



## Security Council

S/PV.271  
19 March 1948

### TWO HUNDRED AND SEVENTY-FIRST MEETING

*Held at Lake Success, New York, on Friday, 19 March 1948, at 3.30 p.m.*

*President:* Mr. T. F. TSIANG (China).

*Present:* The representatives of the following countries: Argentina, Belgium, Canada, China, Colombia, France, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America.

*The agenda was that of the 270th meeting (document S/Agenda 270).*

#### 28. Continuation of the discussion of the Palestine question

*On the invitation of the President, Mr. Lisicky, chairman of the United Nations Palestine Commission; Mahmoud Fawzi Bey, the representative of Egypt; Mr. Chamoun, the representative of Lebanon; and Mr. Shertok, the representative of the Jewish Agency for Palestine, took their places at the Security Council table.*

The PRESIDENT: This morning [270th meeting] the Security Council adjourned for the purpose of resuming its discussion with regard to this question this afternoon. I informed the representatives on the Security Council that I still had some speakers on the list. I shall now call on them to speak.

Sir Alexander CADOGAN (United Kingdom): I asked leave to speak only in order to clarify one point in connexion with the document which was submitted to the Security Council this morning. I think that the representative of the United States, in the statement which he made at the opening of our meeting this morning, made perfectly clear the nature and the scope of the participation of my delegation in these consultations among the permanent members of the Security Council.

My delegation did not attend regularly during these consultations of the permanent members of the Security Council; however, when invited, my delegation attended with the object of giving any information that might be required by the other permanent members. We gave such information as we could, and that information is on record.

That being the case, I feel impelled to draw attention to the wording contained in the beginning of part II of the document to which I have referred, where it says: "As a result of the consultations of the permanent members . . . they"—the permanent members—"find and report . . . and recommend." I only wanted to make it clear that the findings, reports and recommendations are those of three or four permanent members of the Security Council, but not of five.

Mahmoud FAWZI Bey (Egypt): At a previous meeting which the Security Council held on the question of Palestine, I had tacitly subscribed to the statement made by the representative of Syria [267th meeting] regarding the position of the Arab Governments. The representative of Syria reiterated his previous statement in this regard, and I want, on behalf of Egypt, again to subscribe to what he said.

As for the other statements we have heard today, I beg leave to add a few words. Before anything else, I feel duty bound to thank the President, in his capacity as Chairman of the Chinese delegation, and to thank the other delegations which accepted the addition the President suggested to the preamble of the statement made by the United States representative on behalf of his delegation, the Chinese delegation, and the French delegation. This addition is a proper tribute to facts and to fair play. I cannot say the same of the statement made this morning by the spokesman of the Jewish Agency. Parts of that statement will, incidentally, be dealt with, especially when I come to speak of the statement made by the representative of the Union of Soviet Socialist Republics.

Otherwise, I merely say that bold assertions do not make facts. I have, at least for the time being, no

particular quarrel with the statement made by the representative of the United States, but I cannot help feeling some disappointment at its having omitted recognition of the fact that it is the Zionists who are the aggressors.

As for the statement of the representative of the USSR, I shall for the moment limit myself to only two points. To begin with, he again speaks as if assuming that without full debate, without full investigation and full consideration of its own, the Security Council should proceed with the implementation of General Assembly resolution 181 (II). As I said once before, I do not for my part assume, and I do not at all wish to believe, that the representative of the USSR or any friend of the United Nations implies or wants the Security Council to become a rubber stamp.

The representative of the USSR expressed his agreement with the addition of the words "by land or by sea" to the preamble of the report made on behalf of three permanent members by the representative of the United States. He even went so very far indeed as to say that it is principally the Arabs who are the aggressors. Again, I say, with all due respect, that bold assertions do not constitute facts. Unless the representative of the USSR has—besides the Jewish Agency, whose word he accepts, although it appears here as a party—some other special means for investigation and information, we should all deem it only fair and proper to accept on principle the report from the Mandatory Power. We should, for example, have a look at part 7 of the first report of the United Nations Palestine Commission [document S/663], in which the representative of the United Kingdom is quoted as stating: ". . . the Jewish story that the Arabs are the attackers and the Jews the attacked is not tenable."

The issue before us is far too great and far too serious to be taken as lightly as some might seem to suggest. It is an issue of fundamental human rights and of the very essence of our liberties and of our law, the Charter of the United Nations. The Charter confirms the right of peoples to selfdefence. It also confirms the right to self-determination. There is no place in the Charter for invasion.

Speaking of self-determination, I wonder what the answers would be to some pertinent questions that occurred to me. In the proposed Jewish State, outside of the Tel-Aviv area, the Arabs constitute the majority of the population and are by far the greater owners of the land. What is the answer to their unequivocal intent that neither their persons nor their land should belong to a Jewish State? What would then be left of that proposed State, except a harbour without a country? Can that harbour without a country constitute the territorial element of a State? If, as we believe, it cannot, may one earnestly and safely suppose that the Arabs should then supply the necessary territorial element and, on top of it, literally submit to a rule which they have every reason to consider foreign?

Will they be required to sit supinely and look on while this is being imposed by force? Will it in this respect make any difference whether we call that force a guardian of order or an implementer of partition? In my view, at least, the answers to these questions are perfectly clear. They would not be so, if we committed the same mistakes as did peoples who were ruined before, and if we abandoned the rule of law.

If the Charter is to be a bulwark of peace, a solid reality, and not merely a dream, then I presume that no Government represented in the Security Council would hesitate to subscribe to the statement recently made that the principles and purposes of the United Nations Charter continue to represent our hope for the eventual establishment of the rule of law in international relations, and that the Charter constitutes the basic expression of the code of international ethics to which our countries are dedicated.

The Arabs are wholeheartedly dedicated to order. If the Security Council is seeking to maintain order—and indeed it is order which the Security Council seeks to maintain—the Arabs are completely in accord with that desire.

Mr. AUSTIN (United States of America). The resolution [document S/691] adopted by the Security Council on 5 March 1948 [263rd meeting] requested the permanent members of the Security Council "to consult and to inform the Security Council regarding the situation with respect to Palestine ...". A brief report on this part of the resolution was made this morning.

With respect to that report, I wish to comment upon paragraph 4, which reads:

"The Palestine Commission, the Mandatory Power, the Jewish Agency and the Arab Higher Committee have indicated that the partition plan cannot be implemented by peaceful means under present conditions."

The representative of the Jewish Agency, Rabbi Silver, apparently had no complaint [270th meeting] with respect to paragraph 4 provided the emphasis was in the right place. He laid the emphasis on the last words, "under present conditions". So do we.

Paragraph 5 of the report given this morning reads:

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

For the information of the Security Council, I shall read the testimony obtained from the Mandatory Power on this point. The members have before them a document submitted by the Secretary-General. The questions referred to were addressed to the Mandatory Power.

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

The members will note that the incursions referred to are in addition to those already reported. The following is the answer given to question 1.

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

"(a) On or about 24 February, between 500 and 1000 Iraqis, Lebanese, Syrians, Egyptians and Transjordanians entered Samaria and Galilee across the Jordan and the Palestine-Lebanon frontier.

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

"(c) On 5 and 6 March, a small party under Fawzi Bey Kawukji entered Palestine, Kawukji's present whereabouts and intentions are unknown, and no reports of his having established a permanent headquarters have been received by the United Kingdom authorities.

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

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

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

I shall skip question 3 as it does not bear on this point.

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

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

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

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

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

The preamble of part II of my statement of this morning reads:

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

This language was intended to exclude, and we think that it does exclude, those unfortunate people who are seeking sanctuary in the Holy Land, referred to as being on the Island of Cyprus. There may also be others. The language of this paragraph also excludes legal immigrants. The meaning is clearly defined: "... groups and persons with the purpose of taking part in violence".

The second duty given to the permanent members under the resolution adopted by the Security Council was for them to make recommendations to the Security Council, as a result of their consultations, regarding the guidance and instructions which the Security Council might usefully give to the Palestine Commission with a view of implementing resolution 181 (II) of the General Assembly.

In support of the position which some of the permanent members of the Security Council took, as presented in the brief report this morning, it might be helpful to the Security Council for me to summarize briefly the present positions, as we understand them, of the Palestine Commission, the Mandatory Power, and the Jews and Arabs of Palestine, concerning the implementation of the partition plan recommended by the General Assembly.

During the consultations of the past two weeks, the Palestine Commission was asked whether it had found sufficient acceptance of the partition plan on the part of the Jews, the Arabs and the Mandatory Power to afford a basis for its peaceful implementation. The answer of the Palestine Commission was "No". It observed, in this connexion, that the Jews of Palestine generally accepted the plan, that the Arabs of Palestine generally opposed the plan, and that the Mandatory Power had declined to take any action which might be interpreted as involving implementation of the plan.

The Palestine Commission has repeated its view that it could not discharge its responsibilities on the termination of the Mandate without the assistance of an adequate non-Palestinian armed force for the preservation of law and order. The Palestine Commission does not consider it possible to implement the partition plan by peaceful means, either as a whole or in substantial part, so long as the existing vigorous Arab resistance to partition exists.

The Palestine Commission considered itself unable, within the terms of the resolution of the General Assembly, to consider whether any modification of the recommended plan might offer a basis for agreement among the people of Palestine.

With regard to the establishment of the provisional council or councils of government in the proposed Jewish and Arab States by 1 April 1948, the Palestine Commission has reached the following conclusions:

(a) That the attitude of the Arab Higher Committee and Arab resistance in Palestine preclude any possibility of selecting a provisional council of government for the proposed Arab State by 1 April;

(b) That while the Palestine Commission can take, and has in fact taken, some preliminary steps toward the selection of the provisional council for the Jewish State, the provisional council will not be able to carry out its functions, in the sense of the plan, prior to the termination of the Mandate;

(c) The position of the Mandatory Power precludes any possibility of fulfilling by 1 April the provisions of the plan as regards either the Arab or the Jewish provisional council government.

With regard to the City of Jerusalem, the Palestine Commission's view is that the administration of the City of Jerusalem by the United Nations is possible if the plan of partition with economic union is generally accepted by the Arab and Jewish communities of Palestine and peacefully implemented.

The permanent members of the Security Council held two discussions with the representative of the Mandatory Power last week. One of these was devoted to security problems, and the other to the implementation of the partition plan.

From the information supplied by the Government of the Mandatory Power, it appeared that several thousand Arabs have entered Palestine in bands of varying size, and have infiltrated the Palestinian population. The identification of these Arabs has not been firmly established, but it appears to be common knowledge in Palestine that they include nationals of most of the neighbouring Arab States and that they have entered from Lebanon, Syria, Transjordan, and Egypt. The United Kingdom reports that these bands are irregular formations and are not organized units of any national armed force.

The representative of the Mandatory Power was asked whether his Government considers that there is a threat of force against Palestine which now constitutes a threat to international peace, and also whether the existing situation in Palestine is a situation which constitutes a threat to the peace. He replied that his Government would furnish all the facts available, but that the question of what constitutes a threat to the peace is for the Security Council to decide.

In response to questions concerning implementation of General Assembly resolution 181 (II), the Mandatory Power stated that it has "accepted" the plan of partition with economic union recommended by the General Assembly but that it cannot participate in its implementation. While it wished to avoid any action which might be considered as obstructive, it could not itself be instrumental in putting into effect a plan which is not accepted by both the Arabs and the Jews of Palestine.

The representative of the Mandatory Power informed the permanent members that his Government considered that it would be very difficult to carry out the plan without the backing of force; that even if the Jewish militia were sufficiently armed to ensure the organization and protection of the Jewish State, such action would not be the equivalent of a settlement; that the United Kingdom did not believe that there were any modifications in detail which would make the plan acceptable both to the Jews and Arabs of Palestine; and that no change in the time-table of United Kingdom withdrawal from Palestine is contemplated by the United Kingdom. The representative of the United Kingdom further stated that his Government had no suggestions to make with regard to means by which the Jews and Arabs of Palestine might be brought together, although successful efforts in this direction would be welcomed.

Representatives of the Mandatory Government further indicated that there would be a very substantial deficit in the Palestinian budget following United Kingdom withdrawal and that, while the Palestinian Government has been financially self-sufficient, the cost of maintaining United Kingdom forces in Palestine is considerably larger than the total Palestinian annual budget of 96 million dollars.

Representatives of the Jewish Agency stated that the Jews of Palestine accept the partition plan. The Agency claimed that the plan represents, however, an irreducible minimum for the Jews of Palestine, since it already involves a great reduction in what they consider their rightful claims. The Agency also said that, although there is no perfect or easy solution, the present plan is the only practical solution reached after many other plans had failed of acceptance. The Agency representatives stated that it should now be taken as a postulate that any plan whatever will require enforcement. No modifications in the plan would commend themselves to the Jews, and the Jewish Agency does not see any possibility of modifications which would make the plan acceptable to the Arabs.

The Jewish Agency stated that the Jews of Palestine would be ready to undertake the responsibilities for government and for the maintenance of law and order within the proposed Jewish State. They expressed

confidence that they could assert the authority of the Jewish State and maintain essential public services. This would presuppose the establishment and equipment of the militia contemplated in the plan and the removal of restrictions on the importation of arms. They believed that an international force would be necessary, and that if no international force were provided, much more serious losses both to Arabs and Jews would result.

On the question of implementation by peaceful means, the Jewish Agency stated that it did not believe it would be possible to obtain a formal public agreement with the Arabs of Palestine in advance of implementation. They believed, however, that if left alone, considerable sections of Palestinian Arabs would be willing to cooperate or acquiesce, but that armed intervention by neighbouring States completely changed that situation.

With respect to economic union, the Jewish Agency stated that it accepted economic union as a part of the plan, although it did not ask for it itself. The Agency does not consider the principles of the proposed economic union essential to the economic life of Palestine as a whole or to creation of the Jewish State. The Agency considers that economic union should not be an obstacle to the creation of the Jewish State.

The representatives of the Jewish Agency stated that the Jews would co-operate in the administration of Jerusalem by the United Nations, considered, however, as part of the partition plan, but that United Nations administration of Jerusalem apart from the plan would create a serious obstacle to such co-operation.

The Jews insist upon having the control of immigration, because that is a question of sovereignty and is a most essential part of the whole scheme. The Jews, they said, must have the keys to their own homeland in their own hands. The exclusive control of immigration was the most powerful argument in persuading the Jews to accept the partition plan. They had in mind a rate of immigration of 80,000 to 100,000 a year—roughly 1 million over a ten-year period—subject to changing positions both inside the Jewish State and in areas outside. They pointed out that there is no longer a great reservoir of Jews in Europe and that Arab fears that Palestine would be inundated can no longer be considered as well grounded.

A representative of the Arab Higher Committee made a formal statement on behalf of the Committee in which it was observed that all of the questions which had been directed to the Committee revolved around partition which, with the clear and unequivocal support of Arab States, the Arabs of Palestine have categorically rejected. This statement went on to say that the Arab Higher Committee wished to reiterate its rejection of solutions based on partition in any form, including creation of a separate provisional or permanent administration for the City of Jerusalem.

The Arab Higher Committee further wished to emphasize that the only solution compatible with the ideals of the United Nations Charter, and which would guarantee peace and security in Palestine, would be the formation of one independent State for the whole of Palestine, the constitution of which, would be based on democratic principles, and which would include adequate safeguards for minorities and the safety of the Holy Places. The Arab Higher Committee stated, in this connexion, that such a State would be prepared to accept full responsibility for governmental administration and maintenance of law and order in the whole of Palestine, and that it would be prepared to treat all citizens and residents of all creeds with justice which befits a truly democratic country.

An identical question was submitted to the Jewish Agency, the Arab States, and the Arab Higher Committee, viz: "Would the addressee"—different in each case—"be prepared to enter into the necessary agreement for an effective truce in Palestine?" Summarized, the replies were as follows. The Jewish Agency: "Yes, if carried out within the framework of implementation of the resolution of the General Assembly and in strict conformity with the time-table provided in that resolution." The Arab States: "Yes, if partition is suspended." No reply has been received from the Arab Higher Committee to that question. However, that Committee has categorically rejected partition.

Having considered the results of the consultations of the past two weeks, we must also reflect upon the situation in Palestine on 15 May 1948, on which date the Mandatory Power now plans to terminate the Mandate.

In his statement to the Security Council on 24 February 1948 [253rd meeting], the representative of the United Kingdom said: "My Government is bringing to an end the discharge of its responsibilities towards Palestine under the Mandate and is leaving the future of that country to international authority."

On 2 March 1948 [260th meeting], the representative of the United Kingdom referred in his statement to the Security Council, to "... whatever procedure the United Nations may decide to adopt with a view to assuming responsibility for the government of Palestine on 15 May ...". He concluded with the statement: "Finally, I must repeat that the United Kingdom cannot enter into any new or extended commitment in regard to Palestine. Our contribution has already been made over the years and the date of termination of our responsibility is irrevocably fixed."

The status of Palestine will be equivocal because the United Kingdom seeks to give up the Mandate. Article 5 of the Mandate in respect of Palestine provides: "The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power."

First there is the urgent need for early clarification of the United Nations responsibility toward Palestine. The General Assembly and the Security Council have broad responsibilities and, must be faithful to the principles of justice and the aims of the Charter to assist in bringing about a pacific settlement of situations and disputes placed before them. The Security Council has specific obligations and powers when it finds a threat to the peace, breach of the peace, or act of aggression. I have already dealt, in my statements to the Security Council on 24 February [253rd meeting] and again on 2 March [260th meeting] with these responsibilities.

The assumption of administrative or governmental responsibility by the United Nations is another matter. If the United Nations is to act as a government, a large administrative task is involved. The Organization itself becomes directly responsible for all phases of the life of the people over whom such powers are exercised. It is a formidable responsibility, and a heavy financial commitment is incurred by all fifty-seven Members of the Organization.

The United Nations does not automatically fall heir to the responsibilities either of the League of Nations or of the Mandatory Power in respect of the Palestine Mandate. The record seems to us entirely clear that the United Nations did not take over the League of Nations Mandate system.

The League of Nations Assembly on 18 April 1946, at its final session, adopted a resolution<sup>1</sup> which included the following two paragraphs:

*"The Assembly ...*

*"3. Recognizes that, on the termination of the League's existence, its functions with respect to the mandated territories will come to an end, but notes that Chapters XI, XII, and XIII of the Charter of the United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League;*

*"4. Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective mandates,"—note these words—"until other arrangements have been agreed upon between the United Nations and the respective Mandatory Powers."*

At the first part of the first session of the United Nations General Assembly, on 12 February 1946, the Assembly adopted resolution 24 (I) regarding the transfer of certain functions, activities, and assets of the League of Nations to the United Nations. No transfer of functions concerning mandates was mentioned. The resolution included the statement that:

*"The General Assembly will itself examine, or will submit to the appropriate organ of the United Nations, any request from the parties that the United Nations should assume the exercise of functions or powers entrusted to the League of Nations by treaties, international conventions, agreements, and other instruments having a political character."*

<sup>1</sup>/ See *Records of the twentieth and twenty-first ordinary sessions of the Assembly*, Annex 27, page 278.

Provision was made in the United Nations Charter for the voluntary placing of mandates under an International Trusteeship System by means of trusteeship agreements between the General Assembly or the Security Council and the States directly concerned, including, the Mandatory Power. By such an agreement, the United Nations itself, under Article 81 of the Charter, could become the administering authority for a Trust Territory. But no such proposal has been made by the Mandatory Power with respect to Palestine, and no action has been taken by the United Nations itself which would have that result.

A unilateral decision by the United Kingdom to terminate the Palestine Mandate cannot automatically commit the United Nations to responsibility for governing that country. We think it clear that the United Nations does not succeed to administrative responsibility for Palestine merely because the latter is a mandate. Signing the Charter did not commit the signatories to a contingent liability for mandates, to become operative by the decisions Mandatory Powers to abandon their mandates. On the facts reported by the permanent members, Palestine is a land falling under Chapter XI of the United Nations Charter, a Non-Self-Governing Territory.

Does the General Assembly recommendation of 29 November 1947 constitute an acceptance by the United Nations of governmental responsibility for Palestine? Let us examine the facts.

On 2 April 1947, the United Kingdom directed a request to the Secretary-General of the United Nations, the first part of which states:<sup>1</sup>

*"His Majesty's Government in the United Kingdom requests 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. It will submit to the Assembly an account of its 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."*

Thus, the question of Palestine came before the General Assembly only as a request for a recommendation. No proposal was made by the United Kingdom to the General Assembly that the United Nations itself undertake responsibility for the government of Palestine.

<sup>1</sup>See *Official Records of the first special session of the General Assembly*, volume I, annex 1, page 183.

Following consideration of the question of Palestine in a special session, in a special committee—the United Nations Special Committee on Palestine—and at its second regular session, the General Assembly passed resolution 181 (II) which recommended "to the United Kingdom, as the Mandatory Power for Palestine, and to all other Members of the United Nations, the adoption and implementation, with regard to the future government of Palestine, of the plan of partition with economic union" set forth in the resolution.

Under the plan, the United Nations agreed, as a part of the recommended general settlement, to undertake

administrative responsibility for the City of Jerusalem. Further, the General Assembly agreed that a commission elected by it would perform certain functions to effect the transfer of responsibility from the Mandatory Power to the successor governments in Palestine. The limited responsibilities of the United Nations set forth in the plan are inseparable from the balance of the plan and are dependent upon the adoption and implementation of the entire plan. This essential unity of the General Assembly recommendation was emphasized by the Chairman of the Palestine Commission in his statement to the Security Council on 24 February [253rd meeting]. I quote from that very able statement:

"I have put some stress upon the words 'plan of partition as it has been envisaged by the General Assembly' since it is with the implementation of this plan that our Commission has been entrusted. It is quite natural and legitimate for interested parties to concentrate their efforts preponderantly, if not exclusively, on such parts of the plan as are intended more especially for their sake. The Commission is not in such a position; its duty, according to its terms of reference, is to provide for the implementation of the whole plan which has been conceived by the General Assembly.

"... Since the plan has been envisaged as a whole, the realization and sound functioning of one part of the plan has been made, in a substantial degree, dependent upon the establishment and functioning of its other parts."

The limited functions which the General Assembly offered to undertake in connexion with its Palestine recommendation stand or fall with that resolution. If it proves impossible to give effect to that resolution, the United Nations will have on 15 May 1948 no administrative and govern mental responsibilities for Palestine, unless further action is taken by the General Assembly.

The plan proposed by the General Assembly was an integral plan which would not succeed unless each of its parts could be carried out. There seems to be general agreement that the plan cannot now be implemented by peaceful means. From what has been said in the Security Council and in consultations among the several members of the Security Council, it is clear that the Security Council is not prepared to go ahead with efforts to implement this plan in the existing situation. We had a vote on that subject, and only five votes could be secured for that purpose.

The Security Council now has before it clear evidence that the Jews and Arabs of Palestine and the Mandatory Power cannot agree to implement the General Assembly plan of partition through peaceful means. The announced determination of the Mandatory Power to terminate the Mandate on 15 May 1948, if carried out by the United Kingdom, would result, in the light of information now available, in chaos, heavy fighting and much loss of life in Palestine. The United Nations cannot permit such a result. The loss of life in the Holy Land must be brought to an immediate end. The maintenance of international peace is at stake.

The United States fully subscribes to the conclusion reached by the four permanent members that the Security Council should make it clear to the parties and Governments concerned that the Security Council is determined not to permit the situation in Palestine to threaten international peace and, further, that the Security Council should take further action by all means available to it to bring about the immediate cessation of violence and the restoration of peace and order in Palestine.

Under the Charter, the Security Council has both an inescapable responsibility and full authority to take the steps necessary to bring about a cease-fire in Palestine, and a halt to the incursions being made into that country. The powers of Articles 39, 40, 41 and 42 are very great, and the Security Council should not hesitate to use them—all of them—if necessary to bring about peace.

In addition, my Government believes that a temporary trusteeship for Palestine should be established under the Trusteeship Council of the United Nations to maintain the peace and to afford the Jews and Arabs of Palestine, who must live together, further opportunity to reach an agreement regarding the future government of that country. Such a United Nations trusteeship would, of course, be without prejudice to the character of the eventual political settlement, which we hope can be achieved without long delay. In our opinion, the Security Council should recommend the establishment of such a trusteeship to the General Assembly and to the Mandatory Power. This would require an immediate special session of the General Assembly, which the Security Council might call under the terms of the Charter. Pending the convening of the special session of the General Assembly, we believe that the Security Council should instruct the Palestine Commission to suspend its efforts to implement the proposed partition plan.

I shall now read three propositions which are being submitted by the United States. I am not making any representation for any other one of the permanent members. The United States propositions are contained in a paper entitled "Additional conclusions and recommendations concerning Palestine", which has been circulated to the members. It reads as follows:

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

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

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

Draft resolutions which would give effect to the above suggestions will be circulated shortly for the consideration of the Security Council.

*Rabbi Silver replaced Mr. Shertok at the Council table as representative of the Jewish Agency for Palestine.*

*At this point the system of simultaneous interpretation was adopted.*

Rabbi SILVER (Jewish Agency for Palestine): I should like at the outset to thank Mr. Austin for the supplementary explanation which he gave on the question of the phrase, "incursion by land and sea," to which I referred this morning. I should like to point out that, in accordance with the statement of the Mandatory Power which he quoted, and contrary to what is stated in paragraph 5 of his report, the Mandatory Power did not confirm that any incursion of illegal arms or of armed forces into Palestine had actually occurred by sea.

I hope that we shall have the opportunity at a later stage to discuss more fully the statement which was presented by Mr. Austin, to discuss at great length some of the legal arguments presented in that statement, and perhaps to dwell again upon that quest for the will-o'-the-wisp of an agreed solution which the spokesmen of the United States delegation in the past, as well as of the United Kingdom Government, have stated time and again is not to be had.

I wish to take this opportunity to give the reaction of the Jewish Agency to the main recommendations contained in Mr. Austin's proposals. The proposal of the United States Government to suspend all efforts to implement the partition plan approved by the United Nations General Assembly last November, under the leadership of the United States, and to establish a temporary trusteeship for Palestine, is a shocking reversal of its position.

Up to the last few days, the spokesman for the United States delegation has told the Security Council that the United States Government firmly stands by partition. Both the President of the United States and the Secretary of State have repeatedly within recent weeks maintained that the position of the United States on partition remained unaltered. We are at an utter loss to understand the reason for this amazing reversal which will bring confusion, is likely to lead to increased violence in Palestine and will incalculably hurt the prestige and authority of the United Nations, for the effectiveness of which the President of the United States pleaded again as recently as Wednesday last.

We can only assume from the statement of the United States delegation that the reason for scrapping a decision of the United Nations General Assembly, overwhelmingly approved by its members, was the threat on the part of some Member States to alter that decision by violence. This will be a fateful capitulation on the part of this world Organization to threats and intimidation, which will completely destroy all of its future effectiveness as an instrument for the settlement of international disputes and for the maintenance of world peace.

It should be clear to everyone that the establishment of a trusteeship by the United Nations in Palestine will not automatically ensure peace in that country, and that force will have to be used to maintain that arrangement, just as it would have been necessary to carry out the partition decision of the United Nations.

The statement that the plan proposed by the General Assembly is an integral plan which cannot succeed unless each of its parts can be carried out, is incorrect. This conception was never part of the plan. Indeed, it is contrary to the statement made by the representative of the United States during the second session of the General Assembly. The setting up of one State was not made conditional upon the setting up of the other State. Mr. Herschel Johnson, representing the United States delegation, speaking in a sub-committee of the *Ad Hoc* Committee on the Palestinian Question on 28 October 1947, stated, in discussing this very matter in connexion with economic union: "The element of mutuality would not necessarily be a factor, as the document might be signed by one party only."

It is clear that an attempt is being made to force a solution upon the Jewish people of Palestine, which would diminish its sovereignty, territory and immigration, such as was provided for in the partition plan. Otherwise, no new proposals would now be made by the United States delegation looking toward a new solution. The United States knows full well that the Arabs have opposed and continue to oppose every solution which offers any satisfaction to the legitimate rights of the Jewish people in Palestine.

The Jewish Agency has repeatedly been under the necessity of stating that the partition plan represented the maximum sacrifice on the part of the Jewish people beyond which it cannot go. Any proposals calling for further sacrifices will have to be imposed upon the Jewish community of Palestine by force. We hope that the United Nations will not knowingly assume the role of the British Mandatory in an effort to carry out the kind of restrictive, crippling and discriminatory measures under which the country has been administered in recent years.

We are under the obligation at this time to repeat what we stated at a [262nd meeting] meeting of the Security Council last week: The decision of the General Assembly remains valid for the Jewish people. We have accepted it and we are prepared to abide by it. If the United Nations Palestine Commission is unable to carry out the mandates which were assigned to it by the General Assembly, the Jewish people of Palestine will move forward in the spirit of that resolution and will do everything which is dictated by considerations of national survival and by considerations of justice and historic rights.



It is with deep sorrow that we state that the world will not profit by the lesson which is now being read to it by the United States: that a revision of an international judgment, maturely arrived at after prolonged and objective investigation and discussion, can be extorted by threats and armed defiance.

*The system of consecutive interpretation was resumed.*

The PRESIDENT: Speaking as the representative of CHINA, I would say that the proposals of the representative of the United States are in harmony with the stand which my delegation has consistently taken on the Palestine question. We wished and we still wish to seek a solution to the Palestine question by agreement between the Arabs and the Jews. It is clear that any other type of solution cannot be carried out by peaceful means. If we admit that no agreement is possible, then we must admit that no solution is possible.

In the course of our consultations, we put a specific question to the Palestine Commission: Does the Palestine Commission consider it possible to implement the plan by peaceful means as a whole or in substantial part? The answer given is also very specific: The Palestine Commission does not consider it possible to implement the plan by peaceful means either as a whole or in substantial part so long as the existing vigorous Arab resistance to partition persists.

The answer of the Palestine Commission fixes the point of departure of the deliberations of the Security Council. We have to begin all our deliberations by asking ourselves this question: Should the Security Council furnish the necessary force to overcome "the existing vigorous Arab resistance to partition"? This question may be put in another form: Should the Security Council authorize the use of force to overcome "the existing vigorous Arab resistance to partition"?

It is my profound conviction that the Security Council should not furnish such force and should not authorize such use of force. Instead of furnishing such force or authorizing such use of force, we should, consistent with our primary responsibility for the maintenance of international peace and security, order a truce, both military and political. By this time it is clear that a simple military truce cannot be secured without a simultaneous political truce or moratorium.

The United Nations was created mainly for the maintenance of international peace. It would be tragic indeed if the United Nations, by attempting a political settlement, should be the cause of a war.

For these reasons, my delegation supports the general principles of the proposal of the United States delegation.

Mr. GROMYKO (Union of Soviet Socialist Republics) (*translated from Russian*): There is really very little for me to add to what was said at the beginning of our meeting held this morning. The United States position as presented in the proposals we have just heard is a logical sequence of the position held by the United States from the very beginning of the consultations among the permanent members of the Security Council. I do not know what happened before, but it is the logical sequence of the position which the United States representatives took at the first meeting of the permanent members of the Security Council, when they commenced their consultations in accordance with the Security Council's resolution [document S/691] of 5 March last [263rd meeting].

The new United States proposals on the Palestine question express this position in a definite form. During the consultations no formal proposals were submitted. As we all know, the United States position and the proposals submitted today for the Security Council's consideration have nothing in common with the General Assembly or United Nations decisions. For the moment I shall not expand on these proposals. The United States representative has tried repeatedly to emphasize that here seems to have been general agreement on the fact that the General Assembly decision on Palestine cannot be put into effect by peaceful means. This statement is misleading, as there is in fact no general agreement on this point. I am aware of the United States and Chinese representatives' statements on this matter. I am not aware, however, of any statements made by representatives of other countries in which it has been authoritatively said that, in the opinion of the Governments of those countries, the decision already taken on Palestine could not be implemented by peaceful means. In any case as far as the position of the delegation of the USSR is concerned, the USSR does not agree with this point of view, and I would not recommend ascribing such views to anybody. There is no general agreement on this matter; nevertheless, the statement contained in the proposals which have just been circulated, says: "There seems to be general agreement that the plan cannot be implemented by peaceful means." I repeat, these words have the tendency to mislead us.

The United States representative has referred several times to this document which was submitted to the Security Council after consultation among its permanent members; he has referred to this document as though it confirmed, to some extent, these new United States proposals. This obviously does not conform with the facts. There is nothing in common between the United States proposals and the formulations agreed upon as a result of the consultations among the permanent members of the Security Council. In any case, there is no connexion whatsoever between the United States proposals and those points of the document drawn up as a result of consultations among the permanent members of the Security Council and which had been agreed upon by its four permanent members. These agreed recommendations, particularly those contained in points (a) and (b) of the second part, certainly have nothing in common with the United States proposals. Furthermore, they provide a basis for the Security Council taking more concrete steps in the direction of implementing the decision of the United Nations regarding the future of Palestine.

I shall restrict myself, for the present to these brief remarks.

The PRESIDENT: The next meeting of the Security Council on the Palestine question will be held on Wednesday, 24 March 1948, at 10.30 a.m.

*The meeting rose at 6 p.m.*