

1947

NEW ZEALAND

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# THE UNITED NATIONS

REPORT OF THE NEW ZEALAND DELEGATION  
TO THE SPECIAL SESSION OF THE GENERAL  
ASSEMBLY CALLED TO CONSTITUTE AND  
INSTRUCT A SPECIAL COMMITTEE TO PREPARE  
FOR THE CONSIDERATION OF THE QUESTION  
OF PALESTINE. HELD AT FLUSHING  
MEADOWS, NEW YORK, 28 APRIL - 15 MAY 1947

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*Presented to both Houses of the General Assembly by Leave*

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# REPORT OF THE NEW ZEALAND DELEGATION TO THE SPECIAL SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS APRIL - MAY, 1947

New Zealand Legation, Washington, D.C.  
29 May, 1947

The Right Honourable Peter Fraser, P.C., C.H.,  
Prime Minister and Minister of External Affairs,  
Wellington, New Zealand.

SIR,—

I have the honour to append hereto a report on the Special Session of the General Assembly of the United Nations which opened at Flushing Meadows, New York, on 28 April, 1947.

The New Zealand delegates were Sir Carl Berendsen and Mr. John S. Reid.

The Session was called in response to the request of the United Kingdom, acting under Article 4 of the Provisional Rules of Procedure, in a letter addressed to the Assistant Secretary-General of the United Nations in the following terms:—

“ His Majesty’s Government in the United Kingdom request the Secretary-General of the United Nations to place the question of Palestine on the Agenda of the General Assembly at its next regular Annual Session. They will submit to the Assembly an account of their administration of the League of Nations Mandate and will ask the Assembly to make recommendations, under Article 10 of the Charter, concerning the future government of Palestine.

“ In making this request, His Majesty’s Government draw the attention of the Secretary-General to the desirability of an early settlement in Palestine and to the risk that the General Assembly might not be able to decide upon its recommendations at its next regular Annual Session unless some preliminary study of the question had previously been made under the auspices of the United Nations. They therefore request the Secretary-General to summon, as soon as possible, a special Session of the General Assembly for the purpose of constituting and instructing a Special Committee to prepare for the consideration, at the regular Session of the Assembly, of the question referred to in the preceding paragraph.”

Thirty-nine nations responded to the notice of the Secretary-General inquiring whether they concurred in the calling of a Special Session of the General Assembly for the purpose of constituting and instructing a Special Committee to prepare for the consideration of the question of Palestine at the next Regular Session of the Assembly. Of these, thirty-eight concurred; Ethiopia alone did not. Belgium later indicated its approval, increasing to thirty-nine the number of nations concurring. In giving its approval, the New Zealand Government expressed its view that the Special Session should be for the sole purpose of constituting and instructing the Special Committee.

A supplementary agenda item proposed by the five Arab States (Egypt, Iraq, Syria, the Lebanon, and Saudi Arabia) was in the following terms :—

“The termination of the mandate over Palestine and the declaration of its independence.”

At the first plenary meeting, after the election of the Credentials Committee, the Assembly elected as its President for the Session Dr Oswaldo Aranha, of Brazil. The next item was the formal admission of Siam to membership of the United Nations. This was approved unanimously, increasing the number of members of the United Nations to fifty-five. The only other extraneous function of the General Assembly was the welcome to President Aleman, of Mexico. The President of the Assembly delivered an address of welcome to President Aleman, who replied suitably.

The Assembly then proceeded to establish the General Committee, which according to the rules is entrusted, *inter alia*, with the task of examining the provisional agenda and the supplementary list and reporting to the Assembly for final approval. This Committee is composed of the President, the seven Vice-Presidents, and the Chairmen of the six main Committees. The seven Vice-Presidents, chosen by secret ballot, were the representatives of France, the United States of America, the United Kingdom, China, the Union of Soviet Socialist Republics, Ecuador, and India ; the Chairman of the six main Committees were the representatives of Canada, Czechoslovakia, Egypt, Sweden, Poland, and Honduras. Of these Committees only one (the First) met for any business other than the election of its Chairman.

In accordance with Rule 33 of the Provisional Rules of Procedure, the provisional agenda, containing the items proposed by the United Kingdom and by the Arab States, was referred to the General Committee for consideration and report. There, the delegate for India, Asaf Ali, immediately opened proceedings by referring to a statement made by a Government spokesman in the House of Lords upon the attitude of the Government of the United Kingdom towards any recommendation on Palestine which might be adopted by the General Assembly. Although the Indian delegate was informed by the President that his question was out of order at this stage, he continued to press the point, and the President eventually permitted Sir Alexander Cadogan, delegate of the United Kingdom, to make a brief explanation. Sir Alexander stated that he would, at the appropriate time in the Assembly itself, make a full statement of the position of the United Kingdom Government, but he referred to a remark made by Lord Hall in the House of Lords: “I cannot imagine His Majesty’s Government carrying out a policy of which it does not approve.” He said that this did not mean that his Government would not accept any recommendation of the Assembly, but that he could not imagine it carrying out a policy which it thought was wrong. The incident closed at this stage, but was raised

again by the Indian delegate at later meetings of the General Committee, when Sir Alexander Cadogan reiterated his explanation and pointed out that the United Kingdom alone had carried the burden of responsibility and had poured out treasure and blood, and that he did not consider it would be proper for the United Kingdom again to undertake alone such a responsibility if the policy recommended by the Assembly were against the conscience of his Government.

When the item proposed by the United Kingdom was called for discussion the Indian delegate endeavoured to have that proposed by the Arab States dealt with first, but eventually accepted the President's ruling that the United Kingdom item had precedence. After some general discussion this item was approved.

For the debate on the item proposed by the Arab States (the phrase which they themselves applied to their group), the Chairman referred to the provisions of Rule 34 of the Provisional Rules of Procedure, and in accordance with that rule invited the representatives of Iraq, the Lebanon, Saudi Arabia, and Syria to come to the table, Egypt already having a seat. The Egyptian delegate opened the case for the Arab item on the agenda, basing his claims on the fact that neither the Balfour declaration nor the mandate had ever been accepted by the population of Palestine, and that both were in contradiction to the spirit and letter of the Covenant of the League of Nations, which in such cases provisionally recognized the principle of independence. For that reason he pressed for inclusion of the Arab item to enable the Assembly to discuss the termination of the mandate and the independence of Palestine. The Egyptian delegate pointed out that the Arabs and Jews are both members of the Semitic race, and that they had been living together in peace and amity all over the world, even in Palestine, until the mandate was established. The whole of the merits of the subject of Palestine would have to be discussed and the appropriate manner in which to provide for such a discussion was to allow this second item proposed by the Arab States to be placed on the agenda.

These views were supported by numerous speeches from all the Arab States during the session of the General Committee—which dragged on for three days—in debates in which the Arab States took the greatest part. The attitude of most of the other members of the General Committee was that, although it was important that the point raised by the suggested item should be discussed in due course, the Special Assembly was not the proper time for such a discussion. It was only one of the possible solutions which should be considered by the proposed Committee of Inquiry, and to include it in the agenda at that time would be to prejudge the issue.

The Soviet representative adopted the attitude that it would be improper to deny to those delegations which desired a full and complete debate on the whole question of Palestine an opportunity to express

their views at the Special Assembly. He considered that a refusal to include the Arab item might be construed incorrectly and unfavourably to the United Nations.

When it became clear during the debate that the majority of the General Committee were opposed to the inclusion of their item, the Arab representatives pressed for some indication that the whole question of Palestine would nevertheless be discussed at the Special Assembly in order that any Committee of Inquiry set up should be fully instructed. The Indian delegate strongly supported the arguments of the Arab delegation during the whole of this debate, as indeed he did throughout the proceedings in the General Assembly.

On the third day the Committee met all day and far into the night before a vote could be taken. Eventually the Committee, by a vote of one affirmative (Egypt)—the other Arab States not having seats on this Committee—eight against, and five abstentions (including the U.S.S.R. and Poland) decided against recommending the inclusion of the Arab item in the agenda.

On the following day, 1 May, the report of the General Committee was conveyed to the plenary session of the Assembly, and the Arab States recommenced their battle for the inclusion of their item, claiming also the right to discuss the whole question of Palestine, and therefore the termination of the mandate, in the debate on the first item—that proposed by the United Kingdom.

Throughout this debate the President ruled that speakers must keep to the procedural matter in question, and must not deal with the substance of the problem of Palestine. Eventually he suggested a form of resolution approving the inclusion of the United Kingdom item on the agenda in the following terms :—

“ THE GENERAL COMMITTEE,

“ Having considered the item on the provisional agenda entitled ‘ Constituting and instructing a Special Committee to prepare for the consideration of the question of Palestine at the Second Regular Session,’

“ Recommends that the item be placed on the agenda of the General Assembly, and that it be referred to the First Committee.”

The Canadian representative, who was elected Chairman of the First Committee, questioned the value of referring the item to his Committee, and was supported by the Egyptian delegate. The President, however, pointed out that under Rule 109 all items on the agenda must be referred to a Committee unless the General Assembly itself decided otherwise. Unfortunately, this point was not pressed, and what looked like an opportunity to save considerable time was lost. All the arguments adduced in the General Committee were repeated in the following plenary sessions, again in the First Committee, and once more in the final plenary sessions.

The United Kingdom item was approved without a roll call, but on the second item—that proposed by the Arab States—the following countries, in addition to the five Arab delegations—voted for the acceptance of the item on the agenda: Afghanistan, Argentine, Byelo-Russia, the U.S.S.R., the Ukraine, Yugoslavia, Cuba, India, Iran, and Turkey. Czechoslovakia, Poland, and eight Latin-American countries abstained. Fifteen voted in favour of placing the item on the agenda, 24 voted against, and 10 abstained.

The General Committee was thereupon reconvened in order to deal with the applications of several organizations for permission to attend meetings of the General Assembly and to participate in the discussions. The applications which had by that time been received were from the Jewish Agency for Palestine, the Zionist Organization of America, the Hebrew Committee of National Liberation, and the Political Action Committee for Palestine; subsequently additional applications were received and disposed of as indicated later in this report.

No application from any non-governmental Arab group was then before the Committee. The debate resolved itself into a discussion of the propriety of allowing a non-governmental representative to participate in the plenary session of the General Assembly, a proposal with this end in view having been introduced by Poland and strongly supported by the other Slav delegations.

After the defeat of a resolution, proposed by the Polish delegation and supported only by Czechoslovakia and the U.S.S.R., that the Assembly decide to invite the Jewish Agency for Palestine to appear before the plenary meeting of the General Assembly, a United States proposal, somewhat amended at the suggestion of the United Kingdom representative, was passed, recommending the Assembly to refer this and all other communications later received to the First Committee for its decision.

The report of the General Committee was referred to the Assembly on Saturday, 3 May, immediately after the welcome to the President of Mexico. At this time the delegate of New Zealand addressed the Assembly. While not directly challenging the ruling of the President that in the discussion of the United Kingdom agenda item the Assembly would be able to discuss the entire substance of the problem of Palestine, he nevertheless urged the Assembly and its Committees to do no such thing. He adduced three reasons why such a course would be improper and unwise. Firstly, the delegates to that meeting of the General Assembly were neither adequately instructed nor adequately informed to undertake such a discussion, having been instructed solely on the question of the establishment of a Committee of Inquiry. With regard to the arguments brought forward by some delegations that such a wide discussion was necessary in order properly to instruct the Committee, he said that the New Zealand delegation considered that the Committee should be given the simplest terms of reference in order

to ensure that it had the widest possible authority to investigate every aspect of the situation. In the second place, it would be manifestly unjust and illogical to allow full discussion on the subject when only one of the contending groups was represented at the Assembly. Whatever might be done to hear representatives of the second group they could not be accorded equal rights. If the Committee of Inquiry were given the widest possible order of reference, then all parties would have the fullest possible opportunity of expressing their views before that Committee. Finally, the New Zealand delegate stated that if it were agreed that no decision could be reached at the special meeting of the Assembly, then there could be no object whatsoever in embarking upon a discussion of the substance of the dispute, the only object of which could be to reach a decision in advance of the evidence.

In concluding his address the New Zealand delegate urged that every one concerned should strive to establish an atmosphere of peace and tranquillity during the whole period between the special meeting of the Assembly and the final decision of the General Assembly after receiving the report of the Committee of Inquiry. That was a plea which should be unanimously sponsored by the Assembly, supported by every Government, broadcast throughout the world, emblazoned on every journalistic headline, endorsed in every pulpit, repeated in every school, and adopted by every public speaker on this great and solemn problem: that all right-thinking people throughout the world should so comport themselves during the next few pregnant months as to ensure that the inquiry could be conducted in that atmosphere of calm and peace which alone could enable the task to be performed and a solution to be attained which would bring justice to all and relief to suffering humanity. All hands should be held, all voices stilled, except in considered and responsible argument before the Committee which was to be established. The New Zealand delegate most solemnly urged magnanimity, patience, and moderation on the part of all so that a true truce of God could be established during the months to come; that all would refrain from any form of provocation or exacerbation, by word or by deed, in their consideration of this great and agonized human problem. The New Zealand delegate expressed the hope that for that brief period at least—and he hoped for all time—passions would be stilled; that all would look forward, not backward. In no other way could the United Nations fulfil its high and onerous responsibility. In no other way could mankind prove itself worthy of humanity.

During the debate on the report of the General Committee the Polish delegation again introduced its resolution which had been defeated in the General Committee, and the whole question of the propriety of admitting outside organizations to participate in the proceedings of the General Assembly was debated again at length. The Slav delegations contended that if, as the United States delegation argued, there was



no provision in the Charter or in the rules authorizing such procedure, there was also nothing to deny that right. The first week of the Assembly came to an end with this question of procedure still under debate.

An incident occurred at this stage which caused considerable difficulties later. The President endeavoured to press the Assembly to continue on into the evening and, if necessary, through Sunday in order to reach a decision on the question. A motion to adjourn was, however, introduced and carried by delegates wearied by the lengthy sessions of the week, and during the discussion of this motion the President stated, without any very great emphasis, that he had eight speakers on his list, and that after the Assembly adjourned he would consider the list settled and he would allow no additional speakers when the debate resumed.

On the following Monday two other resolutions and several informal proposals were introduced on the same subject, leading to considerable complications of procedure, and during the morning an application was received from the Arab Higher Committee asking for permission to attend and to be heard on the Palestine problem. Later in the day, at the suggestion of the President, three Slav and four Latin American delegations submitted the following resolution, compounded from their various resolutions and suggestions :—

“ THE GENERAL ASSEMBLY RESOLVES

“ 1. That the First Committee grant a hearing to the Jewish Agency for Palestine on the question before the Committee.

“ 2. To send to that Committee for its decision those other communications of a similar character from the Palestinian population which have been received by this Special Session of the General Assembly or may later on be submitted to it.”

The President endeavoured throughout this debate to reduce the discussion, and eventually, when eight speakers had addressed the plenary session, announced that the list of speakers settled at the conclusion of the previous day's session had been exhausted and no further speakers could be heard. On a point of order the Chairman's ruling was strongly contested by the Arab delegations, some claiming that they had asked for the floor and had believed that their names were among those recorded by the Chairman at the previous meeting, but the President took a vote of the Assembly which, on a show of hands, defeated a proposal to reopen the debate by a vote of 32 to 12, the New Zealand delegation voting *for* the reopening of the debate on the ground that new matter had been introduced.

The compromise resolution proposed by the Slav and Latin American delegations was then carried, 44 being in favour, 7 against, and 3 abstaining, and Turkey and Afghanistan voting with the Arab group against the proposal.

The First Committee, under the chairmanship of the Canadian delegate, held its first meeting on the following morning, the meeting having been moved from Flushing Meadows to Lake Success in order to obtain the advantage of simultaneous translation. The representative of Mexico was appointed Vice-Chairman of the Committee, and the representative of Denmark Rapporteur.

The United States delegation introduced a resolution in the following terms :—

“ 1. That arrangements be effected by the Chairman, before this Committee takes final action with regard to the item on the agenda, to give an opportunity to the Jewish Agency for Palestine, as well as to any other organization representative of a considerable element of the population of Palestine, to appear before this Committee and present such views as such organization or organizations may have to offer with regard to what the terms of reference of the Special Committee to be set up by this Session of the Assembly should be.

“ 2. That the recommendations of the delegation of the mandatory be taken into consideration by this Committee in determining whether an organization maintaining that it represents considerable elements of the population of Palestine should be allowed to appear before the Committee.”

*Alternative 2 :* “ That no organization shall be considered to be representative of a considerable element of the population of Palestine and therefore eligible to appear before this Committee unless this Committee receives a statement from the delegation of the mandatory for Palestine to the effect that this organization is representative of a considerable element of the population of Palestine.

“ 3. That no organization be permitted to express its views with regard to the substance of the Palestine problem before this Committee ; that any organization which desires to express views of this character should apply for hearing to the Special Committee which it is the purpose of this Session of the General Assembly to establish.”

The Argentine delegation introduced the following resolution :—

“ Draft resolution concerning the implementation of the resolution adopted by the General Assembly at the seventy-fifth plenary meeting. The First Committee resolves :—

“ 1. To grant a hearing to :

“ (a) The Jewish Agency of Palestine.

“ (b) The representative of the Arab population of Palestine.

“ (c) The representative of the Jewish population of Palestine.

“ 2. All hearings will be about the appointing and instructing a Special Committee of inquiries on the political future of Palestine ; to report to the next regular General Assembly.”

The Chairman announced that he had received a telegram from the Palestine Arab group as follows :—

“ We have the honour to refer to our letter dated 5 May requesting to be heard on the Palestine problem and to convey to you the following. Our request, which was submitted on behalf of the ARAB of Palestine, who constitute the great majority of the population of the country, was sent with other requests to the First Committee

for decision, while the request of the Jewish Agency, which represents an alien and imposed minority, was accepted directly by the General Assembly. This is not in keeping with the position and rights of the Arabs of Palestine nor with the principles of justice and democracy. Although the Palestine Arab delegation cannot believe that such was the intention of the honourable members of the General Assembly, yet the fact and implication of the resolution are such that the Palestine Arab delegation, whilst reserving its future attitude, finds no alternative but to withdraw its request for a hearing. At the same time, we wish to put it on record before the United Nations that the Arabs have never recognized and will never recognize the mandate over Palestine or any act or body deriving from it. We shall be grateful to Your Excellency if you will convey this communication to the General Assembly."

After some debate this communication was interpreted as a withdrawal of the application of the Arab Higher Committee to be heard. The Chairman also announced that the President of the General Assembly had, in terms of the decision of the plenary session, telegraphed to the Jewish Agency that a hearing would be granted to that organization. The attention of the Committee was then immediately concentrated on the situation created by the action of the Arab Higher Committee. Discussion of their representation was given priority over other matters of business, and delegates made it clear that throughout the proceedings it had always been considered that the representatives of the Arabs should have equal facilities with the representatives of the Jews when presenting their case to the Committee.

The Iraqi delegate, however, pointed out that the action of the President in determining the debate in the plenary session of the previous day had prevented him from raising this very question, and it became clear that the Committee desired to remedy what was generally accepted to have been an error in the procedure of the previous day.

Eventually a resolution, in the drafting of which the majority of delegates took part, was passed in the following terms:—

"THE FIRST COMMITTEE RESOLVES :

"1. To grant a hearing to the Jewish Agency of Palestine and the Arab Higher Committee of Palestine.

"2. That arrangements be effected by the Chairman, before this Committee takes any final decision with regard to the item on the agenda, to give an opportunity to the Jewish Agency for Palestine, The Arab Higher Committee, as representative of the views of the Arab population, as well as to any other organization representative of a considerable element of the population of Palestine, to appear before this Committee and present such views as such organization or organizations may have to offer with regard to the constituting and instructing of the Special Committee to be set up by this Session of the Assembly.

"3. That a sub-committee of five members, consisting of representatives of Colombia, Poland, Iran, Sweden, and the United Kingdom, shall be established to advise the Committee whether any other organization represents a considerable element of the population of Palestine."

It will be noticed that the resolution also deals with the scope of the subject-matter on which the Jewish and Arab organizations would be permitted to make representations, and, indeed, the Committee felt so confident that it had met the Arab point of view that the utmost attention was devoted to this subject. The meeting for that day closed on a note of satisfaction expressed by the delegate for the Lebanon, who thanked the Committee for the generous sentiments expressed towards Arab participation.

On the following morning, however, the Committee's complacency was rudely shaken by an announcement by the Indian delegate, during the course of a debate on quite another subject, that the resolution passed on the previous day was not likely to cause the Arab Higher Committee to reverse the withdrawal of its application to participate. The Jewish Agency had been invited by the General Assembly, but the Arab Higher Committee only by the First Committee. He requested and moved that it be proposed to the President of the General Assembly "that a plenary meeting be called at once to consider the following resolution, 'That the First Committee grant a hearing to the Arab Higher Committee on the question before the Committee.'"

This motion was not debated at great length, probably because of the atmosphere of urgency and exasperation about the whole situation. The delegate of South Africa expressed the point of view that such a procedure would reduce the proceedings of the United Nations to a farce, the Committee having passed the resolution and then proceeding to the Assembly to ask authority to do so. The Australian delegate, on the other hand, expressed the opposite point of view, that the whole difficulty had arisen from the closing of the debate in the plenary session when the course of that debate had changed completely, and that the Assembly was itself responsible for the situation with which it was faced. He urged that the Committee should take the graceful course and retrace its steps, placing the Arab and Jewish organizations on exactly the same plane. On a show of hands the resolution was carried by a large majority, although nearly half the delegates abstained, as the fairest way out of a situation that should never have arisen. The New Zealand delegation voted for the resolution.

The President of the General Assembly, on taking the chair vacated by the Chairman of the First Committee, refused to call a plenary session as requested unless he had the support of the General Committee, and a long session of the latter committee ensued, from which there emerged the following compromise resolution:—

"The General Assembly affirms that the decision of the First Committee to grant a hearing to the Arab Higher Committee gives a correct interpretation of the Assembly's intention."

This resolution was adopted by the Assembly by 39 votes in favour, 1 against, and 11 abstentions.

The First Committee then resumed its sittings, and the Chairman reported that he had advised the Arab Higher Committee of the decision of the General Assembly, and suggested that that Committee might desire to reconsider the withdrawal of its request to be heard. The representatives appointed by the Jewish Agency—Mr David Ben Gurion, Dr Abba Hillel Silver, Mr Moshe Shertok, Dr Hayim Greenberg, Mrs Rose Halprin, Dr Nahum Goldman, Dr Emanuel Neumann—were reported as ready to attend the Committee, and, after some discussion as to the procedure to be adopted, it was agreed that representatives of the Jewish Agency could come to the table to make a statement or statements, that they should then withdraw from the table, and that the delegates could ask either oral or written questions which the spokesmen for the Jewish Agency would answer either immediately or later, as they chose. Dr Abba Hillel Silver then took a seat at the Committee table, and made his statement on behalf of the Jewish Agency. This statement, together with supplementary statements made on behalf of the Jewish Agency, appears as Annex A to this report.

Questions (which are also contained in Annex A) were asked by the delegates of India, Poland, Colombia, and South Africa, and all complimented Dr Silver on the very moderate and precise address which he had made to the Committee. It was arranged that questions would be answered at a later period.

The Committee then resumed its general discussion on the constituting and instructing of the Committee of Inquiry on which it had before it three resolutions—one by the United States, one by Argentine, and a third by El Salvador, in the following forms:—

“ DELEGATION OF THE UNITED STATES : DRAFT RESOLUTION CONCERNING THE ESTABLISHMENT OF A COMMISSION OF INQUIRY ON PALESTINE (Document A/C.1/150)

“ 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, analyse, 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 administration services and economy, to sit wherever it may consider necessary or desirable for the fulfilment 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 ;

“ 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.”

“ DELEGATION OF ARGENTINA : DRAFT RESOLUTION CONCERNING A SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE (Document A/C.1/149)

WHEREAS

“ The General Assembly has recognized the necessity of appointing a Committee to investigate the political situation in Palestine, so that this question may be considered by the Second Regular Session of the General Assembly of the United Nations ;

“ It is advisable that the said Committee be a small one, provided that proportional geographical representation is insured to the States members according to their distribution throughout the five continents ;

“ In addition, the powers of this Committee should be defined in order that its recommendations to the next Regular Assembly may have all the authority which only the General Assembly may confer ;

“ In view of their responsibility, the five countries permanently represented on the Security Council may not be excluded from this Committee ;

“ The majority of the population of Palestine is of Arab origin, and the United Nations cannot ignore the special interest which this question presents to the five States members of the same origin ;

“ It is strictly just to hear the minority of Jewish origin living in Palestine, with due regard to any right vested in the Jewish Agency.

“ Therefore, the First Committee for Political and Security Questions has decided to recommend the following decision to the General Assembly :

“ THE FIRST SPECIAL SESSION OF THE GENERAL ASSEMBLY RESOLVES :

“ 1. To appoint an Investigating Committee to study the situation in Palestine in order to enable the Second Regular Session of the General Assembly to consider the question when it begins its duties on 16 September next :

“ 2. The said Investigating Committee shall consist of eleven members—namely, China, France, Union of Soviet Socialist Republics, the United Kingdom, the United States, one State chosen by lot from among Egypt, Iraq, Lebanon, Saudi Arabia, and Syria, and five further States chosen by lot in the following manner :

“ (a) Three from States of the American Continent other than the United States of America ;

“ (b) One from the States of the Pacific : Australia, New Zealand, the Philippine Republic ;

“ (c) One from the States of the African Continent : Ethiopia, Liberia, the Union of South Africa, in the event of Egypt not having been chosen by lot to represent the Arab States ;

“ (d) One from the States of the Continent of Asia : Afghanistan, India, Iran, Siam, and Turkey, in the event of Egypt having been chosen by lot to represent the Arab States.

“ 3. The Investigating Committee shall have the widest powers both to record facts and to make recommendations.

“ 4. The Investigating Committee shall hear the United Kingdom as the mandatory Power in Palestine.

“ 5. The Investigating Committee shall hear one representative of the Arabs resident in Palestine, one representative of the Jews resident in Palestine, and one representative of the Jewish Agency.

“ 6. The Investigating Committee shall conclude its work not later than 1 September, 1947, and shall transmit its report to the Secretary-General for inclusion in the agenda of the Second Regular Session of the General Assembly of the United Nations.”

“ DELEGATION OF EL SALVADOR : DRAFT RESOLUTION CONCERNING THE TERMS OF REFERENCE FOR THE SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE (Document A/C.1/56)

THE GENERAL ASSEMBLY OF THE UNITED NATIONS,

“ RESOLVES, To entrust to the Special Committee the study of the situation in Palestine in order to propose to the General Assembly of the United Nations at its next ordinary meeting of this year the solution or solutions which it may deem most convenient to insure to Palestine the destiny which it deserves, in accordance with the aspirations of its people.

“ 2. The Special Committee shall give most careful consideration to the interests of the different groups of population in Palestine, the Arabs and the Jews included, and also to the interests of the Christian world, in the Holy Land and of the Christian population of Palestine.

“ 3. The Special Committee shall bear in mind the fact that the ultimate purpose of any plan for the future of Palestine should be the freedom and independence of this nation at the most appropriate time.”

In this general debate, which lasted over two days, practically every delegate stressed the importance of establishing a Committee with wide terms of reference, with full power to make all inquiries and study all aspects of the question, and composed of members who were impartial and independent. A considerable body of opinion believed that the last factor could be secured only if the five permanent members

of the Security Council were not members of the Committee. The Venezuelan delegate, speaking on the Argentine motion in which provision was made for the inclusion of these five members, specifically asked the United Kingdom and United States delegates whether they believed their country should be represented on the Committee. The United Kingdom delegate, in one of his very rare interventions in the debate, stated that, as a good member of the United Nations, the United Kingdom Government would not refuse to serve on the Committee if asked. But he reminded the Committee that his Government might in that case find itself at times in the witness stand, and later on the jury, and it would find this a somewhat embarrassing and difficult position.

The United States delegate, in his reply, said that his fear was that opposing views in debate among the permanent members of the Security Council, if they were on the Committee of Inquiry, would cause delay by the intrusion of other interests which were perfectly obvious here, and which were constantly arising on mere detail. He believed that the probability of arriving at an immediate decision would be greatly enhanced by having that Committee set up as nearly free as possible from those strong adverse interests which they constantly ran into when permanent members participate in a decision. They recognized their responsibility and would face it, but it would come at the right time, which would be after this preliminary investigation and in the reviewing of the facts.

The Soviet delegate (Mr Gromyko), on the other hand, strongly urged that the permanent members of the Security Council should be members of the Committee of Inquiry for two principal reasons—firstly, he believed that they had in this matter a responsibility which they could not avoid, and that it was their duty to accept that responsibility and take part in the proceedings of the Committee from its inception; secondly, he urged that no settlement of the Palestine question would be satisfactory, or indeed possible, unless it was supported by agreement among the five permanent members.

During this debate the Chairman announced that he had received a telegram from the Palestine Arab delegation indicating that the Arab Higher Committee would be glad to appear before the First Committee. At this stage in the debate the Committee had before it not only the three resolutions from the Argentine, United States, and El Salvador, but also many suggestions for amendment submitted by other members. The Chairman pointed out that there was not a great deal of difference among these proposals, and suggested the appointment of a sub-committee which might endeavour to redraft the proposal, and the following members were appointed: Argentine, Australia, China, Czechoslovakia, Egypt, El Salvador, France, the United Kingdom, the United States, and the U.S.S.R. The Chairman was added to the Committee at the request of several members.

At the next meeting the Chairman of a sub-committee which had been appointed to consider\* the communications from non-governmental



organizations presented its report in the following terms (Document A/C.1/64) :—

“ The First Committee, at its forty-seventh meeting, decided to appoint a sub-committee, composed of the representatives of Colombia, Poland, Iran, Sweden, and the United Kingdom, and entrusted it with the task of advising the Committee whether any organization other than the Jewish Agency for Palestine and the Arab Higher Committee of Palestine represented a considerable element of the population of Palestine.

“ The sub-committee held two meetings, on 7 May and 9 May, under the chairmanship of Mr Hagglof, delegate of Sweden. In these two sessions the sub-committee examined the following requests sent in to the Secretariat of the United Nations before midnight on 8 May : Agudas Israel World Organization ; Political Action Committee for Palestine ; Progressive Zionist District 95 of New York, Zionist Organization of America ; Hebrew Committee of National Liberation ; Committee for Freedom of North Africa ; Palestine Communist Party Central Committee ; Institute of Arab American Affairs ; Young Egypt Party ; League for Peace with Justice in Palestine ; Union for the Protection of the Human Person ; United Israel World Union, Inc. ; Church of God, Faith of David, Inc. ; Catholic Near East Welfare Association.

“ The sub-committee took note of the fact that the First Committee had already decided to grant a hearing to the two main organizations representative of the population of Palestine—*i.e.*, the Jewish Agency for Palestine and the Arab Higher Committee of Palestine.

“ The sub-committee found, after careful consideration :

“ (a) That some of the requests originated with organizations established outside Palestine and do not directly represent the population of that country ;

“ (b) That the other requests emanate from organizations which, although established in Palestine, do not, in the opinion of the sub-committee, represent a sufficiently considerable element of the population of Palestine to justify the recommendation of a hearing before the First Committee.

“ In consequence, the sub-committee has decided unanimously to advise the First Committee not to grant a hearing to the organizations which have lodged applications.

“ It is the understanding of the sub-committee, however, that this decision does not exclude the possibility of all these organizations being heard by the committee of investigation once it has been established.”

The report of this sub-committee was adopted without discussion, and the sub-committee appointed to reconcile the various proposals for the terms of reference submitted its draft text for discussion, which was in the following terms (Document A/C.1/165) :—

“ 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 :

“ 1. That the Special Committee shall have the widest powers to ascertain and record facts,

“ 2. That it shall receive testimony, by whatever means it considers appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, and from such other Governments, non-governmental organizations, and individuals as it may wish to consult,

“ 3. That the 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,

“ 4. That it 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.

“ 5. That its 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.

“ 6. That 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, Jewry, and Christendom.”

The paper prepared by the sub-committee had no sooner been submitted when the Soviet delegation submitted an alternative paper, and eventually several other papers were also produced—by India, by the Philippines, by Iraq, and by Poland—and an endeavour was made to resolve the differences between the texts, which are as follows :—

“ DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS :  
AMENDMENT TO THE DRAFT RESOLUTION OF SUB-COMMITTEE 6  
CONCERNING THE TERMS OF REFERENCE FOR A COMMITTEE OF  
INQUIRY ON PALESTINE (Document A/C.1/166)

“ The first, second, and third paragraphs of the Sub-committee's draft resolution should be replaced by the following text :

“ 1. To study in detail the situation in Palestine by carrying out investigation on the spot,

“ 2. To assemble, to analyse, and collate all data relating to the question ; to receive written and verbal testimony from interested Governments and such non-governmental organizations and individuals who will wish to give the testimony and whom the Commission will deem appropriate to grant a hearing ; to study various other issues connected with the problem of Palestine,

“ 3. To prepare and submit to the next Regular Session of the General Assembly proposals on the solution of the problem of Palestine which the Commission will consider useful, including a proposal on the question of establishing without delay the Independent State of Palestine.”

“ DELEGATION OF INDIA : PROPOSAL FOR INCORPORATING RESOLUTION CONCERNING THE TERMS OF REFERENCE FOR SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE AS AGREED BY SUB-COMMITTEE 6 FOR DISCUSSION BY THE FIRST COMMITTEE (A/C.1/165, DATED 9 MAY), WITH AMENDMENT TO THE DRAFT RESOLUTION SUGGESTED BY U.S.S.R. DELEGATION (A/C.1/166), (Document A/C.1/167)

“ Whereas the General Assembly of the United Nations has been called into a 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 :

“ 1. That the Special Committee shall have the widest powers to ascertain and record facts, and study in detail the situation in Palestine by carrying out investigation on the spot.

“ 2. That it shall receive testimony, by whatever means it considers appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, and from such other Governments, non-governmental organizations, and individuals as it may wish to consult,

“ 3. That the Committee shall bear in mind the principle that independence for the population of Palestine should be the primary purpose of any plan for the future of that country,

“ 4. That it 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,

“ 5. To prepare and submit to the next Regular Session of the General Assembly proposals on the solution of the problem of Palestine which the Commission will consider useful, including a proposal on the question of establishing without delay the Independent State of Palestine.”

“ DELEGATION OF THE PHILIPPINES : PROPOSAL TO CONSOLIDATE AND AMEND THE PROPOSED TERMS OF REFERENCE OF THE SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE AS CONTAINED IN THE DRAFT RESOLUTION SUBMITTED BY SUB-COMMITTEE 6 (A/C.1/165), THE AMENDMENT SUBMITTED BY THE DELEGATION OF U.S.S.R. (A/C.1/166), AND THE PROPOSAL SUBMITTED BY THE DELEGATION OF INDIA (A/C.1/167), (Document A/C.1/168)

“ Whereas the General Assembly of the United Nations has been called into Special Session at 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 the future government of Palestine,

“ THE GENERAL ASSEMBLY RESOLVES :

“ 1. That a Special Committee be created for the above-mentioned purpose consisting of the representatives of . . . . .

“ 2. 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,

“ 3. That it shall conduct investigations on the spot and receive written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, and from such other Governments, non-governmental organizations, and individuals as it may deem proper to grant a hearing,

“ 4. That 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. That it shall consider what measures need to be taken to ensure peace, justice, and harmony among the people of Palestine preparatory to its emergence as an independent and democratic State,

“ 6. That it shall give most careful consideration to the religious interests in Palestine of Islam, Jewry, and Christendom,

“ 7. That the Special Committee shall prepare and submit a report of its findings and recommendations, not later than 1 September, 1947, to the Secretary-General, who shall circulate copies thereof to the member States of the United Nations in time for consideration by the Second Regular Session of the General Assembly.”

“ DELEGATION OF IRAQ : PROPOSAL CONCERNING THE TERMS OF REFERENCE FOR THE SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE (Document A/C.1/169)

“ Whereas the General Assembly of the United Nations has been called into Special Session at 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 the future government of Palestine,

“ THE GENERAL ASSEMBLY RESOLVES :

“ 1. That the Special Committee shall have the widest powers to ascertain and collect facts relevant to the future government of Palestine,

“ 2. That it shall examine the development of the situation in Palestine, in the light of the purposes and principles of the Charter, with a view to assessing rights and claims,

“ 3. That it shall receive testimony by whatever means it considers appropriate from Governments and non-governmental agencies and individuals as it deems fit to consult,

“ 4. That the Committee shall be guided by the principle that the independence of Palestine is the primary purpose of any plan for the future government of that country,

“ 5. That the Committee shall consider in its study on the future government of Palestine, the bearing of the situation in Palestine on international co-operation, peace, and security in the Middle East.”

“ DELEGATION OF POLAND : AMENDMENT TO THE DRAFT RESOLUTION OF SUB-COMMITTEE 6 ON THE TERMS OF REFERENCE FOR THE COMMITTEE OF INQUIRY ON PALESTINE (Document A/C.1/170)

“ First paragraph to read :

“ That the Special Committee shall have the widest powers to ascertain and record facts and study in detail, the situation in Palestine by carrying out an investigation on the spot and elsewhere whenever necessary, including the displaced persons camps and Cyprus.

“ Paragraph 3 to read :

“ That it shall prepare and submit for the next Regular Session of the General Assembly proposals on the solution of the problem of Palestine which the Committee will consider useful, including a proposal on the question of establishing by the United Nations the independent, democratic State of Palestine.

“ Paragraph 6 to read :

“ That the Committee of investigation shall give most careful consideration to the rights of the Arab people and the Jewish people in Palestine and also to the religious interests in Palestine of Islam, Jewry, and Christendom.”

At this stage a representative of the Jewish Agency, Mr Moshe Shertok, appeared before the Committee and gave his observations on the draft terms of reference for the Committee of Inquiry. This statement is attached in Annex A.

During the debate which followed this statement the delegate for the Lebanon reminded the Committee that during the opening session of the General Committee the United Kingdom representative had promised at the proper time to make a statement regarding the attitude of the United Kingdom towards the ultimate proposals that would emerge from the investigations of the contemplated Committee. The United Kingdom delegate elected to answer immediately, and opened by reminding delegations that on the Security Council the United Kingdom Government not only had gone to great lengths to avoid exercising the right of veto, but had in fact avoided ever exercising it. But they had tried for years to solve the problem of Palestine and had brought it to the United Nations in the hope that it could succeed where the United Kingdom could not. If the United Nations could find a just solution which would be accepted by both parties it could hardly be expected that the United Kingdom would not welcome such a solution. All he could say was that his Government should not have the sole responsibility for enforcing a solution which was not accepted by both parties, and which the United Kingdom Government could not reconcile with its conscience. He suggested that this question might just as well be addressed to all other members of the United Nations.

The representatives of the Arab Higher Committee, whose spokesman now took his place at the Committee table, were Mr Emil Ghouri, Rajai Husseini, Mr Henry Katan, Mr Wasef Kamal, Mr Isa Nakhleh, Mr Rasem Khalidi. Mr Henry Katan made a statement on behalf of his Committee, which is attached in Annex B to this report. The same questions were addressed to him by the delegates for India and Poland, and additional questions were asked by the delegates for Guatemala and Colombia and Yugoslavia. These are also set out in Annex B.

On the resumption of the debate there were many drafts before the Committee, and the main theme of discussion was concerned with the two questions—the advisability of including the permanent members of the Security Council on the Committee of Inquiry, and the extent to which, if at all, the Committee should be restricted by mandatory instructions in its terms of reference. The Arab group pursued its theme that the immediate independence of Palestine was an essential condition to be included in the instructions to the Committee, but the majority of the delegates appeared to be averse to both these propositions. The debate produced even more alternative suggestions, and the Committee adjourned at the end of the week only after instructing the sub-committee (enlarged by proponents of new suggestions) to consider all the proposals that had been made and to endeavour to prepare an agreed draft, or, on the points on which agreement was not possible, a draft which included provision for alternative points of view.

The report of this sub-committee was submitted when the Committee resumed its meetings at the beginning of the third week, and was in the following form :—

“ REPORT OF SUB-COMMITTEE 6 ON THE TERMS OF REFERENCE FOR THE SPECIAL COMMITTEE ON THE QUESTION OF PALESTINE (Document A/C.1/171)

“ Sub-committee 6 of the First Committee held its third meeting on Saturday, 10 May, 1947, at 3.00 p.m., and considered the proposal, 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 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, and, wherever it may deem convenient, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, from Governments, and from such organizations and individuals as it may deem necessary.

5A

“ 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.

5B

“ 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.

5C

“ 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.

5D

“ 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.

“ 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.

“ (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 of the following words to the above: ‘ 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.”

Attention was directed to completion of the terms of reference, the question of the personnel of the Committee of Inquiry being reserved for later discussion. Further statements and answers to questions were received from the Jewish Agency and from the Arab Higher Committee (attached in Annexes A and B). After two days of debate, during which several further proposals were submitted, the Committee agreed upon the terms of reference in the following form :—

“ 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 a report on the question of Palestine,

“ THE GENERAL ASSEMBLY RESOLVES THAT :

“ 1. A Special Committee be created for the above-mentioned purpose consisting of the representatives of . . . . .

“ 2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine.

“ 3. The Special Committee shall determine its own procedure.

“ 4. The Special Committee shall conduct investigations in Palestine, and, wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from the mandatory Power, from representatives of the population of Palestine, from Governments, and from such organizations and individuals as it may deem necessary.

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

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

“ 7. The Special Committee’s report shall be communicated to the Secretary-General not later than 1 September, 1947, in order that it may be circulated to the members of the United Nations in time for consideration by the Second Regular Session of the General Assembly.”

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

It is necessary, however, to mention some points on which there was very considerable discussion. On clause 4 the Polish delegation, supported by the South African delegation, urged that special provision should be made for investigation of the displaced persons camps in Europe, and the Arab group, equally strenuously, endeavoured to have inserted an express direction that these camps should be excluded from the consideration of the Committee. The final words "in Palestine and wherever it may deem useful" were inserted with the support of the majority, which on this, as on all other points, believed that the Committee of Inquiry should not be restricted in any way, but should have every authority to consider such questions as it found necessary. Four alternatives were proposed for the clause relating to the independence or the ultimate independence of the population or people of Palestine.

The debate at this point was disturbed by a vigorous statement by the delegate for the Lebanon in which he said, in relation to the national aspirations of the Jewish people: "taking the small land of Palestine which has its Arab quality and character, and introducing people there and making them a majority, thereby creating a state of people coming from abroad, is certainly a matter of careful consideration and a matter of war which in normal times cannot be solved except by fighting."

The United States delegation submitted a further alternative clause for the terms of reference in the following sense:—

"The Special Committee, in studying the future government of Palestine, shall give full consideration to guarantees of the rights necessary to the peace and independence of its people."

This version appeared to give considerable difficulty to most delegations, and its clarity was not assisted by an amendment proposed by the Soviet delegation, which would alter it to read:—

"The Special Committee, in studying the problem of Palestine, shall give full consideration to guarantees of the rights of its peoples necessary to the peace and independence of that country,"—

a version which the United States delegation was at first inclined to accept and later rejected.

After a lengthy debate, the French delegate, with the active support of the Australian and New Zealand delegates, proposed that there should be no provision whatsoever on this subject in order to leave the Committee completely free to consider all facts and material in relation to the problem. This proposal was adopted.

On paragraph 5 of the sub-committee's report a similar effort was made to delete any reference to religious interests in Palestine, again in an endeavour to avoid placing restrictions on the Committee. The clause now appearing in the report of the Committee was carried, however, by a substantial majority which included practically all the Latin American delegations.



The Soviet and Indian delegations endeavoured to have the question of independence reintroduced in clause 7 of the sub-committee's report, which now appears as clause 6 of the First Committee's report, but this effort was also defeated.

When it came to the allocation of members to the Committee of Inquiry, Committee I had before it the original United States resolution proposing Canada, Czechoslovakia, Iran, the Netherlands, Peru, Sweden, Uruguay; a Chilean resolution adding to those seven Guatemala and Yugoslavia; an Australian proposal that the Committee should consist of eleven members, not including the permanent members of the Security Council; a Soviet resolution that it should comprise the members of the Security Council; a further Soviet proposal, suggesting the five permanent members of the Council and six other members—one representing Western Europe, one Eastern Europe, two Latin American States, one Arab State, and one representing the Far East and Africa; and a Polish resolution providing for the five permanent members, two Latin American States, one Arab, one African, one Asian, and One Eastern European. The two Russian and the Polish resolutions were voted on first and defeated by considerable majorities, but with a very large number abstaining. The Australian proposal came next. This was carried by 13 votes to 11, with 29 abstentions. The remarkable number of abstentions was indicative of the doubt raised in the minds of many delegations as to the wisdom of widening the Committee. The nine members proposed by the United States and Chilean resolutions were then voted on, *en bloc*, by a show of hands, and approved, and a suggestion was made by the United States delegation that as two more places were to be filled they might be allocated to two areas which were not adequately represented among the other nine members—Asia and the South Pacific. Those nominated were Siam, India, Australia, and the Philippines. There was considerable argument as to the geographical location of the Philippines, and eventually, at the suggestion of the Chairman, the Philippine delegation elected to be considered for the South Pacific area. In the voting for this area Australia gained 21 votes to 20 for the Philippines, and in the voting for Asia, India was approved by a very large majority over Siam. The New Zealand delegation voted for both Australia and India.

Finally, in view of the apprehension expressed by some delegates that the small vote cast on the Australian motion as to the number of members of the Committee might give an impression that the Committee did not have the support of the United Nations, the resolution as a whole was put to the Committee and carried by a majority of 36, with 10 abstentions.

The plenary session, reconvened on 14 May to receive the report of the First Committee, and although some of the Arab delegates claimed the fulfilment of the President's promise to allow discussion of the

whole substance of the Palestine problem, this privilege was not widely availed of and the debate in the final plenary session occupied only two days.

The Arab delegations, one by one, again put on record their claim that nothing but one independent State of Palestine would satisfy them, and particularly that the issue of independence should be included in the terms of reference. The Soviet delegate spoke at considerable length reviewing the history of the mandate and quoting from the reports of the Royal Commissions and the Anglo-American Commission. In particular, he referred to the unhappy plight of the Jewish refugees in Europe, and asserted that it would be unjust to deny the right of the Jewish people to a realization of their aspirations for a State of their own. In his opinion the solution most deserving of attention was the creation of a single Arab-Jewish State with equal rights for both races, and if that were unrealizable on account of the deterioration of relations between the Jews and Arabs, the alternative was the division of Palestine into two independent, separate States.

The Polish delegate, in the course of his address, appealed to the Assembly to reintroduce his resolution, rejected in the First Committee, providing for the appointment to the Committee of Inquiry of the five permanent members of the Security Council and six other members, but he did not press this to another vote.

The Syrian delegate broke new ground with a lengthy discourse on the history both of the Jews and the Arabs, taking the Assembly back some four thousand years to what he described as the attack by the Jews against Palestine and its inhabitants, the Arabs then being known as Phillistines. He claimed that very few of those who were now endeavouring to enter Palestine were of the children of Israel or had had any connection with Palestine. Chiefly, he said they were descendants of the "Khazar Dynasty," a tribe of Mongols who settled north of the Caspian Sea but were eventually scattered throughout Eastern Europe when the Russian Empire came into power, and who had adopted Judaism for their religion in the seventh or eighth century A.D.

The Norwegian delegate introduced a resolution which he hoped expressed the views voiced by the New Zealand delegate at a previous plenary session, and which he considered could be accepted without debate. This resolution was slightly amended at the suggestion of the delegate of El Salvador, the final text being as follows :—

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

A vote was taken on this resolution by a show of hands, and the President declared the resolution unanimously adopted. He was, however, challenged by the Syrian delegate to announce the detailed voting, and then proceeded to ask for the votes again and the abstentions. The Arab delegations abstained from voting, and the President then announced that the resolution was practically unanimously approved because those who abstained had not voted.

The Indian delegate took the line that although he was somewhat disappointed in the final form of the resolution reported by Committee I, he was still satisfied that the interests of all parties were adequately protected. The Arab group would still be entitled to raise, at the next Session of the General Assembly, the points which they had made in debate and those which they had wished to be included in the terms of reference of the Committee of Inquiry. He appealed to all parties to support the Norwegian resolution, and pointed out, quite correctly, that the first suggestion of an appeal for peace had originated with him.

When the final vote on the resolution establishing the Committee of Inquiry was taken the resolution was divided into two parts, in accordance with Rule 74, a request to that effect having been made by the Ukrainian representative. Part I (the actual membership of the Committee of Inquiry) was carried by 40 votes in favour, 13 abstentions, and no votes against. The abstentions were the Arab and Slav States, together with Afghanistan and Turkey, who had fairly constantly voted with the Arab group. The second vote, on the remainder of the resolution, was carried by 45 votes in favour, 7 against, and 1 abstention. Those voting against were the Arab States, supported by Afghanistan and Turkey, and the abstention was Siam's. The resolution as a whole was carried in its final form by a vote of 45 in favour, 7 against, and 1 abstention, the text being as follows:—

“ 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 a report on the question of Palestine,

“ THE GENERAL ASSEMBLY

“ RESOLVES that :

“ 1. A Special Committee be created for the above-mentioned purpose, consisting of the representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay, and Yugoslavia.

“ 2. The Special Committee shall have the widest powers to ascertain and record facts, and to investigate all questions and issues relevant to the problem of Palestine ;

“ 3. The Special Committee shall determine its own procedure ;

“ 4. The Special Committee shall conduct investigations in Palestine, and, wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case,

from the mandatory Power, from representatives of the population of Palestine, from Governments, and from such organizations and individuals as it may deem necessary ;

“ 5. The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism, and Christianity ;

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

“ 7. The Special Committee's report shall be communicated to the Secretary-General not later than 1 September, 1947, in order that it may be circulated to the members of the United Nations in time for consideration by the Second Regular Session of the General Assembly ;

#### “ THE GENERAL ASSEMBLY

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

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

The usual complimentary speeches and votes of thanks to the President, the Chairman of Committee I, and the Secretariat were then carried, and the first Special Session of the General Assembly closed its meeting on Thursday, 15 May.

On the whole, the work of this Special Session of the General Assembly may be said to have been well done. There was considerable apprehension in the early stages lest the discussions on this very delicate, involved, and intractable problem might unnecessarily exacerbate the situation. Though the Assembly was called solely for the purpose of establishing a Committee of Inquiry to ascertain facts and make recommendations for the Regular Session of the General Assembly next September, it was, perhaps, too much to expect that the discussions would be confined solely to that aspect, and, in point of fact, the actual substance of the problem was traversed to a considerable extent both by many of the delegations on the one hand, and by the representatives of the Jewish Agency and the Arab Higher Committee on the other. But, generally speaking, such discussion as there was on the substance of the dispute was moderate and responsible, and though there were—as was almost inevitable in the nature of the subject under review—conspicuous exceptions, the sense of the Assembly was such that they were confined to limits as narrow as possible, and it was the general feeling that the prospects of an earnest and impartial inquiry were prejudiced to a much less degree than might perhaps have been expected. The terms of reference of the Committee of Inquiry are of

the widest possible order, and the constitution of the Committee is geographically well balanced on similar lines to those contemplated by the Charter for membership of the Security Council. It may fairly be said that, while the decisions of this Special Session of the Assembly are, of course, nothing more than an approach to this extremely difficult problem, it is nevertheless a good approach.

I have, &c.,

C. A. BERENDSEN.

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## ANNEX A

### 1. STATEMENT BY THE REPRESENTATIVE OF THE JEWISH AGENCY FOR PALESTINE MADE AT THE MEETING OF THE FIRST COMMITTEE ON 8 MAY, 1947

Dr ABBA HILLEL SILVER : Thank you very much, Mr. Chairman and representatives of the United Nations. I should like to say at the outset that were Mr David Ben-Gurion, Chairman of the Jewish Agency for Palestine, here this morning, he would be making this statement. Unfortunately, the arrival of Mr Ben-Gurion has been delayed. He will be here to-morrow, and I hope that in the course of the deliberations he will have an opportunity to participate here.

Permit me to thank the Assembly of the United Nations for granting the Jewish Agency for Palestine a hearing on the question which is before this Committee. We are grateful for the opportunity to take counsel with you in the matter of constituting and instructing a Special Committee of this body, which is to study the problem of Palestine and to bring in recommendations for the future government of that country. We trust that our participation in these deliberations will be helpful and will prove to be a contribution to the just solution of this grave international problem which this international community is now earnestly seeking. Such a successful solution will prove a blessing not only to Palestine and to all its inhabitants, to the Jewish people, to the cause of world peace, but it will also enhance the moral authority and prestige of this great organization for world justice and peace upon which so many high hopes of mankind now rest. We are pleased that the Palestine problem will now be reviewed by an international body and that the thought and conscience of mankind will now be brought to bear on a situation which heretofore, and for some years now, has been made extremely difficult by unilateral action and by decisions made, presumably within the terms of a mandatory trust, but actually without the sanction or supervision of the international body which established that trust and which defined both its limits and its purposes.

The administration of Palestine has, since the outbreak of the war, been conducted by the mandatory Power as if it were vested with the sovereignty of Palestine; whereas it is assumed to administer that country, of which it was not the sovereign, as a trustee for carrying out the purposes of the mandate which clearly defined its rights and its obligations.

The problem of Palestine is, of course, of paramount importance to the Jewish people, and that fact, I take it, motivated the General Assembly of the United Nations to extend an invitation to the Jewish Agency of Palestine to present its views. We thank all those who so warmly urged our admission for their goodwill and their gallant action. The Jewish Agency, you will recall, is recognized in the mandate for Palestine as a public body authorized to speak and act on behalf of the Jewish people in and out of Palestine in matters affecting the establishment of the Jewish national home.

It is the only recognized public body in the mandate. It is recognized as such, to quote Article 4, ". . . for the purpose of advising and co-operating with the Administration of Palestine in such economic, social, and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country."

Under Article 6, the Jewish Agency is entitled, further, to co-operate with the Administration in permitting ". . . close settlement by Jews on the land"; and by Article 11, it is given a preferred status in respect to the construction and operation of public works and the development of the natural resources of the country.

The Jewish Agency, which we have the honour to represent, therefore speaks not merely for the organized Jewish community of Palestine, the democratically elected National Council of Palestine Jews, who are to-day the pioneering vanguard in the building of the Jewish national home; it speaks also for the Jewish people of the world, who are devoted to this historic ideal, for it was charged, by the same Article 4 of the Mandate, ". . . to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home."

I have spoken of "the Jewish people" and "the Jewish national home." In defining the terms of reference of the Committee of Inquiry which you are to appoint, and in all the Committee's future investigations, these, in my judgment, should be regarded as key terms and basic concepts. They were the key terms and the basic concepts of the Balfour Declaration and of the mandate under which Palestine is, or should be, administered to-day. To proceed without relation to them would be to detour into a political wilderness as far as Palestine is concerned. To treat the Palestine problem as if it were one of merely reconciling the differences between two sections of the population presently inhabiting the country, or of finding a haven for a certain number of refugees and displaced persons, would only contribute to confusion.

The Balfour Declaration, which was issued by His Majesty's Government as a ". . . declaration of sympathy with Jewish Zionist aspiration," declares: -

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people."

The mandate, in its preamble, recognized ". . . the historical connection of the Jewish people with Palestine" and ". . . the grounds for reconstituting"—I call your attention to the word "reconstituting"—"their national home in that country."

These international commitments of a quarter of a century ago, which flowed from the recognition of historic rights and present needs, and upon which so much has already been built in Palestine by the Jewish people, cannot now be erased. You cannot turn back the hands of the clock of history.

Certainly, the United Nations, guided by its great principle, proclaimed in its Charter, "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained," can never sanction the violation of treaties and of international law.

Having this and similar situations in mind, a specific provision, you will recall, was written into the chapter of the Charter of the United Nations which deals with territories which might become trusteeship territories, and which is therefore especially applicable to territories now under mandate. This is Article 80 of the Charter, which reads: "Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any States or any peoples or the terms of existing international instruments to which members of the United Nations may respectively be parties."

It is the perspective of your Committee of Inquiry on the entire problem which, in our judgment, will prove decisive. It will give direction and will greatly expedite its work, and its conclusion will prove of constructive significance, if it will keep the proper perspective always in view.

A generation ago the international community of the world, of which the United Nations to-day is the political and spiritual heir, decreed that the Jewish people should be given the right, long denied, and the opportunity to reconstitute their national home in Palestine. That national home is still in the making; it has not yet been fully established. No international community has cancelled or even questioned that right. The mandatory Power, which was entrusted with the obligation to safeguard the opportunity for the continuous growth and development of the Jewish national home, has, unfortunately, in recent years grievously interfered with and circumscribed it. That opportunity must now be fully restored.

When will the Jewish national home be an accomplished fact? The answer to that question may well be given by the man who was Prime Minister of Great Britain at the time when the Balfour Declaration was issued. I am quoting the testimony of Mr. Lloyd George, given before the Palestine Royal Commission in 1937:—

"There could be no doubt," he said, "as to what the Cabinet then had in their minds. It was not their idea that a Jewish State should be set up immediately by the peace treaty. On the other hand, it was contemplated that, when the time arrived for according representative institutions to Palestine, if the Jews had meanwhile responded to the opportunity afforded them and had become a definite majority of the inhabitants, then Palestine would thus become a Jewish commonwealth."

"The notion that Jewish immigration," he continued, "would have to be artificially restricted in order to insure that the Jews would be a permanent minority, never entered into the head of any one engaged in framing the policy. That would have been regarded as unjust and as a fraud on the people to whom we were appealing."

This same answer could also be given by Mr Winston Churchill, who was an important member of the Government which issued the Balfour Declaration; by General Smuts, who was a member of the Imperial

War Cabinet at the time and who foretold an increasing stream of Jewish immigration into Palestine and "in generations to come, a great Jewish state rising there once more"; by Lord Robert Cecil, and by many others.

American statesmen shared this view of the Jewish national home. Thus President Wilson, on 3 March, 1919, stated: "I am persuaded that the Allied nations, with the fullest concurrence of our own Government and people, are agreed that in Palestine shall be laid the foundations of a Jewish commonwealth."

That the Government of the United States does not now consider the Jewish national home as already established is clearly stated in a letter of President Truman to King Ibn Saud, of Saudi Arabia, dated 29 October, 1946. He wrote:—

"The Government and people of the United States have given support to the concept of the Jewish national home in Palestine ever since the termination of the First World War, which resulted in the freeing of a large area of the Near East, including Palestine, and the establishment of a number of independent States which are now members of the United Nations."

"The United States," wrote President Truman, "which contributed its blood and resources to the winning of that war, could not divest itself of a certain responsibility for the manner in which the freed territories were disposed of or for the fate of the peoples liberated at that time. It took the position, to which it still adheres, that these people should be prepared for self-government, and also that a national home for the Jewish people should be established in Palestine.

"I am happy to note," declared the President, "that most of the liberated peoples are now citizens of independent countries. The Jewish National Home, however, has not as yet been fully developed."

It should, of course, be clear—and I regret that statements made by certain representatives in recent days have tended to confuse what should be clear—that when we speak of a Jewish State we do not have in mind any racial State or any theocratic State, but one which will be based upon full equality and rights for all inhabitants without distinction of religion or race and without domination or subjugation. What we have in mind by the Jewish State is most succinctly stated in a resolution adopted by the British Labour Party in 1945—now represented by the present Government of United Kingdom which requested this Special Session of the United Nations. I am quoting:—

"Here, we halted halfway, irresolutely between conflicting policies. But there is surely neither hope nor meaning in a Jewish national home unless we are prepared to let the Jews, if they wish, enter this tiny land in such numbers as to become a majority. There was a strong case for this before the war, and there is an irresistible case for it now."

When your Committee of Inquiry will come to consider proposals for the future Government of Palestine this inescapable and irreducible factor—the international obligation to ensure the continuous development of the Jewish national home—should be kept, in our judgment, constantly in mind. I believe it would be extremely helpful to the Committee of Inquiry if the mandatory Government would present the account of its stewardship of the Palestine mandate to it rather than wait for the



next Assembly of the United Nations. It would assist the Committee in thinking through the problem and at arriving at helpful recommendations for the future government of Palestine.

It is illogical, I fear, to ask the Committee of Inquiry to consider the future government of Palestine without first making a thorough study of the present Government to discover what was faulty in the present administration, what neglect and what deviations occurred to have brought about a condition so dangerous and explosive as to necessitate the convoking of a Special Session of the United Nations to deal with it.

I believe that the Committee of Inquiry should most certainly visit Palestine. Written documents are important, but infinitely more instructive are the living documents, the visible testimony of creative effort and achievement. In Palestine they will see what the Jewish people, inspired by the hope of reconstituting this national home after the long weary centuries of their homelessness and relying upon the honour and the pledged word of the world community, has achieved in a few short years against great odds and seemingly insurmountable handicaps. The task was enormous—untrained hands, inadequate means, overwhelming difficulties. The land was stripped and poor, neglected through the centuries. And the period of building took place between two disastrous world wars, when European Jewry was shattered and impoverished. Nevertheless, the record of pioneering achievement of the Jewish people in Palestine has received the acclaim of the entire world. And what was built there with social vision and high human idealism has proved a blessing, we believe, not only to the Jews of Palestine, but to the Arabs and to other non-Jewish communities as well.

That the return of the Jews to Palestine would prove a blessing not only to themselves, but also to their Arab neighbours was envisaged by the Emir Feisal, who was a great leader of the Arab peoples, at the Peace Conference following the First World War. On 3 March, 1919, he wrote :—

“ We Arabs look with the deepest sympathy on the Zionist movement. Our deputation here in Paris is fully acquainted with the proposals submitted yesterday by the Zionist organization to the Peace Conference, and we regard them as moderate and proper. We will do our best, in so far as we are concerned, to help them through. We will wish the Jews a most hearty welcome home. I look forward, and my people with me look forward, to a future in which we will help you and you will help us so that the countries in which we are mutually interested may once again take their places in the community of civilized peoples of the world.”

Your Committee of Inquiry will conclude, we are confident, that if allowed to develop uninterruptedly the standards of life which have been developed in Palestine, the concepts of social justice, and the modern scientific method will serve as a great stimulus to the rebirth and progress of the entire Near East, with which Palestine and with which the destinies of the Jewish national home are naturally bound up.

Your Committee of Inquiry should also consider the potentialities of the country which, if properly developed, can, according to the expert testimony of those most qualified to speak on the subject, sustain a population much greater than the present one. Many more projects, which will result in great economic and social improvement not alone in Palestine, but in all the neighbouring countries, are awaiting development pending a satisfactory political solution.

The Committee of Inquiry should, while in Palestine, also look into the real, the fundamental causes of the tragic unrest and violence which to-day mar the life of the Holy Land to which our Jewish pioneers came, not with weapons but with tools. They will inquire, I am sure, why a peace-loving community, whose sole interest was in building a peaceful home and future for themselves and their children, is being driven to a pitch of resentment and tension and lamentably driving some of its members to actions which we all deplore.

They will ask themselves, I am sure, why shiploads of helpless Jewish refugees—men, women, and children, who have been through all the hells of Nazi Europe—are being driven away from the shores of the Jewish national home by a Mandatory Government which assumed, as its prime obligation, to facilitate Jewish Immigration into that country.

They will also investigate, I hope, how the mandatory Government is carrying out another of its obligations which was to encourage close settlement of the Jews on the land ; when, in actual practice, it is to-day severely restricting free Jewish settlement to an area less than 6 per cent. of that tiny country, and is enforcing to-day in the Jewish national home discriminatory racial laws which the mandate, as well as the Charter of the United Nations, severely condemns.

By way of digression, let it be said—if it need be said at all—that we are not engaged, nor shall we be engaged, in any criticism or condemnation of the people of the United Kingdom. We have no quarrel with them. On the contrary, we have the highest regard and admiration for that people and for its monumental contributions to democratic civilization ; and we shall never forget that it was the United Kingdom which first among the nations gave recognition to the national aspirations of the Jewish people. It is only a wrong and unjustifiable policy which contradicts and tends to defeat the far-visioned British statesmanship of earlier years which we condemn.

We hope most earnestly that the Committee of Inquiry will also visit the displaced persons camps in Europe and see with their own eyes the appalling human tragedy which mankind is permitting to continue unabated two years—it is exactly two years to-day since VE day—after the close of the war in which the Jewish people was the greatest sufferer.

While Committees of Investigation and study are reporting on their sad plight, and while inter-governmental discussions and negotiations are going on, these war-ravaged men and women are languishing in their misery, still waiting for salvation. They ask for the bread of escape and hope ; they are given the stone of inquiries and investigations. Their morale is slumping terribly. A spiritual deterioration, I am afraid, is setting in among them. It is only the hope that to-morrow—perhaps to-morrow—redemption may come that keeps their spirit from breaking utterly. Most of them are desperately eager to go to the Jewish national home. I hope that the conscience of mankind, speaking through you and through your Committee of Inquiry, will make it possible for these weary men and women to find peace at last and healing in the land of their fondest hopes, and that their liberation will not be delayed until the report of the Committee is finally made and the action of the Assembly is finally taken, but that, pending ultimate decisions and implementations, these unfortunate people will be permitted forthwith to migrate in substantial numbers to Palestine.

There is a desperate urgency about this tragic human problem, my friends, which brooks no delay. An immediate relaxation of the restrictive measures on immigration into Palestine and a return to the status which prevailed before the white-paper policy of 1939 was imposed will not only be a boon to these suffering humans, but will greatly relieve the present menacing tensions in Palestine, will wash out much of the bitterness, and will enable the deliberations of your Committee of Inquiry and of the next Assembly to be carried on in a calmer spirit, in an atmosphere of moderation and good will. We are all eager for peace. We must all make a contribution to achieve it. But the decisive contribution can only be made by the mandatory Government.

I hope that I have not abused your patience, Mr Chairman, and the patience of the representatives of the United Nations here assembled. Permit me to conclude with this observation :

The Jewish people places great hope upon the outcome of the deliberations of this great body. It has faith in its collective sense of justice and fairness and in the high ideals which inspire it. We are an ancient people, and though we have often, on the long hard road which we have travelled, been disillusioned, we have never been disheartened. We have never lost faith in the sovereignty and the ultimate triumph of great moral principles. In these last tragic years, when the whole household of Israel become one great hostelry of pain, we could not have built what we did build had we not preserved our unshakeable trust in the victory of truth. It is in that strong faith and hope that we wish to co-operate with you in this task which you have undertaken.

The Jewish people belong in this society of nations. Surely the Jewish people is no less deserving than other peoples whose national freedom and independence have been established and whose representatives are now seated here. The Jewish people were your allies in the war and joined their sacrifices to yours to achieve a common victory. The representatives of the Jewish people of Palestine should sit in your midst. The representatives of the people and of the land which gave to mankind spiritual and ethical values inspiring human personalities and sacred texts which are your treasured possessions—we hope that people, now rebuilding again its national life in its ancient homeland, will be welcomed before long by you to this noble fellowship of the United Nations.

## 2. QUESTIONS ASKED OF THE REPRESENTATIVE OF THE JEWISH AGENCY FOR PALESTINE BY VARIOUS DELEGATES

Mr ASAF ALI (*India*) : I shall confine myself very strictly indeed to the statement made by Dr Silver. I must first of all congratulate him on the eloquence of facts and the moderation born of long centuries of suffering. I assure him that truth shall win in the last resort and human conscience will not abandon its function. He will permit me, therefore, to put to him just a few questions which arise out of his statement.

The very first question which I should like to ask him is this : What was the number of Jews from outside in Palestine in 1900, again in 1930, and finally in 1939 when the white-paper of 1939 was issued by the British Government ?

My next question would be whether Dr Silver recognizes the fact that there is a very clear distinction between a Jewish State and a Jewish national home, which is mentioned in the mandate. Does he also recognize the fact that even the statement, to which he made a reference,

which was made by the representative of the Liberal Government—or the Labour Party—referred not to a Jewish state, but to a Jewish national home ?

My third question is concerned with Dr Silver's reference to European Jewry. Will he be so kind as to provide us with some idea of the age of the various committees of National Jewry living in Europe, who would now like to go back to the national home ; how long have they lived in Europe ; and are they easily assimilable in Palestine ?

My fourth question is as follows : He has made a statement to the effect that at Paris in 1919 an extremely conciliatory statement was made by a great Arab leader who welcomed the Jews to Palestine. Is there any reason why the Arabs are resisting immigration now ?

My fifth question relates to the refugees from Nazi oppression. The Nazi Government in Europe has been completely suppressed, and Nazi Germany is now under the control of the Security Council or, at any rate, the United Nations. If that is so, is there any reason why these refugees cannot be resettled in their natural German home where they speak the language of the country and where they find themselves far more easily assimilable.

My sixth and last question would be about the conditions which are currently prevailing in Palestine. It is very gratifying to learn that Dr Silver, on behalf of the Jewish Agency, has recognized the noble role which the people of the United Kingdom have played in recognizing the urgency of the Jewish problem. May I know why public servants of the Government of the United Kingdom, who are doing their duty under extremely difficult circumstances are being picked off today by violence ?

Mr FIDERKIEWICZ (*Poland*) : I would like to ask the representative of the Jewish Agency, Dr Silver, just two questions.

First of all, who represents the Jewish Agency, how many organizations, how is the Executive Committee established and organized, and how does it work ?

The second question : Have there been any attempts at collaboration between the Jews and Arabs in Palestine ?

Sir ALEXANDER CADOGAN (*United Kingdom*) : I am not quite sure, Mr Chairman, that I shall be in order. I was not strictly intending to address a question to Dr Silver, but rather to make a comment on a certain passage in his speech. I should be in a sense perhaps rather replying to a question he put to me. I did want to make a very short declaration in one sentence which I thought might be helpful. I merely wish to say that I would like to dispel any misunderstanding which might still exist, which may have arisen out of the terms of the letter in which I had the honour to request the Secretary-General to summon a meeting of the Special Assembly. In that letter there was a passage stating that my Government would be prepared to give full and complete information to the Assembly. I wish to make it quite clear, and formally, that, if the General Assembly sets up a Special Investigating Committee, my Government, of course, will be entirely at the disposal of that Committee and will give all possible information, which will include an account of their stewardship.

Mr GONZALES-FERNANDEZ (*Colombia*) : I hope to be quite in order. According to our resolution we are going to hear the views of the different agencies with regard to constituting and instructing this committee.

With your permission, I should like to ask Dr Silver not as an element of final judgment for us, but simply as an element of illustration, what the views of the Jewish Agency for Palestine are regarding the composition of the Investigating Committee. We have up to this point two proposals presented in a formal manner and a suggestion presented by another delegation. I should like to know very much the point of view of the Jewish Agency for Palestine, simply as an illustrative element.

Mr ANDREWS (*South Africa*): I would very shortly like to join with my Indian colleague in complimenting Dr Silver on the very moderate, eloquent, and precise address that he has made to this Committee. I am sure that it is going to be extremely helpful to us in our deliberations in considering the question of instructing and setting up this Committee of Inquiry. I would hope, too, that, if we hear any further representatives of the high standard which Dr Silver has maintained will be continued before this Committee. I would only ask him one question, and that has relation to the terms of reference which we may be giving this Committee of Inquiry. Dr Silver has referred to the homeless Jews in Europe. If he would be so kind as to help me clarify my own mind, he said that the Committee of Inquiry should look into the condition of the homeless Jews in Europe. I would ask him, does he mean that the Committee of Inquiry should look into that situation as a whole or only in relation to the question of continuing immigration into Palestine?

### 3. STATEMENT BY MR MOSHE SHERTOK, REPRESENTATIVE OF THE JEWISH AGENCY FOR PALESTINE

Thank you, Mr Chairman, for giving us an opportunity to make a brief statement by way of, first, a preliminary comment on the draft before us. You will appreciate that we have had very little time to formulate a considered opinion on these proposals. I would limit myself to emphasizing a few outstanding points.

The Mandatory Government has submitted the problem of Palestine for the consideration of the present session of the Assembly, in view of a crisis which has unfortunately arisen in the administration of that country. That crisis is the result of the fact that the present policy of the mandatory Government conflicts with its obligations to the Jewish people. The crux of the matter is the problem of Jewish immigration to Palestine.

What is involved in regard to that issue is not merely the rights and interests of the Jews already in Palestine, or of the present inhabitants of the country in general, but also, and primarily, the rights and interests of the Jews outside Palestine who wish and must emigrate.

The formulation before us, we very seriously fear, lends itself open to an interpretation which would go a long way towards prejudging the entire issue which should form the subject of investigation by the Committee to be appointed by this Session of the Assembly. We feel sure that no such prejudging of the issue was intended, but it may be that the implications of certain formulæ contained in the present draft have not been fully realized. We should like to draw, with all respect, the attention of this body to such unintended imperfections of drafting.

We welcome the reference to the mandatory Power in the present draft, because we regard it as implying the position created by the mandate must be fully borne in mind by the Committee. On the other hand, we feel and fear that the language of paragraph 3 limits the issue in a direction which may work to the prejudice of fundamental Jewish

interests at stake. We naturally agree that independence must be the ultimate goal of the political evolution of Palestine and of its peoples. On the other hand, independence was not the sole purpose for which the present regime in Palestine was established.

The terms of the international trust under which Palestine has been governed—and has to be governed, to our mind, to-day—includes as the primary objective the establishment of the Jewish national home. It is, to our mind, impossible to consider the problem of the independence of Palestine without direct reference, without an organic connection with that primary purpose of the mandate.

We would therefore suggest that a phrase, contained in the original United States Government's proposal for the terms of reference, and which we see reproduced, with a slight modification of wording, in the proposal submitted by the Soviet delegation, should be added to paragraph 3—namely, "to study various other issues connected with the problem of Palestine." The paragraph, therefore, in our submission, should read:—

"That the 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, and various other issues connected with the problem of Palestine."

I should also like to comment on paragraph 6, which says:—

"That 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, Jewry, and Christendom."

Naturally, we have not the slightest objection to the underlining of the basic historical fact that Palestine is a land holy to the three faiths, and that all the three faiths have religious interests in it. But coupled with emphasis put on that positive point, there is here a suggestion that what is also basic is the interests of all the inhabitants of Palestine. Naturally, these interests are fundamental, and fully relevant to the purpose of the inquiry, but again, I would submit, not they alone. It is in the interests of the Jewish people which is also fundamentally relevant to the purpose of the inquiry, and we should like this stated in paragraph 6—that is to say, that the paragraph should read:

"That the Special Committee shall give most careful consideration to the interests of the Jewish people and of all the inhabitants of Palestine, and also to the religious interests in Palestine of Islam, Jewry, and Christendom."

Should this information not be found acceptable, we would then alternatively suggest to limit this paragraph merely to the stressing of the religious interests of the three faiths, and to delete the reference to the interests of the inhabitants of Palestine, which may well be accepted, as going without saying, as a subject which must be fully present in the committee's mind.

I should like to add that in Article 80 of the Charter of the United Nations the rights of all peoples in territories under mandate, pending the transformation of mandates under trusteeship, have been insured. While the committee is now going to study the problem created, we submit that it would not be right and proper to appear to prejudge the issue by disregarding the rights involved of all the peoples that have to-day, a stake in the country's future.

I should like to conclude by saying that the Jewish Agency for Palestine and the organized Jewish community in Palestine are most sincerely anxious to co-operate in the inquiry upon which the United Nations

is now about to embark. They are most sincerely anxious to lend their fullest support to the success of that inquiry and to place their experience and their knowledge freely at the disposal of the Committee. We should not like to find ourselves in a position where the danger of our fundamental rights being prejudiced in advance by the terms of reference should militate against our full and effective co-operation. I say again that we feel sure nothing of the sort has been intended, but we simply would like respectfully to warn against any such complication arising.

These are our brief and preliminary comments which we have taken the liberty of making at this early juncture, and we naturally reserve the right to make additional comments should they be necessary

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## ANNEX B

### 1. STATEMENT BY THE REPRESENTATIVE OF THE ARAB HIGHER COMMITTEE MADE AT THE MEETING OF THE FIRST COMMITTEE ON 9 MAY, 1947

Mr HENRY KATAN (*Arab Higher Committee*): First of all, allow me to express to you and, through you, to the General Committee and the General Assembly, the sincere thanks and deep appreciation of the Arab Higher Committee of Palestine for the opportunity you have given us to appear before you to-day. We are also grateful for the great efforts you have spent on the preliminaries of this discussion and for the interest you have expressed in hearing the Arab case, which are evidence of your desire to do justice in this cause.

I propose to limit my remarks to the fundamental elements of the problem, only to those elements which would assist the Committee in its task of determining the terms of reference of the proposed Special Committee. Before doing so, however, I beg to ask for your indulgence, for I am not a public speaker, and I am speaking in a language other than my own.

I come to you as a representative of the people of Palestine, as an Arab whose roots are deeply imbedded in that tortured land. The Arab people are deeply anxious to find a just and lasting solution to the problem before you because it is their own problem—the problem of their present life and their future destiny. No one is concerned with it as much as they are since it involves their very existence as a people. With this existence threatened, with the future of our children in doubt, with our national patrimony in danger, we come to you, the representatives of the organized community of nations, in the full assurance that your conscience will support us in our struggle to hold that which is dearest to any people's heart—the national right of self-determination, which stands at the basis of your Charter.

It may be well to start by sketching a picture of Palestine prior to the First World War. Palestine was then included in the Ottoman Empire as part of the Province of Syria; but this inclusion did not in any way alter or effect the Arab character of Palestine. It had been inhabited for several centuries by Arabs; its customs, traditions, and culture are Arab; its town and villages were Arab. Those are the facts. No amount of propaganda or distortion can change the Arab character, the Arab history, and the Arab national characteristics of Palestine.

Other small communities lived in the midst of the Arabs inhabiting Palestine and the other Arab countries—Jews, Armenians, Kurds, and others. In all those Arab countries the Jewish communities lived in peace and security. They even found for centuries amongst the Arabs more tolerance, more security, and more happiness than they had encountered among some of the nations of Europe. In Palestine, in particular, the Jews represented in 1914 a small fraction of the population, about 6 to 7 per cent. of the total. They had their own schools, synagogues, and communal institutions; but one important fact should be noted. They had no national or political aims antagonistic or hostile to the Arabs. On the contrary, while retaining their religious, cultural, and racial characteristics, the Jews merged harmoniously in the Arab structure. That explains why there was then no friction between the Arabs and Jews, no riots, no disturbances. The contrast between the old era and the present day provides an understanding to the problem.

Politically, the Arabs of Palestine, like the Arabs of neighbouring countries, were not then independent in the sense of forming a separate political entity. They shared, however, the sovereignty of an independent country and enjoyed full rights of citizenship equal to the rights enjoyed by the Turkish citizens of the Ottoman Empire. In fact, Arabs rose to the highest executive, legislative, and administrative positions.

Notwithstanding their enjoyment of full political rights, the Arabs wished to establish a purely Arab State, independently of the Ottoman Empire. There were already several undercurrents aiming at the achievement of this objective. These undercurrents rose to the surface and gained strength and violence during the First World War.

The Allied Governments encouraged this struggle of the Arabs for their independence, as it fitted with their plans for a victorious termination of the conflict. In particular, the United Kingdom made several pledges for the recognition and establishment of Arab independence.

In 1915 there was the pledge of Sir Henry McMahon, the United Kingdom High Commissioner in Egypt, to King Hussein of Hedjaz, then Sherif of Mecca, declaring that the United Kingdom "was prepared to recognize and uphold the independence of the Arabs in all regions lying within frontiers proposed by the Sherif of Mecca." Sir Henry McMahon purported to exclude from the pledge certain portions of Syria lying to the west of the districts of Damascus, Homs, Hama, and Aleppo. The portions excluded fell within the then French sphere of interest and claim. There was, however, no exclusion of that part of Syria now known as Palestine.

On 2 November, 1917, the United Kingdom Government issued the Balfour Declaration without the consent or even the knowledge of the Arabs and in contradiction of the McMahon Pledge made in 1915. When news of this declaration reached the Arab world doubts were created in the minds of the Arabs as to the sincerity of Allied aims concerning the future of the Arab countries, and the Sherif Hussein asked for an explanation. To allay Arab fears, the United Kingdom Government delivered to King Hussein what is known as the Hogarth Message, which pledged that Jewish settlement in Palestine would only be allowed in so far as would be consistent with "the political and economic freedom of the Arab population."

In other words, the Balfour Declaration was to be secondary and subservient to the "political freedom" of the population.



Again, in February, 1918, the acting British Agent in Jedda, Lieutenant-Colonel Bassett, wrote to the Sherif of Mecca :

“ His Majesty’s Government and their Allies stand steadfastly by every cause aiming at the liberation of the oppressed nations, and they are determined to stand by the Arab peoples in their struggle for the establishment of an Arab world in which law shall replace Ottoman injustice and in which unity shall prevail over the rivalries artificially provoked by the policy of Turkish officials. His Majesty’s Government reaffirm their former pledge in regard to the liberation of the Arab peoples. His Majesty’s Government have hitherto made it their policy to ensure that liberation, and it remains the policy they are determined unflinchingly to pursue by protecting such Arabs as are already liberated from all dangers and perils, and by assisting those who are still under the yoke of the tyrants to obtain their freedom.”

Then again, in June, 1918, the British Government, in what is known as the Declaration to the Seven, pledged that “ In regard to areas occupied by Allied Forces, . . . it is the wish and desire of His Majesty’s Government that the future Government of these regions should be based upon the principle of the consent of the governed, and this policy has and will continue to have the support of His Majesty’s Government.”

Then again, in November, 1918, the Anglo-French Declaration was made, which stated that the object aimed at by France and the United Kingdom in prosecuting the war in the East is the “ complete and definite emancipation of the peoples . . . and the establishment of national Governments and administrations, deriving their authority from the initiative and free choice of the indigenous populations. In order to carry out these intentions, France and Great Britain are at one in encouraging and assisting the establishment of indigenous Governments and administrations in Syria and Mesopotamia, now liberated by the Allies, and in the territories the liberation of which they are engaged in securing, and recognizing these as soon as they are actually established. Far from wishing to impose on the populations of these regions any particular institutions, they are only concerned to ensure by their support and by adequate assistance the regular working of Governments and administrations, freely chosen by the populations themselves.”

One of the matters which the Special Committee to be set up will therefore have to investigate will be the various pledges given to the Arabs before and after the Balfour Declaration with regard to the recognition of their independence.

The struggle which had as its backbone the will and determination of the Arabs to realize their Independence was spurred and encouraged by the assurances of the Allied Powers regarding independence, political freedom, and the establishment of Governments freely chosen. The Arabs, in fact, made a substantial contribution to the Allied victory in the first world struggle. King Hussein, of the Hedjaz, joined the Allied armies, and Arabs from Syria, Lebanon, and Palestine answered his call for revolt and joined the ranks of the Allies and fought with them.

To quote from the report of the British Military Commission of Inquiry set up to investigate causes of the disturbances in 1920 in Jerusalem :—

“ In fact, in June, 1918, recruitment for the Allied Sherif Army was in full swing in Palestine. Those recruited were under the impression that they were fighting for the National Cause and the liberation of their fatherland, while the evidence now before us shows that the real impression left in the minds of the Arabs as a whole was that the British Government would undertake the formation of an independent Arab State comprising Palestine.”

I do not wish to comment on the denial or breaking of pledges, nor on the ethics or legality of making contradictory promises. I wish to emphasize, however, that the claim of the Arabs for termination of the mandate and recognition of their independence does not rest on promises or pledges. The Arabs of Palestine are not claiming their independence on assurances; they are entitled to such independence as being their natural and inalienable right.

The value of those pledges, however, is twofold. In the first place, they nullify any contradictory assurances given to the Jews, if the Balfour Declaration is to be read as meaning more than a cultural home. In the second place, those pledges show that the administration of the country in a manner inconsistent with and contrary to the wishes of the large majority of the inhabitants is a glaring injustice.

I have mentioned the Balfour Declaration. It is at the root of and the very reason for all the troubles. It is the cause of the problem into which you are inquiring. It is the cause of the disturbance of peace and security in Palestine and the Middle East. Several Commissions of Inquiry into the disturbances in Palestine have invariably found that the Balfour Declaration and its policy of immigration were the primary and fundamental causes of such disturbances.

When we remember that the Balfour Declaration was made without the consent—not to say the knowledge—of the people most directly affected; when we consider that its making is contrary to the principles of national self-determination and democracy, as also to the principles enunciated in the Charter of the United Nations; when we know that it was inconsistent with the pledges given to the Arabs before and after its date—it will be the duty of the Special Committee to inquire into the legality, validity, and ethics of this document.

Out of the conflict of the First World War there emerged certain high principles which were to govern the organization or international relations and serve as the basis of the structure of modern civilization.

The principles propounded by President Wilson—that is, the rejection of all ideas of conquest and recognition of the right of self-determination—were incorporated in Article 22 of the Covenant of the League of Nations. The Covenant laid down that, to the peoples inhabiting territories which have ceased to be under the sovereignty of the State which formerly governed them, there should be applied the principle that their well-being and development form a sacred trust of civilization.

Moreover, in particularizing certain communities detached from the Turkish Empire—that is to say, the Arab Nation—Article 22 laid down that, having regard to their development, their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone.

Notwithstanding the pledges of Great Britain and the Allied Governments, notwithstanding Wilson's Fourteen Points, notwithstanding Article 22 of the Covenant, notwithstanding the riots in the country and the expressed opposition of the people of Palestine, the mandate was formulated in a manner embodying the Balfour Declaration.

One of the points which the Special Committee will have to consider will be the inconsistency of the mandate with Article 22 of the Covenant of the League of Nations. Article 22 is the primary and enabling instrument from which the mandate can derive its force and validity, if any.

If, therefore, the mandate on Palestine has, in its inception or the interpretation of its objects or in its practical application, deviated or departed from the primary objectives of Article 22 of the Covenant, then it is *ultra vires* and null and void. There is no power in Article 22 of the Covenant which enables the embodiment in the mandate of provisions prejudicial to the interests of the people of the country. A further issue which the Special Committee would have to inquire into is that the mandate was intended to be a provisional and transitory form of administration. The neighbouring Arab countries—Iraq, Lebanon, Syria, and Trans-Jordan—were similarly and at the same time placed under mandate. They are now making their contribution to the organization and maintenance of world peace and security.

Mr. Bevin declared on 25 February, 1947, in the House of Commons, the following :—

“ In other States in the Middle East, we also took on mandates, and they have all led to self-government. I want to state that the cultural development of the Arabs and Jews in Palestine is of as high a standard as in any other Arab State.”

There is, therefore, no justice in the denial to the people of Palestine of the elementary rights of self-government and independence. If, with a view to continuing this injustice, it is argued that the cessation of the mandate might lead to bloodshed between Arabs and Jews, and even if that were at all true, it is no reason which carried any convincing force as the whole history of the mandate since its inception is a history of troubles, disorders, and bloodshed.

Another point which we suggest that the Special Committee inquire into is the effect of the dissolution of the League of Nations on the Palestine mandate. It was specifically provided in Article 22 of the Covenant that the mandate should be exercised by the mandatory “ on behalf of the League of Nations,” this being the primary condition under which the mandate was granted.

The powers of a mandatory cannot legally outlive the existence of the person or body delegating such powers. The mandatory cannot be said to-day to be exercising its powers on behalf of the League, a body which has ceased to exist.

Article 80 of the Charter of the United Nations has a negative operation in not interfering with existing rights. It has not the positive effect of conferring validity on, or retaining in full force, an agency or mandate which has ceased to have any validity. Even if the mandate can be said to be still in existence, the Special Committee should, in my submission, be asked to consider the conflict between the provisions of the mandate imposing the obligation to facilitate Jewish immigration and the obligation undertaken by the British Government on becoming a party to the Charter of the United Nations. 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.

They are again in conflict with the resolution of the General Assembly of the United Nations adopted at its sitting on the 15 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.

Another term of reference would be an inquiry into the practical application of the mandate, which, in our contention, would show :—

(a) That it was not exercised within the scope and for the purposes contemplated by Article 22 of the Covenant ;

(b) That it was not exercised for the benefit of the original inhabitants of the country ;

(c) That its further continuation is creating a situation which is affecting the peace and good order in Palestine and threatening peace and security in the Middle East.

That inquiry would show, moreover, how the Arabs have lost their civil and political rights which they enjoyed prior to the mandate ; how the immigration initiated and facilitated under the mandate is threatening the very existence of the Arab Nation. It will show how this immigration has led to troubles and bloodshed which have soiled the Holy Land. It will show how the British Government is giving administrative advice and assistance to another British Government calling itself the Palestine Government. It will show how no trace can be found of self-governing institutions and much less of any trace of the development of such institutions. It will show how many lives were lost as a result of the policy of enforcing the mandate and how much money has been spent on police posts and fortresses as compared with schools and hospitals.

Another aspect of the practical application of the mandate will show how during the last twenty-five years more than half a million Jews were allowed to immigrate into the country against the wishes of its inhabitants, and how the British Government not only used its best endeavours to facilitate the achievement of the Balfour Declaration, but fully and completely achieved it at the expense of many lives and suffering.

Further, in formulating the terms of reference of the proposed Special Committee of Inquiry, it is not sufficient to point out what the problem is. It is equally important to invite attention to what the problem is not, so as to avoid confusion of issues.

In the first place, the problem is not an Arab-Jewish problem. The Arab opposition to immigration and to the establishment of a Jewish national home in Palestine is not based on any racial prejudice against Jews as Jews, but would be equally strong whatever the race or religion of any group which might attempt to wrest the country from its Arab inhabitants or to force immigrants into against the will of the Arabs.

In the second place, the problem is not economic. It is often contended that the Jews of Europe can develop the country by colonizing it better than its inhabitants could. Even if the premises on which this argument rests were true, it would still be worthless because it is an unacceptable and immoral argument. Such reasoning, if accepted, could justify any aggression by the more advanced against the less advanced nations of the world.

In the third place, the problem is not connected with the refugee problem. The problem of the refugees and of displaced persons is not limited to any special religion or race. It is a humanitarian problem, and it is the duty and concern of the civilized world to treat it as such. Indeed, this has been done, as is evidenced by the establishment of the

International Refugee Organization. The linking of the refugee problem with Palestine has made, and will continue to make, the solution of both problems infinitely more difficult, if not impossible.

These are two different and distinct problems, and each must be solved on its own merits, and all countries of the world must participate and share in the responsibility of its solution.

The Arab Higher Committee deems it absolutely essential that a recommendation be made to the mandatory to take immediate steps for the complete stoppage of all Jewish immigration into Palestine, whether termed legal or illegal. For, in the view of the Arab population, all immigration of Jews into Palestine is illegal.

In the fourth place, the problem of Palestine cannot and should not be regarded as one of historical connection. The Zionists claim Palestine on the grounds that at one time, more than two thousand years ago, the Jews had a kingdom in a part of it. Were this argument to be taken as a basis for settling international issues, a dislocation of immeasurable magnitude would take place. It would mean the redrawing of the map of the whole world. It has been said you cannot set back the hands of the clock of history by twenty years. What should then be said when an effort is made to set the clock of history back by twenty centuries in an attempt to give away a country on the ground of a transitory historic association?

These are the observations which we wish to put before you at this stage. I hope I have succeeded, without overtaxing your patience, in indicating the real cause of the disease. I trust that the Committee of Investigation, and later on the General Assembly, will be convinced that this apparently complex problem cannot be solved except on the basis of principles already agreed upon by all the civilized world and sanctioned by the Charter.

It is high time that Palestine's right to independence be recognized and that this tormented country enjoy the blessing of a democratic Government. It is high time, also, that a policy which has been impairing the ethnological and political structure of the country be brought to an end by the highest body in the world.

We are not asking something which is out of line with what humanity has striven throughout the ages; nothing more than what each of you would wish for his own country; nothing more than what is consecrated by the lofty principles and purposes of your very Charter; nothing more than what the greatest of Masters, who arose from that holy but to-day tortured land, taught every one of us when he said: "Do unto others as ye would have them do unto you."

Thank you.

## 2. QUESTIONS ASKED OF THE REPRESENTATIVES OF THE ARAB HIGHER COMMITTEE BY VARIOUS DELEGATES

Mr FIDŒRKIEWICZ (*Poland*): I would like to ask the representative of the Arab Higher Committee of Palestine the same questions that I asked the Jewish Agency representative.

First, who represents the Arab Higher Committee in Palestine, how many organizations? How is the Executive Committee established and organized, and how does it work?

The second question : Have there been any attempts at collaboration between the Arab Higher Committee and the Jewish Agency for Palestine?

MR ZEA-GONZALES (*Guatemala*) : I have just one question. It has been said on several occasions, but never officially by Arabs or Jews, that bad feeling exists between Arabs and Jews in Palestine. On the other hand, the Jews say there is no such bad feeling. What is the truth of the matter? Do the Arabs of Palestine take sides in the tense political situation actually existing in that country?

MR GONZALES-FERNANDEZ (*Colombia*) : I should like to ask Mr Katan, with the Chair's permission, this question : What are the views of the Arab Higher Committee regarding the composition of the proposed Committee of Investigation?

MR ASAF ALI (*India*) : May I be permitted to repeat, word for word, what I said to the representative of the Jewish Agency. I congratulate the representative of the Arab Higher Committee on the very impressive statement which he has made. I should just like to ask two questions, which he may take down and answer later on in writing.

He has made a reference to the pledges which were made to the Arabs from 1915 right down to 1920—that is, before and after the Balfour Declaration—and he has said something about the “national Jewish home,” which term appears in the mandate as well as in the Balfour Declaration. Does he or does he not realize—and this was the question which I put to the representative of the Jewish Agency—that a national Jewish home is easily contra-distinguishable from a Jewish State; that a national Jewish home, as mentioned in the mandate, is not inconsistent with a completely independent and Sovereign Arab Palestine State?

I am not commenting on the rightness or wrongness of the promise which was made to the Jews for the establishment of a national Jewish home. That is an entirely separate matter. I am only drawing a legal distinction between these two entities, a national Jewish home and a sovereign Jewish State.

My next question would be again the same as I put to the representative of the Jewish Agency, and that is about immigration. Is it a fact or is it not a fact that until 1900 not more than 4,500 Russian or other Jews who had been driven out of Czarist Russia had gone to Palestine? Is it or is it not a fact that until 1920 not more than about 45,000 Jews from outside had entered Palestine? Is it or is it not a fact again that by 1930 the immigrants had risen to a figure of over 150,000? Again, is it not a fact that by 1939 the Jewish population of immigrants had risen to about 600,000, when the white-paper was issued in 1939 restricting the immigration?

Finally, I would like to have him tell us whether all these immigrants are Arab-speaking or Hebrew-speaking or Yiddish-speaking immigrants. Is Yiddish, by any chance, a Hebrew language, or is it a mixture of Polish, Lithuanian, Rumanian, &c., and Hebrew—Hebrew being the script, the language being something else.

Is it a fact that these immigrants are easily assimilable in Palestine? Finally, I would also like the representative of the Arab Higher Committee to tell us whether it is or is not a fact that by 1915 it was well known that the Dead Sea contained chemicals with a value of about

\$5,000,000,000? And is it a fact that by now it is understood that the Dead Sea contains minerals and chemicals amounting to about \$3,000,000,000,000? Is it a fact that many people outside are interested in these figures.

Mr KOSANOVIC (*Yugoslavia*): I would ask Mr Katan, in connection with what he mentioned in the beginning of his speech, in 1914 there was 6 to 7 per cent. of Jews in Palestine. May I ask him that in case of the formation of an independent State, a sovereign State of Palestine, how would be the relations between the various national groups and between the Arabs and Jews in Palestine? Is there any plan worked out for the constitutional organization of the future sovereign State of Palestine?

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