

GENERAL
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13 October 1947
ENGLISH
ORIGINAL: FRENCH

AD HOC COMMITTEE ON THE PALESTINIAN QUESTION

SUMMARY RECORD OF THE TWELFTH MEETING

Lake Success, New York

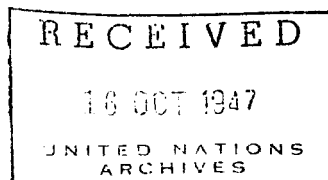
Monday, 13 October 1947 at 3 p.m.

Chairman: Mr. H.V. EVATT (Australia)Rapporteur: Mr. Thor THORS (Iceland)CONTINUATION OF THE GENERAL DISCUSSION ON THE THREE QUESTIONS REFERRED TO THE
COMMITTEE BY THE GENERAL ASSEMBLY

Mr. TSARAPKIN (Union of Soviet Socialist Republics) noted that there were three questions on the Committee's agenda. However, the Ad Hoc Committee had been instructed to investigate all questions connected with the problem of Palestine, to prepare a report and propose a solution. In the circumstances, juridical and historical argument should play only a secondary part. There was no point in launching into a purely academic discussion of the respective length of occupation and domination of Arabs and Jews in Palestine. The essence of the question was the right of self-determination of hundreds of thousands of Jews and Arabs living in Palestine; the right of the Arabs as well as the Jews of Palestine to live in freedom and peace in a State of their own. It was necessary to take into consideration all the sufferings and needs of the Jewish people, whom none of the States of Western Europe had been able to help when they were struggling against the Hitlerites and their allies for the defence of their rights and their existence.

The Jewish people were therefore striving to create a State of their own; and it would be unjust to deny them this right. The problem was urgent and could not be avoided by plunging back into the darkness of the ages.

Every people - and that included the Jewish people - had full right to demand that its fate should not depend on the mercy or the good-will of a particular State. The Members of the United Nations could help the Jewish people by acting in accordance with the principles of the Charter, which called for the guaranteeing to every people of its right to independence and self-determination.



/The problem

The problem could be solved by clearing away the historical and juridical superstructure and adopting a broad political outlook.

The cause of the difficulties between Arabs and Jews, and of the blood that had been shed, was the failure of the mandatory regime, acknowledged by the mandatory Power itself when it declared that the mandate had proved to be unworkable.

He was glad to note that both the majority and the minority plans were in agreement with the Soviet delegation's proposals at the special session. UNSCOP had performed a great task, and the results of its valuable work would help towards finding the best possible solution. The Soviet delegation agreed with the unanimous Recommendations, the most important of which were Recommendations I and II. As regards the plans recommended in Chapters VI and VII, the minority plan had its merits and advantages, since it was based on the idea of creating a single Arab-Jewish State in Palestine. However, relations between Arabs and Jews had reached such a state of tension that it had become impossible to reconcile their points of view on the solution of the problem; and the minority's proposals therefore appeared impracticable. Thus the partition plan proposed by the majority offered more hope of realization.

Besides serving the interests of Palestinian economy as a whole, the economic unity of Palestine would be a means of bringing the two peoples together and preparing for closer political relations in the future. In the opinion of the Soviet delegation, this was the proper course to take.

The Soviet delegation approved the majority plan in principle, but thought that certain proposals and opinions could not be accepted without very careful examination, and subject to necessary amendments: in particular, the frontier between the two States, the length of the transition period and the status of Jerusalem, needed examination. Perhaps for lack of time, UNSCOP had not offered a final solution of the frontier question: isolated districts connected at certain points by narrow corridors could not constitute a satisfactory solution. The Special Committee should undertake a fresh study of a concrete plan with regard to the frontier line and the line of demarcation between the nationalities, in order to remedy the present imperfections.

If the Assembly decided in favour of partition, difficulties would arise over the termination of the British mandate and over the partition plan itself. In the first place, what would be the basis of the Government of Palestine during the transition period

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when the mandatory regime had ended and the two independent States did not yet exist? This period would be of capital importance both from the standpoint of the maintenance of peace in Palestine and from that of the future of the two States. The Soviet delegation considered therefore that simultaneously with the termination of the mandate it would be necessary to decide what authority would govern during the transition period, would be responsible to the United Nations and would take all necessary measures.

If the General Assembly decided at this session to create an Arab State and a Jewish State, great progress would have been made towards a solution of the Palestinian question as a whole.

Having made these declarations of principle, the Soviet delegation naturally reserved the right to express its opinion in the future on various concrete questions.

Sir MOHAMMED ZAFRULLAH (Pakistan) said he wished to reply to the representative of Guatemala on the crucial problem of the British pledges to the Arabs. Contrary to what had been alleged, he had stated quite clearly that the British Government contended that its pledges did not include Palestine. While, however, the admissions of a party to a dispute against its own interests could be taken into account, statements made in its own favour had no value as evidence. He could not therefore be reproached because he had not mentioned the statements to which Mr. Garcia Granados had referred. The question was not whether Sir Henry MacMahon intended to exclude Palestine, but whether this was the intention of the British Government itself; whether it had given instructions to this effect to Sir Henry MacMahon; whether Sir Gilbert Clayton had made his Government's intentions quite clear, and whether, finally, King Hussein had agreed to this exclusion. The most reliable source would be the text of the Foreign Office instructions, and the refusal to publish these was therefore highly significant. As regards Lord Maugham, Lord-Chancellor and member of the Anglo-Arab Committee of 1939, he had made it clear in paragraph 4 of the report that he was present as a representative of his Government, and not in any judicial capacity.

The speaker then referred to paragraphs 17 and 18 of the Anglo-Arab Committee's report, and to paragraph 3 of the Hogarth Message, where it was stated that the United Kingdom, in reply to a protest from King Hussein, had felt bound to

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declare that the Balfour Declaration would only be applied in so far as was compatible with the freedom of the existing population, both economic and political, which was equivalent to recognizing that Palestine was not excluded from the pledges given.

He quoted the conclusions of the Royal Committee's Report of 1937 in which the exclusion of Palestine was not specifically and unmistakably indicated. The British representatives on the Commission had had to speak to their brief, but they were themselves convinced that the contentions of their Government were not supported by the evidence. As regards the provisions of the 1939 White Paper, the United Kingdom would not have limited immigration or the purchase of land if Palestine had been excluded from the pledges given to the Arabs and if "National Home" had meant "State". Without openly admitting its mistake, the United Kingdom felt that it ought to make good its pledges.

He referred to a speech made in 1923 by Lord Buckmaster in which he asked the British Government to honour the promise, given at a moment when it was beset by difficulties, to the Arabs who had contributed to the relief of these difficulties.

He pointed out that the 1937 Royal Commission had not even entered upon an examination of the documents, and that furthermore it had observed, that, in the exigencies of war, the British Government had not been in a position to make its intentions clear. Paragraph 52 of the report stated that the Arabs had understood that in the event of an Allied victory, Palestine would be included in the sphere of Arab independence.

According to the 1937 report, the policy of the Balfour Declaration had been tried out in the belief that the obligations thereby undertaken towards the Arabs and the Jews would not conflict, and that the Arabs would benefit from the activities of the Jews. The report noted that it was one thing to foster Jewish immigration in the hope that it might ultimately lead to the creation of a Jewish majority and the establishment of a Jewish State with the consent or, at least, with the acquiescence of the Arabs, and quite another to contemplate, however remotely, the forcible conversion of Palestine into a Jewish State, against the will of the Arabs. This would clearly violate the spirit of the mandate. The right of self-determination would in that case have been withheld while the Arabs were in the majority and only

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considered when the Jews became a majority. The Arabs would merely have exchanged Turkish for Jewish sovereignty. Certainly this would not be "foreign" to the same extent as the former, but the right of the Jews to a National Home did not involve the right to govern Arabs. This was the verdict of the Royal Commission, which Mr. Garcia Granados had put forward as a competent authority, and whose verdict the speaker hoped he would accept.

The Emir Feisal had indeed at one time been favourable to Jewish immigration, provided that the independence of the Arab countries was recognized immediately, but Palestine must continue to be an integral part of the Arab Kingdom of Syria and there could be no question of its being made into a Jewish State.

The speaker noted the assurance given by Mr. Garcia Granados with regard to the attitude of UNSCOP towards the Bedouins. He also noted, however, that the area which the majority of the Committee proposed to assign to the Jewish State contained an Arab majority. Certainly Mr. Garcia Granados had spoken of 25,000 illegal immigrants. But these should long ago have left Palestine. As for the 150,000 future Jewish immigrants also mentioned by the Guatemalan representative, it was precisely against this transformation of an Arab majority into a minority of landless and occupationless labourers that the Arabs were protesting.

He recalled the argument which Mr. Garcia Granados had wished to base on a reference to the frontiers of Pakistan. The latter country had an area of more than 250,000 square miles and was divided into two compact blocks to the east and the west. But, and this was most important, the action taken in the case of Pakistan had been taken with the consent of the populations concerned, a consent which would make any solution **acceptable**, whether it were partition, a single Jewish State, or division into several sections. In any case, one absurdity, if it was one, would not justify another.

As regards the economic resources of the Jewish State, he quoted Chapter VI, Part 1, paragraph 13,(1). Referring to the Zionist system in matters of agrarian and social policy, he declared that the Arab population would in a few years become a landless community of occupationless persons. Would the Jewish State bind itself to impose constitutional restrictions on the transfer of Arab lands to Jew ownership? In addition to the pledges given to
/the Arabs

the Arabs, the principal objection to the proposed Jewish State was the fact that half a million Arabs and the greater part of the land involved would be placed at the mercy of Jewish laws and regulations. What remedy could the majority suggest?

He recalled that no one had challenged his quotation of the views of Dr. Judah L. Magnes, President of the Hebrew University of Jerusalem, on the economic stability and viability of the Arab State. Furthermore, if the Jewish enterprise in Palestine was undertaken on the basis of a promise, the Arabs had shed their blood in the First World War on the basis of an earlier promise to which the later one should be subordinated.

He noted the territorial concessions that the representative of Guatemala was prepared to accept. The Pakistan delegation was utterly and uncompromisingly opposed to partition, but, if partition must take place, the injustice done to the Arabs would be somewhat reduced if the predominantly Arab areas within the proposed boundaries of the Jewish State were excluded from that State. The number of Arabs in the Jewish State should be approximately equal to that of Jews in the Arab State.

He recalled that the United States representative had spoken in favour of the majority plan, subject to certain modifications. It was doubtful, however, whether any modifications could make that plan workable. The United States representative had also declared that the majority solution was in conformity with the Charter, but had failed to specify the Articles or principles of the Charter with which it was in agreement. Article I of the Charter rested on the principle of the self-determination of peoples. What principles of the Charter could justify an infringement of this fundamental principle in the case of Palestine? The representative of Guatemala had indeed said that this principle had frequently been departed from and that a new infringement was therefore justified. But unless a justification based upon the Charter were established for the departure in the case of Palestine from the principles proclaimed in Article 1, the action proposed would not be in conformity with the principles of the Charter.

He summarized his position on the Palestine question as follows:

/The Arabs

The Arabs considered that Palestine was included in The British pledges which, by their antecedence, rendered the Balfour Declaration and the mandate invalid. Even if the Balfour Declaration had any validity, it was, in any case, subject to previous obligations.

If there were still any doubts regarding the alleged exclusion of Palestine from British pledges, an advisory opinion from the International Court of Justice should be sought. If the Court decided that Palestine was excluded from the British pledges, the Palestine problem should be solved in conformity with the principles of the Charter, the right of peoples to self-determination and the free consent of the inhabitants of Palestine.

The United States representative had expressed the conviction that States Members would respect the principles of the Charter, and the speaker interpreted this statement to mean that no State would violate its obligations as a Member of the United Nations. Although the solution recommended was a flagrant violation of the Charter, the United States representative assumed that the States Members would meekly accept this violation and give it their approval and support, thus becoming parties to it.

The Pakistan delegation emphatically supported UNSCOP's unanimous sixth recommendation. If agreement were reached on this point, and if this problem were solved, the Palestine question would lose the complication and urgency introduced into it by the pitiful plight of the displaced persons. A simpler solution than that of the majority of the Special Committee would then be possible.

Mr. FAWZI said that Egypt was deeply concerned in anything which might affect the life, liberty and future of the rightful inhabitants of Palestine.

He thought that the representative of Guatemala had simply repeated the well-known arguments of the Zionists.

The so-called Western dynamism of the Palestine Jews was only due to the technical and financial assistance of the United States, which had provided hundreds of millions of untaxed dollars. The other Arab States, however, had given an example of Eastern dynamism in contrast to the Zionist dynamite, which threatened to shatter not only Palestine but the shaky structure of world peace. In Egypt itself industry had now outstripped agriculture. Everywhere there was an Arab awakening. The alleged Jewish prosperity should not be thrown in their faces, because in any case it did not entitle the Jews to run the country or to found a Jewish State.

/He recalled

He recalled his earlier quotations from the recommendation on discrimination and the protection of minorities, and from the Secretary-General's report, and further referred to the Assembly resolution of 15 December 1946 on the establishment of the IRO, as well as to the Secretary-General's report.* He noted with regret that the United Nations, far from being infallible, still had a great deal to accomplish. It was sought to burden Palestine, which was not a Member, with the full weight of the problems of discrimination and refugees. Nothing could be more lacking in foresight or more glaringly unjust than this. The representative of the United States, however, thought otherwise, for his statement could not have been more unfortunate or less in keeping with his country's traditions of justice and fair play.

He recalled the Arab contribution in the First World War, which had been so ill-rewarded. Notwithstanding the territorial modifications suggested by the representative of the United States, the Arabs could not accept the majority proposal. That was doubtless why the United States representative had spoken of a police force recruited on a voluntary basis.

He formally denied the right of the United Nations to partition Palestine or any other country. The General Assembly could only make recommendations to the Governments, and the latter could only dispose of what belonged to them. Did Palestine belong to any Member? Neither the General Assembly nor any organ of the United Nations could dispose of Palestine or any part of it. As to the voluntary forces, they would in practice consist almost entirely of Jews ready to set out on a Zionist crusade with the sponsorship and blessing of the United Nations. The whole thing was highly irregular and illegal! The so-called police force was not the "armed forces" mentioned in Article 43. It was an extra-Charter device and had no place in the new world in which the United Nations hoped to live. A theocratic Jewish State would be established by force, and imposed on a country which did not want it. The United Nations, the guardian of peace, would thus be sowing trouble and strife in the Middle East.

He recalled the statement made at the second meeting of the Ad Hoc Committee by the representative of the United Kingdom and noted that the latter had said that, as regards the enforcement of a settlement, his government "would have to take into account both the

* Annual Report by the Secretary-General on the Work of the Organization, pages 36 - 37.

inherent justice of the settlement and the extent to which force would be required to give effect to it".*

The United Kingdom had therefore reserved the right to act or not, as it saw fit. Was it strange then, that the Arabs refused to renounce their right not to co-operate in giving effect to a settlement which they sincerely believed to be unjust? Was it even strange that the Arabs should have resolved to resist such a settlement, and that they held to their unprescribable rights of self-defense? The Arabs had risen in 1936: was it to go from bad to worse today? If care were not exercised, there would be strife and bloodshed. Let them stay forewarned and let it not be said that the sincere warnings of danger were threats of force. This was no threatening, it was foresight.

Mr. ABDOL HAMID AZIZ (Afghanistan) said that his delegation's view was that the question must be settled according to the dictates of justice and fair play, and in line with the principles of the Charter - in other words, the peoples of Palestine must be granted the right and the opportunity of self-determination. The Government of Afghanistan was therefore unable to accept the recommendations of the Special Committee.

The CHAIRMAN reminded the Committee that, in principle, proposals must be sent in by midnight on 13 October.

The meeting rose at 5:30 p.m.

* A/AC.14/SR.2 - page 2.

