ACTION ON THE GENERAL ASSEMBLY'S RESOLUTION OF NOVEMBER 29, 1947 ON THE PALESTINIAN QUESTION

Problem:

To determine the position which the United States Delegation to the Special Session of the General Assembly should adopt with respect to action by that body on the General Assembly's resolution of November 29, 1947 on the Palestinian Question.

Recommendations:

A. If the General Assembly's resolution of November 29 is amended at the Special Session, the United States should support changes which would have the effect of bringing about its peaceful implementation and of making it acceptable to the peoples of Palestine.

B. If a new resolution providing for a temporary trusteeship agreement is approved by a two-thirds vote of the General Assembly the United States should initiate or support the suspension of the General Assembly's resolution of November 29, preferably by statement to this effect in the new resolution.

C. If a new resolution providing for a political settlement is approved by two-thirds vote of the General Assembly, the United States should initiate or support the withdrawal of the General Assembly’s resolution of November 29, preferably by a statement to this effect in the new resolution.

Discussion:

On November 29, 1947 the General Assembly adopted a resolution on the Palestinian question. This resolution provided for a plan of partition with economic union for Palestine. It included provisions for a future constitution and government of Palestine, boundaries, a special regime for the City of Jerusalem and an invitation with regard to capitulations in Palestine.

The General Assembly’s resolution recommended to the United Kingdom, as the Mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation with regard to the future government of Palestine, of the plan of partition with Economic union as provided for in that resolution.

The General Assembly’s resolution also requested that;

"(a) The Security Council take the necessary measures as provided for in the Plan for its implementation;

(b) The Security Council..."
"(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 by informed of the responsibilities envisaged for it in this Plan;"

The General Assembly's resolution in addition called upon the inhabitants of Palestine to take such steps as may be necessary on their part to put this plan into effect and appealed to all governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations,

The General Assembly's resolution also contained authorization to the Secretary General with regard to expenses of the Commission provided for in the plan and for withdrawals from the working capital fund.

On December 1, 1947 the Trusteeship Council received Part 3 of the General Assembly's resolution of November 29 and commenced work on a draft Statute for the City of Jerusalem.

On December 9, 1947 the Security Council recorded that it had received the General Assembly's resolution of November 29 and, having been seized of this matter, had agreed to postpone further consideration.

On February 1, 1948 the Palestine Commission provided for in the plan, which had commenced its activities on January 9, 1948, submitted its first monthly progress report to the Security Council.


On February 24,
On February 24, 1948 the Security Council resumed its consideration of the Palestine question.

On February 25, 1948 the United States representative on the Security Council introduced a resolution providing for the acceptance, subject to the authority of the Security Council under the Charter, of the request addressed by the General Assembly to it in paragraphs (a), (b) and (c) of its General Assembly's resolution of November 21, 1947.


On March 5, 1948 the Security Council by a vote of five in favor with none against and six abstentions, declined to accept the request of the General Assembly.

On March 12, 1948 the Trusteeship Council, having continued its work on a draft Statute for the City of Jerusalem, decided that it was in a satisfactory form and agreed that the question of its formal approval together with the appointment of a Governor of the City should be taken up at a subsequent meeting to be held not later than one week before April 29, 1948.

On April 1, 1948 the Security Council adopted by nine affirmative votes with two abstentions the United States resolution requesting the Secretary-General of the United Nations to convene a special session of the General Assembly to reconsider the question of the future government of Palestine.

The action of the Security Council on March 5 in declining to accept the request of the General Assembly under its resolution of November 29 in conjunction with the action on April 1 in requesting the convening of a special session clearly indicates that the Security Council was not prepared to accept or implement the General Assembly's resolution of November 29.

U - The United Nations might adopt one of the following courses of action with regard to the General Assembly's resolution of November 29, 1947:

A. The General Assembly might amend its resolution of November 29.

B. The General Assembly might suspend its resolution of November 29.

C. The General Assembly might withdraw its resolution of November 29.

In the case of (A), amendments to the General Assembly's resolution of November 29 which would have the effect of bringing...
bringing about its peaceful implementation and of making it acceptable to the peoples of Palestine would have the support of the United States Government in the United Nations.

In the case of (B), it may develop that the General Assembly will approve by a two-thirds vote a new resolution providing for a temporary trusteeship agreement for Palestine without prejudice to the rights, claims or position of the parties and without prejudice to the eventual political settlement relating to the government of Palestine. In this event, the question arises as to whether the General Assembly's resolution of November 29 should be suspended or withdrawn. If the trusteeship is for a temporary period; if it is without prejudice to the rights, claims or positions of the parties; and if it is without prejudice to the eventual political settlement relating to the government of that country, it follows that suspension rather than withdrawal of the resolution of November 29 would be equitable. Withdrawal of the General Assembly's resolution under such conditions would undoubtedly be considered as prejudicial to the rights, claims and position of one of the parties and would also undoubtedly be considered as prejudicial to the eventual political settlement. It would, accordingly, appear to be preferable to suspend the General Assembly's resolution of November 29 by a statement to this effect in the new resolution providing for a temporary trusteeship agreement.

In the case of (C), it may develop that a new resolution providing for a political settlement will be approved by a two-thirds vote of the General Assembly. In his event, it might be presumed that the new resolution would automatically supersede the resolution of November 29. It would be preferable, however, for the General Assembly to withdraw its previous resolution. Such action might be accomplished (a) by the introduction of a separate resolution before the passage of the new resolution; (b) by the introduction of a separate resolution after the passage of the new resolution; or (c) by a statement in the new resolution itself. From a parliamentary point of view no objection would appear to any of these three courses. From a political point of view, however, it would appear that the preferable course would be by a statement in the new resolution. Such action would definitely link the new resolution with the previous resolution and might avoid the necessity for a separate vote on the withdrawal of the General Assembly's resolution of November 29.

NE:J.Wilkins/mtw
4/13/48

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(Cleared with Mr. Rusk, Mr. Henderson and Mr. McNaug)
Since the United States intruded the resolution in the Security Council which led to the calling of this Special Session of the General Assembly, we believe it appropriate to outline at this early stage of our proceedings the nature of the problem which now confronts us.

The Palestine question first came before the United Nations at a Special Session of the General Assembly which convened in New York on April 26, 1947 in response to a request made by the United Kingdom on April 3, 1947. In that Special Session the United States supported the idea that a Special Committee, made up of neutral and disinterested members, should review the situation in Palestine and report to the Regular Session of the General Assembly which was to meet in September of last year. We supported such a Committee because we were aware that earlier efforts to find a solution for Palestine had been unsatisfactory and because we were anxious to see the question dealt with by the United Nations on its merits, free from special interests and other factors which did not bear directly upon Palestine itself.

While UNRWA was at work, from May 25, 1947 until the submission of the Report to the General Assembly on September 3, 1947, the United States government scrupulously refrained from statements of policy or from acts which might in any way prejudice the work of that Committee.
We were eager for it to have, as far as we were concerned, every possible opportunity to make an impartial study of the question and to recommend what seemed to it to be a fair solution.

Inherent in our attitude was a desire on our part to give every great weight to the work of such a Committee.

The majority of UNRCP proposed a Plan of Partition with Economic Union. In the Regular Session of the General Assembly which convened in September of last year, the United States supported this majority proposal. In doing so, we sought certain changes in it which we thought would make the plan more workable. We proposed territorial revisions which reduced the size of the Arab minority in the proposed Jewish State and endeavored to strengthen that part of the plan providing for economic union. UNRCP itself had unanimously concluded that "the preservation of the economic unity of Palestine as a whole is indispensable to the life and development of the country and its peoples.

In favoring the Plan for Partition with Economic Union we were aware that the Arabs of Palestine were unwilling to agree to it in advance, that the plan was not acceptable in every respect to the Jews of Palestine, and that the United Kingdom had stated its unwillingness to take an active part in its implementation in the absence of agreement between the Jews and Arabs. The General Assembly made every possible effort to meet objections from these three sources. Had the Assembly taken all such objections at full value, no recommendation at all would have been possible. No plan could have met the views expressed to the Assembly by the United Kingdom and by the Jews and Arabs. The United
United Kingdom, however, had asked for recommendations of the General Assembly on the future government of Palestine. It did not withdraw that request nor did it propose any other type of United Nations action. It was up to the Assembly to recommend, specifically to the United Kingdom, what it considered to be a fair and equitable solution which could rightfully claim the cooperation of the people of Palestine and of the Mandatory Power as a final settlement for that troublesome question.

We and many other Members of this Assembly hoped that the expression of general world opinion would influence the Arabs to give the recommendation of the Assembly a chance to work, that the United Kingdom would cooperate fully in carrying out those parts of the plan which it alone could carry out since it was in Palestine as the Mandatory Power, and that the Jews would make every possible effort to compose their differences with the Arabs in an effort to reduce the violence which prevailed in Palestine. Events have not fulfilled these hopes.

Following the passage of the resolution of the General Assembly of November 29, 1947, the United States attempted by diplomatic means to urge a moderate attitude upon the interested parties in order that a peaceful implementation of the Plan for Partition with Economic Union might be possible. We do not know what efforts have been made by other Members of the United Nations to exert their influence along similar lines in support of the recommendation of the General Assembly. In any event, such efforts were not successful.
The Palestine Commission, established by the resolution of November 29, began in early January its task of carrying out the Plan of Partition with Economic Union. My government wishes to express its great appreciation for the devoted work which this Commission has applied to its task and the efforts which it has made, in the most difficult possible circumstances, to carry out the responsibilities imposed upon it by this Assembly. If the plan for partition with economic union is not being implemented today, it is in no way due to any lack of effort or attention to duty on the part of the Palestine Commission.

The resolution of the General Assembly on Palestine was considered by the Security Council in February and March. The Security Council rejected that part of an American resolution which would have placed the Security Council behind the Plan of Partition with Economic Union. During a period of intensive consultation among the permanent members, the Mandatory Power, the Palestine Commission, and the representatives of the Jews and Arabs of Palestine, it was impossible to find the necessary agreement, either among the peoples of Palestine or among the members of the Security Council, to permit the peaceful implementation of the Assembly resolution.

It became apparent that peaceful implementation of the plan for partition with economic union could not be expected, that the UK was intent upon terminating the mandate on May 15 regardless of action by the United Nations, and that there would be no government in Palestine after that date capable of maintaining law and order. Violence and open civil war have increased daily.
daily in Palestine and the peace of the Middle East is seriously threatened.

We note that the Report of the United Nations Palestine Commission directed to this Special Session states that "Arab elements, both inside and outside of Palestine, have exerted an organized, intensive effort toward defeating the purposes of the resolution of the General Assembly. To this end, threats, acts of violence, and infiltration of organized, armed, uniformed Arab bands into the Palestinian territory have been employed". Our own information confirms this part of the Palestine Report. The primary reason why the General Assembly's resolution of November 29 could not be carried out by peaceful means was Arab resistance. Some of this resistance, arising from outside Palestine, is in clear violation of the Charter of the United Nations and must be halted.

The Jewish Agency for Palestine has demonstrated that it is prepared to accept the resolution of the General Assembly of last November 29, despite the fact that this resolution did not represent the full measure of their claims. We must recall, however, that irresponsible elements in the Jewish community have resorted to widespread terrorism and wilful murder since November 29, 1947. Such activities have shocked the entire world, have served to inflame still further the Palestinian question and have made it more difficult for the United Nations to find a peaceful solution to the Palestine problem.
It seems to us clear that the primary responsibility for reaching a peaceful settlement of this problem rests upon the people of Palestine. Instead of serious and responsible efforts to resolve their differences, we see bitter retaliatory fighting and an apparent determination to seek a solution by force of arms rather than by force of reason, adjustment and persuasion. We do not believe that the peoples of Palestine are entitled to appear before the United Nations to assert demands which must be accepted by the other party and the world community as the only alternative to war.

The United States has repeatedly stated that we shall act in regard to Palestine only as a member of the United Nations. It is not our intention to accept unilateral responsibility or to take unilateral action. We have sought in every way possible to counsel moderation upon the parties in this situation to seek a peaceful settlement.

By the middle of March, however, we recognized that time was fast running out. The only certainty was that grave disorders were occurring daily in Palestine and that even greater bloodshed could be expected after May 15. That prospect presented a hard choice to the United States as a member of the United Nations. We could remain completely inactive and let the situation move on to inevitable chaos. The alternative was to suggest some emergency action to preserve the peace, running the risk of the misunderstanding which...
which would accompany any such effort on our part. We considered
that the only decent course lay in an effort to save lives and we
found that our colleagues in the Security Council were ready to move
in the same direction. There is no need for a Member of the United
Nations to apologize for an effort to keep the peace. It is clearly
required by the Charter. The primary function of the United Nations,
and particularly the Security Council, is to strive by every possible
means to keep the peace and to seek a peaceful settlement of disputes.

The United States, therefore, along with other members of the
Security Council, turned to an attempt to effect a truce in order
to bring to an end the serious fighting which is now occurring daily
in Palestine and to forestall the even greater bloodshed which can
be expected after May 15. The Security Council has now taken action
to establish such a truce in Palestine. This effort of the Council
needs and deserves the full support of all the Members of the United
Nations.

Since the truce itself would not ensure the continuance of
governmental authority in Palestine, the United States believes that
consideration should be given by the General Assembly to the estab-
lishment of a temporary trusteeship which might provide a govern-
ment and essential public services in that country pending further negotia-
tions. If the Mandatory Power actively cooperates, the General Assembly
would
would be able to establish United Nations governmental authority in Palestine. In the trusteeship field, the General Assembly has authority to accept responsibility which goes far beyond its powers of recommendation. The United Nations itself can become the Administering Authority.

We have not suggested a temporary trusteeship as a substitute for the plan of partition with economic union or for any other solution of the Palestine problem which may be agreed upon by the Jews and Arabs of that country. We consider it an emergency measure to ensure public order and the maintenance of public services. The truce and trusteeship together envisage a military and political stand-still to save human life and to make possible further negotiations on a final political settlement. As we see it, the truce and trusteeship would be entirely without prejudice to the rights, claims, or position of the parties or to the character of the eventual political settlement.

The United States does not wish to confront the General Assembly with a draft trusteeship agreement which has been worked out in every detail. We have, however, prepared some suggestions which are based upon a draft statute which the Trusteeship Council developed for the Territory of Jerusalem, as well as upon suggestions which have been made informally by several members of the Security Council. We hope that the Assembly will agree to a full exploration of trusteeship possibilities and will
and will present suggestions in the First Committee to that effect.

The First Committee may wish to ask the Fourth Committee of the
Assembly to undertake the major role in such exploration.

If a temporary trusteeship, which we see as an orderly extension
of a truce, commands itself to the Assembly as a practical way of meet-
ing this present crisis, again we emphasize the importance of a truce
in Palestine as an essential preliminary to a trusteeship or to any
other solution. We urge, therefore, all members of the United Nations
to support as strongly as possible the efforts of the Security Council
to bring about such a truce.

The United States has raised with certain other governments the
question of joint responsibility for the security of a temporary trustees-
ship. These discussions have thus far produced no tangible result.

The United States is willing to undertake its share of responsibility
for the provision of police forces which are required during a truce
and a temporary trusteeship, along with other members who may be selected
by the General Assembly and who are willing to carry out such a task
in accordance with the will of the Assembly and with the provisions of
the Charter.

While the United States is prepared to carry its fair share of
the United Nations burden involved in such a temporary trusteeship,
it is not prepared to act alone in this matter. Our participation will
be conditioned upon a readiness of other governments to provide similar
assistance.

The time which is left to us by the apparent determination of the
Mandatory
Mandatory Power to terminate its mandate on July 15 is perilously brief. However, joint effort by all parties involved in this situation, acting in the spirit of the Charter, can avert this emergency and meet it promptly. My Government believes that the General Assembly must expect the Jews and Arabs now to show a more moderate attitude in order to prevent a slaughter on both sides which they can avoid in no other way.

We have suggested a temporary trusteeship as a way of meeting under the Charter the crisis which confronts us. It is easy, particularly in regard to Palestine, to point out difficulties and objections to any course of action. It is not easy to come forward with practical and responsible suggestions to meet the situation. We are ready to give most careful consideration to other solutions which may be proposed to the Assembly. We are confronted here with a problem of unusual complexity and one which presents a most serious challenge to the United Nations.

It can be met only if the Mandatory Power, the Jews and the Arabs of Palestine, and all of the Members of the United Nations take an active part in seeking a settlement in the spirit of the Charter.