore request Great Britain to implement all the provisions of the Mandate according to its spirit and letter. Above all, the Mandatory Power should be asked to admit a substantial number of Jewish refugees and displaced persons whose sufferings in Europe have not been fully relieved, despite the victory over Hitler gained two years ago, and who long for the haven in Palestine pledged to them by the Mandatory Power and all those who consented to the League of Nations mandate. It will be recalled that in 1946 the Anglo-American Committee of Inquiry recommended the early carrying out, on the grounds of common humanity, of this imperative step. In the same fashion, the racial discrimination which prevails, contrary to the Mandate, in the sphere of land purchase should be abolished in Palestine during the interim period.

4) It is in the interests not only of the Jewish Agency but of all member States of the United Nations that the composition of any Inquiry Committee set up by the General Assembly should be such as to inspire confidence in its judgment and recommendations. If it is to reach fair, equitable and unbiased decisions, interested parties such as the Arab States should not be allowed to sit on it. There has been over a stretch of years a tripartite dispute involving the Arabs, the British, and the Jews; the British government themselves may, therefore, recognize the propriety of abstain-

III

ing from membership on such a Committee. Certainly the parties to a dispute cannot equitably be judges in their own case. All interested parties should clearly be permitted to appear before a Committee of Inquiry, but should not take part in formulating its conclusions.

5) It is also the view of the Jewish Agency that the terms of reference for any Committee of Inquiry, implied or explicit, should take cognizance of the continuing rights of the Jewish people, internationally recognized under the Palestine Mandate; they ought also to take into consideration the plight of Jewish displaced persons on the Continent of Europe. Unless this is done, the decisions of the United Nations may be prejudiced in advance and Jewish rights under the Mandate put in jeopardy. Any Committee of Inquiry should visit Palestine itself so as to gain a first-hand acquaintance with the problem on the spot. It should also study the Jewish problem as a whole throughout the world because this was the reason for the Balfour Declaration and the Palestine Mandate with their clear promise to establish in Palestine a Jewish National Home.

It is the view of the Jewish Agency that a small committee should be set up by the General Assembly rather than a large one. A small Committee can get to work more effectively and reach decisions more expeditiously, in order to enable it to finish its labors before the next regular session of the General Assembly. There is a danger that a large committee may become something in the nature of a parliament. A committee of seven members would therefore seem to meet requirements of the situation.

Text of Working Paper (Uncorrected)

Whereas the General Assembly has been called into special session for the purpose of constituting and instructing a special committee to prepare for consideration at the next regular session of the Assembly recommendations for the future government of Palestine, the Special Assembly resolves:

1) that the Special Committee shall have the widest powers to ascertain and record facts and to investigate all questions and issues relevant to the problem of Palestine.

(The Australian delegate suggested that there should be added "and should determine its own procedure".)

2) shall conduct investigations in Palestine and receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the Mandatory Power, from representatives of the population of Palestine, from governments and such organisations and individuals as it may deem necessary.

3) (Four alternate proposals)

a) that the Special Committee shall be guided by the principle that the independence of Palestine should be the purpose of any plan for the future of that country.

(Received five votes)

b) that the Special Committee shall be guided by the principle that independence for the people of Palestine shall be the purpose of any plan for the future of that country.

(Received seven votes)

c) that the Special Committee shall bear in mind the principle that independence for the population of Palestine shall be the purpose of any plan for the future of that country.

(Received nine votes)

d) that the Special Committee shall bear in mind the principle that independence for the population of Palestine shall be the ultimate purpose of any plan for the future of that country.

(Received six votes)

4) that it shall give the most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity.

(Eleven votes against)

(An alternative formulation):

to give most careful consideration to the interests of all the inhabitants of Palestine and the religious interests in Palestine of Islam, Judaism and Christianity.

5) the Special Committee shall prepare a report to the General Assembly and submit such proposals as it may consider appropriate for the solution of the problem of Palestine.

(Soviet addition: "...including a proposal on the question of establishing without delay the independent democratic state of Palestine").

6) that its report shall be communicated to the General Assembly, if possible by August 16, 1947 but in any event not later than September 1, 1947, in order that it may be circulated in time for consideration by the General Assembly.



The course taken by a special session of the General Assembly to consider the Palestine problem can be imagined as follows: There will be first a lengthy oral statement by the representative of the British Government. This will be followed by a more or less exhaustive general debate both on matters of procedure and of substance. Finally there will be the inavoidable proposal to appoint some committee the terms of reference of which will be decided by the Assembly and which will be asked to report and to make recommendations to the General Assembly before September next. All matters such as the composition of this Assembly Committee, its terms of reference, its rights to hear orally the "non-governmental" parties concerned and/or to accept and consider their written statements etc. etc. being "questions of procedure" will be decided by a simple majority of the "members present and voting including always the five Arab States. Now it is clear that all these "questions of procedure" are of a paramount importance for the final handling of the substance. If for instance there would be some prospect that the General Assembly may after discussion decide to appoint a Committee as proposed by Mr. Lie composed of the "Big Five" and of a few more or less real neutrals this would be all right. But there are no such prospects if it is true that the US-Government has objected to Mr. Lie's proposal for reasons given by the "Times" correspondent. A majority in the Assembly which we could consider as helpful should necessarily vote not only against the Arab but also against all those British proposals

(of procedure or of substance) endangering our interests. But such a majority is only possible if the USA takes the lead and acts firmly against all Arab and British proposals. Even USA abstention or weak opposition can not do it because in such a case the combined Anglo-Arab vote may still get a majority if backed by the Asiatic and USSR "blocs" and by some of the South-Americans.

The key is in the hands of the USA Government but judging by this first move the help we can expect from it is very problematic.

