

24 February 1948

UNITED NATIONS PALESTINE COMMISSION

Communication Received from the Jewish Agency
for Palestine Enclosing Memorandum on Policy
of the Mandatory Power in Palestine since the
Adoption of the General Assembly's Resolution.

The following communication, enclosing a copy of a
memorandum on "The Policy of the Mandatory Power in
Palestine Since the Adoption of the General Assembly's
Resolution, with particular reference to Security," has
been received from the Jewish Agency for Palestine.

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THE JEWISH AGENCY FOR PALESTINE
16 East 66th Street
New York 21, N. Y.

February 20, 1948

The Chairman
United Nations Palestine Commission
United Nations
Lake Success, New York

Dear Sir:

I have the honor to submit a Memorandum on the policy of the Mandatory Power in Palestine since the adoption of the General Assembly's Resolution, with particular reference to security. Copies of this Memorandum are being sent to all members of the Security Council.

Respectfully yours,

/s/ M. SHERTOK

Moshe Shertok

MS/bfa
enclosure

**THE POLICY OF THE MANDATORY POWER IN PALESTINE SINCE
THE ADOPTION OF THE GENERAL ASSEMBLY'S RESOLUTION,
WITH PARTICULAR REFERENCE TO SECURITY.**

**MEMORANDUM SUBMITTED BY
THE JEWISH AGENCY FOR PALESTINE
TO THE
UNITED NATIONS PALESTINE COMMISSION**

FEBRUARY 21, 1948

INTRODUCTION

1. The security situation in Palestine, where the United Kingdom Government exercises undivided responsibility for the preservation of law and order, has been the subject of a special Report by the United Nations Palestine Commission to the Security Council. In that Report the Commission finds that the "security situation continues to be aggravated"; that "powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly, and are engaged in a deliberate effort to alter by force the settlement envisaged therein" and that special measures will therefore be required to maintain security during the implementation of the General Assembly's Resolution.
2. The underlying causes and purposes of the present violence in Palestine are not matters of mere academic interest and the Jewish Agency for Palestine feels bound to contribute what it can to an accurate portrayal of the situation which the U.N. Palestine Commission has described in such grave terms. This duty is the more compelling in view of the fact that the United Kingdom Government has publicly given an account of that situation which the Jewish Agency regards as untenable. Thus the United Kingdom charges Jews and Arabs with equal guilt for aggression; exonerates itself from any share of responsibility for the continuance of disorder; and abstains from any indication that Jewish defence activities in Palestine have any relation to the maintenance of United Nations authority and the principles of the Charter.
3. On January 21, 1948, Sir Alexander Cadogan, representing the United Kingdom, gave the United Nations Palestine Commission an account of the circumstances in which conflict and disturbances had arisen in Palestine. "The Jewish story," he said, "that the Arabs are the attackers and the Jews the attacked is not tenable. The Arabs are determined to show that they will not submit tamely to the United Nations Plan of Partition; while the Jews are trying to consolidate the advantages gained at the General Assembly by a succession of drastic operations designed to intimidate and cure the Arabs of any desire for further conflict. Elements on each side are thus engaged in attacking or in making reprisals indistinguishable from attacks....The Government of Palestine

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fears that strife in Palestine will be greatly intensified when the Mandate is terminated, and that the international status of the United Nations Commission will mean little or nothing to the Arabs in Palestine to whom the killing of Jews now transcends all other considerations."

4. This version of Jews and Arabs engaged in indiscriminate violence with the Mandatory Power standing neutral between them was supported by Mr. Creech-Jones at a conference with the press on February 18, 1948.

5. The United Kingdom view may thus be summarized as follows: It is not a case of Arab attack upon Jews and Jewish defence against such attack. There has been a simultaneous eruption of violence from both sides, both of which are engaged in military operations of identical character, in pursuit of political objectives on whose respective merits the United Kingdom has no views. The United Kingdom Government appears unaware which side began the violence; but since it categorically dismisses the view that "the Arabs are the attackers," the logical conclusion would appear to be that the Jews may have taken the initiative. In the ensuing disorders the Mandatory Power fulfilled no role except the impartial maintenance of law and order and the suppression of violence.

The Arab Role

6. This presentation completely distorts the picture. In particular, the grave charge of aggression levelled against the Jews is utterly unwarranted. There is no doubt whatever where initial responsibility for this violent conflict lies. It is entirely due, in the words of the U.N. Palestine Commission, to the fact that "powerful Arab interests, both inside and outside Palestine, are defying the resolution of the General Assembly and are engaged in a deliberate effort to alter by force the settlement envisaged therein."

7. The Jewish Agency contends that these "powerful interests inside Palestine" are principally the Arab Higher Committee, while the "powerful interests outside Palestine" are the Arab League and the Governments represented therein. The Arab Higher Committee, the Arab League and the Governments represented therein have all proclaimed the fact that they are engaged in an attempt to defeat the U.N. Resolution by violence; and there is every reason to accept their professions on this point with complete confidence.

The Jewish Role

8. Violence in Palestine began with Arab attacks on Jewish life and property; and all military activities of the Palestine Jewish community have had no other object but to defend the Jewish population against those attacks or to take measures against their threatened continuance, in default of effective action by the Mandatory authorities.

The British Role

9. At the same time the attitude of neutrality which the Mandatory Power had assumed between the implementation of the United Nations Resolution and its violation has involved neutrality between defence and attack; and the practical effect of such an attitude of neutrality has been to assist the Arab attack and impede the Jewish defence.

10. In a separate memorandum submitted to the U.N. Palestine Commission on February 2, 1948, the Jewish Agency has discussed the responsibility of the Arab Governments and the Palestine Arab Higher Committee for aggression in Palestine with a view to the forcible reversal of a United Nations Resolution in violation of the Charter and in a manner inconsistent with the Purposes and Principles of the United Nations. Since the submission of that memorandum further evidence has accumulated to prove continued aggressive initiative on the part of these Arab bodies in bringing into Palestine armed forces from outside and organizing major attacks on Jewish settlements. In the present memorandum it is proposed to discuss the two other main features of the security situation -- the effects of British neutrality, and the operations of the Jewish defence forces in the face of that neutrality and of Arab aggression.

The Effects of Neutrality

11. The anomalous effects of enutrality in an issue between aggression and defence are revealed in Sir Alexander Cadogan's statement itself. That statement rests on the false assumption that Jews resorted to military measures after the Assembly's Resolution not in order to defend themselves but "to consolidate the advantages" gained by them under the partition scheme. From that assumption the statement proceeds to reveal that in the mind of the

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United Kingdom Government, military operations in support or in defiance of a United Nations policy are in the same category and even become "indistinguishable." In referring to Arab attacks, the invidious word "tamely" seems to indicate that in the British view "submission" to a United Nations judgment is not an act to be expected of spirited or courageous men. Both Arabs and Jews are represented as equally wicked in that both parties fire at each other, throw grenades and recruit men for further violence. By this disingenuous method any "neutral" could have proved that the Nazis and the Allies were equally "aggressive" in the recent war, since in the course of fighting both sought equally to take the military initiative and each bombed the other's cities. Any ^{such} analysis is deceptive, since it ignores how the violent sequence began, with whom the aggressive initiative rests at each stage, and who has a political purpose and motive in maintaining the conflict.

12. The Jews took no steps whatever to "consolidate their advantage" after the Assembly's Resolution. Their celebration of imminent independence did not include the festive use of fireworks. No Jewish military action was taken or contemplated until Arab attacks developed against road convoys, Jewish quarters of mixed urban areas and isolated Jewish villages. If those Arab attacks were now to stop, peace would immediately be re-established in Palestine. The Arabs themselves, having no interest to facilitate the British posture of neutrality, openly avow their own responsibility for aggression and their determination to maintain it. Jewish military activities, however determined in execution, are part of a basically defensive design.

13. The motives which have prompted the Mandatory Power to attempt an attitude of neutrality may or may not be relevant. Its practical effects are clear. The peace and security of Palestine are adversely affected in the present and are still more seriously threatened in the future as a result of the British Government's failure to maintain law and order, and its refusal to allow a suitable preparation of adequate security forces to function when the Mandate terminates. Those who aspire to alter the Assembly's Resolution by force are powerfully encouraged by the atmosphere of tolerance and relative impunity in which they have been able to operate. They are free to send forces into Palestinian territory; to assemble them in large concentrations in central

parts of the country where they assume virtual administrative control; to establish a country-wide military organization for launching a concerted attack against the Jews; to set up headquarters in the Old City of Jerusalem where the commanders and instigators of Arab aggression pass to and from as honorable belligerents under the eyes of British military and police authorities -- in brief, to make full preparations for defeating the United Nations decision. At the same time a foreign army is maintained on Palestinian soil, called the Arab Legion, whose members indulge in violence against the Jewish population. The announcement by Arab countries of their intention to invade Palestine and supply arms in support of Arab aggression is not considered by the British Government as a sufficient ground for discontinuing its deliveries of arms to those countries. On the other hand, the Jewish population of Palestine is refused permission openly and legally to organize its own defence. Its defensive efforts are crippled by searches, while its resources of arms are constantly depleted by confiscation. Jewish citizens defending their community are detained and imprisoned. On the highways in Palestine, which cannot be traversed without danger to life, the authorities simultaneously refuse to provide armed escort and decline to allow Jewish travellers to use adequate defensive equipment. Facilities requested by the UN Commission itself, to enable it to prepare in time lawful agencies of security to operate after the Mandate ends, are bluntly refused.

14. All these policies and practices are directly costing human lives at this very moment; but their deeper significance lies in the conditions which they determine for the immediate future. It seems inevitable, unless preventive action is taken internationally, that at an early date there will be a full-scale Arab attack upon the United Nations decision countered by a wholehearted Jewish effort to defend that decision. The attack will be stronger and the defence weaker as a direct consequence of the Mandatory Government's policy and administrative practice.

Role of the Mandatory Power in the Maintenance of Law and Order

15. In the House of Commons on December 11, 1947, Mr. Creech-Jones said:

"Between now and the termination of the Mandate the British

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Government in Palestine will remain responsible for law and order."

It is commonly recognized that the prospect of suppressing riots and disorders depends very largely on the steps taken at their initial outbreak. A swift assertion of lawful authority can nip the evil in the bud and prevent violent movements from gathering momentum. If the first violent acts can be carried out with impunity and the targets for those attacks remain undefended, a prolongation of disorder becomes almost inevitable.

16. The first outbreaks of Arab violence took two forms. There were numerous attacks on Jewish traffic on the Jaffa-Jerusalem highway; and an Arab mob attacked a Jewish quarter of Jerusalem known as the Commercial Centre. In the ensuing weeks the Arab Higher Committee extended its efforts to maintain constant disorder both on the roads and in mixed urban areas; and lack of any strong counter-measures was to have fatal effects.

17. On February 1, 1948, the United Kingdom delegation published the following figures of casualties which had occurred in Palestine since December 1, 1947:

British	46 killed	135 wounded
Arabs	427 "	1035 "
Jews	381 "	725 "
Others	15 "	14 "

According to information at the disposal of the Jewish Agency the figures of Jewish fatalities are fairly accurate as practically all Jewish deaths are known and recorded. The actual number of Arab dead is considerably higher than that indicated since the Arabs are concerned for reasons of morale and political effect to conceal the real extent of their losses. The total loss of life is thus much higher than that indicated above.

Security on the Roads

18. On November 30, seven Jews were killed in an attack near Ramleh when travelling from Tel-Aviv to Jerusalem. During the following few days most non-Arab vehicles passing along this road were subject to attacks near Ramleh by sniping and ambush. On December 3, a senior Government official informed the Jewish Agency that police escort could not be provided for inter-urban convoys since "that might be interpreted as British implementation of partition." The sugges-

and no attention was paid to the precedents for the imposition of several days' curfew on urban areas such as Tel-Aviv, ten times the size of Ramleh, in reaction to violence committed by dissident groups and condemned by the whole community.

19. In pursuance of this policy the Government continued for several days not only to withhold protection from travellers on the roads but to penalize those who took measures in their own defence. On December 4, a car taking Air France passengers from Tel-Aviv to Lydda was attacked near the Arab village of Yehudia. Vehicles carrying Norwegian Air Line and United States Trans-World airline passengers were also fired upon. On December 13, a British Overseas Airways Corporation car was attacked near Lydda airport; four of the corporation's employees were brutally murdered by Arabs. On December 25, the Government refused a request from the BOAC and TWA air companies for use of the Royal Air Force airfield at Attaroth near Jerusalem as a station for a shuttle service to avoid transporting air passengers by car through an area infested with Arab snipers.

20. On December 7, a Jewish convoy set out from Tel-Aviv to Jerusalem. One of the passengers was Joshua Globberman, a leading member of the Haganah. On the road the convoy was halted by a British patrol and searched for arms. When the convoy proceeded on its way, Globberman was shot through the head by two Arabs who attacked his car with rifle fire. He was unarmed because of his urgent desire to reach Jerusalem on an important mission without risk of arrest.

21. The Jewish Agency repeatedly applied to the Government for permission to use armored cars of the Jewish Settlement Police for escorting convoys on the roads. These requests were refused. On December 11, ten members of the Jewish Settlement Police while riding in an open tender to Kfar Etzion were killed by a band of eighty Arabs, armed with machine guns, south of Bethlehem. The following day the Palestine Post received letters from a Jewish police officer and the parents of the men killed protesting against the Government's refusal to allow armored cars for escort duty. The former letter addressed to the Inspector General of Police said: "At the funeral of the 10 Jews killed you did send two armored cars; one in front, the second to bring up the rear. Had you sent those two cars with the convoy, there would probably have been no funeral to escort."

22. Reviewing the situation on December 14, the correspondent of the New York Times in Jerusalem wrote: "It seems evident to observers that the British authorities are not exerting themselves particularly to protect road traffic."

23. On December 18, the Jewish Settlement Police were allowed to use their armored cars within village boundaries, but not to protect road traffic. The restriction was explained as due to the "intention not to provoke the Arabs."

24. On December 21, the Under-Secretary of State for the Colonies informed the House of Commons that the British Government did not consider that the arming of Jewish bus drivers would enhance the safety of road traffic "since the carrying of firearms by vehicle drivers does not constitute effective protection against small arms fire from ambush." In order to avoid encouraging any impression that armored cars might "constitute effective protection" in such circumstances, the Minister went on to emphasize that Jewish police were not allowed to send their armed cars outside their villages. "It was impossible," he added, "for all police on duty to travel in armored vehicles nor could they carry out their duties effectively if they did." On January 22, a group of Jewish settlement policemen, traveling in an open tender because of this persistent ban on armored cars, were attacked by an armed band near Yazar. Seven of their number were killed and horribly mutilated. Yet on January 29, Colonel Nelson, of British Military headquarters, informed representatives of Jewish settlements in the Jordan valley that they must not use armored cars outside the confines of their settlements "since it arouses the Arabs." He went on to say that if the Jews continued to use armored cars, they would be stopped by force. In January, the Executive of the Vaad Leumi (the National Council of Palestine Jews), whose public duties involve frequent journeys between Tel-Aviv and Jerusalem, improvised armored protection for their car. Upon its arrival in Tel-Aviv on January 19, the car was promptly confiscated by the British police.

25. During December 1947, Arab snipers in the Sheikh Jarrah quarter of Jerusalem continually attacked Jewish ambulances and buses on the road to the Hadassah Hospital on Mount Scopus. In such attacks one nurse was killed and two doctors and two nurses were wounded. But at a press conference on January 21, 1948,

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the Palestine Government spokesman said: "Armed escorts are not granted to ambulances because ordinary considerations of humanity should render them immune to attacks." The Palestine Government appeared to estimate the situation differently from Sir Alexander Cadogan who on the same date of January 21 informed the UN Palestine Commission that "for the Arabs the killing of Jews transcends all other considerations." It is noteworthy that on January 23, a tommy gun and four rifles which had been seized by Police in this same Sheikh Jarrah quarter on January 7 were reported to have been returned to their Arab owners.

26. Funeral parties escorting Jewish dead to the cemetery on the Mount of Olives are constantly fired upon from Sheikh Jarrah and the Old City where Arab gangs commanded by Sheikh Hassan Bahri control entrance and exit at the Jaffa, Damascus and Herod's Gates. At a certain stage, funerals had to be discontinued and over 20 bodies piled upon in the morgues. Sheikh Bahri gave an interview on January 8 to Mr. Carter Davidson of the Associated Press who reported as follows:

"The Sheikh pointed to the Mount of Olives and asked if I had been to the cemetery where several Jewish funeral processions had been attacked by Arabs....He said 'You can go with my men sometimes if you like. They often drop in to Jewish funerals these days'".

27. The problem of the Holy Places being left in the custody of this ghouliah individual is discussed elsewhere in this memorandum. The attitude of the Mandatory Government towards him is vividly depicted in the attached photographs (Nos. 1 and 2) which show the Sheikh, during a respite from his normal activities, conducting a campaign of self-publicity under the eyes of British military and police officers.

28. It is impossible in the compass of this memorandum to detail with every instance in which Jewish traffic has been attacked with fatal results. Many of the fatalities might have been avoided and further attacks discouraged if the use of armored cars had been freely authorized and if escorts had been adequately armed as they were in 1938-39. The attacks themselves would have become less frequent if villages and quarters such as Yazar and Sheikh Jarrah had been visited by preventive action. For over a fortnight after the initial outbreak there were no acts by way of counter-offensive on the part of the Jews, not even by their dissident groups. The expectation was that strong measures would be taken by the Government. It was only in the continued absence of such measures that the Haganah proceeded to operate independently to eliminate Arab strongholds and that the dissident groups resorted to deplorable indiscriminate attacks. In the course of these operations or after their completion the British forces have often proceeded against the Jews with an efficiency and determination which were potently lacking in the face of the original violence.

Initial Outbreaks in Jerusalem

29. The attitude of the Mandatory Government to Arab violence was most strikingly revealed in the earliest days of the Arab outbreak in Jerusalem and in the border zone of Jaffa-TelAviv. On December 2, an Arab mob surged through Princess Mary Avenue in Jerusalem, wrecking and gutting shops, stabbing and throwing stone. The old Jewish Commercial Centre was looted and burned. The enclosed photographs (Nos.3 and 4) show these disorders being carried out under the eyes of British police officers. It is significant that the first act of British forces after the outbreak was to arrest a party of Hagannah members who were engaged in dispersing looters, restoring order and restraining an enraged Jewish crowd from retaliation.

30. For three days early in December, Arab bands intermittently attacked the Yemin Moshe quarter of Jerusalem. Jews fired back. The Police searched the quarter, arresting twenty-seven Jews and not a single Arab.

Advice on Evacuation

31. In the latter weeks of December, Arab violence became more constant and better organized. A determined attempt was made to destroy outlying Jewish settlements in the Negev and the Hebron area and to terrorize their inhabitants into abandoning their homes. There could, of course, be no greater spur to Arab violence than for a Jewish area to be yielded under attack. Any such evacuation would spell the success of aggression in its main objective and would replace initial Arab caution and reluctance to fight by an incentive to mass uprising. Yet the role of the Palestine Government in these circumstances has been to advise the attacked villages or quarters to evacuate.

32. Thus on December 7, the British military commander in South Palestine called in the representatives of fourteen settlements in the Negev and advised them to abandon their positions. It could not have escaped the notice of the British authorities that such evacuation would be tantamount to the surrender by the Jews of the entire Negev area assigned by the Assembly to the Jewish State. On December 23, a British military spokesman advised the Jewish Community Council to evacuate the old Commercial Centre of Jerusalem.

On January 13, Arab snipers fired for several hours on the Government Hospital for Jewish Mental Patients at Bat Yam, south of Jaffa; the Government took no measures beyond intimating to Jewish authorities that the patients ought to be evacuated. A few days later the Government ordered the evacuation of the site. There have been numerous attempts by British authorities to persuade the Jews to evacuate the Old City of Jerusalem which has been inhabited by Jews for several centuries and is hallowed for the Jewish people by age-old religious and historical associations.

Situation in the Old City

33. The reluctance of the Mandatory Government to appear as an agent in the implementation of the Assembly's Resolution has resulted in its passive submission to the control by Arab gangs of the Old City of Jerusalem, including its Holy Places. The control of the Old City by the Arab Higher Committee involves violation of a religious sentiment the depth of which was so powerfully revealed during the recent session of the General Assembly.

34. Day after day Arab snipers, taking cover chiefly behind the walls of the Great Mosque, continued to fire on the Jewish quarter of the Old City. Jewish passersby at Jaffa Gate were attacked and killed. Food convoys into the Old City were under fire. For many days after the initial outbreak no acts of retaliation occurred. The Jewish Community was waiting for a strong military and police reaction, which was not forthcoming. It was in these circumstances that a dissident Jewish terrorist group proceeded to commit bombing outrages against Arabs at Damascus and Jaffa Gates. The outrages were unreservedly condemned by the organized community. They were seized upon as an excuse by Arab bands to install their rule over the Old City to which the British authorities, to all apparent purposes, have quietly submitted.

35. By early January the Arabs had established armed "guards" at the Jaffa Gate, Damascus Gate, New Gate, Zion Gate, and St. Stephens Gate. 1500 Jews found themselves besieged within the walls, completely cut off from the world outside. Entry into and exit from the walled city were controlled by

men illegally armed under a commander appointed by the Arab Higher Committee. When on January 2, the Jewish Agency Liaison Officer, Captain Gluckmann, asked Colonel McLeod commanding the 2nd Battalion of the Highland Light Infantry for facilities to visit the Jewish quarter, the latter undertook "to obtain a pass from the Arab Higher Committee".

36. From conversations between Jewish representatives and British Officers in formal command of the Old City it has again emerged that British forces regard themselves as standing in a position of neutrality between Arabs attacking the Jewish quarters, and Jews defending themselves against attack. "So long as they shoot at each other we leave them alone" was the remark of a British officer to two foreign newspaper correspondents who visited him on January 17. Sheikh Bahri, who is the commander of the Arab "forces" in the Old City, boasted on January 8 of his success in keeping the Jews away from the historic Wailing Wall, the greatest existing Sanctuary of the Jewish faith.

37. Nothing illustrates better the moral position in which the Mandatory Power has found itself as a result of its desire to avoid implementation of the United Nations Resolution than this surrender of the Old City of Jerusalem to the most lawless and impious elements in the country. The apparent indifference of the Mandatory Power to whether force is used to attack or to defend the United Nations Resolution applies even when the policy attacked is not that of creating a Jewish State but of setting up an international regime in a city sacred to the three great faiths.

Attacks on Haganah

38. It is a reasonable deduction from these events that the fear of being in any way implicated in the implementation of the United Nations policy predominates in the mind of the Mandatory against its obligation to maintain law and order. The defence of Jews against Arab attack is inhibited, for the reason that it is liable to be construed as a defence of the United Nations policy against forces seeking to overthrow it. Being averse to incurring this implication, British forces are often unwilling to defend or to authorize the defence of Jews by the only measures which would render the defence effective.

39. In this situation the Jewish people in Palestine have come to recognize that only their own forces stand between them and annihilation. Faced with the Government's neutrality in the issue of their survival or extermination; fortified by the knowledge that the political objectives of their attackers are abhorrent to the conscience of the world and subversive of United Nations authority, the Jews of Palestine have assumed a responsibility which formally rests on the Mandatory Power. But for the efforts of Haganah, the defence force of the Jewish community, the world would have witnessed in Palestine a massacre of Jews by Arabs with the Mandatory Power remaining neutral and passive, or interfering only belatedly and ineffectively.

40. It is therefore singular that formal legality, so tolerantly compromised in the Old City of Jerusalem and elsewhere, is so often rigidly applied to Jewish defenders. A Haganah member defending his community against murderous attack is not only exposed to the normal hazards of battle; he may also at any moment be arrested, disarmed, or even shot by British soldiers and police.

41. As already mentioned, on the very first day of the disturbances in Jerusalem, December 2, several members of the Haganah were arrested. They had intervened to restore order in the looted Commercial Centre, and to restrain their own people from angry reprisal. The enclosed photographs show them engaged in these tasks. (Nos.5 and 6)

42. On December 4, fifteen Haganah youths, including two girls, were arrested in Julian's Way, Jerusalem, for carrying arms. On December 7, Haganah was active in defending the Hatikvah quarter of Tel-Aviv against a serious attack. Late that evening the police confiscated Sten guns, rifles, and ammunition belonging to the defenders. Haganah sentries guarding the Jewish Home for the Blind situated in an isolated spot near Jerusalem were arrested on December 6. On December 10, five Jews were arrested while defending an outpost at Tel-ar-Rish south of Tel-Aviv. On December 14, after an attack on the detached Jewish suburb of Holon near Jaffa, which had lasted all day, was beaten off, the

police arrived and searched the quarter for arms; six of the defenders were arrested. On December 19, four Haganah members were arrested while escorting a convoy of the Palestine Potash Company to the Dead Sea. On December 28, Arabs attacked a Jewish children's home in the Katamon quarter of Jerusalem; police searched the quarter, arresting 10 Haganah members and not a single Arab. On the same day a large Arab band attacked a group of Jews guarding the water pipeline to the Negev near the village of Amara. Later British troops arrived and arrested all the Jewish guards, including the wounded. On January 12, 60 men from Kfar Uriah, which had been attacked by Arabs for three days, were arrested and disarmed by British police; subsequently the arms were returned. In all these, and in numerous other incidents, no attempts were made to apprehend Arabs.

43. Reviewing the situation on December 28 the Jerusalem correspondent of the New York Times wrote: "Complaints of the Jewish Agency for Palestine that police disarmed only Jews and not Arabs appeared justified today by an official statement on the fight Friday near Gaza. It said the police dispersed the Arabs and took the Jews into custody, confiscating thirty rifles, four machine guns, thirteen sub-machine guns, and more than 3,000 rounds of ammunition from the Jews."

44. The military courts still treat Jewish defence personnel as criminals if they do not go about unarmed. On January 1, a Haganah member was sentenced to five years imprisonment for carrying arms in the Selameh quarter on the outskirts of Tel-Aviv. On January 6, two Jewish girls, aged 18 and 20, were sentenced to a fine of \$1,600 or three years imprisonment for possession of arms. On January 21, two Haganah men in Jerusalem convicted by the Military Court for possessing arms, pleaded that "it would be a crime against humanity to sit idly by while murder is being done."

45. It cannot seriously be contended that Jews can afford to go unarmed in the confidence that British protection is at hand. On December 2, a journalist, Asher Lazar, was stabbed and seriously wounded a few yards from Police headquarters in Jerusalem. On January 14, a Jewish woman, aged 53, was stabbed by

a group of Arabs under the very eyes of British sentries and then shot twice through the head. The correspondent of the New York Times, who witnessed this incident, reported one of the sentries to have told him: "We saw that something was happening but we couldn't leave our posts."

46. On many occasions British action against Haganah has been of direct assistance to Arab attackers. The Sheikh Jarrah quarter of Jerusalem has already been mentioned as a nest of snipers against traffic passing to Mount Scopus. The same snipers continually attack the Jewish quarter of Hahlat Shimon. On January 21, British police confiscated all the arms in the possession of Hahlat Shimon residents. The Jewish residential suburb of Jerusalem, Talpiot, is separated from the town by Arab quarters and a stretch of open field. On January 29, British police arrested the fifteen Jews guarding the children's home at Arnona, Talpiot, and removed their arms. At the height of the Arab attack on the Jewish quarter of the Old City sixteen Jewish defenders were arraigned before a military court. A Government spokesman said that "the presence of Haganah in the Old City was not calculated to help." This despite the fact that but for Haganah the Jewish quarter of the Old City would on several occasions have been broken into with consequences too dreadful to contemplate. On January 26, British forces actually blew up a Jewish defence post in the Old City. On January 24, British troops blew up a defence post in a Jewish distillery in Mikvoh Israel, which Arab gangs had unsuccessfully attempted to blow up four days previously. On February 17, Haganah defence posts were blown up in Mekor Haim near Jerusalem. Mekor Haim has been under almost daily attack for the past three months and early in February its defenders had repulsed an attack from a strong Arab ^{band} including uniformed Iraqis.

47. Action against Jewish defence activities have even gone to the lengths of police and military killing and wounding Jewish security personnel and civilians. On December 3, a Jewish workers, Saul Levi, was shot dead by a British policeman in Tel-Aviv. While Haganah forces were defending the Hatikvah quarters on the outskirts of Tel-Aviv on the night of December 4-5 a police armored car arrived and fired on the Jews, killing three men in cold blood, including a senior Haganah officer, Jacob Shiff. Five of his colleagues

were later sentenced to heavy terms of imprisonment. This incident was the subject of representations by the Chairman of the Jewish Agency Executive to the High Commissioner for Palestine on December 8. On December 9, British police, firing indiscriminately in Tel-Aviv, killed two Jewish civilians including a thirteen-year old school girl, Zipporah Pasmanic. On December 10, Gedalia Harari was one of a Haganah party detained for questioning at the Manshiah quarter of Jaffa; on being released and proceeding down the road he was shot dead by a police officer firing at long range. On January 8, a Jewish youth and girl, Samuel Zabary and Miriam Mindel, were shot dead by a British military patrol in Tel-Aviv. Investigations are now proceeding into the circumstances in which the editorial offices of the Palestine Post were blown up on February 1.

48. On January 25, a Haganah road patrol was attacked by a band of 200 Arabs at Quastel near Jerusalem. The Haganah party suffered ten men killed, at least four of them by British troops who fired indiscriminately at Jews and Arabs and prevented Jewish reinforcements from reaching the scene. This incident was acknowledged and regrets expressed by the British authorities.

The most terrible incident of this character occurred in Jerusalem on February 12. Haganah members were manning a road-block in an exposed part of the city (the road junction of Mea Shearim-Samuel Hanavi Streets). They were arrested by a British military patrol and taken to a police station in the heart of an Arab area. They were then let loose, unarmed, to face certain and hideous death. The nude bodies of four of these men, between the ages of 19 and 23, were found outside the Lion's Gate on the Jericho Road. It is clear that they were deliberately handed over for execution to Arab mobs. An army sergeant-major implicated in this incident is now under arrest and an investigation has been ordered by the General Officer Commanding.

49. The practice of disarming and impeding Haganah forces must be examined in the light of circumstances which make the life of the Jewish population dependent on its own defensive resources. On several occasions entire villages would have been wiped out but for Haganah defence. When Dan, Kfar Szold

and Yehiam in Upper Galilee were attacked by invading forces from Syria and Lebanon on January 9, 14, and 21 respectively, British troops in the end intervened strongly to repel the invaders. But for several hours the Haganah forces had held the attackers at bay unaided. When Kfar Etzion near Hebron was heavily attacked by armed bands on January 14, twenty-four hours elapsed before British troops arrived on the scene, by which time the attackers had already suffered a crushing defeat. On February 10, a major assault was launched at 11 a.m. on the Yemin Moshe quarter in Jerusalem and resisted by Haganah; British troops went into action only at 4 p.m., after the main phase of the attack was over. On February 16, the Haganah forces successfully defended Tirat Zvi and two neighboring settlements in the Beisan Valley against a large-scale Arab attack for six hours before British troops appeared. It is easy to imagine what the fate of the Jewish settlers would have been without the defence of Haganah whose members are so frequently disarmed and arrested by British security forces.

50. Occasions on which Jewish convoys, though frequently attacked, have been searched for arms, have already been mentioned. Their number is legion. The Government has repeatedly given assurances that these searches will be stopped. They have continued to take place. The Head of the Jewish Agency's Political Department in Jerusalem herself received an assurance from the Chief Secretary that arms searches in Jewish convoys would be discontinued. A few days later the convoy in which Mrs. Meyerson was travelling was searched for arms, and some of her escort detained.

British Policy Towards Arab Aggression

51. These stringent measures against Jewish defenders are accompanied by a policy of comparative leniency towards Arab attackers. The position was well summarized by an American correspondent who wrote on December 22: "While higher British policy is to treat Jews and Arabs alike, certain British police appear to be taking advantage of the disorder to settle scores marked up during the last two years...The attitude of these police is to look the other way while Arabs prepare attacks against Jews, but to act promptly to arrest Jews with firearms." (New York Herald Tribune)

52. The organization which instigates and commands Arab aggression in Palestine is the Arab Higher Committee which works through local Committees in urban and rural areas. The Higher Committee makes no secret of its role as an organization bent on killing Jews and destroying Jewish property with the aim of frustrating the United Nations decision and imposing a political settlement which was emphatically rejected by the General Assembly. The leading members of the Higher Committee in Palestine are Dr. Hussein Khalidi and Mr. Emil Ghoury who have both made public their approval of Arab violence and their intention to intensify it in the future. The identity of other ring-leaders is well known to the Mandatory Government -- including Sheikh Hasan Salameh, the military commander of the Arab bands in the Lydda District, who had been in the Mufti's entourage at Berlin during the war and who was dropped on Palestine by parachute in 1944; and Sheikh Bahri who is in effective control of the entire Old City of Jerusalem. No effort whatsoever has been made by the Government to take these instigators of violence into custody or even to impede their movement: Dr. Khalidi in fact is often received in audience by the High Commissioner, and in one of these meetings he announced the intention of the Arabs to attack the United Nations Commission.

53. On January 14, when a strong Arab force launched an unprovoked attack on Kfar Etzion, the Palestine Government spokesman said: "The authorities have been in touch with responsible Arab bodies in an effort to achieve the immediate dispersal of these men." It later transpired that the "responsible Arab bodies" were branches of the Arab Higher Committee. The question arises whether instigators of Arab violence would enjoy this immunity if their activities were aimed against British policy instead of being directed against a United Nations resolution with which Britain is not identified.

54. The continuing infiltration of Arabs from neighboring countries with the aim of increasing violence in Palestine is well known to the Palestine Government. The information supplied by the Jewish Agency on this point in its Memorandum to the United Nations Commission on February 2, 1948, was substantially confirmed by the United Kingdom delegation in its communication to the

Commission of February 6. No effective measures were taken by the British authorities to prevent this violation of Palestinian frontiers. In the House of Commons on February 4 Mr. Creech-Jones gave the impression that the infiltration had taken the Government by surprise. Yet two days before the arrival of 700 Arab invaders in Tubas, the Jewish Agency gave warning to British Military Headquarters that a band of 700 -- 800 armed Arabs had concentrated at Irbid in Transjordan and was preparing to cross the Jordan at Sheikh Hussein or Allenby Bridge. Thereafter they actually did cross the river at Sheikh Hussein.

55. It is interesting to compare the laxity of the Mandatory Power in tolerating the entry into Palestinian territory of organized and well-equipped Arab gangs, with the determined, expensive and intricate measures which it adopted by land, sea, and air and through diplomatic action to prevent the helpless victims of Nazi persecution, including women and children, from entering Palestine under the immigration provisions of the Mandate.

56. Not content with permitting the high command of Arab aggression to function openly, nor with tolerating the entry of foreign reinforcements to strengthen that aggression in the future, the policy and practice of the Mandatory Power has the effect also of virtually facilitating the increase of the arms and equipment which the Arabs need for their assault on the United Nations policy.

57. Some of these arms are supplied directly to Arab groups in Palestine without any assurance that they will not be used in aggressive action against the United Nations. When the Jewish Guard Force at Tel-Aviv was authorized, the Government issued no arms at all to that body, but stipulated that the Jewish Agency should issue 500 rifles of its own. On the other hand, 200 English rifles were issued to bedu sheikhs in the Negev, 360 to Arabs in Upper Galilee and 300 to the Arab National Guard at Jaffa. If this precedent is followed, any expansion of municipal police forces will be tantamount to a device for arming Arab forces which will be better equipped to attack the United Nations policy when the time comes.

58. The Arabs do not have to rely entirely on the free issuance of arms to their police forces by the British authorities. A fruitful source of arms is provided through desertions of Arab members of security forces with their weapons. According to information at the disposal of the Jewish Agency, about 375 Arabs have deserted from the Palestine police and 75 from the Transjordan Frontier Force, taking with them approximately the following quantity of arms and equipment: 550 rifles, several Bren guns, 40 other automatic weapons, 10 pistols, and over 12,000 rounds of ammunition. These desertions are still continuing, and the Mandatory Administration is scoring no notable success in preventing its arms from disappearing into the armouries of Arab aggression. In December, a complete police armory was stolen by Arabs at Ramleh, containing 400 rifles and a large quantity of ammunition. The raid was executed with the help of Arab policemen.

59. As if all this arms traffic was not sufficient, the arms reserves available for Arab aggression are increased by the direct supply of military equipment to Arab States on the part of the Mandatory Power, under the terms of treaties and in fulfillment of contractual obligations.

60. The resolve of the Arab States to provide arms for an Arab revolt against Partition is clearly on record. Yet under the terms of a new treaty signed between the United Kingdom Government and the Government of Iraq on January 15, 1948, Great Britain re-affirmed its readiness to supply Iraq with arms. By Article 8 of the Annexure of that treaty ^{Brittanic} "His/Majesty undertakes to grant whenever they may be required by His Majesty, the King of Iraq, all possible facilities in the following matters...provision for the forces of His Majesty, the King of Iraq, of arms, ammunition, ships, and airplanes of modern pattern such as are in current use by the forces of His Brittanic Majesty on a priority which having regard to the relative needs of each force shall treat both forces equally". It is estimated that as recently as during September and October, 1947, Iraq purchased from the United Kingdom Government 130 armored vehicles, some 90 airplanes, about 2,500 individual arms and over 2,000 non-

armored vehicles. A statement of a British Foreign Office spokesman on January 13, 1948, indicated that there is no intention of changing these arrangements in the light of the new situation created by the determination of Arab Governments to use armed forces against the General Assembly's resolution. The spokesman justified British policy in this regard by invoking the validity of treaty obligations. This justification, however, fails to take account of Article 103 of the United Nations Charter which reads: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present charter shall prevail." The obligations under the Charter are partly defined in Articles 1 and 2 relating to "effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression and other breaches of the peace". There is a further over-riding provision already quoted, viz: "all Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter". (Article 2, Para.V).

61. In discussing the subject in the House of Commons on February 6, 1948, the British Minister of Defence (Mr. A. V. Alexander) stated that his Government had no reason to suppose that arms assigned to Arab States under treaties would find their way to Palestine. The official statement by seven Arab Prime Ministers on December 17, 1947, to the effect that they would supply the Palestine Arabs with arms, money, and men should be sufficient to disturb Mr. Alexander's confidence in the innocent destination of British arms. On January 14, the Egyptian newspaper Al-Masri reported that "all arms being used by Iraqi volunteers in Palestine are modern weapons supplied by Britain". On January 2, Ahmed Hussein, the leader of the Egyptian volunteers for war in Palestine, stated in a letter to the press that the Egyptian Government had supplied 2,000 rifles for war in Palestine.

62. To improve their general supply position the Arabs rely on a systematic campaign of train robberies. Trains carrying heavy cargoes of foodstuffs have

been held up and robbed by Arabs on the Palestine railway lines on the following occasions:

December 19	Haifa-Lydd
December 26	North of Nakun
December 30	near Gaza
December 30	near Jerusalem
January 1 - 2	Qalqilya - Tulkarm

(Five Robberies)

January 3	North Egyptian border
January 16	Athlit and Zikhron Yaacov
January 23	Near Egyptian border

Between December 1 and December 28, according to Government sources, Arab gangs made off with 340 tons of cereals, 100 tons of wood, 190 tons of cement, 15 tons of sugar, 20 tons of oranges, 100 tons of miscellaneous goods, 43 cows, and 220 bags of mail.

63. None of these robberies has been resisted by the security forces. When armed guards escort these trains, they are ordered to fire over the heads of the robbers, and this fact is published in Government communiques, serving, in effect, as an act of reassurance to timid spirits amongst aspiring train robbers. A well-known American correspondent writes in some perplexity:

"There has been a certain curious element until now in Arab train hold-ups. A train normally was guarded by one or two Arab auxiliary policemen armed with rifles. When it was halted by raiders the guards would be relieved of their arms and the Arabs would take whatever they found on the train that they needed and the matter was ended. In one recent case a train was robbed twice by two different groups within a few miles. Emile Ghory of the Arab Higher Committee remarked recently to this correspondent that it was not robbery but blockade". (NEW YORK TIMES January 24) The reductio ad absurdum in this lamentable affair is reached in an appeal by the Food Controller "to Jews and Arabs alike...to abstain from train robberies in the interest of the food situation in Palestine":

Attacks on Jews by Arab Legion

64. Units of the Arab Legion (which owes allegiance to the King of Trans-Jordan) have for several years been kept in Palestinian territory under the operational command of British military headquarters. Soldiers of this Legion have constantly been involved in hostile acts against Jewish villagers and Jewish transport, and the Jewish Agency has frequently requested the British Government to remove the Arab Legion from Palestine and thus eliminate an unavoidable source of danger to security in a period of grave political tension. These requests have invariably been disregarded.

65. The defence of road traffic should have been the primary task of all security forces when the Arab wave of violence began on the highways in early December. Yet on December 15, 1947, Arab Legion troops themselves attacked a Jewish supply convoy on its way from Tel-Aviv to the Children's Village at Ben Shemen. Fourteen Jews were killed. This incident marked a turning point in the development of Arab aggression in Palestine which thereafter became more determined and widespread.

66. Three days previously, a soldier of the Arab Legion on sentry duty at the 42nd General Military Hospital in Haifa, killed a Jew approaching the hospital. On February 3, 1948, the Jewish Agency received a telegram from the Jewish Community Council in Haifa expressing the sense of outrage felt by Haifa Jews at the murder that day of Jewish passengers on busses passing the Arab Legion Camp. On February 17, again at Haifa, two young Jews and a Jewess were dragged from their car and brutally murdered by Arab Legion troops. This incident is the most recent of several in which Arab troops, which are under British command, have committed murderous assaults on the Jewish population.

67. The very fact that the Legion is removed from its own territory weans it from such restraining influences as the direct political control of its Government might have exercised. British control being purely military, the

Legion is free to identify itself politically with its immediate Arab environment. Its members being strangers in Palestine, they are also free from such restraints as the fear of possible Jewish retaliation against their villages might otherwise exercise. It would seem elementary that in an atmosphere of Arab-Jewish tension involving Arab attacks on Jews, the Arab Legion cannot sincerely be regarded as an impartial defender of the peace. Refusal to subscribe to this fundamental axiom has led to the retention of the Arab Legion in Palestine and now involves the British Government in responsibility for the Legion's murderous acts.

The continued presence in Palestine of Units of the Arab Legion is revolting to the sense of security of the Jews and considered as a grave menace by the Jewish Agency.

Propaganda and Information

68. The mandatory policy of neutrality involves the necessity of portraying the Jews as at least equally aggressive as the Arabs. On three occasions when Jewish civilian transport was attacked by Arab Legion troops with fatal results (at Beit Nabala on December 14, at Neve Shaanan, Haifa, on February 3 and on Mount Carmel on February 17) Government communiques declared that the Jewish buses had fired first. The world was asked to believe that ordinary travellers in a Jewish bus become so exuberant or audacious at the sight of a heavily armed Arab Legion camp that they cannot resist inviting death by shooting at it. On January 20, a Jew was killed in the Old City by an Arab guard; a Government communique conjured up a picture of a Jew alone in a hostile Arab quarter provoking his own death by attacking the guard. On one occasion, when a murderous assault on a Jewish convoy passing by the Arab village of Yazur was described in an official communique as having been due to an aggressive act on the part of the Jews, the authorities after investigation admitted to the Jewish Agency that the first official version was false and that the attack had been unprovoked. On January 18, official sources reported a Zionist "punitive expedition" against three villages near Hebron. The

following day the Mayor of Hebron denied any such attack on any of these villages. Official communiques after the first battle of Kfar Etzion, when the attack was beaten off before British troops arrived, placed Arab losses at four; actually they reached well over 60 and the underestimate was of service to Arab morale which suffers severely from heavy casualties.

The Palestine Government has often condemned Jewish military activities in reprisal against Arab attacks when these reprisals have tragically involved innocent lives. Yet not one word of Governmental condemnation was forthcoming when Arabs murdered a Jewish doctor, Dr. Lehrs, in the precincts of his hospital, or when the 35 Jewish victims of an Arab ambush near Kfar Etzion were atrociously mutilated in an act so revolting to all human conscience that official silence must give rise to grave misgivings. A photograph of these mutilated bodies was published in PM on January 30.

Attitude towards Implementation

69. At a meeting of Sub-Committee I of the Palestine Ad Hoc Committee of the General Assembly on November 13 the United Kingdom Representative was asked, inter alia, whether his Government would obstruct the following measures to be taken by the United Nations Commission during the transition period; the constitution of Provisional Councils of Government; the formation of militias in the two States; and the general work of the United Nations Commission. Sir Alexander Cadogan pledged his Government not to obstruct any of these measures. On December 11, Mr. Creech-Jones, speaking in the House of Commons, expressed his anxiety to facilitate a smooth transfer of powers to the successor authorities. As recently as January 20, Lord Listowel, speaking on behalf of the British Government in the debate on Palestine in the House of Lords, said that "Britain would not obstruct any condition imposed by the United Nations".

70. The United Nations Commission is itself in the best position to know whether the Mandatory Power is offering the United Nations all aid and facilities in conformity with its own undertakings and its obligations under the Charter. There are, however, certain provisions of the implementation scheme

which affect the security of the Jewish population so vitally that any failure to comply with them prejudices its welfare most gravely.

Implication of Refusal to Allow Militia

71. In particular, the refusal of the Mandatory Power to allow immediate preparations for the formation of a militia for the Jewish State has the effect of enhancing the prospects of Arab aggression and weakening the prospects of Jewish defence. In view of the fact that for the Arabs, as stated by the United Kingdom representative, "the killing of Jews transcends all other considerations", and that the United Nations has as yet provided no other means of preserving order in Palestine, the refusal to allow preparations for a militia ensures conditions in which the "transcendent consideration" of killing Jews shall have free scope.

72. That a government should wilfully insist on leaving a country after a period of trusteeship with no authorized security forces in any area, with the exception of some units of municipal police, is an unusual episode in the history of government. The refusal is all the more difficult to understand in view of the fact that the Mandatory Government is called upon for no effort or exertion in establishing new agencies of security. No derogation is suggested from the Mandatory's sole responsibility for maintaining law and order. The issue is whether a vacuum of security shall be created by the termination of the Mandate in which those concerned to defend the incoming international regime will have to improvise their defence as best they can; or whether the termination of the Mandate will find a nucleus of a properly organized and well-equipped force ready to defend law and order. The Jewish Agency hopes that the Mandatory Power will not prefer the first alternative to the second or seek to impose that preference on the United Nations.

73. Any delay in the preparatory steps for the formation of a militia is extremely perilous in the light of actual circumstances. Arab forces are pledged to wage war on the United Nations settlement. Jewish forces are preparing to meet the challenge by defending their territory and the verdict of the United Nations. The Arab forces can muster, mobilize, and arm without let or hindrance outside Palestine borders. Even within Palestine the Mandatory Power has admitted that in certain areas Arab bands exercise virtual administrative control. The Jewish forces, on the other hand, are restricted in their freedom of action inside Palestine and are blockaded by the British Navy from the outside world. It is in these circumstances that the United Nations seeks to create a balance of security by ensuring that any forces, Jewish or Arab, willing to defend the peace shall not be overwhelmed by superior aggressive force from any quarter. The request is refused by one of the original signatories of the Charter.

74. A militia cannot be created overnight. Yet the militia in the Jewish State will pass overnight on May 15 into a position of sole responsibility as far as can be foreseen, for the life of every man, woman, and child within its frontiers. The supreme test of its capacity will come at once. One effect of the refusal to allow militias to be formed, is to create an absolute certainty that forces operating against the United Nations will seize their opportunity as soon as the Mandate ends. It is not in the nature of aggression to wait until defence is perfected. Peace is only secured when preparation for defence precedes and outweighs preparation for attack.

75. The Jewish Agency assumes that the British delegation has submitted detailed justifications for so singular a policy which have not been vouchsafed to the public. Any discussion here must rest on the surmise that there are considerations which a Member of the United Nations can hold above the security of peoples committed to its care. The British Government may consider that the preparation of militias might involve its own forces in the consequences of increased Arab violence. The idea that a Government's sole responsibility

is to itself and that the future interests of its wards count for nothing cannot be easily sustained.

The Immigration Provision

76. The hopes of those forces which aspire to nullify the Assembly's Resolution have already been raised by the British refusal to comply with the recommendation for the evacuation of a seaport for substantial Jewish immigration by February 1. This recommendation reflected the deep concern of the General Assembly with the urgency of the problem of Jewish immigration into Palestine -- a problem whose acute character all recent reports of impartial tribunals have confirmed. Yet the solemn appeal of the Assembly, coming as it did in the wake of appeals made in the past by the President of the United States and the unanimous recommendation of the Anglo-American Committee which was appointed on the initiative of the British Government itself, has been of no avail. The British plea that the increase of Jewish refugee immigration would imperil security can hardly sound convincing when free rein is given to the incursion of Arab forces from outside. Moreover, to deny Jewish immigration on the ground that it will provoke Arab violence is to give that violence incentive and encouragement.

Commission's Arrival in Palestine

77. Refusal to allow the Commission to proceed to Palestine in due time rules out the prospect of a smooth transfer which might ensure continuity of vital services. These services are already suffering through the disintegration of the Government's authority and its impotence to retain the loyalty of Arab or Jewish staff. British representatives have themselves admitted to the Commission that the administrative machine is in process of running down and that "the situation may well get worse". Yet this frank recognition has not led to any greater readiness to give the Commission all the time, freedom, and facilities required to correct a situation fraught with danger and suffering to the population.

Conclusion

78. In expressing the hope that ways may still be found of creating some harmony between the practice of the Mandatory Power and the conditions necessary for the implementation of the United Nations Resolution, the Jewish Agency relies on the statements of the British representatives themselves.

Addressing the General Assembly on November 26, 1947, Sir Alexander Cadogan said on behalf of the United Kingdom delegation:

"I can assure the General Assembly that, if the present draft resolution is adopted, my Government will loyally accept it in so far as its terms do not conflict with the conditions laid down in the Colonial Secretary's speech of 26 September 1947 and subsequent statements made by my delegation."

79. In his further remarks Sir Alexander made it plain that the condition on which the United Kingdom Government insisted was that they would not "allow their troops and administration to be used in order to enforce" the Partition settlement. It will be noted that the resolution of the General Assembly does not invite the United Kingdom to use its troops or administration to enforce Partition. On the contrary, it provides other measures of enforcement through a scheme for the establishment of Provisional Councils of Government and militias in the two States and through reliance on the powers of the Security Council if the situation in Palestine should constitute a threat to the peace. At a meeting of Sub-Committee I of the Ad Hoc Committee of the General Assembly on November 13, Sir Alexander said that His Majesty's Government would not obstruct the specific measures envisaged by the Assembly Resolution for the transition period.

80. In its Resolution of November 29 the General Assembly

"...appeals to all Governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations".

Apart from this specific admonition it is relevant to recall that Article 2

of the Charter reads in part:

"All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter".

81. In the House of Commons on December 11, 1947, the British Secretary of State for the Colonies, Mr. Creech-Jones, said:

"The decision of the Assembly is regarded by H.M. Government as the decision of a court of international opinion. This is not a grudging acceptance...we wish our authority transferred to our successors in an orderly manner. We can only express our hope...that the greatest respect will be shown this decision of the international authority".

On December 12, the Secretary of State for Foreign Affairs, Mr. Bevin, declared:

"I am not going and H.M. Government are not going to oppose the United Nations decision...There is the United Nations decision...If my colleagues or I can render any assistance... we shall do it."

82. In the light of its own express statement as well as its permanent obligations under the Charter, the United Kingdom Government is thus clearly bound to refrain from action which might hamper or delay the carrying out of the Assembly's recommendations. Those recommendations, which concern future action, do not exonerate the United Kingdom Government from its immediate responsibilities for the maintenance of law and order in Palestine so long as its mandatory obligations last. Indeed, the British Government has itself insisted that it must bear that responsibility -- and bear it alone -- as long as the Mandate is in force. On November 13, 1947, Sir Alexander Cadogan made the following declaration to Sub-Committee I of the General Assembly's Ad Hoc Committee on Palestine:

"So long as British troops remain in any part of Palestine, they must of course maintain law and order in the areas of which they are still in occupation".

On November 22, the British representative in the Ad Hoc Committee said:

"So long as the Mandate continues to exist, my Government insists on undivided control throughout the country".

83. Quite apart from any specific obligations prescribed by international treaties, civilized governments are normally expected to secure the conditions of peaceful and orderly life. In surrendering their powers and responsibilities they may legitimately be required to ensure that their lawful successors inherit conditions in which human life can effectively be defended and vital services adequately maintained. These obligations would seem to have special force in a country like Palestine where the British Government has no sovereignty or jurisdiction except that conferred upon it by an international Mandate; and failure to ensure stable conditions for a future lawful regime would be particularly repugnant in a country such as Palestine which occupies a unique place in the reverence and spiritual concern of mankind.

84. The fact that the Mandatory Power may not approve of the plan recommended by the General Assembly would not seem to affect its duty to cooperate with the United Nations once the plan has been adopted. On November 13, 1947, sixteen days before the adoption of the Resolution on Palestine, the following exemplary observations were made in the General Assembly on another issue:

"If states are to permit themselves -- and to be permitted -- to cooperate with the Organization when it suits them and to stand aside, or to attempt to sabotage it when it does not, this Organization would be rendered wholly abortive. That, as a matter of fact, is a technique which is not without historical precedent and is all the more deplorable for that reason. We must now allow that technique to destroy this Organization".

The speaker was Sir Hartley Shawcross, the delegate of the United Kingdom.