

1948
NEW ZEALAND

THE UNITED NATIONS

REPORT OF THE NEW ZEALAND DELEGATION
TO THE SECOND SPECIAL SESSION OF THE
GENERAL ASSEMBLY OF THE UNITED NATIONS,
APRIL–MAY, 1948, ON PALESTINE

Presented to both Houses of the General Assembly by Leave

REPORT OF THE NEW ZEALAND DELEGATION TO THE SECOND SPECIAL SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, APRIL–MAY, 1948, ON PALESTINE

New Zealand Legation, Washington, D.C., 8th June, 1948.

SIR,—

I have the honour to append hereto a report on the second special session of the General Assembly of the United Nations, held at Flushing and Lake Success, from 16th April to 14th May, 1948.

The second special session of the General Assembly was called at the request of the Security Council “to consider further the question of the future government of Palestine.” Subsequently, the Governments of India and China requested that the admission of Burma as a member of the United Nations be included in the agenda.

The session was opened on 16th April, 1948, by Mr. Joao Carlos Muniz, of Brazil, in place of Dr. Oswaldo Aranha, of Brazil, President of the Assembly at its previous session.

The New Zealand delegation was as follows :—

Representatives—

Sir CARL BERENDSEN, New Zealand Minister to the United States
(*Chairman of the Delegation*).

Mr. A. D. McINTOSH, Secretary of External Affairs, Wellington.

Alternate Representative—

Mr. J. S. REID, Counsellor, New Zealand Legation, Washington.

Advisers—

Mr. C. CRAW, Permanent Delegation to the United Nations.

Miss I. P. COATES, Permanent Delegation to the United Nations.

The election of officers of the General Assembly resulted as follows :—

President of the Assembly : Dr. JOSE ARCE (*Argentina*).

Chairman of the First Committee : Dr. TING FU TSIANG (*China*).

Chairman of the Second Committee : Sr. EDUARDO ANZE
MATIENZO (*Bolivia*).

Chairman of the Third Committee : Dr. CARLOS GARCIA BAUER
(*Guatemala*).

Chairman of the Fourth Committee : Sir CARL BERENDSEN (*New
Zealand*).

Chairman of the Fifth Committee : Dr. JOZA VILFAN (*Yugoslavia*).

Chairman of the Sixth Committee : Mr. NASROLLAH ENTEZAM
(*Iran*).

Vice-Presidents of the Assembly: The Chief Representatives of the United States of America, France, the Soviet Union, the United Kingdom, Sweden, Turkey, and Peru.

The above-mentioned representatives, in accordance with the Rules of Procedure, comprised the General Committee of the General Assembly. This Committee recommended to the Assembly on 19th April that the application of Burma for membership in the United Nations be considered by the General Assembly without reference to Committee, and that the item "Further consideration of the question of the future government of Palestine" be referred to the First Committee for consideration and report.

Burma was thereupon admitted to membership of the United Nations unanimously, and the Palestine question was referred to the First Committee without debate.

I. FURTHER CONSIDERATION OF THE QUESTION OF THE FUTURE GOVERNMENT OF PALESTINE

Security Council

On 29th November, 1947, the General Assembly had recommended for Palestine a plan of partition with economic union, and requested the Security Council to take the necessary measures as provided in the plan for its implementation. The Security Council was also asked to take steps to empower the United Nations (Palestine) Commission to exercise its functions if the Council should decide that circumstances during the transitional period before the termination of the mandate constituted a threat to the peace.

In the ensuing months the Palestine Commission had submitted two regular reports to the Security Council and two special reports, one urging action to maintain security in Palestine, and the other recommending measures to ensure adequate food-supplies for Palestine after the termination of the mandate on 15th May. After exhaustive discussions, including private consultations among the five permanent members of the Council, the Security Council was able to take only limited action. It called for a truce in Palestine under Chapter VI of the Charter, and, on the initiative of the United States, for a special session of the General Assembly "to consider further the question of the future government of Palestine." It did not formally accept the responsibilities assigned to it under the plan of partition, nor did it attempt to find that conditions in Palestine constituted a threat to the peace requiring action under Chapter VII of the Charter. Subsequently,

the Council agreed to appoint the consular representatives in Palestine of Belgium, France, and the United States as a Truce Commission under the Security Council to negotiate and supervise a truce in Palestine.

Report of the Palestine Commission

The second special session of the General Assembly was therefore called at the request of the Security Council.

The Assembly had before it a report (Document A/532) prepared by the Palestine Commission reviewing its activities from 9th January to 10th April, 1948. The report concluded with (a) a review of the factors which had, in the opinion of the Commission, prevented implementation of the Assembly's resolution of 29th November, 1947, and (b) a survey of the problems which, in the opinion of the Commission, required urgent solution.

Under (a) the Commission referred to :

- (i) The active opposition of the Governments of the Arab States and the Arab Higher Committee which made it impossible for the Commission to implement the Assembly's resolution without the assistance of adequate armed forces ;
- (ii) The policy of the mandatory Power, " and particularly its refusal to take any measure which might be construed as involving it in implementation of the Assembly's resolution " which, the Commission stated, had had the following consequences : (1) the provisions of the partition plan for a progressive transfer of administration from the mandatory Power had not been complied with ; (2) the Commission could not proceed to Palestine until two weeks prior to the termination of the mandate ; (3) the Commission could take no measures to establish the frontiers of the Arab and Jewish States and the City of Jerusalem ; (4) the refusal of the mandatory Power to permit the establishment of any Provisional Councils of Government, if selected, had made it necessary for the Commission to communicate that fact to the Security Council ; (5) the refusal of the mandatory Power to permit the taking of preparatory steps towards the establishment of the armed militia as envisaged by the resolution of November, 1947, for the purpose of maintaining internal order and preventing frontier clashes, had made it impossible to implement the Assembly's resolution in that respect ;
- (iii) The disintegrating security situation in Palestine and the failure of the Security Council to furnish the Commission with the necessary armed assistance.

Under (b) the Commission listed the following matters as requiring an urgent solution irrespective of the ultimate decision of the General Assembly and the future government of Palestine :

- (i) *Security* : The functions and responsibilities of British troops remaining in Palestine after 15th May ; arrangements for the transfer of the arms of the Palestine Police Force ; the security of Jerusalem and the holy places ; the preservation of the assets of the Government of Palestine.
- (ii) *Administration* : Arrangements to ensure continuity of essential transportation and communications ; health and prison administration ; the Judiciary ; preservation of Government records ; access to Haifa after 15th May.
- (iii) *Economic and Financial Matters* : Importation and distribution of food-supplies ; releases after 15th May from sterling balances blocked by United Kingdom Treasury Order of 22nd February ; representation of Palestine before the International Emergency Food Council ; the future of the Palestine Currency Board ; maintenance of import and exchange controls ; continuity of essential fiscal arrangements ; disposition of the assets and liabilities of Palestine ; payments for services to be provided to British forces after 15th May.

“ The steadily deteriorating situation in Palestine,” the report concluded, “ leads to the inescapable conclusion that, in the absence of forces adequate to restore and maintain law and order in Palestine following the termination of the mandate, there will be administrative chaos, starvation, widespread strife, violence, and bloodshed in Palestine, including Jerusalem.”

Discussion in the First Committee

When the question was taken up by the First Committee, the United States representative, Ambassador Warren Austin, submitted a working paper (A/C. 1/277) containing a draft trusteeship agreement for Palestine which he proposed should be referred to the Fourth (Trusteeship) Committee for consideration. Mr. Austin explained that it had been impossible to reach agreement between the parties in Palestine or among members of the Security Council to permit peaceful implementation of the partition resolution. Faced with British deadlines and mounting conflict the Council had acted to bring about a truce. This would not, however, ensure the continuance of governmental authority in Palestine after 15th May, and it was thought, therefore, that a temporary trusteeship would provide a Government and essential public services in Palestine pending further negotiations. Under the trusteeship provisions of the

Charter the Assembly had authority to accept responsibility far beyond its powers of recommendation. The truce and the trusteeship proposal together envisaged a military and political standstill to safeguard human life and make possible further negotiations on a final political settlement. Both truce and trusteeship would be without prejudice to the rights, claims, or position of the parties concerned or to the character of the eventual settlement. Mr. Austin said that the question of joint responsibility for the security of the proposed trusteeship had been discussed with certain other Governments, but without tangible results at that stage. The United States, however, was willing to undertake its share of responsibility for the provision of police forces in co-operation with other members which might be selected by the General Assembly and which were willing to carry out such a task in accordance with the provisions of the Charter. The United States was not prepared to act alone.

The main provisions of the draft trusteeship agreement presented by the United States delegation as a working paper were—

- (1) That it should be “ without prejudice to the rights, claims, or position of the two parties concerned or to the character of the eventual settlement ” :
- (2) That the United Nations itself should be the administering authority (acting through the Trusteeship Council and enlisting the aid of other organs, such as the Economic and Social Council, wherever desirable) :
- (3) That there should be a form of responsible Government with a single cabinet (composed of Jews and Arabs), but that the Governor-General, appointed by and responsible to the Trusteeship Council, should have virtually unlimited powers as the chief executive and administrative authority in Palestine :
- (4) That the Governor-General should be responsible for the maintenance of law and order and should be empowered to call upon certain Governments (not named in the draft) to assist in the defence of Palestine or in the maintenance of law and order ;
- (5) “ (i) In order to enable the inhabitants of Palestine to attain full self-government as soon as possible it shall be the responsibility of the Governor-General to take all possible steps to bring about agreement between the Palestinian Jewish and Arab communities, acting through their representatives in the Legislature, upon a plan of Government for Palestine ;
“ (ii) This agreement will terminate :
 (a) As soon as the General Assembly has approved a plan of Government agreed upon in accordance with paragraph (i) above and such plan of Government is established ; or

(b) Whenever, after the expiration of three years from the effective date of this agreement, the General Assembly, upon recommendation of the Trusteeship Council, shall agree upon a plan of government for Palestine which is approved by a majority of both the Arab and Jewish communities of Palestine by means of a plebiscite conducted by the Governor-General."

It will be observed that the termination of this proposed trusteeship was to depend in both cases upon agreement between the Arabs and the Jews, and this provision was, in the light of well-known Arab views, generally interpreted as being, as in fact it was, a negation of partition, and, indeed, of the declaration of policy contained in paragraph 1 above.

The plan also contained provisions in outline for a compromise adjustment of immigration and land tenure for the duration of trusteeship.

Mr. Austin was followed in debate by Sir Carl Berendsen, New Zealand delegate, who strongly urged that the Assembly uphold and enforce its decision of 29th November, 1947. The problem of implementing the partition plan had, he said, been wilfully ignored by the Assembly at that time, despite earnest appeals from many delegations and in the face of protests and warnings of the Arab members of the United Nations and of the Mandatory. The result of that error was death and outrage in Palestine and a grave risk that the Assembly would lose the public confidence upon which its authority in the last resort depended. If partition with economic union was right in November, it was still right, and no suggestion to the contrary had in fact been made. The only new factor since the November decision was a series of outrages in Palestine by both sides which called for repression by lawful force. If the Assembly allowed its decision to be abandoned because it was challenged by force, the Assembly would be taking on itself a responsibility that would bear tragic fruit for many generations to come. Sir Carl doubted that the force required to implement trusteeship would be less than that required to implement partition, and suggested that if the members of the United Nations were willing each to take its proportionate share in enforcing the one, they should be equally willing to provide their proportionate share to implement the other. In summing up the New Zealand position Sir Carl said :

While the New Zealand delegation will continue to support the enforcement of partition through the joint action of all members of the United Nations, we shall nevertheless join in the consideration of any proposal which offers prospects of ending the strife in Palestine and achieving a just settlement between the Jews and the Arabs within a reasonable period. And if it is found possible to achieve a truce between the contending parties on just and reasonable terms, I need not add how warmly such a development would be welcomed by the New Zealand Government.

But here is a test case, and, believe me, the future of this organization and the future of the world may depend upon the way in which it is decided. What the world needs to-day is not resolutions, it is resolution. And it is the most earnest hope of the New Zealand Government that the Assembly will adhere to the principles it accepted last November, and show that resolution which the situation demands. We must not, we dare not, add to the irresponsibility of our November decision for partition without enforcement, the further and final irresponsibility of a surrender to illegal force.

(The full text of Sir Carl Berendsen's speech is contained in the Annex to this report.)

As the general debate developed it became apparent that some States, notably Brazil, Canada, and Panama, which had supported partition the previous November, were prepared to consider new temporary measures in view of the failure of the Security Council to uphold the principle of partition or to accept responsibility for its implementation. Several States, such as China, India, and Argentina, which had abstained on the partition resolution, and Cuba, which had opposed it, obviously welcomed the possibility of some new solution being sought. Representatives of the Arab States also indicated a willingness to discuss a temporary trusteeship as one step in the direction of destroying or at least delaying the partition plan. The Swedish delegate expressed the view of many delegations when he said that if trusteeship would lead to peaceful conciliation it should be carefully explored, but many constitutional and legal points would have to be investigated and the implementation of trusteeship would involve heavy and direct responsibilities for the United Nations itself. "It seems difficult," he said, "to engage in a detailed discussion of the terms of a possible trusteeship system until declarations have been made and guarantees have been given with regard to the implementation of such a system." Again, there was a group of States which, like New Zealand, urged the implementation of partition. The Australian representative, Mr. Hood, emphasized that it had been well realized that certain aspects of the partition plan would be resisted by one party or the other, and it was exactly for that reason that provision was made in the plan for the establishment of Arab and Jewish militia forces and also for reference to the Security Council. All circumstances that had arisen should be considered from the standpoint of maintaining the Assembly's resolution, and not from hasty thoughts of its deferment or even reversal. The Australian delegation would, he said, consider every proposal brought forward and would form its opinion on the basis of what was just and in accordance with the principles of the Charter, and not on grounds of political expediency or of Power politics. A similar position, continued support for partition though not opposition to the consideration of other proposals, was taken by the representative of Uruguay and Guatemala. The most uncompromising attitude was, however, expressed by the

representative of the Soviet Union, supported by the representatives of Poland, Yugoslavia, the Ukraine, and Byelo-Russia. Speaking for the Soviet Union, Mr. Gromyko accused the United States of attempting to wreck the partition decision and impose its own plans, based on political, economic, military, and strategic considerations. The Security Council had, he said, made no attempt to implement the partition decision by peaceful means, and the argument that such implementation was impossible would be justified only if attempts had been made and had failed. Trusteeship had been considered previously as a possible solution, but the United Nations had accepted partition as the just solution. The new American proposals were, in his view, intended to make Palestine a "quasi colony" of the United States, despite the fact that its peoples were now ready for an independent existence. Mr. Gromyko also accused the mandatory Power of using every possible means to impede the implementation of partition. The new proposals were, he said, quite unacceptable, and the Soviet Union would vote against them.

Speaking for the United Kingdom, the Right Honourable Arthur Creech-Jones said that the conclusion to be drawn from the fact that the Security Council did not accept the plan of partition with economic union and had not provided the Commission with armed assistance was that, in the light of present conditions in Palestine and the difficulties encountered by the Commission, the Assembly must give second thoughts to the problem of the future government of Palestine. In defending the United Kingdom's policy in Palestine, Mr. Creech-Jones said that the partition resolution was in some respects "utterly unrealistic," and it had proved completely impracticable to give full co-operation to the Palestine Commission, a body which was confined by its terms of reference to the rigid implementation of a resolution of definite terms which overlooked British warnings and the actual conditions in Palestine. Over a very wide field, short of implementation, British co-operation had been complete. In the circumstances, the United Kingdom did not think that any proposals for definitive settlement could be effected unless they were backed by very substantial means of enforcement. He suggested that it might result from that necessity that the United Nations would be obliged to aim at a more modest objective and to use all the practical means at its disposal to prevent developments in Palestine from endangering the peace of the world without seeking at this time to arrive at a final solution.

The debate was concluded by statements on behalf of the Arab Higher Committee and the Jewish Agency. For the Arab Higher Committee, Jamul el-Husseini upheld the right of self-determination for the peoples of Palestine and denounced the partition decision. He indicated that his organization would consider the trusteeship proposals if they aimed at establishing an interim Government for a short and previously

determined period, pending final settlement of the question, and provided it was clearly understood that they were meant to lead to the independence of Palestine as a single democratic State. Failing agreement, the majority of the people of Palestine would carry out the provisions of Article 22 of the Covenant of the League of Nations and Article 28 of the Palestine mandate and proclaim an independent Government on 15th May.

For the Jewish Agency, Moshe Shertok, characterized the trusteeship proposals as "totally unreal." The decision on partition had recognized that Palestine was ready for independence and that two nations already existed. Trusteeship violated both those basic realities. Partition was being carried out while the Assembly deliberated. The Jewish State already existed in fact, and the Jews would accept nothing less than a State, and nothing less than the area decided upon by the Assembly. Mr. Shertok called for firm action by the United Nations against threatened invasion from neighbouring Arab countries.

At the conclusion of this general debate the Committee had before it the United States resolution to refer the trusteeship draft to the Fourth Committee and an Australian resolution (A/C/I/279) upholding the decision of November, 1947, and instructing the Palestine Commission to proceed with its tasks accordingly. The United States resolution received considerable opposition. The representative of the Soviet Union denied the right of the Committee even to discuss new proposals until the Assembly had formally revoked its previous decision on partition. Others pointed out that the American proposal was only a working paper and no formal proposal for trusteeship was before the Political Committee which could be referred to another Committee. Others, including New Zealand, considered that the principle of trusteeship should be approved in the First Committee before details were studied. It was apparent after considerable discussion that it was the sense of the majority of the Committee that the important aspects of the trusteeship proposal were primarily political and it was desirable to avoid a decision of principle either for or against partition or trusteeship before the terms of the trusteeship proposal were known in detail. It was therefore agreed that the First Committee should discuss the United States working paper.

The ensuing discussion threw into sharper relief at least one of the points already made in the general debate. The representative of China argued that there was no single article in the Charter to justify the use of force to carry out partition, a stand taken by the United States in the Security Council, and this view was supported by Belgium, Pakistan, and the Arab States. Generally, these same States maintained that the only method whereby the General Assembly could even undertake to maintain law and order in Palestine was under the trusteeship

provisions of the Charter. For the rest the discussion was lost sight of in a procedural debate on a Guatemalan proposal that a sub-committee be appointed to report on whether trusteeship was desired or would be accepted by the population of Palestine and whether it was possible to implement trusteeship and make it workable. Finally, the delegate of France suggested that the United States delegation should tell the Committee what it considered to be the main points in its trusteeship plan. These items could then be discussed in turn without commitment, and the Committee would thus gain a general picture of the plan.

At this point the question of the protection of Jerusalem was referred to the Trusteeship Council, and the Council and the First Committee met contemporaneously. Later the First Committee again referred this question to Sub-committee 10, which met while Sub-committee 9 was discussing Palestine as a whole. In this way the problem of Jerusalem became almost a separate issue, and in order to report adequately upon it I have dealt with it in another section of this report, beginning at page 20.

In the First Committee the Chairman presented a list of the main points of the United States working paper on the lines of the summary mentioned earlier, and discussion was limited to each item in turn. In each case the United States representative, Dr. Jessup, made an explanatory statement and asked for the views of the other delegations. With rare exceptions, however, the Arab delegations, notably Syria and Egypt, were the only ones prepared to offer comments. Opposition was expressed to the wide executive and administrative powers proposed for the Governor-General, to the provisions for citizenship, land tenure, immigration, and to the proposal for the United Nations itself to be the administering authority. The crucial provision relating to the power of the Governor-General—to call on unspecified members of the United Nations for assistance in the enforcement of law and order—elicited no comment whatever from the Committee. Thus the detailed discussion clarified only one point—namely, that the Arab States would oppose any trusteeship agreement that did not meet the Arab viewpoint on all matters at issue in Palestine, particularly immigration and land tenure. When, finally, the representative of the Jewish Agency flatly rejected the trusteeship proposals both in principle and detail and the representatives of Yugoslavia, the Soviet Union, and Guatemala again attacked the proposals, it was apparent that the United States working paper was of little further use as a basis for discussion.

On 3rd May, twelve days before the termination of the mandate, Mr. Creech-Jones, United Kingdom, gave the debate new direction. Both Jews and Arabs had, he said, doubted the value of trusteeship,

both had threatened to proclaim separate states on 15th May, and there would inevitably be administrative chaos and destruction of assets and public property. The mandatory Power was doing its utmost to transfer responsibility for important economic and social services to local authorities, but not all governmental functions could be decentralized. He did not suggest that a new central regime could be completely set up by 15th May to run the essential services and enforce order, but he asked the Committee to consider the possibility of a central, neutral authority to act on behalf of the United Nations, to further the cause of mediation, and to take over certain assets.

This proposal was warmly welcomed by the Canadian delegate, General McNaughton, who said that the Committee should concentrate now only on the immediate issues, particularly measures to help the parties to reach a truce. This view was supported by the representatives of Greece and Bolivia, and opposed by Mr. Gromyko, Soviet Union, who said that the United Kingdom proposals still meant the rejection of partition and would be unacceptable to the Jews and to those States favouring partition. The only way out was, he said, the implementation of partition.

After a prolonged procedural discussion terminated by the application of the closure, a sub-committee was appointed on the basis of a Cuban amendment to the long-standing Guatemalan proposal mentioned previously. The sub-committee, comprising the officers of the First Committee (Chairman, China ; Vice-Chairman, Poland ; Rapporteur, Norway) and representatives of Argentina, Belgium, Canada, Cuba, Guatemala, France, India, the U.S.S.R., and the United States, was instructed to formulate and report to the Committee a proposal for the provisional regime for Palestine " in the light of the situation in Palestine and of the work of the Security Council and the Trusteeship Council, and taking into account all suggestions made in the course of the Committee's debate." The sub-committee was also empowered to consult representatives of the Palestine Commission, the mandatory Power, the Arab Higher Committee, and the Jewish Agency.

The sub-committee began its work in secret session on 5th May and reported back to the First Committee during the evening of 13th May, less than twenty-four hours before the mandate officially terminated. The Rapporteur's report indicated that France, Norway and Poland had presented working papers and proposals, but the following resolution, which was finally adopted against the opposition only of the representatives of the Soviet Union and Poland, was originally a United States proposal (Document A/C/1/299) :

THE GENERAL ASSEMBLY,

Taking account of the present situation in regard to Palestine,

I

Strongly affirms its support of the efforts of the Security Council to secure a truce in Palestine and calls upon all Governments, organizations and persons to co-operate in making effective such a truce.

II

1. Empowers a United Nations Mediator in Palestine, to be chosen by a Committee of the General Assembly composed of representatives of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States, to exercise the following functions :

(a) To use his good offices with the local and community authorities in Palestine :

(i) To arrange for the operation of common services necessary to the safety and well being of the population of Palestine ;

(ii) Assure the protection of the holy places, religious buildings and sites in Palestine ;

(iii) Promote a peaceful adjustment of the situation in Palestine.

(b) To co-operate with the Truce Commission for Palestine appointed by the Security Council in its Resolution of 23rd April, 1948.

(c) To invite, as seems to him advisable, with a view to the promotion of the welfare of the inhabitants of Palestine, the assistance and co-operation of appropriate Specialized Agencies of the United Nations such as the World Health Organization, of the International Red Cross, and of other governmental or non-governmental organizations of a humanitarian and non-political character.

2. Instructs the United Nations Mediator to render progress reports monthly, or more frequently as he deems necessary, to the Security Council and to the Secretary-General for transmission to the members of the United Nations.

3. Directs the United Nations Mediator to conform in his activities with the provisions of this resolution and with such instructions as the Security Council may issue.

4. Authorizes the Secretary-General to pay the United Nations Mediator an emolument equal to that paid to the President of the International Court of Justice, and to provide the Mediator with the necessary staff to assist in carrying out the functions assigned to the Mediator by the General Assembly.

III

Suspends, as of 1st June, 1948, the Palestine Commission from the further exercise of responsibilities under its Resolution 181 (II) of 29th November, 1947.

In support of this resolution, Dr. Jessup, United States, reviewed the situation as he saw it. A number of facts had, he said, emerged from the discussions :

(1) It had not been possible in the available time to find a peaceful solution acceptable to both parties.

(2) The representatives of the Jewish Agency, supported by a number of members of the United Nations, would not agree to any solution which failed to guarantee the establishment of a Jewish State.

(3) The representatives of the Arab Higher Committee, also supported by a number of members of the United Nations, would not agree to any solution which might result in the establishment of a Jewish State.

(4) No proposal had been made which would provide the means of carrying out the resolution of 29th November by peaceful means.

(5) No proposal had been made which would permit the implementation of the resolution of 29th November by use of United Nations forces.

(6) " The fair and equitable character " of the United States' suggestion that a temporary trusteeship be established without prejudice to the rights, claims, and interests of the parties or the character of the eventual political settlement, had commended itself to many members.

(7) Neither Jew nor Arab was willing to make, for a temporary period, the " necessary sacrifice of partisan interest " to permit a trusteeship to operate effectively.

(8) In the absence of the necessary minimum of agreement between the parties sufficient armed forces would be essential to any trusteeship plan to preserve internal order and the security and territorial integrity of the country.

(9) The United States offered to participate in contributing its fair share of the forces that might be required for this purpose and approached certain other Governments which it was felt might have a similar interest, but those Governments were not in a position to participate.

(10) Meanwhile, the United Kingdom Government " despite the inability of the United Nations thus far to find a peaceful solution of the problem," would lay down its mandate at 6 p.m. the following afternoon, New York time.

Dr. Jessup said that, despite the situation which would confront the world within twenty-four hours, there was still action that the United Nations could usefully take. He reiterated the view of the United States that the United Nations did not have any Charter-conferred power to impose a political decision against the will of the people

concerned. The Security Council, however, did have the unquestioned right to use its powers under Chapter VII for the maintenance of international peace and security, although it was not possible to determine at that time whether or not a threat to international peace would exist after 15th May.

It had been suggested that prospects of agreement might be enhanced if representatives of Arabs and Jews, of the Arab Governments, and the Truce Commission could fly to Palestine to work out agreed terms of truce, and that to provide a breathing space for this endeavour, an unconditional cease-fire should be proclaimed for ten days beginning 5th May. The mandatory Power should at the same time extend its responsibility for a further ten days in order that the General Assembly should have time after the truce was negotiated to work out a provisional governmental arrangement for Palestine. Neither Jewish Agency, Arab Higher Committee, Arab States, nor mandatory Power accepted the proposal.

The proposal now before the Committee was not a United States invention. It had evolved out of discussions and was based on the need for satisfying two "fundamental" conditions.

"(1) Any proposal must be based upon the *authority* of the Charter. It would be inconceivable that the General Assembly should recommend any action which would not derive its authority from the Charter.

"(2) The proposal must be *practical*; it must take into account developments in Palestine, the positions taken by the representatives of the two principal communities, the date set by the mandatory Power for the termination of its authority in Palestine, the central importance of bringing about an end to conflict and the widest possible measure of agreement among members of the organization."

The resolution, said Dr. Jessup, would add the authority of the General Assembly to the truce endeavours of the Security Council and would further mediation. Through the proposed United Nations Mediator, the General Assembly could continue its effort to bring the unhappy conflict to a satisfactory conclusion. The Palestine Commission would be relieved of further exercise of its responsibilities to avoid confusion.

In conclusion, Dr. Jessup stated the position of the United States as regards the resolution of 29th November as follows:

"(1) The United States supported and voted for the plan of partition with economic union in the 29th November resolution;

"(2) Efforts to find a basis for agreement between the parties which would enable the terms of the 29th November resolution to be carried out by peaceful means were unavailing;

"(3) Discussion in this Committee has clearly revealed that the Resolution cannot be implemented by force or by peaceful means;

“(4) This special session has not found it possible to agree upon any definitive alternative for the future Government of Palestine, or upon trusteeship, or upon any other form of provisional regime which could exercise authority in Palestine after 15th May ;

“(5) While it is clear, in the light of *present* circumstances, that the plan for partition with economic union as envisaged in the 29th November resolution cannot be implemented, it is likewise clear that pending further action by the General Assembly with regard to the future Government of Palestine, the resolution of 29th November, although it cannot be implemented, remains on the books as a recommendation.”

On the morning of 14th May the First Committee began consideration of the sub-committee's proposal. There was very little debate, as the closure was applied for the second time during the special session. A number of amendments were proposed, two of them by the New Zealand delegation. One of these, which was accepted, inserted the words “ the General Assembly or the ” before the words “ Security Council ” in Section II (3). The other, which was defeated, proposed that paragraph III should read :

Thanks the members of the Palestine Commission for their efforts, and, pending a further decision by the General Assembly or the Security Council, resolves, in the light of the present situation and without prejudice to the General Assembly's Resolution 181 (II) of 29th November, 1947, to suspend the responsibility of the Palestine Commission under that resolution as from a date to be fixed by the Secretary-General.

In moving these amendments Sir Carl Berendsen characterized the action proposed by the sub-committee as “ pitifully inadequate ” and the least the Assembly could do. He deplored the fact that the Assembly was retreating from its decision in the face of opposition and said that it was not surprising that, having now departed from the path of principle, it now found itself floundering in the mire of expediency.

As regards the first New Zealand amendment, Sir Carl said that while he did not object to the Security Council issuing instructions to the Mediator, the paragraph seemed to imply that the Assembly would surrender the powers of direction. It was likely that the Assembly might wish to take up the problem of Palestine at a future session and he therefore considered this amendment appropriate.

On the second amendment Sir Carl said that Section III of the resolution seemed to be an attempt to derogate from the resolution of 29th November or to pretend that it did not exist. The amendment was therefore designed to clarify the understanding that the suspension of the Palestine Commission in no way impaired the authority of the resolution of 29th November.

A Greek amendment to the original text of Section III was, however, adopted to replace the word "suspends" by "relieves." In addition, a French amendment to paragraph II (1) (3) to change "situation in Palestine" to "future situation in Palestine" was adopted. A series of Polish amendments were all defeated, and the resolution was finally adopted by 35 votes in favour (including New Zealand), 6 against (the Soviet Union, Poland, Byelo-Russia, Czechoslovakia, Ukraine, and Yugoslavia) with 10 abstentions (including the Arab States and Australia). The non-Arab but Muslim States, Afghanistan, Pakistan, and Iran, supported the resolution.

The long-standing Australian resolution upholding partition and authorizing the Palestine Commission to continue its efforts was withdrawn by the Australian delegation.

Discussion in the General Assembly

In the General Assembly the discussion on the resolution took a new turn when it was made known by the press that the President of the United States had formally recognized the Provisional Government of Israel which had been proclaimed approximately an hour beforehand. The United States delegation was unable immediately to confirm the report, but did so in a short time. For the Soviet Union, Mr. Gromyko objected to the resolution as confusing the situation in Palestine. The existing decision for partition was still in force. The adoption of a further resolution would be utilized by the enemies of partition to compound the confusion. He characterized the United States policy in making new proposals and in their recognizing the Jewish State as devoid of principle.

The representative of Cuba said he had considered voting for the resolution, but doubtful manœuvres had been taking place throughout the discussions and this had now been confirmed. "We have now become only a very elegant international club. I think we cannot have any hope in the light of this situation, and we must tell the world clearly that nobody can expect peace and security from the United Nations."

Representatives of the Arab States were particularly critical of, and genuinely distressed by, the United States action. The representative of Syria did not know "in what diplomatic or international language" he could describe it. He pointed out that the truce proposals were based on the principle of a political "stand-still." The representative of Egypt thought that "under the circumstances it would be an unworthy mockery for this General Assembly or for the United Nations as a whole to continue the discussion of the proposal now before us. The whole procedure through which we have been going for more than four weeks—the maze of proposals massed and heaped upon one

another—was a mere fake I think we must recognize the fact, bitter as it is, that the insidiousness of politics is, for the moment at least, much stronger than the high ideals of the United Nations.” The representative of the Lebanon said that they had been led to believe that they were considering the whole question anew and that the aim was peace and reconciliation. “For four weeks,” he said, “we have been spectators in a game which we took to be real, and now suddenly we discover that in reality we were the dupes.”

The vote on the resolution as a whole was 31 votes in favour, 7 against, with 16 abstentions, as follows :

In favour : Afghanistan, Argentina, Belgium, Bolivia, Brazil, Canada, China, Denmark, Dominican Republic, Ethiopia, France, Guatemala, Honduras, Iceland, India, Iran, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Sweden, Turkey, Union of South Africa, United Kingdom, United States of America, and Uruguay.

Against : Byelo-Russia, Cuba, Czechoslovakia, Poland, Ukraine, Soviet Union, Yugoslavia.

Absentions : Australia, Chile, Colombia, Ecuador, Egypt, Greece, Haiti, Iraq, Lebanon, Mexico, Peru, Saudi Arabia, Siam, Syria, Venezuela, Yemen.

Absent : Burma, Costa Rica, El Salvador, Paraguay.

The following is the text of the resolution as finally adopted :

THE GENERAL ASSEMBLY

Taking account of the present situation in regard to Palestine,

I

Strongly affirms its support of the efforts of the Security Council to secure a truce in Palestine and calls upon all Governments, organizations, and persons to co-operate in making effective such a truce.

II

1. Empowers a United Nations Mediator in Palestine, to be chosen by a Committee of the General Assembly composed of representatives of China, France, the Union of Soviet Socialist Republics, the United Kingdom, and the United States, to exercise the following functions :

(a) To use his good offices with the local and community authorities in Palestine to :

- (i) Arrange for the operation of common services necessary to the safety and well being of the population of Palestine ;
- (ii) Assure the protection of the holy places, religious buildings and sites in Palestine ;
- (iii) Promote a peaceful adjustment of the future situation of Palestine.

(b) To co-operate with the Truce Commission for Palestine appointed by the Security Council in its Resolution of 23rd April, 1948.

(c) To invite, as seems to him advisable, with a view to the promotion of the welfare of the inhabitants of Palestine, the assistance and co-operation of appropriate Specialized Agencies of the United Nations such as the World Health Organization, of the International Red Cross, and of other governmental or non-governmental organizations of a humanitarian and non-political character.

2. Instructs the United Nations Mediator to render progress reports monthly, or more frequently as he deems necessary, to the Security Council and to the Secretary-General for transmission to the Members of the United Nations.

3. Directs the United Nations Mediator to conform in his activities with the provisions of this resolution, and with such instructions as the General Assembly or the Security Council may issue.

4. Authorizes the Secretary-General to pay the United Nations Mediator an emolument equal to that paid to the President of the International Court of Justice, and to provide the Mediator with the necessary staff to assist in carrying out the functions assigned to the Mediator by the General Assembly.

III

Relieves the Palestine Commission from the further exercise of responsibilities under Resolution 181 (II) of 29th November, 1947.

A resolution proposed by the Dominican Republic expressing appreciation for the work done by the Palestine Commission was adopted unanimously. (The Commission adjourned *sine die* on 17th May.)

II. QUESTION OF THE PROTECTION OF THE CITY OF JERUSALEM AND ITS INHABITANTS

Discussion in the First Committee

As was the case at the second regular session of the General Assembly, many delegations were quick to recognize the desirability of treating the question of the future of Jerusalem separately from that of the remainder of Palestine. Earnest endeavours were repeatedly made to induce the General Assembly to accept obligations to ensure the protection of a city which is a holy place for three great religions. Practically every one agreed that it was of universal importance that "peace and especially religious peace" should reign in Jerusalem.

At an early stage in the general debate in the Political and Security Committee Mr. Gunnar Hagglof (Sweden) stated that possibly even more important than the future Government of Palestine was the problem of the City of Jerusalem now threatened with "complete chaos" when the British Mandate ended. "In the past," said the Swedish representative, "the peoples and their rulers have had enough respect for human and

cultural values to keep order in Jerusalem. Is it to be the privilege of this century and this organization to be silent spectators of a break with this ancient tradition ? ” In proposing that a small special Committee be formed to study this problem separately, Mr. Hagglof pointed out that in his view the question of maintaining order in Jerusalem and protecting the holy places could be solved without prejudice to the eventual conclusion on the future Government of Palestine or even on the future permanent regime for Jerusalem itself.

The French delegation gave strong support to Mr. Hagglof's appeal, and subsequently proposed that the General Assembly in view of the urgency of the security problem in the City of Jerusalem, should ask the Trusteeship Council to study, and in consultation with the mandatory Power and the parties concerned, to take suitable measures for the protection of Jerusalem and its inhabitants. The Committee, without objection, agreed to interrupt the general debate to give priority to the French proposal (Document A/C/1/280).

The United States representative (Dr. Jessup) said that the United States would waive priority for their trusteeship proposal covering the whole of Palestine since there was no incompatibility between the two proposals, whilst the Australian representative also waived priority for his draft resolution reaffirming partition.

In discussing the draft resolution which he had submitted, M. Parodi (France) stated that it would be a simpler procedure for the Trusteeship Council to pursue the studies it had been undertaking during the past months than to constitute a special sub-committee of the First Committee. The Council had already prepared a draft statute which contained a clause authorizing the Governor to organize and direct a special police corps in order to maintain public order and protect the holy places. This scheme might be elaborated or modified. Finally, he stressed that the French resolution did not in any way prejudice the final decision as to the future of Palestine. If the Assembly decided to reaffirm the partition plan, the police force would be part of the regime provided for Jerusalem under the resolution of 29th November, 1947 ; if the Assembly were to accept the United States trusteeship proposal for the whole of Palestine the International Police Force could be incorporated just as easily ; even if any other regime were to be established some provision would have to be made for Jerusalem and the holy places.

While there was general agreement in the Committee that it was highly desirable that the question of the protection of Jerusalem should be given detailed study there was considerable divergency of opinion as to the most appropriate means, and, indeed, as to the correct procedure, whereby any proposed measures should be considered. With regard to the latter point, several speakers, after pointing out that the Trusteeship Council had come to consider the future of Jerusalem only because it

had been entrusted with a specific function by the Assembly's resolution of 29th November, stated that they did not regard the Council as the appropriate body to which the proposed kind of emergency action should be referred. These representatives (among whom were numbered Australia, Poland, the U.S.S.R., and Uruguay) therefore suggested that the normal and obvious procedure would be for the First Committee to establish a sub-committee. Such a procedure would not only be in conformity with the provisions of the Charter in respect to questions of preservation of peace and security, but it would be speedier. An Australian amendment (Document A/C/1/282) to the French resolution which would have referred the question of the adoption of measures for the protection of Jerusalem to a sub-committee was accordingly submitted.

Since it appeared that the Committee might now become entangled in procedural wranglings, Sir Carl Berendsen intervened at this stage to appeal to the Committee to adopt a decision one way or the other without further delay. The New Zealand representative said that he had been shocked at the dilatory way in which the Assembly was dealing with the urgent question before it, and that unless something was done quickly the organization would lose in prestige. He considered that there was much to be said in favour of the Australian proposal, and there was no doubt that the Trusteeship Council was not the appropriate body to study problems relating to peace and security. Nevertheless, it was a fact that the Trusteeship Council had acquired a considerable knowledge of the problems familiar to Jerusalem and on the whole he preferred the French-Swedish proposal (Document A/C/1/281). The Australian amendment, on being put to the vote, was rejected by 26 votes (including New Zealand) against 20 in favour, with 7 abstentions. The French draft resolution, as amended by Sweden, was then adopted by 44 votes to 3, with 6 abstentions. The resolution, which was thereupon immediately approved by the General Assembly, meeting in the committee room, asked the Trusteeship Council to study, with the mandatory Power and the interested parties, suitable measures for the protection of the City of Jerusalem and its inhabitants, and to submit within the shortest possible time proposals to the General Assembly to that effect.

Consideration by Trusteeship Council

In accordance with the request contained in the above-mentioned resolution the Trusteeship Council met on 27th April (the day following the General Assembly's action). The French representative (M. Garreau) immediately elaborated upon the French proposal advanced by M. Parodi in the First Committee. The gist of the French plan was that quite independently of the general question of Palestine and without prejudice

to any decision which the General Assembly might subsequently take, a "symbolic force" of, say, a thousand men should be selected on an individual volunteer basis without distinction as to nationality, except that Palestinians would be excluded. The commander of the force, who might be called "Special Delegate of the United Nations," because, in view of the situation, he would have to assume the functions of chief of the municipal administration, should be appointed immediately. M. Garreau made it clear that in his opinion, if the Arabs and Jews did not agree, then the situation would be hopeless, and such a small force could not possibly save Jerusalem. In this connection, however, he indicated that he had received a favourable response to his plan from both the Jewish Agency and the Arab Higher Committee.

Truce for Jerusalem

At this stage in the debate there was general agreement that much could be done with the co-operation of Jews and Arabs, and both parties appeared to be ready to compromise. Representatives of both communities had expressed their anxiety that Jerusalem should be spared, and there was consequently a strong feeling in the Council that the first task was to bring representatives of Arabs and Jews together around the table to agree upon a truce for Jerusalem. Thus any question of maintaining law and order by enforcement measures might conceivably not arise.

The following day was devoted to discussion of a truce, and eventually the representatives of the Arab Higher Committee and the Jewish Agency agreed to recommend to their respective communities the following cease-fire arrangement :

- (1) That all military operations and acts of violence shall cease forthwith within the Walled City of Jerusalem,
- (2) That cease-fire orders will be issued to take effect in the Walled City at the earliest possible moment,
- (3) That the keeping of the truce shall be observed by an impartial Commission, and
- (4) That the specific terms of the truce will be elaborated in consultation with the two parties.

After a delay of two days Mr. Shertok, representative of the Jewish Agency, stated that his executive in Palestine had agreed to the cease-fire order on condition that supplies should continue to go to Jews in the Old City, that freedom of access to the holy places was assured, and that there should be freedom of access and exit for all unarmed Jews on legitimate business. The representative of the Arab Higher Committee opposed such conditions. There was a great deal of confusion regarding the actual position in Jerusalem, but on 2nd May a cease-fire order was put into effect in the Old City, and it was agreed

that the High Commissioner for Palestine should be asked to act as intermediary during negotiations between Arabs and Jews on the detailed terms of a truce in that limited area.

Further Discussion of Means for Protection of the City

The Council then returned to a consideration of steps which might be taken for the protection of the municipality as a whole in contradistinction to the Walled City. In addition to the French suggestion for the immediate despatch of an international volunteer police force of one thousand men, the Council had by this time before it a United States proposal for the establishment of a temporary trusteeship for the City (submitted in the form of a draft working paper).

Examination of French Proposal

While no one doubted that the French proposal was worthy of the most careful consideration, various questions were raised regarding the nature of the proposed police force, the practicability of recruitment, and especially the legal basis in the Charter for the despatch of such a force. After the representative of the Arab Higher Committee had objected to the sending of any foreign troops to Jerusalem the French representative declared that, since his proposal depended upon the co-operation of the two parties, he would withdraw it for the time being.

United States Trusteeship Proposal

The Council then turned to a consideration of the United States proposal that a special temporary regime under a temporary trusteeship agreement of a simple character should be established in Jerusalem. The United States representative maintained that such an arrangement represented the only method whereby a legal basis could be established within the Charter for the maintenance of law and order and the administration of the city. The United States Government, he said, was prepared, along with the other members of the United Nations, to undertake its share of responsibility for the establishment of a provisional municipal administration for the city. The scheme, which would apply only to the municipality (and not to the larger area laid down in the partition plan), would include guarantees for access to the city and provision for the maintenance of supplies of food and water. The representatives of New Zealand, China, Belgium, and France agreed in principle with the proposal, but the representative of the Jewish Agency, while welcoming the provision for assurance of water and food supplies, did not consider trusteeship a suitable form for an international regime in the city, and the Arab Higher Committee categorically rejected the scheme in its entirety, characterizing it as a first step towards implementation of the partition scheme. The United Kingdom representative also opposed the trusteeship plan on the grounds of impracticability, but he said that since it was doubtful if the scheme could be

proceeded with if the mandatory Power were to vote against it he would abstain on the question. He further stated that if the Assembly were to approve the principle of trusteeship for Jerusalem the United Kingdom vote would not be used in such a way as to preclude the possibility of the plan coming into effect. The representatives of Australia and the U.S.S.R. opposed the United States plan on the grounds that the Assembly had settled the future of Jerusalem last November and that the resolution of 29th November was still in force. Australia rejected the United States argument that the assumption of authority in Jerusalem by the United Nations could be placed on a legal basis only by the conclusion of a trusteeship agreement, and suggested that the only sensible procedure was for the Council to adopt the draft statute forthwith and appoint a United Nations official who might proceed to Jerusalem and apply the emergency measures contained in the statute.

The New Zealand delegation considered, of course, that the Australian suggestion, if it could have been put into effect, would have provided the best means of dealing with the question. The Council had spent a considerable amount of time in the months after adoption of the General Assembly resolution of 29th November in drafting the details of the statute; it had, indeed, decided that the statute was now "in satisfactory form," but had deferred formal adoption of the document, and, in view of the uncertainties surrounding the whole question of Palestine, had, on 21st April, referred the matter to the General Assembly for instructions. Obviously the simplest method of securing the protection of Jerusalem would have been to adopt the statute, appoint a Governor for the city as provided for in the statute, and empower him to bring into effect immediately those articles of the statute which would permit the recruitment of a police force and other measures designed to assure the maintenance of law and order. Jerusalem and its environs would then have become an international zone in accordance with the Assembly's partition plan. Neither the Assembly, however, nor the majority of the Trusteeship Council were in the mood for such action since the general view (and the New Zealand delegation considered this highly regrettable) was that the partition plan should be regarded as suspended in the meantime.

During the discussion of the United States trusteeship plan the Council was informed by the representative of the mandatory Power that negotiations were simultaneously being conducted in Jerusalem by the chief representative of the International Red Cross with a view to obtaining the agreement of Arabs and Jews to a scheme for placing the municipal area of Jerusalem under the Red Cross. Under this scheme Jews and Arabs would agree to a standstill arrangement and

no armed persons other than police would be allowed to move about in the city. The idea of a "Red Cross City" was, of course, novel and unprecedented, but many representatives felt that it might offer the best chance of finding a solution. If the Council had decided to adopt the United States proposal for a temporary trusteeship it would undoubtedly have prejudiced the chances of success of the Red Cross plan which depended entirely on the agreement of Arabs and Jews, and accordingly the United States proposal was not pressed at this stage.

United Kingdom Proposal for Appointment of Municipal Commissioner

At this point in the discussions in the Council, when the majority would accept neither the French nor the United States proposals mainly on the grounds that the Arabs opposed both schemes and the Jews had reservations about one of the plans, the United Kingdom delegate (Mr. Fletcher Cooke) came forward with an entirely new proposal. As representative of the mandatory Power, he informed the Council that the minimum necessary administrative provision in Jerusalem after 15th May (the date of the termination of the mandate) might be made through the appointment by the British High Commissioner of a neutral person acceptable to both Arabs and Jews, as Special Municipal Commissioner. The Jerusalem Municipal Commission ordinance did not, however, give the Municipal Commission any power to maintain law and order in Jerusalem, and therefore the proposed Special Municipal Commissioner would not have any such powers. The great advantage of the proposal was that it presented no legal difficulties, since (at any rate in the view of the United Kingdom Government) relevant existing Palestinian legislation would continue in effect after the expiration of the mandate. Both the Arab Higher Committee and the Jewish Agency accepted this proposal in principle, but the Arab Higher Committee was unable to agree on political grounds to various additional proposals advanced in a desire to render the scheme more effective, as, for instance, that the Special Municipal Commissioner should be nominated by the United Nations and that he should be entrusted with the functions of maintaining law and order in addition to his normal municipal duties.

Report to the Assembly

It was now apparent that a continuation of the debate would produce nothing in the way of further positive results. Accordingly, the Council decided to set about drafting its report to the Assembly. The discussion of the contents of the report was extremely protracted, continuing to the early hours of the morning on several occasions.

Some delegations felt that the terms of reference under which the Council was working implied that anything the Council recommended must have the agreement of both Arabs and Jews and that the Council should merely report to the Assembly what it had been able to achieve with this agreement. Others (including New Zealand) claimed that, whilst it was obviously highly desirable that anything recommended should have been agreed to by both parties, the Council's mandate clearly did not preclude recommendations which had not obtained such agreement, and, even if a majority of the Council was not prepared to make suggestions along those lines, such proposals must be explained to the Assembly in order that the latter body should have an opportunity of expressing its own opinion upon them.

The draft report, after summarizing the discussions in the Council, recounted the steps taken to bring about a truce, brought to the attention of the Assembly the fact that the Jews and Arabs had agreed to safeguard and respect all holy places, and recommended that the Assembly should inform the mandatory Power of its full agreement with the proposal that a neutral Municipal Commissioner should be appointed.

Clearly, the Council, on the basis of this draft report, had achieved very little, and indeed there would be, under its recommendations, no organic connection between the United Nations and the City of Jerusalem. Accordingly, the New Zealand delegation, taking the view that some positive contribution must be made by the United Nations, proposed an amendment to the recommendations of the Council. This amendment laid special emphasis on (1) the necessity for assuring the maintenance of law and order within Jerusalem, and (2) provision for the taking over of Palestine Government assets located within the city, neither of which were covered by the report as it stood. Essentially the proposal was along the same lines as the French suggestion which had been withdrawn, and it was apparent at this stage that it was the only constructive measure which had any chance of success in the Council. The New Zealand proposal would have asked the General Assembly to give urgent attention to the appointment of a United Nations delegate (who might even possibly be the proposed British-appointed Special Municipal Commissioner) to proceed promptly to Jerusalem with the following functions: (1) to observe the cease-fire in the Old City; (2) to assist the Security Council Consular Truce Commission in the arrangement of a truce for the whole municipal area; (3) to organize a police force for the maintenance of law and order in the city; and (4) to take over from the mandatory Power the custody of such assets of the Government of Palestine as were in the municipal area.

Mr. Reid (New Zealand), in explaining the proposal, said that he was aware that it did not have the agreement of both parties. It was true that the agreement of both Arabs and Jews had been obtained for certain actions, but it was necessary that the United Nations, if it were not to divest itself of responsibility for Jerusalem, should go further. The General Assembly had, in effect, asked the Council to recommend just some such measure as was now being proposed.

When the New Zealand amendment was put to the vote it was narrowly defeated by a vote of 5 to 4 (France, Australia, and the U.S.S.R. supporting New Zealand), with 1 abstention. The United States delegation voted against the proposal not because of any objection in principle, but solely because in their view only a trusteeship agreement would provide a legal basis for action by the United Nations. The representative of Belgium and several others declared themselves unable to support a proposed measure which did not have the agreement of the Arab Higher Committee.

Following upon the defeat of the New Zealand proposal, the Council adopted a Belgian draft which recognized that the appointment of a Special Municipal Commissioner would not provide adequate protection for Jerusalem and its inhabitants, and suggested that the General Assembly give urgent attention to the necessity for providing for the custody of the assets of the mandatory Power in Jerusalem and for the effective maintenance of law and order in the municipality pending a final settlement.

General Assembly

When the report of the Trusteeship Council came before the Assembly on 6th May, Sir Carl Berendsen took the opportunity of expressing again New Zealand's views on the matter. While applauding the success of the Trusteeship Council in obtaining a temporary truce in the Walled City, the leader of the New Zealand delegation attacked the "complete inadequacy" of the other measures envisaged in the report. Calling upon the Assembly to take active measures to ensure the maintenance of law and order in Jerusalem, he said that it might well be, not that the United Nations should make no decision until the parties had come to an agreement, but rather that there would be no agreement until the United Nations had decided its course and made it plain that that course would be followed with impartiality and determination. "New Zealand," he said, "would, of course, support any effective arrangement which met with the agreement of the Arabs and Jews, but an authority must be provided for Jerusalem whether it be agreed to by both parties or not." This could be done either by endowing a United Nations delegate with powers to maintain law and order or by establishing an *ad hoc* trusteeship for the city. Sir Carl Berendsen was

supported by a considerable number of speakers, and the Assembly eventually took note of and approved the conclusions and recommendations of the Trusteeship Council as set forth in the report (Document A/544), recommended that the mandatory Power should appoint a Special Municipal Commissioner, and by a vote of 28 votes (including New Zealand) against 0, with 2 abstentions, adopted an Australian proposal (Document A/547) that the First Committee should continue to give urgent attention to the question of further measures for the City of Jerusalem and its inhabitants. Final action was taken on the understanding that a new French proposal (Document A/546), (which elaborated the New Zealand proposal made in the Trusteeship Council) would be considered by the First Committee.

Further Consideration in Committee I

When the question of Jerusalem had thus been once again placed on the agenda of the First Committee that body decided to appoint a sub-committee (No. 10 of Committee I) composed of States members of the Trusteeship Council, together with Sweden, Brazil, and Iran, to consider further measures and bring appropriate recommendations before the First Committee as soon as possible.

Sub-committee 10

At an early stage in the proceedings of this sub-committee the representative of the United Kingdom announced that an Order, the Jerusalem (Municipal Government) Order (Document A/C/1/SC/10/2) had been issued in Jerusalem on 11th May. The text of the order is as follows :

This Order may be cited as the Jerusalem (Municipal Government) Order, 1948.

In this Order "appointed day" has the same meaning as in the Palestine Act, 1948, "Jerusalem" means the Municipal area of Jerusalem for the purpose of the Municipal Corporation's Ordinance 1934, "Jerusalem Municipal Commissioner" means such person as may be nominated by the High Commissioner before the appointed day or by the United Nations or any organ thereof after the appointed day to carry on Municipal Government in Jerusalem.

(1) Notwithstanding any provision of any law the Jerusalem Municipal Commissioner may take any action and give any directions which in his absolute discretion he deems appropriate for the Municipal Government of Jerusalem.

(2) The Powers conferred by subparagraph (1) shall include without prejudice to their generality (a) power to provide for the maintenance of law and order, (b) power to act in consultation with any body or persons, (c) power to delegate all or any powers to any bodies or persons.

(3) Directions given under this Order shall have effect notwithstanding anything to the contrary in any law.

The reference to "appointed day" is, of course, a reference to the day on which the mandate was to terminate—namely, at twelve midnight (Jerusalem time) on 14th May, 1948.

Thus it was now possible, in the view of the United Kingdom Government, for the United Nations to appoint a Municipal Commissioner after the date of the termination of the mandate, and the powers conferred on this Commissioner were very broad. Not only would he be able to take action to provide for the maintenance of the municipal services, but he would also have the power to enforce law and order and to delegate all or any powers to any bodies or persons.

Many members of the sub-committee entertained grave doubts as to the validity of the legal basis upon which the Commissioner's power would rest after the termination of the mandate, and the sub-committee gave its attention to a Franco-American proposal (Document A/C/1/SC/10/1) calling for the establishment of a special temporary Government for Jerusalem based largely on the provisions of Chapter XII of the Charter. This regime would automatically come to an end on 31st December, 1949, failing a contrary decision by the General Assembly.

The French representative, M. Garreau, stated that although the joint proposal was based on Chapter XII it did not constitute a trusteeship agreement, but rather a provisional and special international regime such as had been adopted as a solution by the General Assembly on 29th November, 1947. This view was hardly in agreement with the attitude of the co-author of the proposal as was made quite clear at a later stage in the debate by the United States representative who asserted that the proposal was in effect a trusteeship agreement and would need to be approved by the Assembly before the expiration of the mandate. The representative of Iraq (Mr. Khalidy) then claimed that since the plan was a disguised trusteeship agreement it was quite illegal since it had not been proposed by the mandatory Power nor had it received the agreement of the "States directly concerned," which, in his view, included all the Arab States. It was pointed out in reply that, in the negotiation of the trusteeship agreements already approved by the General Assembly, the States directly concerned had never been determined. The New Zealand delegation took the view that since the inhabitants of Jerusalem were capable of governing themselves the placing of the city under trusteeship would not be appropriate, yet because of the fact that it had proved impossible to put into effect the Statute for Jerusalem, and no other alternative had a chance of securing much support, in the last resort we would support the United States' *ad hoc* trusteeship plan as an urgent measure of an entirely temporary character.

The gist of the joint proposal (Document A/C/1/SC/10/1) was as follows :—

Under Chapter XII of the Charter the General Assembly should decide to establish a "temporary authority" in Jerusalem. (The area envisaged as coming within the scope of the arrangement was the "town-planning area," which is somewhat smaller than that laid down in the partition plan.) The United Nations would be designated administering authority, and the Trusteeship Council, acting under its authority, would exercise the functions of the administering authority and have "full powers of administration, legislation, and jurisdiction over Jerusalem." These powers would be exercised "through the agency of the Government of Jerusalem," which would consist of a High Commissioner and "such organs of self-government as in the opinion of the High Commissioner will meet with co-operation from the various communities of Jerusalem." The High Commissioner (or United Nations Commissioner, as he was called in the final version) would be appointed by the Trusteeship Council and would receive instructions from that body. He would be responsible for the maintenance of law and order, and for this purpose would organize a police force recruited "from within or from outside Jerusalem" and, in addition to provide for local defence, he would be able to organize "volunteer forces from among the inhabitants of Jerusalem." Free access to the city for persons, food-stuffs, and other essential supplies, and the maintenance of the water-supply and other essential services, were to be ensured by the High Commissioner, as were protection of a free access to the holy places. The temporary authority of the United Nations in Jerusalem would be exercised in accordance with Article 76 of the Charter and would be "without prejudice to the rights, claims, or position of the parties concerned in Jerusalem or the final settlement of the Palestine problem." The special arrangement was to terminate on 31st December, 1949, unless otherwise determined by the General Assembly.

The sub-committee discussed the Franco-American proposal at great length, and a large number of amendments were proposed, of which the majority were accepted by the authors of the plan. In view of the fact that the Assembly had already recommended the appointment of a Special Municipal Commissioner and that it would be inadvisable and confusing to have overlapping powers, an article was inserted in the draft stating that the Special Municipal Commissioner would continue to exercise his functions under the authority of the High Commissioner. Further, to meet the point of view of the United Kingdom and New Zealand representatives that inadequate provision was being made for the provision of finance, an article covering the financial aspect was also included. The draft under a new title—namely, "The Temporary Administration of Jerusalem"—was eventually adopted by a vote of 8 in favour (including New Zealand) 2 against (Iraq and the Soviet Union), with 4 abstentions.

The representative of the Soviet Union objected to the fact that the proposed temporary administration was based on the trusteeship chapters of the Charter. The representative of the United Kingdom abstained on the grounds that trusteeship was unnecessary in view of the appointment of a Municipal Commissioner (in fact, Mr. Harold Evans, of Philadelphia, a distinguished American member of the Society of Friends, had by this stage been appointed) who could be made responsible to the United Nations by an Assembly declaration.

First Committee and Assembly

When the report of the sub-committee came before the First Committee it was, after some discussion, referred to the General Assembly without a recommendation, because, by then, only a few hours were left before the expiration of the mandate, and it was consequently felt that unnecessary repetition of argument must at all costs be avoided. In the Assembly the representative of Iraq repeated his argument that although the representative of France regarded the proposal as a "special administrative arrangement" the co-sponsor, the United States, had admitted it to be a trusteeship agreement, and consequently it was illegal, since "the United Nations itself cannot present a trusteeship agreement and impose it on a country." Other Arab delegates added their support, and, although the President had ruled that each speaker should be allowed only five minutes, the time consumed by the Arab representatives and the Slav bloc was sufficient to postpone the voting on the proposal until several minutes after the mandate had officially been terminated. The actual legal position was, however, by no means clear, and the Assembly proceeded to a roll-call vote in which the proposal failed to obtain the necessary two-thirds majority. Twenty (including New Zealand) voted in favour, 15 against (the Arab States and their supporters and the Soviet Republics), and there were 19 abstentions (4 members being absent).

During the course of the ensuing discussion on the question of Palestine as a whole, which was being considered by the same (the final) meeting of the plenary session, the Australian representative pointed out that since the resolution proposed in respect of a special regime for Jerusalem had been rejected by the Assembly, "no specific link of any kind will be provided between the United Nations and Jerusalem," and proposed, in the form of an amendment to the draft resolution on Palestine as a whole, that the Assembly should "link the proposal for a mediator in Palestine with the *de facto* legal and functional position in Jerusalem." Under this amendment the Assembly would call upon the Jerusalem Municipal Commissioner to consult and co-operate with the United Nations Mediator in Palestine, especially to ensure the protection of the inhabitants of Jerusalem and the preservation of the holy places "pending

the establishment of an international regime for the City of Jerusalem under United Nations administration." This amendment, when put to the vote, received 10 votes (including New Zealand) in favour, 10 against, with 28 abstentions. Since it was a tie vote a second show of hands was asked for, when those against the proposal were reinforced by four of those who had previously abstained, and the amendment was therefore lost.

Still another attempt to persuade the Assembly to take some positive action with regard to Jerusalem was made after the resolution on Palestine as a whole had been adopted. The Guatemalan delegate (Mr. Granados) appealed to the Assembly to provide for the future of Jerusalem by requesting the Trusteeship Council to act on the Statute for Jerusalem. The President, however, said that it would not be possible for him to accede to this Guatemalan request because the point was not on the agenda. While the President's ruling was in the circumstances, probably not surprising, the fact remains that the Trusteeship Council's request of 21st April for further instructions regarding the draft statute had not received a direct answer from the Assembly, which had, however, plainly showed that it regarded the statute as being "shelved" at least in the meantime.

III. CONCLUSION

I am, in conclusion, painfully conscious of the fact that this report is inconsecutive and confused. It is, indeed, a confused report, but this regrettable result is due to the fact that the Assembly's discussions themselves were in the highest degree inconsecutive and confused. No one had ever held the Assembly's November decision, in favour of partition with economic union, to be a perfect solution of a problem, which, indeed, in circumstances as they existed then, was susceptible of no perfect solution. As I told the Assembly, no one could, and no one did, doubt the moral and logical cogency of many of the arguments advanced by the representatives of the Arab States in opposition to partition. But the tangled conflict of admitted rights and wrongs on both sides had been most carefully and anxiously and honestly weighed in November and the decision come to then, and affirmatively supported by no less than thirty-three members of the United Nations, was considered to be that which was open to the least objection, created less injustice than any other possible solution, and offered the best prospects of a final settlement of a most intractable problem. But from its very inception this Special Assembly allowed itself to be led astray by assumptions—quite unjustified by facts—that conditions in respect of Palestine had substantially changed since the Assembly resolution of 29th November, 1947; that that resolution—solely because it had been challenged and opposed by force—must be regarded as ineffective;

and that the whole question must accordingly be considered *de novo*. There was very strong opposition to these assumptions including that of New Zealand and many others who felt that a capitulation to lawless force would be the very negation of the principles on which the United Nations is founded. The combined effect of the insistence of the United States that the Assembly's November decision in favour of partition must now be disregarded—a policy later to be most dramatically reversed in the Assembly's dying minutes—the unwillingness of the United Kingdom (the Mandatory) and the Security Council to co-operate in implementing that resolution; the general bewilderment of delegates as the result of rapidly changing and very indefinite policies; and a widespread reluctance to face the facts, doomed the Assembly to a tragic futility. It was certainly one of the most ineffective meetings I have ever attended, falling far short of the obvious necessities of the case and bitterly disquieting to those who pin their faith, as I do, to this great organization. For all practical purposes the net result of this meeting was that, for the time being at any rate, the Assembly, in a spirit of muddled and timid irresolution, washed its hands of the problem of Palestine and left its solution to the bitter animosities of the two contending parties and probably to the senseless and tragic arbitrament of the sword. But the situation can be retrieved, and one must hope, as I do, that the United Nations will learn by this dismal experience and show a higher sense of reality and responsibility in the future.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) C. A. BERENDSEN.

The Right Honourable Peter Fraser, P.C., C.H., Prime Minister
and Minister of External Affairs, Wellington, New Zealand.

ANNEX

STATEMENT BY SIR CARL BERENDSEN, CHAIRMAN OF THE NEW ZEALAND DELEGATION, BEFORE THE POLITICAL AND SECURITY COMMITTEE OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, ON TUESDAY, 20TH APRIL, 1948

It is a sombre, indeed a tragic, occasion which has led to this meeting, and it is a heavy responsibility that falls upon each and every delegate in this chamber. The occasion calls for the most complete integrity of thought and action, and it is clearly the duty, as well as the right, of every Government represented here to express its thoughts on the incredible and shocking situation that has developed. It is a time for plain speaking, and I am sure that none of my colleagues will take offence if I do in fact speak plainly.

The problem with which the Assembly was called upon to deal last November was admitted by all to be most difficult and intractable. The situation as it presented itself then was the cumulative result of a long series of events stemming perhaps from the dim ages of the past, but for most practical purposes originating in the Balfour Declaration of 1917. That document like—most regrettably like—the vast majority of international documents, is not notable for clarity or definition. All, I think, agree that it is open to more than one construction, and the exact intent of its meaning has been a matter of repeated and lengthy debate and discussion in the ensuing years. Nor, indeed, have those portions of its intent, which are common ground to all, been free from dissent from its very inception. I have no intention of entering into any analysis of what the Balfour Declaration did mean or what was the ethical basis even for that portion of its intent upon which all agree, as a minimum, it must mean. Even that aspect is perhaps beside the point. The mandate over Palestine was entrusted to the United Kingdom—with the definite approval of many of those nations represented here—and for a very lengthy period the British have been administering that territory with what any impartial observer must agree has been a commendable degree of material success, and certainly at all times with the highest motives and intentions. But it may well have been that throughout the whole of that period they have been attempting to reconcile the irreconcilable, that the conflicting rights and interests in that holy but unhappy land—of the Arabs on the one side and the Jews on the other—were not at any time capable of acceptable compromise. From time to time blood has been shed in the course of this long and acrimonious dispute, and I would remind my colleagues of what I fear many of them are too often inclined to forget, that on very many occasions the blood that has been spilt has been the blood, not of the two principal contestants in this unhappy quarrel, but British blood, the blood of those who were, as trustees for humanity, endeavouring to carry out a thankless and perhaps impossible task. Finally, the British decided that they could no longer bear this burden, that the problem had become, if it had not always been, an international problem, that not only was it unfair that the burden and the odium of this task should fall upon the British alone while others at all times have felt free to offer advice and criticism from the sidelines without, of course, shouldering any portion of the responsibility for themselves, but also because of this factor, that the United Kingdom, having devoted its all to the

prosecution of that great war for liberty, justice, peace, and order which has just concluded, had found itself as the result, as the direct result, of its efforts during that conflict in a position of great difficulty. I think no one will disagree that Britain's temporary weakness—because, believe me, it is temporary only—and the sacrifices in blood, in treasure, and in repute that she has been called upon to make in this thankless and perhaps impossible task, proved to be too much, and the United Kingdom, as you know, last year announced its intention of relinquishing the mandate and laying the whole matter before the United Nations, where, as a world problem, it unquestionably belongs.

I am not one of those who believe that the United Kingdom has deserved the criticism it has received for its administration of the mandate. I am not about to suggest that every step that the British have taken on the matter in Palestine has been wise or well-considered. But I do assert that what they have done from the inception of the mandate until they were forced to the conclusion that the problem was beyond them, and laid the question before the United Nations, they have done with the highest motives, and that no other State represented here, even had it been willing (which it was not) to accept these obligations, would, or indeed could, have done any better in the circumstances as they existed.

But last year Britain agreed that Britain had failed, and the United Nations, in Special Assembly, undertook the responsibility of finding a solution. You all know what happened. After very lengthy debate a Special Committee of the Assembly was sent to Palestine. It conducted exhaustive inquiries, and on its return produced a report to the Assembly, which I have no hesitation in characterizing as a model of moderate and constructive thought.

The views of this Special Committee—and other views—were considered at very great length at the General Assembly meeting in September, and after most careful consideration, and after hearing the representatives of both parties principally concerned in this tragic conflict of rights, the Assembly decided, by the requisite majority of two-thirds, that the course which appeared to offer the best chance of success in the circumstances was that of partition with economic union. Let me repeat that this was decided after the most lengthy and anxious consideration, and let me repeat that it was agreed to, that it was supported, by the requisite majority of the members of this body. Allow me to read the list of those delegations who placed themselves affirmatively on record as supporting the proposal for partition with economic union. They were as follows: Australia, Belgium, Bolivia, Brazil, Byelo-Russia, Canada, Costa Rica, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, France, Guatemala, Haiti, Iceland, Liberia, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, the Philippines, Poland, Sweden, the Ukraine, South Africa, The Soviet Union, the United States, Uruguay, and Venezuela.

That, then, was the considered decision in November last, the considered decision of the "Town Meeting of the World," the expression of the conscience of this forum of the nations of the world, in a most earnest effort to solve this tragic problem.

Now, I do not think that any delegation which voted in favour of this decision felt that partition was a perfect solution. I think most people were of the opinion that the problem was susceptible of no perfect solution, that any decision at all must inevitably be the cause of injustice

and hardship to very many thousands of worthy people, and that the best that could be done, and the least that should be done, was to decide upon that solution which offered the least injustice, the least departure from principle, and the least practical difficulties in the circumstances as they had arisen during the course of the past thirty years.

The New Zealand Government believed then that partition was the best solution, and it believes the same thing to-day. It is our view that the Assembly decided to do the right thing in the wrong way, and I am not expressing that view only now, with all the advantages of hind sight. On behalf of my delegation and my Government, I expressed the same view when the matter was being considered last November, and if my colleagues will do me the honour of recollecting or reading what I said then they will find that throughout the whole course of the discussion the New Zealand delegation took the view that while partition with economic union was the best course to adopt, nevertheless if the Assembly assumed the right—as we believed it should—to divide that country into a Jewish State and an Arab State, the Assembly must at the same time assume the duty of ensuring an orderly and peaceful implementation of that decision. And up to the very last moment I expressed New Zealand's grave and anxious apprehensions as to the efficacy of partition without enforcement and called—unhappily without avail—on the members of the United Nations and particularly the Great Powers, to face this question of enforcement. Up to the very last moment I asked whether the Assembly was prepared to gamble with the lives of innocent people in Palestine. The appeal fell on deaf ears. You were prepared so to gamble; we did gamble, and we lost. But we do not pay. You know to-day who is paying. The gambler's loss is being paid by the people of Palestine; it is being paid in part by British boys dying at their post of duty, but for a much greater part it is being paid, and will continue to be paid, by the people of Palestine, be they innocent or guilty, be they Arab or Jew. And the situation that has arisen to-day, incredible and disgraceful to us as it is, was, to any one who faced the facts and who was not deaf and blind, as clear and as obvious and as inevitable as night following day. There were many in November who professed to believe—they will allow me to doubt whether they did believe—that enforcement would not be necessary. That is an order of simplicity which is quite beyond my comprehension, and if there were such as did in fact believe this to be a possibility then they must certainly have paid no heed to the protests and warnings of our Arab colleagues. Nobody who heard these debates, as I have heard them, could fail to be impressed with the warmth and the emotion and the conviction with which the representatives of the Arab States expounded their cause and warned the Assembly of the consequences. Nobody could have failed to realize the justice of much of what the Arabs represented to us. Nobody doubted that whatever decision was arrived at in connection with the Palestinian problem it would inevitably bring some degree of hardship, some degree of injustice, to a substantial number of people. The problem, I repeat, was susceptible of no perfect solution. But if there were in this room any who believed that the partition of Palestine could be accomplished peacefully and with good will on all sides and without enforcement, then I must say that that is a degree of *naïveté* which did them little credit. But, of course, in human affairs, there is always an inclination to hope, which in turn leads to a belief, that all will be well. Quite often it is well, but

it is seldom well unless somebody is working hard and with careful forethought to ensure that it is so. And the Assembly's solution could have been effective had we taken the necessary steps to ensure that it was.

There were others last November who, apprehensive, and justly apprehensive, that this great, and it was hoped, final attempt, to solve the Palestinian problem could not be carried out without force, were nevertheless content to believe that that force had in fact been provided. Those who answered New Zealand's repeated appeals for means of implementation told us of two sources of enforcement power which, by implication, they suggested were adequate. We were told, in the first place, that there was to be an Arab militia and a Jewish militia, and that these two militias would be able to keep order. Well, that again shows an order of simplicity which is quite beyond my comprehension, and I pass that over for what it is worth. And, finally, we were told that there was always the Security Council which would see to enforcement. Well, all that one needs to say in this connection is to ask delegates to regard the situation as it exists to-day and the steps that the Security Council has found itself able to take.

I repeat that the Assembly in its November decision did the right thing, but, by reason of its failure to provide for implementation, it did the right thing in the wrong way, and because of our error then, as the result of our error then, we have the situation to-day. The result of our error is death, bloodshed, murder, outrage, and agony in Palestine. The result of our error then is a grave risk that the Assembly of the United Nations is in serious and humiliating danger of losing the public confidence upon which its authority in the last resort depends. We have to-day, therefore, an additional problem not only how to do justice to both Jew and Arab, but how to avoid wrecking the authority and the influence of the Assembly. I say to you that neither this organization nor, indeed, any of its members can hope to give to the world the lead of which the world is so sorely in need, unless that lead is steady and consistent, unless the course that is set yesterday is the course that is followed steadily to-day and to-morrow. The alternative is inevitable confusion and dismay.

I am far from suggesting that where circumstances have altered policies must remain immutable, but the submission of the New Zealand delegation is this: that if partition with economic union was right in November, it is right to-day, and, indeed, I have heard no logical suggestion to the contrary. The circumstances have not changed in the slightest. The only new factor that has arisen in respect of Palestine since the matter was so carefully considered and decided in November is a detestable series of murders and outrages in Palestine. And by both sides, for there is no one who can defend or explain or excuse the violence for which it seems clear certain sections of the Jewish community have been responsible, any more than it is possible to defend or explain or excuse the violence for which certain sections of the Arab community have been responsible. Both call for the strongest censure, the utmost detestation; both call for repression by lawful force. And if an attempt is made, as in logic no doubt it can be made, to draw a distinction between Jewish activities as intended on the whole to support the decision of

the United Nations in favour of partition, while the activities on the side of the Arabs are intended to destroy that decision, I say that an outrage is an outrage, and a murder is a murder, and it is our plain and obvious duty to see to it that outrages and murders are stopped.

And we are, I submit, clearly bound to ask ourselves, what, if anything we have done to further the objectives which we laid down last November, and to counter the opposition which we all knew would, and which in fact did, arise. I fear the answer is nothing. It is certainly very little, despite the earnest efforts of the Commission, and much quite obviously has been done with the contrary object.

It is now suggested, as I understand it, though the proposal is far from clear in some of its implications, and the various statements that have been made do not always appear to me to have been consistent, that because of this series of murders and outrages partition at this stage has become impossible. I say to you not only that these abominable incidents should have been foreseen and prevented, but that to put them forward as a reason for abandoning the decision arrived at after most careful and anxious consideration only a few months ago seems to the New Zealand delegation to be a most fantastic distortion of logical thought. If, indeed, the considered decision of the General Assembly is to be stultified, to be defeated by the application of illegal and reprehensible violence, if the Assembly allows its decision to be abandoned because it is challenged and opposed by force, then the Assembly will be taking upon itself a responsibility which will bear tragic fruit for many many generations to come.

But one is entitled to ask how is the Assembly to go about it to provide force if force is necessary, as, of course, it is. I will not content myself by saying, as I am fully entitled to say, that force should have been provided last November, but I would venture very gravely to doubt whether the force that would be required to implement trusteeship would be any less than the force that would be required to implement partition. And if the members of the United Nations should be willing each to take its proportionate part in enforcing a decision of the United Nations in respect of a trusteeship for Palestine, those members should, on any logical basis, equally be willing to provide their proportionate share of a United Nations force to implement the decision to which it pledged itself last November.

That is the policy which the New Zealand Government has instructed me to support at this meeting. We still believe that, with all its defects, however imperfect we may all agree that solution is, the decision of last November is nevertheless the best solution that the situation offers. We believe that, having made the decision in November, we should, undeterred by lawless violence, proceed to enforce that decision by the united action of the members of the United Nations.

And I call upon my colleagues to take thought, to take serious thought, before they abandon their decision of principle as the direct result of outrages and murders which might well have been foreseen and, indeed, I believe, were foreseen before that decision was made. I call upon my colleagues in this Assembly to take thought, careful thought, before they strike that tragic, perhaps irreparable, blow to the United Nations that would be involved in capitulation by the world to threats and violence. It is the old, old problem which the League of Nations was not prepared

to face, and which the United Nations has not yet shown itself ready to face, whether we can hope to preserve peace and order in the world by words alone. We cannot, and anybody who contends to the contrary is not facing the facts. There is no place now for wishful thinking. While the New Zealand delegation will continue to support the enforcement of partition through the joint action of all members of the United Nations, we shall nevertheless join in the consideration of any proposal which offers prospects of ending the strife in Palestine and achieving a just settlement between the Jews and the Arabs within a reasonable period. And if it is found possible to achieve a truce between the contending parties on just and reasonable terms, I need not add how warmly such a development would be welcomed by the New Zealand Government.

But here is a test case, and, believe me, the future of this organization and the future of the world may indeed depend upon the way in which it is decided. What the world needs to-day is not resolutions, it is resolution. And it is the most earnest hope of the New Zealand Government that the Assembly will adhere to the principles it accepted last November, and show that resolution which the situation demands. We must not, we dare not, add to the irresponsibility of our November decision for partition without enforcement the further and final irresponsibility of a surrender to illegal force.

Will you allow me to conclude by commending to your attention one of the rules laid down by a very great American for the conduct of his life, a rule which is as true for this organization as it is true for any nation or any individual. Benjamin Franklin said "Resolve to perform what you ought ; perform without fail what you resolve."

Approximate Cost of Paper.—Preparation, not given ; printing (598 copies), £75.

By Authority: E. V. PAUL, Government Printer, Wellington.—1948.
Price 1s.]