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AD HOC COMMITTEE ON THE PALESTINIAN QUESTION

Round-Up Covering the Period 23 September to 25 November 1947

On 23 September 1947, the General Assembly, in plenary meeting, approved the recommendation of the General Committee that an Ad Hoc Committee on the Palestinian Question be set up, composed of representatives of all Member Nations.

This Ad Hoc Committee held its first meeting on 25 September when Dr. Herbert V. Evatt of Australia was elected Chairman, Prince Subhasrasti Subhasvasti (Siam) Vice-Chairman, and Mr. Thor Thors (Iceland) Rapporteur.

At the second meeting (26 September) Mr. Emil Sandstrom (Sweden), Chairman of the United Nations Special Committee on Palestine, presented the Report of his Committee. At the same meeting, Mr. Arthur Creech-Jones defined the position of the United Kingdom Government. Opening statements were made by Mr. Jamal Husseini, representing the Arab Higher Committee on 29 September, and by Dr. Abba Silver, representing the Jewish Agency, on 2 October.

On 3 October the Committee embarked on a general discussion of the three related items: The question of Palestine (submitted by the United Kingdom); the Report of the United Nations Special Committee on Palestine, and the proposal (submitted by Iraq and Saudi Arabia) for termination of the Mandate over Palestine and recognition of its independence as one state.

On Tuesday, 21 October, the Committee considered the proposals submitted by the following Delegations:

- EL SALVADOR - Proposals for Arab-Jewish conference under UN auspices, at present session. (Document A/C.14/3).
- URUGUAY - Immediate admission of 30,000 children, their parents and pregnant women in DP camps to Palestine. (Document A/C.14/10)
- COLOMBIA - Proposal on acts of violence. (Document A/C.14/11)
- COLOMBIA - Sub-Committee to study Jewish DPs. (Document A/C.14/12)

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- GUATEMALA - To approve UNSCOP Majority Report with amendments re duration of transitional period, interim administering authority, international police force. (Document A/C.14/13)
- UNITED KINGDOM - Proposal re entire refugee and DP problem. (Document A/C.14/14)
- SWEDEN & USA - To accept basic principles of unanimous recommendations and Majority Plan of UNSCOP as basis for recommendations re future government of Palestine. (Document A/C.14/16)
- USA - To establish sub-committee to prepare detailed plan by 27 October 1947 in form of recommendations, in accordance with basic principles of the unanimous recommendations and the Majority Plan of UNSCOP. (Document A/C.14/17)
- CANADA - To amend USA proposal by adding consideration of territorial administrative responsibility, and methods of implementation. (Document A/C.14/23)
- NETHERLANDS - To proceed by co-ordinated effort to prepare solution as far as possible acceptable to both parties, to prepare recommendations for implementation, and recommendations for Jewish refugees and DPs. (Document A/C.14/18)
- YUGOSLAVIA - Jewish refugees in Cyprus be admitted immediately into Palestine. (Document A/C.14/19/Corr.1)
- URUGUAY - To adopt UNSCOP Majority Report as basis for discussion with amendments re geographical divisions, economic union, transition period, solution of Jewish problem and immediate immigration. (Document A/C.14/20 and Corr.1)
- Proposal to first refer to International Court of Justice question as to whether Palestine was included in pledges to Arabs. (Document A/C.14/21)
- LIBYA - To recommend that Mandatory Power prepare agreement under Article 79 of Charter to terminate Mandate and create independent unitary state of Palestine. (Document A/C.14/22)
- EGYPT - Proposal to first refer to the International Court of Justice questions of competence of Assembly to recommend either Majority or Minority plans, and of right of members to implement either plan. (Document A/C.14/24)
- SYRIA - Proposal to refer to International Court of Justice questions of legality of Mandate, whether partition is consistent with the Mandate and the Charter, and whether forcible partition is within

jurisdiction of Assembly. (Document A/AC.14/25)

LEBANON

- Proposal that the Governments of Members of the United Nations refrain, and prohibit their nationals, from giving assistance in any form whatsoever to immigrants destined for Palestine.

(Document A/AC.14/26)

The Committee decided to set up three Sub-Committees as follows:

(a) A Sub-Committee on Conciliation - approved unanimously.

(b) A Sub-Committee (known as Sub-Committee I) on the Majority Report (Partition Plan) of the UNSCOP - established by a vote of 35 in favor, none against, and with 8 abstentions.

(c) A Sub-Committee (known as Sub-Committee II) to study and consolidate the various Arab proposals for an independent unitary Palestinian State - approved by 30 votes in favor, 10 against, and with 6 abstentions.

The task of conciliation was entrusted to the Chairman, Dr. Herbert V. Evatt (Australia).

SUB-COMMITTEE I

The Chairman, by virtue of the authority conferred on him by the Ad Hoc Committee appointed the following countries as members of Sub-Committee I: Canada, Czechoslovakia, Guatemala, Poland, Union of South Africa, Union of Soviet Socialist Republics, United States of America, Uruguay and Venezuela.

The terms of reference of the Sub-Committee were defined as follows:

"1. To draw up a detailed plan for the future government of Palestine in accordance with the basic principles of the unanimous recommendations and majority plan of the Special Committee on Palestine;

"2. To incorporate this plan in the form of recommendations;

"3. To consider the exercise of administrative responsibility in Palestine during the transitional period, including the possibility of the application of Chapter XII of the Charter; and

"4. To consider methods by which recommendations of the Ad Hoc Committee on the Palestinian Question under paragraph 1 above would be put into effect.

The Sub-Committee held its first meeting on 23 October 1947 and Mr. K. Pruszyński (Poland) as Chairman, and Professor E. Rodriguez Fabrega (Uruguay) as Rapporteur.

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A representative of the United Kingdom and a representative of the Jewish Agency for Palestine were invited to sit with the members of the Sub-Committee in order to furnish them with such information and assistance as might be required. These representatives attended all meetings of the Sub-Committee.

A representative of the Arab Higher Committee was also invited to sit with the members of the Sub-Committee when the question of boundaries was raised to furnish such information and assistance as might be required. The Arab Higher Committee, however, stated that there was no reason for it to change the attitude it had previously announced in the Ad Hoc Committee, namely, that it was prepared to assist and give information only regarding the third item of the agenda providing for the termination of the Mandate and the independence of Palestine as a unitary State.

Sub-Committee I held 32 meetings in all. It adopted as the basis for its work the principles of the unanimous recommendations and the majority plan of the Special Committee on Palestine. In accordance with its terms of reference it considered the question in great detail in order to prepare a comprehensive and workable plan for the future government of Palestine and to provide for its effective implementation.

In order to facilitate its work the Sub-Committee created a number of working groups composed of several representatives or, in some cases, of only one member. Most of the Working Groups consulted with other members of the Sub-Committee, with experts of the United Kingdom and of the Jewish Agency for Palestine, and with the technical experts of the Special Committee on Palestine and of the Secretariat.

The working groups established, and their composition, were as follows:

- (a) Working Group on the Holy Places, under the charge of Mr. K. Lisicky (Czechoslovakia).
- (b) Working Group on Citizenship, under the charge of the Rapporteur, Professor E. R. Fabregat (Uruguay).
- (c) Working group on International Conventions and Financial Obligations, under the charge of Mr. J. G. Granados (Guatemala).

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(d) Working Group on Economic Union, under the charge of Mr. J. G. Granados (Guatemala).

(e) Working Group on Boundaries, under the charge of the Chairman, Mr. Pruszyński (Poland) and the Rapporteur, Professor E. R. Fabregat (Uruguay).

(f) Working Group on Implementation. This Working Group was composed of Mr. L. E. Peterson (Canada), Mr. J. G. Granados (Guatemala), Mr. S. Tsarapkin (Union of Soviet Socialist Republics) and Mr. H. V. Johnson (United States of America).

(g) Working Group on the City of Jerusalem, under the charge of Mr. R. Lichy (Czechoslovakia).

SUB-COMMITTEE 2

By virtue of the authority conferred on him by the Ad Hoc Committee, the Chairman nominated the following countries as members of Sub-Committee 2: Afghanistan, Colombia, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen.

The terms of reference of the Sub-Committee were as follows:

"1. To draw up a detailed plan for the future government of Palestine in accordance with the basic principles expressed in the proposals submitted to the General Assembly by the delegations of Saudi Arabia and Iraq (Documents A/317 and A/328, respectively) and the proposal submitted to the Ad Hoc Committee by the delegation of Syria (document A/C.14/22); and

"2. To incorporate this plan in the form of recommendations."

The Sub-Committee was also authorized to take up and consider any of the other proposals before the Ad Hoc Committee which were considered to be necessary.

The Sub-Committee held its first meeting on 23 October 1947 and elected the delegate for Colombia, Dr. L. Gonzalez Fernandez, as Chairman, and

(d) Working Group on Economic Union, under the charge of Mr. J. G. Granados (Guatemala).

(e) Working Group on Boundaries, under the charge of the Chairman, Mr. Pruszyński (Poland) and the Rapporteur, Professor E. R. Fabregat (Uruguay).

(f) Working Group on Implementation. This Working Group was composed of Mr. L. B. Pearson (Canada), Mr. J. G. Granados (Guatemala), Mr. S. Tsarapkin (Union of Soviet Socialist Republics) and Mr. H. V. Johnson (United States of America).

(g) Working Group on the City of Jerusalem, under the charge of Mr. K. Lisický (Czechoslovakia).

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"2. To incorporate this plan in the form of recommendations."

The Sub-Committee was also authorized to take up and consider any of the other proposals before the Ad Hoc Committee which were considered to be necessary.

The Sub-Committee held its first meeting on 23 October 1947 and elected the delegate for Colombia, Dr. L. Gonzalez Fernandez, as Chairman, and

the delegate for Pakistan, Sir Mohamed Zafrullah Khan as Rapporteur.

A few days later Mr. Gonzalez Fernandez resigned and was succeeded by Sir Zafrullah.

It was explained by the Chairman that the representative of the United Kingdom would sit on the Sub-Committee as an observer and that his advice would be available to the Sub-Committee as and when required.

With regard to its work, the Sub-Committee decided to concentrate on three broad issues:

- (i) The legal questions connected with or arising from the Palestine problem, in particular the three proposals bearing on the subject submitted to the Ad Hoc Committee by the delegations of Iraq, Egypt and Syria (Documents A/AC.14/21, A/AC.14/2 and A/AC.14/25).
- (ii) The problem of Jewish refugees and displaced persons and its connection with the Palestinian question.
- (iii) The termination of the Mandate over Palestine and constitutional proposals for the establishment of a unitary and independent state on the basis of the proposals submitted by Iraq and Saudi Arabia to the General Assembly.

Working groups were established to deal with each of these main issues and they were constituted as follows:

- (i) Legal Problems - Pakistan, Syria and Saudi Arabia
- (ii) Refugee Problem - Afghanistan, Colombia and Lebanon
- (iii) Constitutional Proposals - Egypt, Iraq and Yemen

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AD HOC COMMITTEE RECEIVES THE TWO SUBCOMMITTEE REPORTS

At its twenty-second meeting (19 November) the Committee received from Subcommittee I a revised Plan for Partition of Palestine, and from Subcommittee II a Plan for an Independent Unitary State of Palestine (Press Release GA/PAL/74).

There followed, from November 22 through November 24, a general debate on these two plans.

With the end of the debate the Committee, at its thirty-first meeting (24 November evening) rejected proposals to set up a unitary, independent state in Palestine, and to ask for a ruling from the International Court of Justice on the legal issues involved in the Palestine case.

These were two of the three resolutions submitted in the report of Subcommittee II, on a unitary, independent state.

A third resolution contained three recommendations, two of which were approved. They read as follows:

"THE GENERAL ASSEMBLY RECOMMENDS:

"(1) That countries of origin should be requested to take back the Jewish refugees and displaced persons belonging to them, and to render all possible assistance to resettle in life, and

"(2) That those Jewish refugees and displaced persons who cannot be repatriated should be absorbed in the territories of Members of the United Nations in proportion to their area, economic resources, per capita income, population and other relevant factors."

However, a third recommendation, to set up a quota scheme to carry this out, was rejected, and an over-all vote on the whole resolution resulted in a tie vote 16 to 16, with 23 abstentions. The Chairman, Dr. Herbert V. Evatt, (Australia), said the result would be forwarded to the General Assembly.

The Ad Hoc Committee also began consideration of amendments to the partition plan submitted by Subcommittee I, and continued throughout the thirty-second meeting (25 November morning), ending at the thirty-third meeting, 25 November.

The Committee then approved a resolution providing for the partition of Palestine into two states, one Arab, one Jewish (Document A/AC.14/34, as revised).

The result of the vote was: 25 in favor, 13 against, and 17 abstentions.

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The text of the Resolution approved by the Ad Hoc Committee is as follows:

"THE GENERAL ASSEMBLY,

"HAVING MET in special session at the request of the Mandatory Power to constitute and instruct a Special Committee to prepare for the consideration of the question of the future government of Palestine at the second regular session;

"HAVING CONSTITUTED a Special Committee and instructed it to investigate all questions and issues relevant to the problem of Palestine, and to prepare proposals for the solution of the problem; and

"HAVING RECEIVED AND EXAMINED the report of the Special Committee (document A/364) including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee;

"CONSIDERS that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations;

"TAKES NOTE of the declaration by the Mandatory Power that it plans to complete its evacuation of Palestine by 1 August, 1948;

"RECOMMENDS 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 out below;

"REQUESTS that:

- (a) The Security Council take the necessary measures as provided for in the Plan for its implementation;
- (b) The Security Council consider if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security, the Security Council should supplement the authorization of the General Assembly by taking measures, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this resolution, to exercise in Palestine the functions which are assigned to it by this resolution;
- (c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter,

any attempt to alter by force the settlement envisaged by this Resolution;

(d) The Trusteeship Council be informed of the responsibilities envisaged for it in this Plan;

"CALLS UPON the inhabitants of Palestine to take such steps as may be necessary on their part to put this Plan into effect;

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

"AUTHORIZES the Secretary-General to reimburse travel and subsistence expenses of the members of the Commission referred to in Part I, Section B, paragraph 1 below on such basis and in such form as he may determine most appropriate in the circumstances, and to provide to the Commission the necessary staff to assist in carrying out the functions assigned to the Commission by the General Assembly."

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