

UNITED NATIONS

PROGRESS REPORT

OF THE

**UNITED NATIONS MEDIATOR
ON PALESTINE**

**SUBMITTED TO THE SECRETARY-GENERAL
FOR TRANSMISSION TO THE MEMBERS OF
THE UNITED NATIONS**

*In pursuance of paragraph 2, part II, of resolution 186 (S-2) of the
General Assembly of 14 May 1948*



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PART ONE

THE MEDIATION EFFORT

I. INTRODUCTION

1. The General Assembly, on 14 May 1948, adopted resolution 186 (S-2), providing for a United Nations Mediator on Palestine. Paragraph 2, part II, of this resolution instructed the 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".

2. Since taking up my responsibilities as United Nations Mediator on Palestine on 21 May 1948, I have submitted a number of reports to the Security Council on specific aspects of the mediation effort, the truce supervision and the refugee problem. These reports, of course, as Security Council documents, have been distributed to all Members of the United Nations. At this stage of my effort I deem it advisable to submit to the Secretary-General, for transmission to the Members of the United Nations, a general progress report which will provide for the Members a broad survey of the developments in Palestine, as they relate to my responsibilities, since the adoption of the resolution on 14 May.

3. I have decided to present the report at this time precisely because the General Assembly will be convening in its third session on 21 September. In the event the Palestine question should be discussed by the General Assembly, I have thought that it might well prove useful to the Members to have before them a first-hand account of the efforts of the Mediator appointed under their resolution and his personal appraisal of the situation.

4. It is my understanding, at the time this report is written, that the question of the future of Palestine has not been placed on the agenda of the forthcoming session of the General Assembly. I would be less than frank if I did not express my personal view that it will be a mistake of tragic consequences if, at this critical period in the history of Palestine and in the intensive effort to achieve a peaceful solution, the question were not to be considered and the necessary decisions taken by the General Assembly.

5. In my view a crucial stage has been reached in the mediation effort. Since my arrival in Cairo on 28 May I have striven ceaselessly to find a common basis upon which peace negotiations between the two parties might be undertaken. I have tried to bring them together in my presence or without it. I have studied carefully their respective positions, claims and contentions, and on the basis of such study have devised compromises which have

been put to them either orally or in writing. I have employed abundantly both reason and persuasion, but to date neither agreement between the parties nor a basis for agreement has been found. I do not conclude, however, that the problem of Palestine is insoluble by peaceful means, or that a basis for agreement cannot ultimately be found. But the conclusion is inescapable that at some juncture vital decisions will have to be taken by the General Assembly if a peaceful settlement is to be achieved. I am firmly convinced, after the most careful appraisal, that this juncture has now been reached.

6. An indispensable condition to the settlement of the Palestine question is the cessation of hostilities between the Arab and Jewish forces. Mediation cannot be finally successful so long as either party believes that it can, with relative impunity, resort to armed force and thereby achieve for itself a more favourable settlement. The resolutions of the Security Council of 29 May and 15 July (S/801 and S/902), first calling upon and then ordering the Governments and authorities concerned to desist from further military action in the dispute, have been, broadly speaking, respected, and have brought an end to organized hostilities in Palestine, although the situation admittedly remains tense and uneasy. Except for the nine-day interval between the four-week truce which ended on 9 July and the indefinite truce which began on 18 July, there have been no large-scale military actions in Palestine since 11 June. The contending armed forces have been arrayed across no man's lands which, in spite of persistent efforts by the observers, remain all too narrow; there have been daily incidents of a localized character; and there have been numerous breaches of the terms of the truce by both sides. But the armies are nowhere engaged in battle and the truce for both Arabs and Jews is an accepted, if allegedly unwelcome, fact.

7. The truce, clearly, must at some time be superseded by a settlement. In the minds of both parties, the truce is regarded as only a phase of hostilities. The resolution on the Palestinian question, however, adopted by the Security Council at its 338th meeting on 15 July (S/902), invoking Article 40 of the Charter, ordered the Governments and authorities concerned "to desist from further military action...". This resolution, unlike the four-week truce resolution of 29 May (S/801), fixed no time-limit and decided that "subject to further decision by the Security Council or the General Assembly, the truce shall remain in force... until a peaceful

adjustment of the future situation of Palestine is reached". By the terms of this resolution, both parties were permanently enjoined from any further employment of military action in the Palestine dispute. This is clearly understood by both Arab and Jewish authorities. Each understands equally well that the party which would be responsible for a resumption of hostilities would be guilty of open defiance of the order of the Security Council of 15 July, and would thereby incur the risk of action under paragraph 4 of that resolution, which provides that failure to comply with the cease-fire order "would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter requiring immediate consideration by the Security Council with a view to such further action under Chapter VII of the Charter as may be decided upon by the Council".

8. It would be dangerous complacency, however, to take it for granted that with no settlement in sight the truce can be maintained indefinitely. Each side contends that the indefinite truce works to the advantage of the other. The strain on both sides in maintaining the truce under the prevailing tension in Palestine is undoubtedly very great. I am convinced that neither side really wishes to resume the fighting but, on the other hand, neither side appears to be prepared, openly or voluntarily, to surrender its position or to make fundamental concessions. There is the constant danger, which must be faced, that the accumulated irritation from daily incidents, war nerves, the economic strain of maintaining large armies in the field, the pressures of public opinion, and the tendency to despair of any peaceful settlement, may provoke one or the other party to take the foolhardy risk of resuming hostilities in the vain hope of a quick victory. There is also the danger that under the constant pressure of tension, mutual suspicion and recrimination, and in the absence of any enforcement ability by the United Nations representatives, the truce, if too long prolonged in its present indefinite form, will deteriorate into a virtual resumption of hostilities through a mounting number of local incidents widely spread.

9. The two truces have provided a "cooling off" period of relative calm, almost three months in duration at the writing of this report. During that period each side, having had an unpleasant taste of bitter fighting, has had ample opportunity for reflection and review of the position to which it has persistently adhered and the consequence of its action. Each side, of course, contends that the international intervention, insisting on a truce in Palestine, deprived that side of the decisive victory which it was about to achieve in the war. There is undoubtedly a large element of wishful thinking in such contentions, of which both sides have been guilty. Each side also claims that the existing

truce works to its disadvantage. In fact, the truces have spared both sides inevitably heavy losses in men and equipment and in expenditures which both sides could ill afford to undertake. There are recent indications of more moderate and sober counsel in at least some important quarters.

10. Although it cannot be said that neither side will fight again under any circumstances I am strongly of the view that the time is ripe for a settlement. I am reasonably confident that, given the permanent injunction against military action issued by the Security Council, and firm political decisions by the General Assembly, both sides will acquiesce, however reluctantly, in any reasonable settlement on which is placed the stamp of approval of the United Nations. I do not mean to imply that there is at the moment bright prospect for formal agreement between the two parties. But, in my opinion, although such formal agreement would be highly desirable, it is not indispensable to a peaceful settlement at this stage. What is indispensable is that the General Assembly take a firm position on the political aspects of the problem in the light of all the circumstances since its last session, and that its resolution be so reasonable as to discourage any attempt to thwart it and to defy the Security Council order by the employment of armed force.

11. I do not believe that merely prolonging the truce will automatically enhance the prospects for an ultimate peaceful settlement, but I do believe that prompt action by the General Assembly at its third session will greatly strengthen such prospects. The reaction to failure of the General Assembly to consider and take decisions on the question at this critical stage might well prove decisive to this phase of the international effort to ensure peace in Palestine. The effectiveness of the mediation effort necessarily depends in large measure upon the decisions taken by the appropriate organs of the United Nations.

12. Indeed, quite apart from the possibility of Security Council action, such a decision taken by the necessary majority of the United Nations General Assembly should be morally binding on both parties. The Arab States, even if opposed to it in debate and in voting, should, as good Members of the United Nations, recognize a moral obligation to accept the will of the majority according to democratic practice. The Jews, already greatly indebted to international action and as aspirants to membership in the United Nations, should be no less under moral pressure to abide by the majority decision of the Assembly.

13. Certain steps which in my view might be taken in the direction of settlement and conciliation of the differences between the two parties are set forth in the Conclusions to Part One of this report.

II. THE BASIC FACTORS IN THE PALESTINE SITUATION

1. The fundamental issues in Palestine to-day are partition, the Jewish State, Jewish immigration and Arab refugees. While the formal attitudes of the parties on the first three of these issues have not changed, it is unquestionable that since the adoption by the General Assembly, on 29 November 1947, of resolution 181 (II) providing for the partition of Palestine, there have been changes in the Palestine scene which are so decisively significant as to make some of the prevalent attitudes quite unrealistic.

Partition

2. The resolution adopted by the General Assembly on 29 November 1947 provided not for simple partition of Palestine, but for partition with economic union. It envisaged the creation of an Arab State, a Jewish State, and the City of Jerusalem as a *corpus separatum* under a special international regime administered by the United Nations. These three entities, largely because of justifiable doubts concerning the economic viability of the proposed Arab State and the City of Jerusalem, were to be linked together in an Economic Union of Palestine. The obvious disadvantages of territorial partition were thus to be corrected to some extent by economic union.

3. Execution of the plan of partition with economic union was possible only if there existed, or there could be fostered or induced, a willingness on the part of both Arabs and Jews in Palestine to co-operate. The chain of unfortunate events which began in Palestine almost immediately after the adoption of the resolution of 29 November demonstrated conclusively not only that the necessary Arab willingness to co-operate was lacking, but that a dangerous antagonism existed which was provoking virtual civil war even before the termination of the Mandate on 15 May 1948. In these ten months since the adoption of the partition resolution it has become increasingly clear that any plan based on the essential assumption of immediate co-operation between Arabs and Jews in Palestine must ignore the harsh facts of existing relationships there.

4. The instant question, therefore, is not whether it may be advisable to review and revise the resolution of 29 November 1947. It has already been outrun and irrevocably revised by the actual facts of recent Palestine history.

The Jewish State

5. The most significant development in the Palestine scene since last November is the fact that the Jewish State is a living, solidly entrenched and vigorous reality. That it enjoys *de jure* or *de facto* recognition from an increasing

number of States, two of which are permanent members of the Security Council, is an incidental but arresting fact. The Provisional Government of Israel is to-day exercising, without restrictions on its authority or power, all the attributes of full sovereignty. The Jewish State was not born in peace as was hoped for in the resolution of 29 November, but rather, like many another State in history, in violence and bloodshed. The establishment of this State constitutes the only implementation which has been given to the resolution, and even this was accomplished by a procedure quite contrary to that envisaged for the purpose in the resolution. In establishing their State within a semi-circle of gunfire, the Jews have given a convincing demonstration of their skill and tenacity.

6. As I pointed out in my report to the Security Council of 12 July (S/888, pages 16-17), the Jewish State is "a small State, precariously perched on a coastal shelf with its back to the sea and defiantly facing on three sides a hostile Arab world. Its future may be assessed as uncertain, and if it survives this war its security will be likely to present a serious problem for a good time to come...".

But whatever the future may hold for the infant Jewish State, the inescapable conclusion, today, is that a Jewish State in Palestine, fully sovereign, is actually in existence and that Arab determination to eliminate it could be realized only by armed force in sufficient strength to overwhelm it. In any case, resort to armed force as a means of settling the problem has been prohibited by the Security Council.

7. The most pressing need of the Jewish State since its inception on the termination of the Mandate has been the opportunity to consolidate its position, both internally and externally, and to perfect its administrative and political organization. Born in the throes of war, its road was instantly difficult. Time runs in its favour, and in this regard the two truces have been of especial advantage to the Provisional Government in the sense that the two periods of relative peace afforded it a necessary opportunity for consolidation and organizational development. Above all, the Jewish State needs peace. A new organism of limited resources, its hope for development must very largely depend, in the long run, on the cultivation of peaceful and mutually trusting relations with the neighbouring Arab States whose overwhelming numbers dwarf into insignificance any population total to which the Jewish State may aspire.

The Arab attitude

8. The Arabs, including not only Palestinian Arabs, but those of the seven Arab States, find

it extremely difficult to accept even the fact of a Jewish State in Palestine. While recognizing the right of many Jews now in Palestine to be there and to remain there as citizens of a Palestinian State, they bitterly reject Jewish nationalistic aspirations for a separate State. That the Arab States made a tragic mistake in employing force in Palestine cannot be questioned. But the very fact that they resorted to this extreme action and were willing to run the risk of thus offending the international community is in itself a measure of the intensity of their feeling on the question.

9. It is fruitless to conjecture whether Arabs or Jews might have won a decisive victory in Palestine had international intervention not brought the fighting to a halt. Jewish forces might have won more territory in Palestine or even all of Palestine, but they could not have conquered the Arab States nor won peace with them. Arab armies, by sheer force of numbers, might in time have pressed the Jews to the wall of the sea but there is no indication that they could muster sufficient strength to deliver a mortal blow, and it may well be doubted that this could have been accomplished in view of probable international intervention. Had the war continued it would most likely have ended in a stalemate, which in itself would amount to a Jewish victory. But the United Nations had firmly determined that the war could not go on and that the Palestine dispute must be settled by peaceful means. And that is the Arab dilemma. The Jewish State, established under the cloak of United Nations authority, can be eliminated only by force. The United Nations, however, has decreed that force must not be employed. Therefore, the Arab States must resign themselves to the presence of the Jewish State or pursue the reckless course of defying the United Nations and thereby incurring liabilities the full burden and danger of which cannot be calculated in advance.

10. The combination of Jewish strength and international intervention has decided the issue of the Jewish State. This, of course, does not make it any more palatable to the Arabs. In my opinion, while in no sense condoning the armed intervention of the Arab States, it would be helpful to the solution of the problem if both the international community and the Jews of Israel were to be more understanding of the Arab viewpoint. The Arabs look upon the nationalistic Jews of Palestine as interlopers and aggressors. They point to the fact that the Arab population is the preponderant population of the country and that it has been an Arab country for many centuries. It is at least understandable that, in their fervour, they reject not only the historical claims of the Jews but even the legal basis for their presence in Palestine which the terms of the Mandate provided.

11. The Arabs also react severely to Jewish immigration into Palestine which they regard

as a threat to the Arabs in the whole of Palestine and Transjordan as well. They harbour grave fears that a Jewish State in Palestine will not stay within its defined boundaries, and through population pressure resulting from unlimited immigration, encouragement and support from world Jewry, and burgeoning nationalism, a threat will be posed not only to Palestine but to the entire Arab Near East. A tolerant approach can appreciate the Arab views and fears, although on appraisal they may in large measure be found extravagant and unfounded.

But since the Arabs nurture such viewpoints, no settlement can be on solid foundations unless every reasonable reassurance possible is afforded them, not only by the Jewish State but by the United Nations.

12. The Arabs have consistently advocated a unitary Arab State in Palestine, with full rights and guarantees for the Jewish minority, as the acceptable solution of the Palestine problem. In the light of developments during recent months the Arab position is unrealistic. It may be questioned, in any case, whether the Arab proposal was ever likely to serve the best interests of Palestine and Arabs. At this late stage in the problem and in view of all the circumstances, the cantonal and federal state schemes have no practical merit which would make them worthy of consideration. That territorial, political and economic unity would be highly desirable in Palestine cannot be doubted. That lacking such complete unity, some form of political and economic, or at least economic, union would be a reasonable alternative, is also true. But the present antagonism between the Arab and Jewish communities renders impractical, for the moment at least, the application of any such arrangements.

Jewish immigration

13. The issue of Jewish immigration remains a burning issue in Palestine, but in the very nature of the case it is submerged in the larger issue of the existence of the Jewish State. It is entirely natural that the Jewish position, insistent upon a fully sovereign Jewish State, should reject any suggestion of restriction upon the authority of that State to determine its own immigration policy. The Arabs, on the other hand, rejecting entirely the concept of the Jewish State, would also deny the right of Jewish immigration into an Arab-dominated Palestine. The settlement of the issue of the Jewish State will minimize the international importance of the immigration issue. The Jews, however, in the interest of promoting friendly relations with their Arab neighbours, would do well, in defining their immigration policy, to take carefully into account the basis of Arab fears and to consider measures and policies designed to allay them.

Arab refugees

14. A new and difficult element has entered into the Palestine problem as a result of the exodus of more than 300,000 Arabs from their former homes in Palestine. The measures being taken or contemplated to cope with this problem are described in part III of this report. The question of their ultimate resettle-

ment, either in their former abodes or elsewhere, must be faced and solved. I have affirmed elsewhere in this report that the right of the refugees to return to their homes if they so desire must be safeguarded. Nevertheless, whether or not this right is exercised, most of these refugees will require assistance in some degree to re-establish themselves.

III. RESUME OF THE NEGOTIATIONS

The period 28 May to 15 July

1. My functions as Mediator were defined by resolution 186 (S-2) adopted by the General Assembly at its 135th meeting on 14 May 1948. This resolution empowered the Mediator, *inter alia*, to "use his good offices with the local and community authorities in Palestine to... Promote a peaceful adjustment of the future situation of Palestine". Paragraph 3, part II, of the resolution directed the 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".

2. On calling upon all Governments and authorities concerned to order a cessation of all acts of armed force for a period of four weeks, the Security Council, by its resolution of 29 May 1948 (S/801), instructed the Mediator "to make contact with all parties as soon as the cease-fire is in force with a view to carrying out his functions as determined by the General Assembly".

3. Immediately after my arrival in Cairo, on 28 May, I concentrated on the negotiations for establishing the four-week cease-fire called for by the Security Council's resolution of 29 May. As from 15 June, soon after the four-week cease-fire came into force, I undertook exploratory discussions with representatives of the parties at Cairo and Tel-Aviv on the broad question of the future of Palestine. In Cairo, the Political Committee of the Arab League set up a Sub-Committee, consisting of the Prime Ministers of Egypt, Transjordan and Lebanon, and the Secretary-General of the League of Arab States, to negotiate with me. In Tel-Aviv I consulted with the Minister for Foreign Affairs of the Provisional Government of Israel. From these discussions, in the course of which both sides set forth their claims, positions and objectives with regard to partition, Jewish immigration into Palestine, and the status of Jerusalem, it was immediately apparent that the time was probably not yet ripe for any agreement on these fundamental issues. The four-week truce had come into effect after a short period of fighting, and the parties were in no mood for compromise. The opinions expressed regarding the future of

Palestine were very divergent, and there was no softening of the position of either side on the fundamental issues. While the Arabs retained their firm stand against partition of any kind, the Jews were equally adamant in their attitude as regards an independent Jewish State, in accordance with Assembly resolution 181 (II) of 29 November 1947, and towards unrestricted immigration. However, in the course of the truce negotiations, the two parties had made it quite clear that they expected to receive from me, during the period of the truce, an indication of my ideas as to a possible basis of settlement. This, in their opinion, was the *raison d'être* of the truce. Notwithstanding, therefore, the complete divergence of aims and the very short time left at my disposal, I decided to submit to the two parties a set of tentative suggestions, with the primary intention to discover whether there might be found at this stage a common ground on which further discussion and mediation could proceed. It was my purpose to keep negotiations as fluid as possible, in the belief that the premature submission of formal proposals, and their probable rejection, might well destroy any chance of extending the truce, or even of maintaining it to the end of the four-week period.

4. The Arabs having refused my suggestion for a joint round-table conference, I invited the two parties to make available to me, at Rhodes, experts on the working level, not for political decisions but for consultation and technical information concerning the positions of their respective sides. Both parties accepted, and four Arab and two Jewish experts arrived in Rhodes on 21 and 23 June respectively, and consultations were held separately, lasting until 25 June.

5. On the basis of close analysis of the question and of ideas which emerged during the discussion, I presented to the parties, on 28 and 29 June respectively, under cover of my letter of 27 June (S/863), three brief papers, setting forth in outline my suggestions for a possible approach to the peaceful adjustment of the future situation of Palestine. These suggestions were as follows :

"(1) That, subject to the willingness of the directly interested parties to consider such

an arrangement, Palestine, as defined in the original Mandate entrusted to the United Kingdom in 1922, that is, including Trans-jordan, might form a union comprising two members, one Arab and one Jewish.

“(2) That the boundaries of the two members be determined in the first instance by negotiation with the assistance of the Mediator and on the basis of suggestions to be made by him. When agreement is reached on the main outlines of the boundaries, they will be definitively fixed by a boundaries commission.

“(3) That the purposes and functions of the union should be to promote common economic interests, to operate and maintain common services, including customs and excise, to undertake development projects, and to co-ordinate foreign policy and measures for common defence.

“(4) That the functions and authority of the union might be exercised through a central council and such other organs as the members of the union may determine.

“(5) That, subject to the provisions of the instrument of union, each member of the union may exercise full control over its own affairs, including its foreign relations.

“(6) That immigration within its own borders should be within the competence of each member, provided that, following a period of two years from the establishment of the union, either member would be entitled to request the council of the union to review the immigration policy of the other member and to render a ruling thereon in terms of the common interests of the union. In the event of the inability of the council to reach a decision on the matter, the issue could be referred by either member to the Economic and Social Council of the United Nations, whose decision, taking into account the principle of economic absorptive capacity, would be binding on the member whose policy is at issue.

“(7) That religious and minority rights be fully protected by each member of the Union and guaranteed by the United Nations.

“(8) That Holy Places, religious buildings and sites be preserved, and that existing rights in respect of the same be fully guaranteed by each member of the Union.

“(9) That recognition be accorded to the right of residents of Palestine who, because of conditions created by the conflict there have left their normal places of abode, to return to their homes without restriction and to regain possession of their property.”

6. Suggestions regarding territorial matters, presented in an annex, were as follows :

“With regard to paragraph 2 of the suggestions, it is considered that certain territorial arrangements might be worthy of consideration. These might be along the following lines :

“(1) Inclusion of the whole or part of the Negeb in Arab territory.

“(2) Inclusion of the whole or part of Western Galilee in Jewish territory.

“(3) Inclusion of the City of Jerusalem in Arab territory, with municipal autonomy for the Jewish community and special arrangements for the protection of the Holy Places.

“(4) Consideration of the status of Jaffa.

“(5) Establishment of a free port at Haifa, the area of the free port to include the refineries and terminals.

“(6) Establishment of a free airport at Lydda.”

7. With regard to the formulation of the above suggestions, I reported to the Security Council on 12 July 1948 (S/888), as follows :

“(22) The resolution of the General Assembly of 14 May empowered the Mediator to use his good offices to ‘promote a peaceful adjustment of the future situation of Palestine’. The indispensable condition for the attainment of this objective would be to find some common framework of reference within which the parties would be willing to accept further mediation. In accepted international usage the employment of ‘good offices’ involves offering friendly suggestions to facilitate adjustment of a controversy between conflicting parties. Mediation is a consequence of the tender of good offices, and the primary task of the Mediator is to initiate proposals calculated to harmonize conflicting interests and claims. In the very nature of the case, therefore, the Mediator must strive to encourage compromise rather than strict adherence to legal principles. As indicated in article 4 of part II of The Hague Convention on the Pacific Settlement of International Disputes, ‘the part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen...’ It is equally true that the Mediator can achieve success only by achieving voluntary agreement between the parties. His decisions have no binding effect and his suggestions or proposals may be rejected at will by the parties. It was on this basis that my suggestions of 27 June were put forth. In the introductory statement to those suggestions (S/863) I pointed out that :

“I interpret my role as Mediator not as one involving the handing down of decisions on the future of Palestine, but as one of offering suggestions on the basis of which further discussions might take place and possibly counter-suggestions be put forth looking toward a peaceful settlement of this difficult problem. My suggestions at this stage, then, must clearly be of such nature as to provide a reasonable framework of reference within which the two parties may find it possible to continue their consultations with me toward the end of a peaceful adjustment.’

“(23) The suggestions which I offered on 27 June as a possible focus of discussion had

been formulated on the basis of the equities involved in the Palestine dispute — the aspirations, fears and motivations of the conflicting parties — and the realities of the existing situation in Palestine. I could not call upon either party to surrender completely its position, not only because this would be a betrayal of my role as Mediator, but also because there was no sound basis for doing so in the light of all the circumstances. It was fully realized, of course, that there could be no possibility of a peaceful adjustment of the dispute unless there was at least a moderate willingness on the part of both parties to explore all the avenues for a peaceful adjustment, and unless both of them were prepared, at some stage, to forego armed force as a means of attaining their objectives.

“(24) As Mediator, I had to seek possible solutions which would be voluntarily accepted by both parties. I sought, therefore, arrangements [which might reveal some common denominator in the relations between Arabs and Jews in Palestine. In my talks with them, both parties freely admitted the utter necessity for peaceful relations between Arabs and Jews in Palestine, and both admitted the importance of economic unity in the country.”

8. As already mentioned, the respective parties were not called upon to accept or reject the suggestions in the form in which they were offered, but were merely invited to indicate whether further discussions might profitably be carried on within the general framework outlined. Both parties, however, in their replies rejected the framework suggested as a basis for discussion and uncompromisingly reaffirmed their respective positions. The full texts of the exchanges of views are appended as annex I.

9. The Provisional Government of Israel, in a letter dated 5 July 1948, objected to the deviations from the General Assembly resolution of 29 November 1947, and particularly to the suggestions concerning the regulation of immigration and the status of Jerusalem. They offered no counter-suggestions but urged a reconsideration of my “whole approach to the problem”. In a letter to the Minister for Foreign Affairs of the Provisional Government of Israel, dated 6 July 1948, I commented as follows:

“(3) In paragraph I of your letter it is stated that my suggestions ‘appear to ignore the resolution of the General Assembly of 29 November 1947...’ I cannot accept this statement. As United Nations Mediator, it is true that I have not considered myself bound by the provisions of the 29 November resolution, since, had I done so, there would have been no meaning to my mediation. The failure to implement the resolution of 29 November 1947, and the open hostilities to which the Arab opposition to it led, resulted in the

convoking of the second special session of the General Assembly to ‘consider further the future government of Palestine’. This special Assembly, taking into account the new situation, adopted, on 14 May 1948, the resolution providing for a Mediator. It is equally true, however, that the basic objectives of the resolution of 29 November 1947 as regards a separate political and institutional existence for the Jewish and Arab communities of Palestine and for close economic ties between these communities, are maintained in my suggestions, although in a somewhat different framework. I may also assure you that in working up my suggestions I took fully into account the facts of the actual existence of the Jewish State in a defined area, the military situation and the present territorial situation as a result of the conflict thus far. But I could not ignore the fact that there is nothing really stable in Palestine so long as the prospect of early resumption of hostilities remains, and that the violent reaction of the Arab world to these very situations is also a vital factor in the equation, if one must focus on the possibility of peaceful adjustment.

“(7) Paragraph 3 of your letter relates to immigration. The question of immigration into Palestine must be considered within the context of the total problem. Even within the limits of full sovereignty the question of immigration is related to the absorptive capacity of the country. Palestine from this point of view has become the object of international concern. It would, therefore, seem justifiable that the Economic and Social Council might be given an eventual say in the matter. Furthermore, such an arrangement might serve the useful purpose of maintaining a sympathetic international interest in and assistance for the settlement of Jewish immigrants in Palestine. Should unrestricted immigration indefinitely continue in Palestine there might, in the future, arise a serious economic and political problem beyond the control of any Jewish government. It cannot be ignored that immigration affects not only the Jewish State and the Jewish people but also the surrounding Arab world.

“(8) Jerusalem stands in the heart of what must be Arab territory in any partition of Palestine. To attempt to isolate this area politically and otherwise from surrounding territory presents enormous difficulties. The special condition of Jerusalem — its large Jewish population and its religious associations — needs special consideration, and the way for discussion of these questions was left open. Arab domination of legitimate Jewish and other non-Arab interests in Jerusalem was never intended or implied in the suggestions. Moreover, while I fully appreciate that the question of Jerusalem is of very great concern,

for historical and other reasons, to the Jewish community of Palestine, Jerusalem was never intended to be a part of the Jewish State. In this sense, the position of the Jewish State is unaffected and the question of Jerusalem has no relationship to its status. The status of Jerusalem, therefore, is separate from the question of the constitution and boundaries of a Jewish State. My suggestions fully safeguard the historical and world-wide religious interests in Jerusalem."

10. The Arabs, by a letter dated 3 July 1948, signed by the Secretary-General of the League of Arab States, offered counter suggestions which incorporated in outline the basic principles of the Arab position. These counter-suggestions, providing for a unitary State in the whole of Palestine, offered little or no compromise.

11. With regard to these counter-suggestions, I submitted to the Arab representatives, by letter dated 5 July 1948, the following commentary:

"It may be contended with considerable cogency that the creation of a unitary and sovereign State in Palestine with the processes of government based on proportional representation, is fully consistent with democratic principles and procedures. But this does overlook certain vital facts which are peculiar to Palestine. The Jews of Palestine have been all along, and are now in fact, a completely separate cultural and political community. Under the Mandate they were permitted to maintain their separate and virtually autonomous cultural and political institutions. Moreover, this Jewish community, from whatever motives and for whatever reasons, is imbued with an intensely nationalist spirit, a nationalism which rivals in intensity the nationalism of Palestinian Arabs.

"A unitary State of Palestine with a substantial minority population of this kind could only be a troubled State unless the minority population and its nationalist aspirations were thoroughly crushed by forceful measures. It is futile to assume that the Jewish community could undergo a rapid change of heart.

"You will understand, of course, that I have come to this problem as a Mediator. I have come to try to mediate a dispute between two parties locked in violent conflict. And what do I find? I find in Palestine a substantial area which is full under Jewish control, proclaimed as the territory of a Jewish State, and with a Provisional Government which has been recognized by a number of States. Whatever may be the merits of its existence or the conclusions as to how this Jewish political entity came to be, the fact remains that it is there.

"Now, in your counter-suggestions it is proposed to eliminate this separate Jewish

political entity by creating a unitary State in the whole of Palestine. But there is no suggestion as to how this is to be done. May I inquire whether there are any views as to how this might be done by peaceful means? As Mediator I am directed by the resolution of the General Assembly 'to promote a peaceful adjustment of the future situation of Palestine'. I am fully convinced that there is no possibility whatsoever of persuading or inducing the Jews to give up their present separate cultural and political existence and accept merging in a unitary Palestine in which they would be a permanent minority. The alternative method of achieving the Arab objective would be to wipe out the Jewish State and its Provisional Government by force. This course, as Mediator, I obviously cannot recommend."

12. On 9 July, as a result of the Arab refusal to prolong the truce, hostilities started again, and I went immediately to Lake Success in order to acquaint the Security Council fully with the situation and to request its prompt and effective intervention.

The period since 15 July

13. The resolution of the Security Council of 15 July (S/902), ordering the Governments and authorities concerned to desist from further military action, also urged "upon the parties that they continue conversations with the Mediator in a spirit of conciliation and mutual concessions in order that all points under dispute may be settled peacefully".

14. Following my return to Rhodes on 19 July, after my short visit to Lake Success to attend the meetings of the Security Council, I consulted with Arab leaders on different occasions at Beirut, Amman and Alexandria. These conversations persuaded me that while the Arab States would maintain the truce, they would reject any suggestion of acceptance or recognition of the Jewish State, and would not meet with Jewish representatives. The Arab leaders had become greatly concerned and incensed about the mounting distress among the huge number of Arab refugees. They considered the solution of this problem fundamental to a settlement of the Palestine question. I recognized that, in the Arab States, public opinion on the Palestine question was considerably agitated and that each of my visits to Arab capitals projected the question into prominence in the Arab Press. I decided, therefore, in addition to the truce supervision, to concentrate my efforts in the immediate future on the problem of refugees and the demilitarization of Jerusalem, since no useful purpose could be served by taking precipitate action in forcing matters to a head. I concluded that a short "cooling-off" period as regards the basic political problems might best serve the cause of later mediation. I

decided, therefore, in the circumstances, that I could fulfil my previous commitment to attend the International Red Cross Conference in Stockholm. While there I would use the opportunity afforded by this Conference to further United Nations action in favour of immediate relief for Arab refugees.

15. The two visits which I paid to Tel-Aviv, at the end of July and early in August, made it apparent that the Jewish attitude had stiffened in the interval between the two truces, that Jewish demands in the settlement would probably be more ambitious, and that Jewish opinion was less receptive to mediation. A feeling of greater confidence and independence had grown out of Jewish military efforts during the interval between the two truces. Less reliance was placed in the United Nations and there was a growing tendency to criticize its shortcomings with regard to Palestine.

16. Following my return to Rhodes from Stockholm on 3 September, I undertook further talks with Arab and Jewish leaders in Alexandria, Amman and Tel-Aviv in the period 6 to 9 September. These talks revealed that there was, at least for the time being, no prospect of voluntary agreement between the disputants, nor any willingness on the part of Arabs to negotiate with the Jews either directly or through the Mediator. But I did sense a more moderate and reasonable atmosphere in all quarters and a tendency to discuss more realistically the basic problems.

17. As a result of these talks, I became convinced: (a) that it would be of utmost urgency that the General Assembly consider and reach decisions upon the Palestine question at its forthcoming session; (b) that if the General Assembly should reach firm and equitable decisions on the principal political issues there would be a reasonable prospect that settlement could be achieved if not by formal at least by tacit acceptance; and (c) that the truce could be maintained with reasonable fidelity throughout the General Assembly session but that it might be gravely doubted that it could be indefinitely prolonged beyond then in the absence of tangible progress toward a settlement.

18. The flight log of the special plane made available to me by the Secretary-General in connexion with the mediation effort, and without which my task would have been virtually impossible, is appended as annex III.

The Provisional Government's offer of direct negotiation

19. On 6 August 1948, Mr. Shertok, the Foreign Minister of the Provisional Government of Israel, requested me to transmit to the "Governments of the Arab States now at war with Israel our offer that their representatives should meet the representatives of the Provisional Government of Israel for the purpose of peace negotiations". I complied with this request, cabling the Arab Governments concerned and stating that I was ready to transmit their reply to the Provisional Government of Israel. Replies were subsequently received from the Governments of Syria, Lebanon and Saudi Arabia, indicating that the Secretary-General of the League of Arab States would reply on their behalf. I have received no written reply but I was informed orally by the Secretary-General of the League of Arab States in Alexandria, on 6 September, that the Arab representatives were unwilling to enter into direct negotiations with representatives of the Provisional Government of Israel. I had also previously received a written reply, dated 11 August, from the Foreign Minister of Egypt, to the effect that the Egyptian Government had accepted the cease-fire ordered in the resolutions of 29 May and 15 July out of respect for the actions of the Security Council, and that, under these resolutions, the Mediator had been charged with the task of seeking a peaceful solution. The Egyptian Government could not recognize the authority of the so-called State of Israel and therefore considered it unnecessary to reply.

20. For my part, as I had on several occasions stated to both parties, I would welcome direct negotiations at any time the parties could agree to hold them, though I was well aware that at this particular time such an offer was probably premature, since I had just discussed the question of settlement with the Arabs. I am convinced, however, that the offer was sincerely made. It had recently been brought to my attention by both Arab and Jewish officials that other offers for direct negotiations have been transmitted by Jewish representatives directly to Arab authorities. I have reaffirmed to both Arab and Jewish authorities that I would be very pleased should they find it possible to enter into direct negotiations and that I am prepared to offer every possible assistance toward that end.

IV. DEMILITARIZATION OF JERUSALEM

1. Jerusalem had greatly suffered during the period between the British evacuation and the entry into force of the first truce. When the latter began, the Old City was entirely in Arab hands, but by far the greater

part of the New City was occupied by Jewish forces. Front lines were interlocked, with dangerous pockets and narrow no man's lands. In any general fighting in Jerusalem it was clear that the Old City, in which are found

most of the Holy Places, would not be spared. The destruction of the Church of the Holy Sepulchre, the Dome of the Rock or the Wailing Wall would be an irreparable loss. It would also inflame deep-rooted religious passions.

2. The success of the negotiations which resulted on 7 July in the agreement on the demilitarization of the Mount Scopus area encouraged me to press for an agreement covering a much wider area, namely that of the City of Jerusalem as delimited in General Assembly resolution 181 (II) of 29 November 1947 or, if this proved impossible, a smaller area of the city.

3. The end of the four-week truce was imminent. On 3 July a proposal was presented to the Special Sub-Committee of the Arab League in Cairo. A similar communication was addressed to Tel-Aviv. Under this proposal, an instrument was to be signed by both parties. It would contain provisions concerning the extent of the area to be demilitarized, the position and functions of United Nations bodies which might be used in the supervision of the demilitarization, the procedure of demilitarization, the prohibition of military operations in the demilitarized area, the prohibition of the entry of fighting personnel, the prohibition of the entry of arms, ammunition and other military supplies, the rights of the civilian population, the entry of food, water and other civilian supplies, and access to the Holy Places.

4. While the Provisional Government of Israel was prepared to discuss the proposal under certain assumptions, the Arab States found it unacceptable as a whole. An emergency proposal was then made to the effect that, should the truce not be prolonged, the two parties should agree on an immediate cease-fire in Jerusalem pending a final decision on the question of demilitarization. The Provisional Government was ready to accept this proposal. The Arab States, through the Secretary-General of the Arab League, stated, on the other hand, that since they found unacceptable the proposal for the demilitarization of Jerusalem as a whole, they could not accept the proposal that, should the truce not be prolonged, there should be an immediate cease-fire in the City for the purpose of considering demilitarization.

5. I reported these facts to the Security Council in my report dated 12 July (S/888).

6. On 15 July, the Security Council, in its resolution ordering a new and indefinite truce in Palestine, also ordered "as a matter of special and urgent necessity an immediate and unconditional cease-fire in the City of Jerusalem (S/902). It further instructed the Mediator "to continue his efforts to bring about the demilitarization of the City of Jerusalem, without prejudice to the future political status of Jerusalem".

7. In the telegram containing their acceptance of that part of the Security Council's

resolution concerning the cease-fire in Jerusalem the Political Committee of the Arab League stated that they had given the necessary orders to their forces "on the understanding that talks would take place between the Arab States and the United Nations Mediator with a view to reaching an agreement to ensure security in Jerusalem without prejudice to the political future or the position and rights of Arabs in that city". Despite an understanding to the contrary on the basis of my talks in Cairo on 3 July, the telegram also stated that "when the United Nations Mediator proposed on 3 July to demilitarize Jerusalem, the Arab States accepted the proposal in principle".

8. In view of the fact that before the end of the first truce the Provisional Government of Israel had stated that it was prepared to discuss the proposal for the demilitarization of Jerusalem under certain assumptions, it seemed that negotiations with the two parties could be resumed under favourable conditions. Draft suggestions in the form of a working paper were then communicated to both parties as a basis for technical discussion.

9. On the Arab side, the Chairman and the Secretary of the Palestine Arab Higher Committee sent to me, from Damascus, on 25 July, a copy of the statement which they had communicated to the Governments of the Arab States asking them to reject *in toto* the proposal to demilitarize Jerusalem which "tends to obliterate its Arab and Islamic character, detach it from Palestine and establish an international administration therein, thus implementing the partition scheme. Furthermore, it is impossible actually to disarm the Jews, thus exposing the Holy City to their occupation".

10. The official answer of the Arab States transmitted to me by the Secretary-General of the League of Arab States on 31 July did not use the word "demilitarization". It stated: "The Arab States agree that there shall be a permanent cease-fire in Jerusalem to the end that this City shall be removed from the conflict without prejudice to the position and rights of the Arabs on to the ultimate status of the city in the settlement of the Palestine problem. Needless to emphasize that this objective cannot be attained unless the other side is ready not to attack the city or to exercise in it any military or paramilitary activities."

11. On the Jewish side, a communication signed by Mr. Shertok and dated 28 July 1948, read as follows: "(1) the Provisional Government reaffirms its rejection of the Mediator's plan of demilitarization... assumes that this particular scheme no longer stands; (2) the attitude of the Provisional Government to any plan of demilitarization emanating from the Mediator cannot but be influenced by the fact that the Mediator has proposed to place Jerusalem ultimately under Arab rule and that he has not withdrawn that proposal; (3) the Pro-

visional Government is ready, as before, to examine such scheme which, without prejudging the ultimate settlement of the problem of Jerusalem or prejudicing the vital interests of the Jewish people in the Holy City, would protect it from further destruction in the event of hostilities being resumed in other parts of Palestine". It had previously been made clear to Mr. Shertok that the question at issue was solely acceptance or rejection of the principle of demilitarization without reference to the working paper or any plan.

12. The above-quoted reply from Tel-Aviv appeared to indicate that the Jewish position regarding demilitarization had altered since the end of the first truce and raised the question whether the principle of demilitarization was still accepted by the Provisional Government. In answer to a request for clarification, Mr. Shertok replied that point (3) of his letter, quoted under paragraph 11 above, meant "acceptance in principle of any scheme which will ensure results desired". Demilitarization was not "excluded".

13. On the basis of this answer, I requested Dr. Bernard Joseph, the representative in Jerusalem of the Provisional Government, to discuss with my representatives in the city the basic principles and, subsequently, the details of a demilitarization plan. After consulting Mr. Shertok, Dr. Joseph pointed out, on 3 August, that what the former had said was that "our Government's readiness to discuss any plan did not exclude the possibility of such plans including the demilitarization of Jerusalem. He (Mr. Shertok) did not go so far as to say that our Government agreed in principle that Jerusalem should be demilitarized". And Dr. Joseph concluded "in these circumstances, I would be going beyond the decision of our Government if, at this stage, I entered into negotiations or discussions with a view to elaborating an actual plan of demilitarization. On the other hand, if any plan with regard to the future of Palestine is put before our Government, even though it includes the demilitarization of the city as one of its objects, it will receive the most careful consideration."

14. The above communication was especially regrettable in view of the fact that the

Arab reply to the identical request to enter into discussion with my representatives was in the affirmative, and was even accompanied by "notes on the demilitarization of Jerusalem" which could facilitate the discussion.

15. The worsening of the situation in Jerusalem, where heavy firing had been occurring nearly every night, compelled me at that time (early August) to concentrate my efforts on securing a permanent and unconditional ceasefire in the city both as an emergency measure and as a prerequisite to any further attempt at agreement on demilitarization.

16. On 19 August, I sent to the Security Council, on the eve of its adjournment at Lake Success, an interim report regarding the demilitarization of Jerusalem (S/979). I pointed out that the recent Jewish attitude, in my opinion, was "due more to political reasons relating to the future status of Jerusalem than to mere military considerations regarding the present conflict". The attitude of the parties was not, however, the only obstacle: "even if both parties were to agree on the issue, demilitarization could not be put into effect without a strong and adequately armed United Nations force to be provided immediately. Under these conditions, I wish to inform you that I have serious doubts whether demilitarization can be attained in the near future".

17. This report was promptly discussed by the Security Council and as a result of this discussion the President of the Security Council informed me by cable that the Security Council "desires to state that it relies on the Mediator to make all efforts to achieve speedy results on this matter (the demilitarization of Jerusalem) to which the Security Council attaches serious importance."

18. Since my return from Stockholm, I have renewed my efforts towards the demilitarization of Jerusalem. In my discussion on the subject with Mr. Shertok in Tel-Aviv on 9 September, I pointed out that it was useless for me to make further representations to the Security Council concerning the need for a United Nations armed force in a demilitarized Jerusalem unless the Jewish as well as Arab authorities were willing to accept demilitarization in principle as a prelude to detailed discussions.

V. REFUGEES

1. The question of refugees is considered in this part of the report only from the political point of view. The humanitarian and administrative aspects of this problem are dealt with in detail in part III of this report.

2. As a result of the hostilities in Palestine, an alarming number of persons have been displaced from their homes. Arabs form the vast majority of the refugees in Palestine and the neighbouring countries. The future of these

Arab refugees is one of the questions under dispute, the solution of which presents very great difficulties.

3. From the start, I held the firm view that, taking into consideration all the circumstances, the right of these refugees to return to their homes at the earliest practical date should be established. With this consideration in mind, following an exploratory conversation on the matter with the Minister of Foreign Affairs of

the Provisional Government of Israel on 26 July 1948, in Tel-Aviv, I submitted to him by cable from Rhodes on the same day the following proposal:

"The resolution of the Security Council of 15 July urges the parties to continue their 'conversations with the Mediator in a spirit of conciliation and mutual concession, in order that all points under dispute may be settled peacefully'. As indicated in my conversation with Mr. Shertok in Tel-Aviv on 26 July, one of the points under dispute is the return to their homes in Jewish-controlled area of Palestine of Arab refugees who fled because of war conditions.

"I am deeply concerned with the plight of some three hundred thousand Arab refugees scattered in Arab countries and Arab-controlled areas of Palestine. Their suffering will be intensified when winter comes. Most of them left practically all of their possessions behind and have no means at their disposal.

"I recognize the basis for the misgivings which the Provisional Government might have with regard to the return of large numbers of these refugees during the war. These misgivings derive from security as well as economic and political considerations. But I must point out that the existing truce in Palestine is of indefinite duration and that the Security Council resolution has ordered the Governments and authorities concerned to desist from further military action.

"For humanitarian reasons and because I consider the principle sound and the danger to Jewish security slight, I make the following proposals:

"(1) That, without prejudice to the question of the ultimate right of all Arab refugees to return to their homes in Jewish-controlled Palestine if they desire, the principle be accepted that, from among those who may desire to do so, a limited number, to be determined in consultation with the Mediator, and especially those formerly living in Jaffa and Haifa, be permitted to return to their homes as from 15 August.

"(2) That, among those who may wish to return, differentiation may be made between men of military age and all others in recognition of security considerations.

"(3) That the Mediator undertake to enlist the aid of appropriate international organizations and agencies in the resettlement and economic and social rehabilitation of the returning refugees".

4. These proposals were rejected by the Provisional Government of Israel in a reply received on 1 August. In this reply, the Provisional Government of Israel pointed out that it was aware of the serious plight of Arab refugees, but that action taken to deal with the problem on purely humanitarian grounds in disregard of its military, political and economic aspects might even aggravate this problem. In the circumstances of the truce, security con-

siderations alone make it impossible for the Provisional Government to agree to the Mediator's proposal. The problem could only be considered by the Provisional Government when the Arab States are ready to conclude a peace treaty with the State of Israel. The full text of this reply (S/949) is to be found in annex II.

5. On the receipt of the Jewish reply, I reported to the Security Council on the question (S/948), reiterating that, notwithstanding the views expressed by the Provisional Government of Israel, it was my firm view that the right of the refugees to return to their homes at the earliest practicable date should be affirmed.

6. It is not yet known what the policy of the Provisional Government of Israel with regard to the return of Arab refugees will be when the final terms of settlement are reached. It is, however, undeniable that no settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged by the hazards and strategy of the armed conflict between Arabs and Jews in Palestine. The majority of these refugees have come from territory which, under the Assembly resolution of 29 November, was to be included in the Jewish State. The exodus of Palestinian Arabs resulted from panic created by fighting in their communities, by rumours concerning real or alleged acts of terrorism, or expulsion. It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries.

7. There have been numerous reports from reliable sources of large-scale looting, pillaging and plundering, and of instances of destruction of villages without apparent military necessity. The liability of the Provisional Government of Israel to restore private property to its Arab owners and to indemnify those owners for property wantonly destroyed is clear, irrespective of any indemnities which the Provisional Government may claim from the Arab States.

8. It must not be supposed, however, that the establishment of the right of refugees to return to their former homes provides a solution of the problem. The vast majority of the refugees may no longer have homes to return to and their resettlement in the State of Israel presents an economic and social problem of special complexity. Whether the refugees are resettled in the State of Israel or in one or other of the Arab States, a major question to be faced is that of placing them in an environment in which they can find employment and the means of livelihood. But in any case their unconditional right to make a free choice should be fully respected.

VI. THE RESOLUTION OF THE GENERAL ASSEMBLY OF 29 NOVEMBER 1947

Arab and Jewish attitudes

1. General Assembly resolution 181 (II) of 29 November 1947 provided for the partition of Palestine into a Jewish State, an Arab State and an international territory of the City of Jerusalem, within the framework of an economic union embracing all three. This plan was accepted by the representatives of the Jewish Agency but rejected by the Arab States and the spokesman of the Arab Higher Committee, who declared that they did not consider themselves bound by the resolution. On 14 May 1948, the Jews declared the existence of a State of Israel, and when on the following day the Mandate officially ended, the newly-proclaimed Provisional Government of Israel was in control of the most important parts of the area allotted to the Jewish State by the Assembly resolution. The Provisional Government of Israel claimed that it was acting according to that resolution as far as circumstances permitted, and that it made no claim to territory beyond the boundaries of the partition resolution. When the armies of the Arab States entered Palestine on 15 May, and became involved in conflict with the Jewish forces, the Provisional Government of Israel appealed to the Security Council against the attack of the Arab States and invoked the resolution of 29 November.

2. The Arab States, on the other hand, claiming that the resolution of the Assembly was illegal and unjust, contended that they had come legitimately to the assistance of the Arabs of Palestine. Their opposition to the resolution of 29 November has continued unabated.

3. The Provisional Government of Israel, according to recent pronouncements, has apparently modified its attitude to the resolution of 29 November. Although the general position of the Provisional Government of Israel rests broadly on the foundation of the Assembly resolution, it is now being urged that boundaries should be modified to take more fully into account both the present military situation and the necessity for more readily defensible frontiers. In regard to Jerusalem, there is a more sceptical attitude towards internationalization and a marked tendency to press for the inclusion of at least the Jewish part of Jerusalem in the State of Israel.

Economic Union

4. An essential feature of the plan of partition was the integration of the three proposed territorial entities into an economic union, by which the unity of the former mandated territory was to be preserved in respect of customs,

currency and transport and communications. Such a union could, however, only function by agreement, tacit or expressed, between the parties. An economic union cannot be imposed on a completely unwilling partner, and the fact of Arab unwillingness to co-operate has inhibited the realization of the resolution of 29 November in one of its most essential features.

The boundary provisions

5. The boundary provisions of the General Assembly's resolution were also designed within the framework of economic union, which presupposes full freedom of transit, and therefore, within that framework, no difficulty was foreseen in providing for separated parts of the Jewish and Arab States joined to their other parts merely at points of intersection of frontiers. This arrangement, while rational within the framework of an economic union, is open to serious objections if no such union exists. The assumptions of the Assembly resolution largely excluded military considerations in the determination of the boundaries between the three parts of Palestine. Also the proposed boundaries were related to the then existing distribution of population, a distribution which temporarily, at least, has been significantly affected by the large-scale movements of Arab refugees.

The proposed Arab State

6. The effective establishment of a Jewish State in an area which corresponds in large measure to that envisaged in the partition plan has already been accomplished by the events of the past few months. As regards the parts of Palestine under Arab control, no central authority exists and no independent Arab State has been organized or attempted. This situation may be explained in part by Arab unwillingness to undertake any step which would suggest even tacit acceptance of partition, and by their insistence on a unitary State in Palestine. The partition plan presumed that effective organs of State government could be more or less immediately set up in the Arab part of Palestine. This does not seem possible today, in view of the lack of organized authority springing from Arab Palestine itself, and the administrative disintegration following the termination of the Mandate.

7. The partition plan took into account that a partition of Palestine without economic union would leave the Arab State economically non-viable, unless the population should be forced to submit to a substantial fall in its standard of

living. This problem was met in the partition plan by economic union, which, by maintaining the essential economic unity of the whole area, attempted to ensure that the flow of capital and labour and the consequent distribution of economic activity would not be greatly influenced by partition. Further, it attempted to meet a substantial fall in standards of social and public services in the Arab State by including the whole area in a single customs union, and by providing for a division of the revenues of the union in such a manner as to offset materially the effects of partition on the distribution of public expenditure and revenue.

8. A Jewish State, whose boundaries have not yet been established, has come into existence, although not in the manner envisaged in the resolution of 29 November. Thus, there now exists in Palestine a form of partition, though an Arab State, for which the partition plan provided has not materialized and there is no economic union. The problem of the future of the Arab part of Palestine and its economic viability is therefore thrust into the foreground.

The problem of Jerusalem

9. The Assembly resolution of 29 November provided that Jerusalem and the surrounding area, including Bethlehem, should be established as a *corpus separatum* under a special international regime, which also was to be an integral part of the economic union. It is quite evident that an area as small as this could hardly exist as a separate entity unless economically integrated into the larger surrounding territory. Such integration would have been effectively provided by the economic union, which guaranteed freedom of transit and the maintenance of a unified system of transport and communications. It also provided for adequate public revenue for the area by the reversion to it of a 5 to 10 per cent share of the revenues of the economic union. In so far, therefore, as the complexity of interests involved may require the treatment of Jerusalem as a special case by the creation of an international regime, and since economic union is not immediately practicable, the problem of economic viability assumes great importance.

VII. PROTECTION OF THE HOLY PLACES ; COMMON SERVICES

1. By the provisions of resolution 186 (S/2), adopted by the General Assembly on 14 May, the Mediator was to use his good offices not only to "promote a peaceful adjustment of the future situation of Palestine", but also to "arrange for the operation of common services necessary to the safety and well-being of the population" and to "assure the protection of the Holy Places, religious buildings and sites in Palestine".

Protection of the Holy Places

2. Authorities on both sides have tried to preserve and protect the Holy Places, religious buildings and sites. Many religious buildings, however, are located in areas where heavy fighting has occurred, and some of them have been destroyed. Synagogues have thus been demolished in the Jewish quarter of the Old City of Jerusalem. Even during the present truce Jerusalem remains a critical spot where shelling by mortars and artillery in various parts of the city frequently takes place. Thus the Holy Places are in constant danger. Damage to many such structures cannot be fully repaired under existing conditions and further deterioration will occur. Military authorities have requisitioned many hospitals, hospices and schools belonging to religious orders. The Church of the Holy Sepulchre has been hit once, with no appreciable damage. The Church of Dormition in the Old City has been severely hit, but its walls are still standing. The Mount

of Olives and the Garden of Gethsemane have been spared and their religious buildings remain intact. The Haram-esh-Sharif, including the Dome of the Rock, has suffered damage from shelling. Windows have been broken and inlaid work shattered. The Church of the Nativity and other religious sites in Bethlehem have suffered no damage.

3. Apart from the efforts of official authorities on both sides, the protection of the Holy Places, religious buildings and sites has been assured to the extent possible, particularly in Jerusalem, by the intervention of the United Nations observers. Representations regarding attacks against or the military occupation and use of religious buildings in the Jerusalem front lines have also been made by the Truce Commission.

4. The demilitarization of Jerusalem, more than any other action, would ensure the safety of its Holy Places and religious buildings.

Common services

5. As regards common services, arrangements for their operation are obviously impossible so long as the interested parties refuse to meet each other. Moreover, since the truce is interpreted by them literally, as only a suspension of hostilities accompanied by no change in spirit, there is no abatement of hostile feelings which would permit some resumption of normal intercourse.

VIII. CONCLUSIONS

1. Since I presented my written suggestions to the Arab and Jewish authorities on 27 June, I have made no formal submission to either party of further suggestions or proposals for a definitive settlement. Since that date, however, I have held many oral discussions in the Arab capitals and Tel-Aviv, in the course of which various ideas on settlement have been freely exchanged. As regards my original suggestions, I hold to the opinion that they offered a general framework within which a reasonable and workable settlement might have been reached, had the two parties concerned been willing to discuss them. They were flatly rejected, however, by both parties. Since they were put forth on the explicit condition that they were purely tentative, were designed primarily to elicit views and counter-suggestions from each party, and, in any event, could be implemented only if agreed upon by both parties, I have never since pressed them. With respect to one basic concept in my suggestions, it has become increasingly clear to me that, however desirable a political and economic union might be in Palestine, the time is certainly not now propitious for the effectuation of any such scheme.

2. I do not consider it to be within my province to recommend to the Members of the United Nations a proposed course of action on the Palestine question. That is a responsibility of the Members acting through the appropriate organs. In my role as United Nations Mediator, however, it was inevitable that I should accumulate information and draw conclusions from my experience which might well be of assistance to Members of the United Nations in charting the future course of United Nations action on Palestine. I consider it my duty, therefore, to acquaint the Members of the United Nations, through the medium of this report, with certain of the conclusions on means of peaceful adjustment which have evolved from my frequent consultations with Arab and Jewish authorities over the past three and one-half months and from my personal appraisal of the present Palestinian scene. I do not suggest that these conclusions would provide the basis for a proposal which would readily win the willing approval of both parties. I have not, in the course of my intensive efforts to achieve agreement between Arabs and Jews, been able to devise any such formula. I am convinced, however, that it is possible at this stage to formulate a proposal which, if firmly approved and strongly backed by the General Assembly, would not be forcibly resisted by either side, confident as I am, of course, that the Security Council stands firm in its resolution of 15 July that military action shall not be employed by either party in the Palestine dispute. It cannot be ignored

that the vast difference between now and last November is that a war has been started and stopped and that in the intervening months decisive events have occurred.

SEVEN BASIC PREMISES

3. The following seven basic premises form the basis for my conclusions :

Return to peace

(a) Peace must return to Palestine and every feasible measure should be taken to ensure that hostilities will not be resumed and that harmonious relations between Arab and Jew will ultimately be restored.

The Jewish State

(b) A Jewish State called Israel exists in Palestine and there are no sound reasons for assuming that it will not continue to do so.

Boundary determination

(c) The boundaries of this new State must finally be fixed either by formal agreement between the parties concerned or failing that, by the United Nations.

Continuous frontiers

(d) Adherence to the principle of geographical homogeneity and integration, which should be the major objective of the boundary arrangements, should apply equally to Arab and Jewish territories, whose frontiers should not, therefore, be rigidly controlled by the territorial arrangements envisaged in the resolution of 29 November.

Right of repatriation

(e) The right of innocent people, uprooted from their homes by the present terror and ravages of war, to return to their homes, should be affirmed and made effective, with assurance of adequate compensation for the property of those who may choose not to return.

Jerusalem

(f) The City of Jerusalem, because of its religious and international significance and the complexity of interests involved, should be accorded special and separate treatment.

International responsibility

(g) International responsibility should be expressed where desirable and necessary in the form of international guarantee, as a means of allaying existing fears, and particularly with regard to boundaries and human rights.

SPECIFIC CONCLUSIONS

4. The following conclusions, broadly outlined, would, in my view, considering all the circumstances, provide a reasonable, equitable and workable basis for settlement :

(a) Since the Security Council, under pain of Chapter VIII sanctions, has forbidden further employment of military action in Palestine as a means of settling the dispute, hostilities should be pronounced formally ended either by mutual agreement of the parties or, failing that, by the United Nations. The existing indefinite truce should be superseded by a formal peace, or at the minimum, an armistice which would involve either complete withdrawal and demobilization of armed forces or their wide separation by creation of broad demilitarized zones under United Nations supervision.

(b) The frontiers between the Arab and Jewish territories, in the absence of agreement between Arabs and Jews, should be established by the United Nations and delimited by a technical boundaries commission appointed by and responsible to the United Nations, with the following revisions in the boundaries broadly defined in the resolution of the General Assembly of 29 November in order to make them more equitable, workable and consistent with existing realities in Palestine.

(i) The area known as the Negeb, south of a line running from the sea near Majdal east-southeast to Faluja (both of which places would be in Arab territory), should be defined as Arab territory ;

(ii) The frontier should run from Faluja north northeast to Ramleh and Lydda (both of which places would be in Arab territory), the frontier at Lydda then following the line established in the General Assembly resolution of 29 November ;

(iii) Galilee should be defined as Jewish territory.

(c) The disposition of the territory of Palestine not included within the boundaries of the Jewish State should be left to the Governments of the Arab States in full consultation with the Arab inhabitants of Palestine, with the recommendation, however, that in view of the historical connexion and common interests of Transjordan and Palestine, there would be compelling reasons for merging the Arab territory of Palestine with the territory of Transjordan, subject to such frontier rectifications regarding other Arab States as may be found practicable and desirable.

(d) The United Nations, by declaration or other appropriate means, should undertake to provide special assurance that the boundaries between the Arab and Jewish territories shall be respected and maintained, subject only to such modifications as may be mutually agreed upon by the parties concerned.

(e) The port of Haifa, including the oil refineries and terminals, and without prejudice to their inclusion in the sovereign territory of the Jewish State or the administration of the city of Haifa, should be declared a free port, with assurances of free access for interested Arab countries and an undertaking on their part to place no obstacle in the way of oil deliveries by pipeline to the Haifa refineries, whose distribution would continue on the basis of the historical pattern.

(f) The airport of Lydda should be declared a free airport with assurance of access to it and employment of its facilities for Jerusalem and interested Arab countries.

(g) The City of Jerusalem, which should be understood as covering the area defined in the resolution of the General Assembly of 29 November, should be treated separately and should be placed under effective United Nations control with maximum feasible local autonomy for its Arab and Jewish communities, with full safeguards for the protection of the Holy Places and sites and free access to them, and for religious freedom.

(h) The right of unimpeded access to Jerusalem, by road, rail or air, should be fully respected by all parties.

(i) The right of the Arab refugees to return to their homes in Jewish-controlled territory at the earliest possible date should be affirmed by the United Nations, and their repatriation, resettlement and economic and social rehabilitation, and payment of adequate compensation for the property of those choosing not to return, should be supervised and assisted by the United Nations conciliation commission described in paragraph (k) below.

(j) The political, economic, social and religious rights of all Arabs in the Jewish territory of Palestine and of all Jews in the Arab territory of Palestine should be fully guaranteed and respected by the authorities. The conciliation commission provided for in the following paragraph should supervise the observance of this guarantee. It should also lend its good offices, on the invitation of the parties, to any efforts toward exchanges of populations with a view to eliminating troublesome minority problems, and on the basis of adequate compensation for property owned.

(k) In view of the special nature of the Palestine problem and the dangerous complexities of Arab-Jewish relationships, the United Nations should establish a Palestine conciliation commission. This commission, which should be appointed for a limited period, should be responsible to the United Nations and act under its authority. The commission, assisted by such United Nations personnel as may prove necessary, should undertake.

(l) To employ its good offices to make such recommendations to the parties or to the United Nations, and to take such other steps

as may be appropriate, with a view to ensuring the continuation of the peaceful adjustment of the situation in Palestine ;

(II) Such measures as it might consider appropriate in fostering the cultivation of friendly relations between Arabs and Jews ;

(III) To supervise the observance of such boundary, road, railroad, free port, free airport,

minority rights and other arrangements as may be decided upon by the United Nations ;

(IV) To report promptly to the United Nations any development in Palestine likely to alter the arrangements approved by the United Nations in the Palestine settlement or to threaten the peace of the area.

ANNEX I

Correspondence exchanged between the parties and the United Nations Mediator, relating to the suggestions of 27 June 1948

1. LETTER DATED 3 JULY 1948, ADDRESSED TO THE UNITED NATIONS MEDIATOR BY THE SECRETARY-GENERAL OF THE LEAGUE OF ARAB STATES

I have the honour to inform Your Excellency that the Political Committee of the League of Arab States, composed of their Foreign Ministers, has received your letter dated 27 June 1948, and carefully examined the suggestions you have put forth, in your capacity as United Nations Mediator, with a view to arriving at a peaceful adjustment of the future situation of Palestine, and has asked me to bring the following to your notice, in reply to your letters of the same date addressed to the Foreign Ministers of the Arab States :

1. The Committee was glad to note what you recorded in the introductory statement accompanying your suggestions that the agreement to cease fire has brought a calmer atmosphere more favourable to the task of mediation entrusted to you by the General Assembly of the United Nations, and would like once more, before embarking on a careful analysis of the suggestions advanced and expressing its views thereon, to assure Your Excellency that it was only the Arab States' desire to cooperate with you in working out a peaceful solution of the Palestine problem and in creating the atmosphere best favourable for carrying out your task of mediation, and their equally keen desire to demonstrate their peaceful intentions to the world, that led them to agree to cease fire under the conditions Your Excellency proposed.

2. It had been agreed upon and decided that these conditions should be strictly observed in order to guard against the possible occurrence in the interval of any changes in the respective position of the parties concerned as they stood at the time of cease-fire on 11 June by which either party might benefit at the expense of the other.

The Arab States have loyally and most carefully respected these conditions, actuated in so doing by the desire to ensure the realization of the purpose at which they aimed. The other side, however, persisted in their disrespect and violation of these conditions, committing repeated breaches to which your attention has been duly drawn by the Arab States, and continued their provocative and aggressive activities in various parts of the country.

Undoubtedly your observers must have recorded all these activities by which the other side has greatly benefited, so much so indeed that hundreds of immigrants of military age have entered the

country, in addition to large quantities of arms, munitions and other war material. At the same time the other side has begun to fortify and consolidate its positions. It has actually occupied a number of strategic points and succeeded in provisioning some of its besieged forces. Furthermore, Zionist forces have prevented the Arab inhabitants of the areas they now occupy from gathering their harvest and used them for the erection of new fortifications.

All these activities are incompatible with the cease-fire conditions and detrimental to the position of the Arabs in the country, and the Committee avails itself of this opportunity once more to place on record these breaches and violations of the cease-fire conditions.

3. Your Excellency mentioned that the basic issues involved in the Palestine problem relate to partition, the establishment of a Jewish State and Jewish immigration, and stated that you had thoroughly studied, weighed and appraised the positions taken by the two parties. Your Excellency further interpreted your role of Mediator as one involving the offering of suggestions on the basis of which further discussions might take place, and that counter-suggestions might possibly be put forth in an endeavour to arrive at a peaceful settlement of the problem. You also declared that your analysis had taken into account the equities involved and the aspirations, fears and the motivations of the two parties, as well as the realities of the situation, and that you had come to the conclusion that it would be incompatible with the principles of equity and quite inconsistent with practical grounds to call upon either party to surrender completely its position, and that in the light of this analysis you saw a possibility of giving adequate assurances to both parties with regard to the vital factors in their respective positions. You concluded by stating that there was happily a common denominator which was acceptable to both sides — the recognition of the necessity for peaceful relations between Arabs and Jews in Palestine and of the principle of economic unity, and you stressed the point that it was with all these considerations in mind that you put forth your suggestions.

4. Your Excellency will recall what you have told the Political Committee at its meeting in Cairo on 15 June 1948, that you have accepted the task of Mediator unbound by any previous decisions. You will also recall the statement to the same effect you made before the special Sub-Committee at its meeting on 16 June 1948, when you declared

at the close of the afternoon sitting that the suggestions you proposed to put forth would in no way be based on the *status quo* in Palestine.

The suggestions advanced surprised the Political Committee because they are a reproduction of the basis of the partition plan which led to the present armed dispute, and aim at ensuring to one party all its ambitions while neglecting the aspirations and rights of the Arabs, who are the original owners of the country.

5. In compliance with Your Excellency's desire, the Political Committee has very carefully studied the suggestions, and was indeed surprised to find that the very first — that of considering the territories of the Hashemite Kingdom of Transjordan as part of Palestine — stood on a false basis. In fact, involving that kingdom in the Palestine problem does not only exceed the terms of reference of mediation, but also constitutes a deliberate confirmation of the Zionists' false assertion that Palestine comprises the territories of that kingdom, an allegation which has never been conceded.

The Political Committee really cannot understand the motive of such an implication, nor the reasons that prompted you to consider it as a possible solution of the Palestine problem, the more so as the Hashemite Kingdom of Transjordan is an independent sovereign State, the independence of which is internationally recognized, and moreover it is an original member of the League of Arab States. Furthermore, that kingdom, long before the termination of the Mandate, was a State which led an autonomous existence, with a Head of State and Government of its own people. At that time, Palestine was directly governed by the Mandatory Power.

The Hashemite Kingdom of Transjordan opposes the partition of Palestine and the establishment of a Jewish State therein, and its armies, together with those of other Arab States, have entered Palestine in order to deliver the country from the Zionist aggression and restore security, peace and order to the Holy Land.

His Excellency the Transjordan Prime Minister, who attended the meetings of the Political Committee, proclaimed these realities in the following forceful and most eloquent declaration :

"I believe it is incumbent upon me to say a word about Count Bernadotte's suggestion, because it exceeds his terms of reference to involve the Hashemite Kingdom of Transjordan in the Palestine problem, on the ground that it lay within the boundaries of the Mandate as defined in 1922 — a false claim upheld by the Zionists, and loudly proclaimed by them on every occasion, despite the fact that our country has become an independent sovereign State, whose independence has been recognized by many a Power, and that it is an original member of the League of Arab States.

"The problem now at issue is the problem of Palestine and of finding a solution thereto. The Hashemite Kingdom of Transjordan should never be implicated in that problem, nor should Transjordan be forced into a union with a Jewish State.

"Our position is clear, and has been proclaimed on every occasion. It is never to allow the creation of a Jewish State in Palestine, and to exclude partition. And our object is to co-operate with other Arab States in her deliverance. Once this aim is attained, the determination of her future

status is the right and concern of her own people. Theirs alone is the last word. We have no other object or aim in view. This is our attitude, which is an interpretation of the opinion of His Hashemite Majesty and that of his Government and people."

The Political Committee strongly upholds His Excellency in his declaration of these facts, on which all are agreed, and in placing these facts before Your Excellency, the Committee expresses the hope that no doubts will be entertained as to their accuracy.

6. The suggestions put forth by Your Excellency may be summed up as follows :

"(a) The formation of a union in Palestine comprising two members, one Arab and one Jewish, with the willingness of the directly interested parties. The boundaries of the two member States to be determined with the assistance of the Mediator. The purposes and functions of the union should be to promote common economic interests, such as customs, excise, etc., to undertake the development of projects, and to co-ordinate foreign policy and measures of common defence, which lay within the full control of each of the members of the union.

"(b) Immigration to the respective territories of the two members of the union during the first two years should be within the competence of each member. Thereafter, either member would be entitled to request the council of the union to review the immigration policy of the other member and to render a ruling thereon in the terms of the common interest of the union. In the event of the inability of the Council to reach a decision on the matter, the issue should be referred to the Economic and Social Council of the United Nations, whose decision, in accordance with the principle of economic absorptive capacity, would be final.

"(c) Protection of religious and minority rights, preservation of the Holy Places and full guarantee of free access thereto, in accordance with the *status quo*.

"(d) Certain territorial arrangements, which might be worthy of consideration."

7. It is evident that these suggestions as a whole go to realize Zionist ambitions in respect of the partition of Palestine and the establishment of a Jewish State, in addition to the benefits they would derive from the economic unity by which you propose to bind both members.

As to immigration, which is the object of the fundamental dispute between the two parties, Your Excellency's suggestion does not only ensure the realization of all Zionist designs, but exceeds the provisions of the partition plan recommended by the General Assembly of the United Nations at its meeting of 29 November 1947. In fact, whereas the partition plan restricts immigration to a part of Palestine — the area to be allocated to the proposed Jewish State — the union proposal opens for it a far wider scope throughout the whole of Palestine and even the Hashemite Kingdom of Transjordan.

In this respect, the suggestion constitutes a discriminatory privilege to the Jews at the expense of the Arabs. Your Excellency further suggested that matters at issue between the two members of the union in connexion with the immigration policy be referred for final decision to the Economic and

Social Council of the United Nations, which should in rendering its decision take into account the principle of economic absorptive capacity.

Considering that immigration is the pivot on which the dispute between the two parties revolves, and is being utilized by the Zionists as an effective instrument for the realization of their political designs in Palestine and other Arab countries, in accordance with their plan known as "The Biltmore Programme", the conception of the suggestion is liable to lead to the continuation of this dispute.

There remains the suggestion for the economic unity of the two members of the union. This is sure evidence that the political partition of Palestine is an artificial move and that economic unity is intended to remedy its flaws and defects.

It is a known fact that the Zionists cannot lead an economic existence independent of the Arabs. Economic unity therefore is intended for safeguarding Zionist interests and the exploitation of the Arabs. This is not the case with the Arabs who, thanks to their co-operation with other neighbouring countries, are in a position to lead an economic existence. Your Excellency will recall that the partition plan recommended by the United Nations Special Committee on Palestine, provided for the formation of economic unity between the Arab and Jewish States for the simple reason that the country cannot prosper economically without such unity. This clearly means that the country is indivisible economically. How could it then be divided politically?

As to the protection of minority rights and the preservation of the Holy Places, the Arabs have incessantly claimed it and worked for its realization. They have even expressed both to the Mandatory Power and the United Nations their willingness to accept all the guarantees necessary to ensure such protection.

Even the territorial arrangements annexed to the suggestions are based on partition and the establishment of a Jewish State, and are bound to lead to the same defects as the partition plan, which allocates to the Jews an area, half of the population of which are Arabs and possess the bulk of its land, while neglecting the rights of the Arabs and their natural aspirations.

Your Excellency will recall that the partition plan recommended by the General Assembly of the United Nations last year was categorically rejected by the Arabs and was the cause of the grave disturbances which led to so much bloodshed and destruction in Palestine as to have caused some of the supporters of the plan to abandon it.

The Security Council itself, after attempting during long months to find the means for its peaceful implementation, has failed and proposed the dissolution of the Partition Commission and the convocation of a special session of the General Assembly to reconsider the question.

8. The Political Committee took great care to give most careful consideration to the suggestions advanced in the hope of finding therein a remedy for the present state of things. It has compared them with the principles and ideals by which, as you mention, you were guided in drawing them up. The Committee also compared them with the declarations you made in respect of your having assumed the role of Mediator unbound by any previous decisions, and that the suggestions

were in no way based on the *status quo* in Palestine.

Unfortunately, the suggestions have proved to be most disappointing to the Arabs, because they aim at the realization of all Zionist ambitions and tend to grant to the Zionists more than was provided for by the partition plan, which was doomed to failure. Furthermore, the suggestions do not guarantee for the Arabs any of their demands, thus demonstrating that they did not weigh the causes of the present dispute and that no attempts were made at uprooting them. On the contrary, they made matters worse by the creation of additional causes of a nature to aggravate an already grave situation, and bring us no nearer to the peaceful solution which would put an end to aggression, safeguard legitimate rights, ensure the return of law and order and guarantee the restoration of security, peace and prosperity in this area.

For these reasons, the Political Committee deeply regrets to state that it cannot accept these suggestions as a suitable basis for discussion.

The Political Committee, considering the earnest desire of all the Arab States to co-operate closely with Your Excellency in your endeavours to arrive at a solution which would best guarantee the restoration of security and peace to Palestine, suggests the adoption of the attached proposal as a basis for discussion. In addition to its being based on the principles of justice and democracy, the proposal happily agrees, to a large extent, with many of the principles and ideals embodied in Your Excellency's introductory statement.

(Signed) Abdul Rahman AZZAM
Secretary-General of the League of Arab States

Draft of the Constitution and future Government of Palestine

1. A provisional government, representative of all important sections of the citizenry in proportion to their numerical strength, should be set up as early as possible in Palestine;

2. The provisional government should, as soon as practicable, enact an electoral law for the setting up of a constituent assembly, prepare an electoral register, and hold elections for the constituent assembly;

3. The constituent assembly should also function as a legislature, and the provisional government should be responsible to it until elections for a legislature are held under the new constitution;

4. While the task of framing a constitution for Palestine must be left to the constituent assembly, the following principles must be strictly adhered to:

(i) Palestine shall be a unitary and sovereign State;

(ii) It shall have a democratic constitution, with an elected legislature and an executive responsible to the legislature;

(iii) The constitution shall provide guarantees for the sanctity of the Holy Places covering inviolability, maintenance, freedom of access and freedom of worship in accordance with the *status quo*;

(iv) The constitution shall guarantee respect for human rights and fundamental freedoms

without distinction as to race, sex, language or religion, and freedom of religious belief and practice in accordance with the *status quo* (including the maintenance of separate religious courts to deal with matters of personal status);

(v) The constitution shall guarantee the rights of religious bodies or other societies and individuals to maintain, in addition to educational establishments administered by public authority, educational institutions of their own, subject to normal government supervision and inspection;

(vi) The constitution shall recognize the right of Jews to employ Hebrew as a second official language in areas in which they are in a majority;

(vii) The law of naturalization and citizenship shall provide, among other conditions, that the applicant should be a legal resident of Palestine for a continuous period to be determined by the constituent assembly;

(viii) The constitution shall ensure adequate representation in the executive and the administration of the distribution of representation in the legislature;

(ix) The constitution shall authorize the legislature to invest local authorities with wide discretion in matters connected with education, health and other social services;

(x) The constitution shall provide for the setting up of a supreme court, the jurisdiction of which shall include, *inter alia*, the power to pronounce upon the constitutional validity of all legislation, and it shall be open to any aggrieved party to have recourse to that tribunal;

(xi) The guarantees contained in the constitution concerning the rights and safeguards of the minorities shall not be subject to amendment or modification without the consent of the minority concerned expressed through a majority of its representatives in the legislature.

2. COMMENTS BY THE MEDIATOR ON THE ABOVE OBSERVATIONS OF THE LEAGUE OF ARAB STATES HANDED TO THE COMMITTEE IN CAIRO ON 3 JULY 1948.

I. General comments

1. As indicated clearly in paragraph 6 of the introductory statement to my suggestions, these are merely *suggestions* which I have put forth. They are tentative ideas only, and I have never expected that they would meet with unqualified approval by either party. The reactions of each party, however, can be very helpful in my continuing efforts at mediation.

2. What is my role as Mediator? Apart from the trust put in me by the United Nations, I come before you single-handed. I can personally make no decisions, impose no sanctions. Every idea set forth in my suggestions would require *voluntary* acceptance by both parties. I can force nothing on either party. As Mediator, I have but one purpose — to leave no stone unturned in my effort to bring about a peaceful adjustment of the situation in Palestine. I can make progress toward a just and reasonable settlement only as I could make progress in the truce negotiations — by discovering some formulation on which there is a reasonable

chance of gaining the agreement of both Arabs and Jews. Otherwise, it is inevitable that there will be a resumption of fighting unless some authority with greater power than I have can prevent it.

II. Specific comments

I have read with great care and interest the reply of the Political Committee of the League of Arab States to my suggestions. The reactions of the Arab States are set forth with clarity and precision. I have the following specific comments to make on this reply.

1. As regards the comments on the supervision of the observance of the truce, I may inform you that the various notes which I have received from you on this matter have been referred to Colonel Bonde, my Deputy in charge of the truce supervision. At an early date I will be in position to present a full report on these complaints. I may add that complaints of this nature have come from both sides, in approximately equal volume.

2. As regards paragraph 4 of your reply, I may say that it is my conviction that the suggestions which I have put before you are in no way based on the *status quo* in Palestine either *de facto* or *de jure*, for the following reasons:

(a) The *de facto* situation is that a Jewish Provisional Government, recognized by an increasing number of States, exists in an area of Palestine without there being at this time any restrictions on its authority or power with regard to any of the basic functions of a sovereign State. That *de facto* situation, I know, is what you are fighting to eliminate; but the fact remains that it is there. In my suggestions I have hinted at the possibility of placing substantial restrictions on this Jewish political entity — restrictions on its authority which in no way exist at present.

(b) The *de jure* situation is that the resolution of 29 November of the General Assembly has not been annulled as a decision of that body, though the United Nations has not implemented it, and the United Nations Palestine Commission has been relieved of its responsibilities. That resolution provided a certain framework for a Jewish State in Palestine. I have not, however, considered myself bound by it, and I have presented in my suggestions a quite different arrangement, both as regards structure and territorial boundaries.

(c) I cannot, therefore, agree at all with your contention that my suggestions are "a reproduction of the basis of the partition plan..."

3. With reference to paragraph 5 of your reply, I cannot agree with the statement that my reference to the Kingdom of Transjordan in paragraph 1 of my suggestions "exceeded the terms of reference of mediation". My mandate under the resolution of the General Assembly of 14 May is broad, namely, to "promote a peaceful adjustment of the future situation of Palestine". My reference to Transjordan was a purely optional one and it was made very specific that this suggestion was "subject to the willingness of the directly interested parties to consider such an arrangement". That included primarily Transjordan, and if the Hashemite Kingdom of Transjordan is unwilling to consider the arrangement the suggestion is clearly impractical.

4. The motive for the reference to the Hashemite Kingdom of Transjordan in this context is to be found in the fact that Transjordan is adjacent to Palestine over a long frontier, and has in the past, as now, been closely associated with it. The suggestion for a union was advanced only in skeleton form, and very tentatively. Had my envoys been afforded the opportunity to explain the suggestion to you, they would have made it clear that such an arrangement could be worked out in a way which would in no wise affect the present sovereign status of the Hashemite Kingdom of Transjordan.

5. With regard to paragraph 7 of your reply, I cannot share your opinion that my "suggestions as a whole go to realize Zionist ambitions in respect of the partition of Palestine and the establishment of a Jewish State..." In this regard, I may make the following comments :

(a) My suggestion would greatly increase the Arab population and influence in the Palestine area by closely associating Palestine with Transjordan.

(b) The Jewish member of this union would be subject to a number of important restrictions upon its present freedom of action.

(c) The benefits of economic union would work to the advantage of both Arab and Jewish members of the union.

(d) The Jewish member would be in a position which would virtually compel it to pursue policies which would ensure peaceful relations with the Arabs who surround it.

6. Concerning the reference to immigration in paragraph 7 of your reply, I may say that if my envoys had been consulted as to the meaning of this point in my suggestions, this part of your reply would have been unnecessary. My suggestions were presented in outline form only, and therefore their precise intent may at times have appeared obscure. I can assure you, however, that the sole intent of paragraph 6 of my suggestions is that each member would be exclusively entitled to control entry into its borders. Thus there could be no question of the Arab member being required to admit Jews into its borders against its consent. The intent of the suggestion is to provide a means of limiting Jewish immigration into the Jewish area before that saturation point is reached which might endanger neighbouring Arab areas and peoples.

7. With respect to the reference in paragraph 7 of your letter to economic unity as an advantage to the Jews, I must repeat that I cannot believe otherwise than that economic unity in Palestine, under whatever arrangement, would be of very great advantage to *both* Arabs and Jews. In fact, taking into account the present situation, I really believe that it is of even greater advantage to Arabs than to Jews.

8. I have noted the counter-suggestions which are appended to your letter. I was not prepared at the time I last met with the Sub-Committee to comment on these counter-suggestions. The other side, of course, was also entitled to offer counter-suggestions, and I thought it advisable not to comment on those of one side until the other side had at least had an opportunity to present to me its reactions and further views. I have now received the Jewish reply and have communicated my

comments on it to the appropriate Jewish authorities.

9. I cannot conclude these brief comments without emphasizing the importance which I attach to your reference to the earnest desire of all the Arab States to co-operate closely with me in my endeavours "to arrive at a solution which would best guarantee the restoration of security and peace to Palestine". Your co-operation is vital. I am ready to continue my efforts with perseverance and patience, if you and the other party are earnestly prepared to strive for peace.

3. COMMENTS BY THE MEDIATOR ON THE ARAB COUNTER-SUGGESTIONS, TRANSMITTED TO THE POLITICAL COMMITTEE OF THE LEAGUE OF ARAB STATES BY LETTER DATED 5 JULY 1948

In the letter of 3 July setting forth the views of the Political Committee of the League of Arab States on my suggestions, there was attached a "proposal as a basis for discussion" under the heading "Draft of the Constitution and future Government of Palestine". I have studied this proposal with great care and now wish to communicate to you my views on it.

1. You will understand, I hope, that I must analyse and appraise your proposal in the light of my role as Mediator. As Mediator my fundamental approach to any proposal must always be an assessment of the possibility it may afford for promoting a peaceful adjustment of the future situation of Palestine. In this regard, you will recall that in paragraph 6 of the introductory statement to my suggestions, I pointed out that my analysis of the existing situation in Palestine had "convinced me that on grounds of equity as well as on practical grounds, it is impossible for me as Mediator to call upon either party to surrender completely its position". I take this opportunity to reaffirm that conviction.

2. You will agree with me, I feel sure, that the proposal you have put forth incorporates in outline the basic tenets of the Arab position as presented to me in our earlier discussions. I gather that, on the whole, it is not designed to be a compromise proposal but rather a concise formulation of the Arab position. Although there is no commentary accompanying the Arab proposal, I take it for granted that it was not put forth on any assumption that the Jews would be likely to accept it as a basis for discussion.

3. As to the specific provisions of your proposal I may offer the following brief comments :

(a) In paragraph 1 of your proposal I note that the principle of proportional representation is recognized. In this regard, however, the use of the term "citizenry" involves an element of ambiguity, since the crucial question, from the standpoint of the Jewish minority, is the basis of determination of citizenship and a clear indication of how many of the Jews now in Palestine would be accepted as citizens in the proposed new unitary, sovereign State of Palestine. Paragraph 4 (VII) leaves this question entirely open. Moreover, a relevant question arises regarding the fate of those Jews not to be accorded citizenship rights.

(b) The system of proportional representation in paragraph 1 applies to the proposed provisional

government. The principle of proportional representation in the permanent machinery of government is not as clearly set forth in the other paragraphs of the proposal, although this may have been the intent of paragraph 4 (VIII).

(c) In any case, however, the net effect of the proposal would be that the Jewish community of Palestine would become a permanent cultural and political minority in the unitary State of Palestine. The inclusion of the proportional representation provision in the Arab proposal is an apparent recognition of this fact.

(d) In paragraph 4 (VI) it is noted that the right of Jews to employ Hebrew as a second official language applies only to "areas in which they are in a majority". This would seem to be a very severe limitation on the recognition of the cultural rights and privileges of a substantial minority group. Moreover, the meaning of "areas" in this context is extremely ambiguous.

(e) Paragraph 4 (IX) similarly presents a very narrow version of accepted practice as regards municipal autonomy, since local authorities may be vested with discretionary power only with respect to "social services".

(f) It is of considerable significance that paragraph 4 (X) gives no hint as to the intended composition of the proposed supreme court or of the basis of selection of its members.

(g) The provision of paragraph 4 (XI) would seem to provide an adequate safeguard for such of the rights of the minority population as might be specifically enumerated in the proposed constitution, but no more than this.

(h) It is noteworthy also that the proposal makes no reference to economic rights, to immigration, to the police forces, or to the defence force of the proposed unitary State.

4. It may be contended with considerable cogency that the creation of a unitary and sovereign State in Palestine with the processes of government based on proportional representation, is fully consistent with democratic principles and procedures. But this does overlook certain vital facts which are peculiar to Palestine. The Jews of Palestine have been all along and are now in fact a completely separate cultural and political community. Under the Mandate they were permitted to maintain their separate and virtually autonomous cultural and political institutions. Moreover, this Jewish community, from whatever motives and for whatever reasons, is imbued with an intensely nationalist spirit, a nationalism which rivals in intensity the nationalism of Palestinian Arabs.

5. A unitary State of Palestine with a substantial minority population of this kind could only be a troubled State unless the minority population and its nationalist aspirations were thoroughly crushed by forceful measures. It is futile to assume that the Jewish community could undergo a rapid change of heart.

6. You will understand, of course, that I have come to this problem as a Mediator. I have come to try to mediate a dispute between two parties locked in a violent conflict. And what do I find? I find in Palestine a substantial area which is fully under Jewish control, proclaimed as the territory of a Jewish State, and with a Provisional Government which has been recognized by a number of

States. Whatever may be the merits of its existence or the conclusions as to how this Jewish political entity came to be, the fact remains that it is there.

7. Now, in your counter-suggestions it is proposed to eliminate this separate Jewish political entity by creating a unitary State in the whole of Palestine. But there is no suggestion as to how this is to be done. May I inquire whether there are any views as to how this might be done by peaceful means? As Mediator I am directed by the resolution of the General Assembly "to promote a *peaceful adjustment* of the future situation of Palestine". I am fully convinced that there is no possibility whatsoever of persuading or inducing the Jews to give up their present separate cultural and political existence and accept merging in a unitary Palestine in which they would be a permanent minority. The alternative method of achieving the Arab objective would be to wipe out the Jewish State and its Provisional Government by force. This course, as Mediator, I obviously cannot recommend.

4. LETTER DATED 5 JULY 1948 ADDRESSED TO THE UNITED NATIONS MEDIATOR BY THE MINISTER FOR FOREIGN AFFAIRS OF THE PROVISIONAL GOVERNMENT OF ISRAEL

On behalf of the Provisional Government of Israel, I have the honour to offer the following observations on the suggestions presented by you under cover of your letter of 27 June as a possible basis for discussion in discharge of your task to "promote a peaceful adjustment of the future situation of Palestine".

1. The Provisional Government has noted with surprise that your suggestions appear to ignore the resolution of the General Assembly of 29 November 1947, which remains the only internationally valid adjudication on the question of the future government of Palestine. The Provisional Government also regrets to find that in formulating your suggestions you do not appear to have fully taken into account the outstanding facts of the situation in Palestine, namely, the effective establishment of the sovereign State of Israel within the area assigned to it in the Assembly's resolution, and other territorial changes which have resulted from the repulse of the attack launched against the State of Israel by Palestinian Arabs and by the Governments of the neighbouring Arab States.

2. The Provisional Government begs to recall that the Jewish people accepted the settlement laid down in the General Assembly's resolution as a compromise entailing heavy sacrifices on its part, and the territory assigned to the Jewish State as an irreducible minimum. It is, indeed, the conviction of the Provisional Government that the territorial provisions affecting the Jewish State now stand in need of improvement, in view both of the perils revealed by Arab aggression for the safety and integrity of Israel and of the results achieved by Israel in repelling this aggression. In this connexion the Provisional Government desires to point out that the territorial settlement laid down in the resolution was based on the partition of western Palestine between the Jewish people and the Arab population of Palestine. The inclu-

sion of the Arab portion of Palestine in the territory of one of the neighbouring Arab States would fundamentally change the context of the boundary problem.

3. The Provisional Government cannot agree to any encroachment upon or limitation of the free sovereignty of the people of Israel in its independent State. While it is the basic aim and policy of Israel to establish relations of peace and amity with her neighbours on the basis of the closest possible collaboration in all fields, the international arrangements which may be necessary to give effect to this policy cannot be imposed upon Israel, but can only be entered into as a result of an agreement negotiated between the interested parties as free and sovereign States.

4. The Provisional Government would be ready to accept the provisions of the economic union as formulated in the Assembly's resolution, if all their basic premises were to materialize. This is not, however, the eventuality envisaged in the suggestions. The partner State whom Israel is invited to join in a union is, both in its political identity and in its geographical dimensions, wholly different from the Arab State provided for in the resolution. Jewish consent to the economic union in the context of the resolution cannot therefore be binding in the new situation. It must now be left to the free and unfettered discretion of the Government of Israel, in the exercise of its sovereign rights, to determine what arrangements should govern Israel's relations with her neighbour or neighbours in the field of economic co-operation.

5. The Provisional Government must be particularly emphatic in its opposition to any infringement of Israel's independence and sovereignty as regards her immigration policy. Complete and unqualified freedom to determine the size and composition of Jewish immigration was the very essence of the Jewish claim to statehood. The recognition of the moral validity and practical urgency of that claim in connexion with the issue of immigration lay at the roots of its acceptance by the international world. There can be no question of any Israeli Government accepting the slightest derogation, in favour of any joint or international body, from Israel's sovereignty as regards control of her immigration policy.

6. The Provisional Government was deeply wounded by your suggestion concerning the future of the City of Jerusalem, which it regards as disastrous. The idea that the relegation of Jerusalem to Arab rule might form part of a peaceful settlement could be conceived only in utter disregard of history and of the fundamental facts of the problem: the historic associations of Judaism with the Holy City; the unique place occupied by Jerusalem in Jewish history and present-day Jewish life; the Jewish inhabitants, two-thirds majority in the city before the commencement of Arab aggression, a majority greatly increased since then as a result of Arab evacuation; the fact that the whole of Jerusalem, with only a few minor exceptions, is now in Jewish hands; and not least, the fact that after an exhaustive study of the problem and as a result of an overwhelming consensus of Christian opinion in its midst, the General Assembly resolved that Jerusalem be placed under an international regime. The Provi-

sional Government must make it clear that the Jewish people, the State of Israel and the Jews of Jerusalem will never acquiesce in the imposition of Arab domination over Jerusalem, no matter what formal municipal autonomy and right of access to the Holy Places the Jews of Jerusalem might be allowed to enjoy. They will resist any such imposition with all the force at their command. The Provisional Government regrets to have to say that your startling suggestion regarding Jerusalem, by encouraging false Arab hopes and wounding Jewish feelings, is likely to achieve the reverse of the pacifying effect which you undoubtedly had in mind.

7. The Provisional Government does not find it necessary at this stage to comment upon other points raised in the suggestions, as it hopes that the examination of its present observations on the major aspects of the scheme of settlement tentatively outlined by you may cause you to reconsider your whole approach to the problem.

5. LETTER DATED 6 JULY 1948 FROM THE MEDIATOR TO THE MINISTER FOR FOREIGN AFFAIRS OF THE PROVISIONAL GOVERNMENT OF ISRAEL

I have studied carefully the observations on my suggestions set forth in your letter to me of 5 July 1948, and take this opportunity to communicate to you briefly my comments upon them.

1. You will appreciate, I hope, the spirit in which my suggestions have been advanced and the objectives which were sought. As indicated clearly in the introductory statement to my suggestions, these ideas were put forth with no intimation of finality; they were exploratory only and designed specifically to invite further discussion and counter-suggestions from the interested parties. The success of my mediatory effort, you will agree, must inevitably depend upon the possibility of finding some common ground on which further discussions with the two parties might profitably proceed. There was involved, therefore, no question of formal acceptance or rejection of the specific ideas advanced, but only a determination as to whether there might be in those ideas some framework of reference within which progress toward ultimate agreement on details might be reasonably hoped for.

2. In this regard, I note your specific objections to some of the ideas outlined in my suggestions. I also note the hope expressed in paragraph 7 of your letter that I might reconsider my "whole approach to the problem". I interpret this to mean that you do not consider the general framework which I have outlined to be a suitable one for further discussion, looking toward a "peaceful adjustment of the future situation of Palestine". You have not, however, taken advantage of my invitation to offer counter-suggestions, unless I am to understand that your references in paragraphs 1 and 2 of your letter to the resolution of the General Assembly of 29 November 1947, imply that you will be unwilling to consider any suggestions which do not correspond to the provisions of that resolution.

3. In paragraph 1 of your letter it is stated that my suggestions "appear to ignore the resolution of the General Assembly of November 29,

1947..." I cannot accept this statement. As United Nations Mediator, it is true that I have not considered myself bound by the provisions of the 29 November resolution, since had I done so there would have been no meaning to my mediation. The failure to implement the resolution of 29 November 1947, and the open hostilities to which the Arab opposition to it led, resulted in the convoking of the second special session of the General Assembly to "consider further the future government of Palestine". This special Assembly, taking into account the new situation, adopted, on 14 May 1948, the resolution providing for a Mediator. It is equally true, however, that the basic objectives of the resolution of 29 November 1947, as regards a separate political and institutional existence for the Jewish and Arab communities of Palestine and for close economic ties between these communities, are maintained in my suggestions, although in a somewhat different framework. I may also assure you that in working up my suggestions I took fully into account the facts of the actual existence of the Jewish State in a defined area, the military situation and the present territorial situation as a result of the conflict thus far. But I could not ignore the fact that there is nothing really stable in Palestine so long as the prospect of early resumption of hostilities remains, and that the violent reaction of the Arab world to these very situations is also a vital factor in the equation, if one must focus on the possibility of peaceful adjustment.

4. As regards paragraph 2 of your letter, I may say first of all that it would not impress me as an argument of very great merit that the boundaries of a Jewish State in Palestine, which had been acceptable to the Jewish community, would require revision in the Jewish favour solely because the Arab part of Palestine might, by its own volition, decide to enter into a closer relationship or even a merger with a neighbouring Arab State. As regards any territorial adjustments to which either party might lay claims as a result of successes on the field of battle, it must be said that, quite aside from the question of fundamental principle involved, the conflict was only in its very early stages when the truce began and the military outlook for either side is by no means clearly predictable.

5. With reference to paragraph 3 of your letter, it need only be said that it was made abundantly clear in my suggestions that *all* of the arrangements proposed could have practical meaning only in the sense of voluntary agreement on the part of the parties concerned. It was specifically emphasized in paragraph 8 of my introductory statement that there could be no question of imposition. In view of these clear statements in my paper I find myself at a loss to understand the reasons for your statement.

6. As regards paragraph 4 of your letter, I note that your Government no longer considers itself bound by the provisions for economic union set forth in the 29 November resolution for the

reason that the Arab State envisaged by that resolution has not been established. In paragraphs 1 and 2, however, the same resolution is taken as your basic position. Whatever may be the precise legal significance and status of the 29 November resolution, it would seem quite clear to me that the situation is not of such nature as to entitle either party to act on the assumption that such parts of that resolution as may be favourable to it may be regarded as effective, while those parts which may, by reason of changes in circumstances, be regarded as unfavourable, are to be considered as ineffective.

7. Paragraph 5 of your letter relates to immigration. The question of immigration into Palestine must be considered within the context of the total problem. Even within the limits of full sovereignty the question of immigration is related to the absorptive capacity of the country. Palestine from this point of view has become the object of international concern. It would, therefore, seem justifiable that the Economic and Social Council might be given an eventual say in the matter. Furthermore, such an arrangement might serve the useful purpose of maintaining a sympathetic international interest in and assistance for the settlement of Jewish immigrants in Palestine. Should unrestricted immigration indefinitely continue in Palestine there might, in the future, arise a serious economic and political problem beyond the control of any Jewish Government. It cannot be ignored that immigration affects not only the Jewish State and the Jewish people but also the surrounding Arab world.

8. Jerusalem stands in the heart of what must be Arab territory in any partition of Palestine. To attempt to isolate this area politically and otherwise from surrounding territory presents enormous difficulties. The special condition of Jerusalem—its large Jewish population and its religious associations—needs special consideration, and the way for discussion of these questions was left open. Arab domination of legitimate Jewish and other non-Arab interests in Jerusalem was never intended or implied in the suggestions. Moreover, while I fully appreciate that the question of Jerusalem is of very great concern, for historical and other reasons, to the Jewish community of Palestine, Jerusalem was never intended to be a part of the Jewish State. In this sense, the position of the Jewish State is unaffected and the question of Jerusalem has no relationship to its status. The status of Jerusalem, therefore, is separate from the question of the constitution and boundaries of a Jewish State. My suggestions fully safeguard the historical and worldwide religious interests in Jerusalem.

9. I wish you to know that I have but one interest in the future of Palestine, and that is to do everything within my power to bring peace to this troubled land. I am willing at all times to carry on such discussions and seriously to consider all suggestions which may hold any promise for a peaceful settlement of the problem.

ANNEX II

Reply of the Provisional Government of Israel to the proposal regarding the return of Arab refugees¹

LETTER FROM THE MINISTER FOR FOREIGN AFFAIRS
OF THE PROVISIONAL GOVERNMENT TO THE
UNITED NATIONS MEDIATOR

Hakirya, 1 August 1948

1. The Provisional Government has duly considered your note on the question of the return of Arab refugees and has authorized me to convey to you the following reply.

2. As I mentioned in the course of our interview on Monday, 26 July, we are not unmindful of the plight of the Arabs who, as a result of the present war, find themselves uprooted from their homes and cast adrift. Our own people have suffered too much from similar tribulations for us to be indifferent to their hardships. If, nevertheless, we find ourselves unable to agree on their re-admission to the Israel-controlled areas, it is because of over-riding considerations bearing on our immediate security, the outcome of the present war and the stability of the future peace settlement. We feel convinced that any measure of repatriation undertaken solely on humanitarian grounds, in disregard of the military, political and economic aspects of the problem, would prove to have been falsely conceived; it would defeat its purpose and result in graver complications than those which already exist.

3. The resolution of the Security Council of 29 May, the terms of which were renewed by the resolution of 15 July, specifically provided that the truce should not prejudice the rights, claims and position of either party. You interpreted this principle as meaning that no advantage should accrue to either side, at the expense of or as compared with the other. There can be no doubt that the return during the truce of thousands of displaced Arabs to the State of Israel — which is still beset by enemy armies, forms the target of violent political attack and may yet again become the object of a renewed military onslaught — would, in fact, gravely prejudice our rights and position. It would relieve the aggressor States of a large part of the pressure exerted on them by the refugee problem, while, on the other hand, it would most seriously handicap the war effort and war-readiness of Israel by bringing into its territory a politically explosive and economically destitute element and by saddling its Government with responsibility for all the ensuing complications.

4. Against this background, your reference to the return of Arab refugees as being one of the questions under dispute which it is the duty of both parties to try and settle peacefully, appears to us to miss the main point at issue. The root cause of the present conflict — of which the mass flight of Arabs and their consequent suffering are mere corollaries — is the refusal of the Arab League to accept the State of Israel either as a matter of

right or as an accomplished fact. As long as this intransigence persists, any attempt to tear the problem of Arab refugees out of its context and treat it in isolation can only, as already stated, aggravate the issue: it will render rightful defence more difficult and lend further encouragement to wanton aggression.

5. Nor do we feel that the issue is met by your argument that the present truce is of indefinite duration and that, therefore, the security aspect of Arab repatriation should not present a special problem. To begin with, once a large-scale return is authorized, it may be found difficult, if not impossible, to keep it within bounds. Even if formally men of military age are excluded, the practical result may well be the increase of irregulars inspired by the Mufti, who knows no truce. Moreover, the Arab States themselves, in their joint communication to the Security Council, have hedged their acceptance of the present truce with several conditions. They have thus reserved to themselves the right to terminate the truce whenever it suits them to resume the fighting. They continue to maintain an attitude of obstinate intransigence and defiance of the Security Council and the Mediator in regard to such basic provisions of the truce as the Jerusalem water supply and the opening of the Jerusalem-Tel-Aviv highway. Not a day passes without some prominent Arab spokesman threatening the resumption of hostilities. In these circumstances, the mere fact that the Security Council has ordered the truce to be of unlimited duration is not a firm enough foundation on which the Provisional Government could build so far-reaching a measure as the re-admission *en masse* of Arab refugees.

6. The difficulty is not minimized if the return is limited to the former residents of Jaffa and Haifa, for whom you enter a special plea. Both these cities constitute vulnerable points, on the peace and stability of which the well-being of Israel in the present delicate stage very largely depends. Both were centres of grave menace to Jewish security, and the re-creation of a situation pregnant with potential trouble in areas such as these is the last thing that any State still engaged in a struggle for its existence could contemplate. Incidentally, we fail to appreciate why on purely humanitarian grounds the former residents of Jaffa and Haifa have been singled out for special treatment and found, as a class, to be more deserving than those of any other town or village.

7. On the economic side, the reintegration of the returning Arabs into normal life, and even their mere maintenance, would present an insoluble problem. The difficulties of accommodation, employment and ordinary livelihood would be insuperable. You will, we feel sure, readily admit that the international assistance which you envisage is for the time being purely hypothetical. On the other hand, the Provisional Government would resist as utterly unjust an attempt to impose on its limited and heavily strained resources any part

of the financial liability for the relief and resettlement of returning Arabs. Far from being ready to shoulder responsibilities on behalf of Arabs whom the Jews never intended to harm -- with whom they were, indeed, anxious to live at peace -- the Provisional Government considers itself entitled and is indeed determined, to claim compensation from the Arab States for all the havoc and destruction, the loss of life, property and livelihood, which the criminal folly of their armed intervention in Palestine has wrought.

8. Arab mass flight from within Israel and Israel-occupied areas is a direct effect of Arab aggression from outside. In justifying their invasion the Arab Governments claimed that they had responded to the call for rescue addressed to them by the Arabs of Palestine. The plain fact is, however, that but for the intervention of the Arab States, there would have been an overwhelming measure of local Arab acquiescence in the establishment of the State of Israel, and by now peace and reasonable prosperity would have reigned throughout its territory, to the enjoyment of Jews and Arabs alike. If the war has brought in its wake a mass exodus, mostly spontaneous and the exodus has resulted in great suffering, the responsibility for it rests on those who fomented and have carried on the war, as well as on those who aided and abetted them. The Arab Governments and the great Power which espoused their cause cannot have it both ways: do everything they can to undermine and destroy the State of Israel, and then, having failed, require the State of Israel to take over the liability for the results of their own reckless action.

9. For the political, economic and security reasons stated, the Provisional Government is not in a position, as long as a state of war exists, to re-admit the Arabs who fled from their homes, on any substantial scale. The Palestinian Arab exodus of 1948 is one of those cataclysmic phenomena which, according to the experience of other countries, change the course of history. It is too early to say exactly how and in what measure the exodus will affect the future of Israel and of the neighbouring territories. When the Arab States are ready to conclude a peace treaty with Israel, this question will come up for constructive solution as part of the general settlement and with due regard to our counter-claim in respect of the destruction of Jewish life and property. The long-term interests of the Jewish and Arab populations; the stability of the State of Israel and the durability of the basis of peace between it and its neighbours; the actual position and fate of the Jewish communities in the Arab countries; the responsibility of the Arab Governments for their war of aggression and their liability for reparations, will all be relevant to the question of whether, to what extent and under what conditions, the former Arab residents of the territory of Israel should be allowed to return. For such a comprehensive and lasting peace settlement the Provisional Government is ever ready, but it holds that it cannot in fairness be required to carry through unilateral and piecemeal measures of peace while the other side is bent on war.

(Signed) M. SHERTOK

Minister for Foreign Affairs

ANNEX III

Flight log

(Special plane assigned to Mediator)

DATE FLIGHT

Special flight :

May 1948.

27 : Paris, Rome, Athens.

28 : Athens, Cairo.

31 : Cairo, Haifa.

June.

1 : Haifa, Mafrak, Amman, Mafrak, Cairo.

3 : Cairo, Mafrak, Amman, Haifa.

4 : Haifa, Cairo.

5 : Cairo, Beirut.

6 : Beirut, Haifa, Mafrak, Amman, Mafrak, Haifa.

7 : Haifa, Cairo.

12 : Cairo, Jerusalem, Damascus.

13 : Damascus, Tel-Aviv, Haifa, Rhodes.

15 : Rhodes, Cairo.

17 : Cairo, Tel-Aviv.

18 : Tel-Aviv, Haifa, Rhodes.

July.

1 : Rhodes, Jerusalem.

2 : Jerusalem, Rhodes.

3 : Rhodes, Cairo.

4 : Cairo, Rhodes.

5-6 : Rhodes, Tel-Aviv, Cairo.

7 : Cairo, Tel-Aviv, Haifa.

8 : Haifa, Rhodes.

July.

9 : Rhodes, Amman, Haifa, Beirut, Rhodes.

10 : Rhodes, Rome, Geneva.

11 : Geneva, Amsterdam.

Commercial airline :

11-12 : Amsterdam, Prestwick, Gander, La Guardia.

17 : La Guardia, Gander, Prestwick.

18 : Prestwick, Amsterdam.

Special flight :

18 : Amsterdam, Geneva, Rome.

19 : Rome, Rhodes.

24 : Rhodes, Beirut.

25 : Beirut, Haifa.

26 : Haifa, Tel-Aviv, Rhodes.

August.

1 : Rhodes, Amman.

3 : Amman, Jerusalem, Alexandria.

5-6 : Alexandria, Tel-Aviv, Haifa, Rhodes.

9 : Rhodes, Haifa, Jerusalem.

11 : Jerusalem, Haifa, Rhodes.

12 : Rhodes, Rome, Geneva.

13 : Geneva, Stockholm.

September.

1 : Stockholm, Copenhagen, Paris.

2 : Paris, Geneva, Rome.

3 : Rome, Rhodes.

6 : Rhodes, Alexandria.

8 : Alexandria, Mafrak, Amman, Mafrak, Haifa.

9 : Haifa, Tel-Aviv, Rhodes.

PART TWO

THE SUPERVISION OF THE TWO TRUCES

I. INTRODUCTION

1. General Assembly resolution 186 (S/2) of 14 May 1948 empowered the United Nations Mediator "to co-operate with the Truce Commission for Palestine appointed by the Security Council in its resolution of 23 April 1948" and directed him "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." On 29 May 1948, the Security Council adopted a resolution (S/801) calling on all Governments and authorities concerned to order a cessation of all acts of armed force for a period of four weeks, and to undertake, during the cease-fire, not to introduce fighting personnel into Palestine and the seven Arab States during the cease-fire, and, should men of military age be introduced into countries or territories under their control, to undertake not to mobilize or submit them to military training ; and to refrain from importing or exporting war material into or to Palestine and the seven Arab States. All Governments and authorities concerned were also urged to take every possible precaution for the protection of Jerusalem and the Holy Places, including access to all shrines and sanctuaries for the purpose of worship by those who have an established right to visit and worship at them. The resolution instructed the Mediator "in concert with the Truce Commission to supervise the observance of the above provisions, and decides that they shall be provided with a sufficient number of military observers."

2. I undertook the task of mediation on 21 May 1948, and proceeded to Cairo on 28 May in pursuance of my duties. On 2 June, I was informed by the President of the Security Council that both the Arab and Jewish authorities had accepted unconditionally the cease-fire resolution of 29 May, and in pursuance of the action of the Security Council on 2 June, I was instructed, in consultation with the two parties and Truce Commission, to fix the effective date for the cease-fire in as short a period as possible. I discovered that each party, though accepting the cease-fire in principle, did so with important reservations. It was therefore necessary to negotiate with the two parties the terms and conditions of the truce as well as the effective date for its commencement. Owing to the existence of war conditions it was impossible to consult fully with the Truce Commission in Jerusalem, but, within the limitation of uncertain and at times non-existent communications, I kept the Commission informed of the progress of the truce negotiations and received from the Commission full assurances of their co-operation.

3. The provisions of the Security Council's resolution of 29 May were somewhat general in their language, but it was clear that the intention of the resolution was to bring about a cessation of hostilities in Palestine while ensuring that no military advantage would accrue to either side during the period of the truce or as a result of its application. After intensive discussions with both parties I made certain interpretations of the resolution and certain decisions as to its application which were accepted by both parties on 9 June, and the four-week truce went into effect on 11 June 1948. The terms of the truce agreement are set out in document S/829.

4. The first truce lasted until 9 July 1948. During the last week of the truce I made intensive efforts to obtain a renewal or prolongation of the truce, in the first place appealing to the parties for a thirty-day prolongation of the truce, and later for a ten-day unconditional cease-fire. The Provisional Government of Israel was willing to accept both proposals but the Arab States would accept neither, and hostilities broke out again on 8 July. On 10 July I departed for Lake Success where I presented my report to the Security Council in person (S/888).

5. On 15 July the Security Council adopted a resolution (S/902) which declared that the situation in Palestine was a threat to the peace, and therefore brought the case under the terms of Chapter VII of the Charter. The resolution was as follows .

"The Security Council,

"Taking into consideration that the Provisional Government of Israel has indicated its acceptance in principle of a prolongation of the truce in Palestine ; that the States members of the Arab League have rejected successive appeals of the United Nations Mediator, and of the Security Council in its resolution of 7 July 1948, for the prolongation of the truce in Palestine ; and that there has consequently developed a renewal of hostilities in Palestine ;

"Determines that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter ;

"Orders the Governments and authorities concerned, pursuant to Article 40 of the Charter of the United Nations, to desist from further military action and to this end to issue cease-fire orders to their military and para-military forces, to take effect at a time to be determined by the Mediator, but in any event not later

than three days from the date of the adoption of this resolution ;

"Declares that failure by any of the Governments or authorities concerned to comply with the preceding paragraph of this resolution would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter requiring immediate consideration by the Security Council with a view to such further action under Chapter VII of the Charter as may be decided upon by the Council ;

"Calls upon all Governments and authorities concerned to continue to co-operate with the Mediator with a view to the maintenance of peace in Palestine in conformity with the resolution adopted by the Security Council on 29 May 1948 ;

"Orders as a matter of special and urgent necessity an immediate and unconditional cease-fire in the City of Jerusalem to take effect twenty-four hours from the time of the adoption of this resolution, and instructs the Truce Commission to take any necessary steps to make this cease-fire effective ;

"Instructs the Mediator to continue his efforts to bring about the demilitarization of the City of Jerusalem, without prejudice to the future political status of Jerusalem, and to assure the protection of and access to the Holy Places, religious buildings and sites in Palestine ;

"Instructs the Mediator to supervise the observance of the truce and to establish procedures for examining alleged breaches of the truce since 11 June 1948, authorizes him to deal with breaches so far as it is within his capacity to do so by appropriate local action,

and requests him to keep the Security Council currently informed concerning the operation of the truce and when necessary to take appropriate action ;

"Decides that, subject to further decision by the Security Council or the General Assembly, the truce shall remain in force, in accordance with the present resolution and with that of 29 May 1948, until a peaceful adjustment of the future situation of Palestine is reached ;

"Reiterates the appeal to the parties contained in the last paragraph of its resolution of 22 May and urges upon the parties that they continue conversations with the Mediator in a spirit of conciliation and mutual concession in order that all points under dispute may be settled peacefully ;

"Requests the Secretary-General to provide the Mediator with the necessary staff and facilities to assist in carrying out the functions assigned to him under the resolution of the General Assembly of 14 May, and under this resolution ; and

"Requests that the Secretary-General make appropriate arrangements to provide necessary funds to meet the obligations arising from this resolution."

6. Pursuant to the resolution I fixed the time for the commencement of the cease-fire at 1500 hours (GMT) on 18 July 1948. When I returned to my headquarters at Rhodes on 19 July, I found that both parties had complied with the Security Council's order by the appointed time. Since in this case the Security Council had ordered a cease-fire there was no question of negotiations with the parties to achieve a truce by agreement.

II. THE FOUR-WEEK TRUCE FROM 11 JUNE TO 9 JULY 1948

Organisation of the truce supervision

1. It was obvious from the outset that the supervision of the truce would constitute an extremely difficult and far from perfect operation. I realized that in order to achieve complete supervision of the observance of the truce in Palestine and in Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Transjordan and Yemen, a very large number of observers would be necessary with considerable quantities of equipment and material. Within the short time available, there were inevitable obstacles in the way of obtaining the necessary personnel and equipment. I considered that the operation would be successful if it prevented a flare-up or a renewal of large-scale fighting during the truce.

2. The major difficulty encountered during the truce supervision was that the entire observation organization had to be created and put into operation after the truce had begun,

and that there was almost no opportunity for advance preparation. I requested the services of five colonels of the Swedish Army to act as my personal representatives to assist in supervising the truce, and I appointed one of these, Colonel Thord Bonde, as my Chief of Staff for the truce supervision. I also requested the member States of the Truce Commission—Belgium, France and the United States of America—each to furnish 21 officers from their armed forces to act as military observers. These 63 observers arrived in Cairo between 11 and 14 June and were immediately despatched to Palestine and some of the Arab States. I also obtained from the Secretary-General of the United Nations on 21 June the services of 51 guards recruited from the Secretariat to assist the military observers, and subsequently requested Belgium, France and the United States of America each to send 10 more officers to act as observers. These 30 additional officers arrived during

the period 27 June to 5 July. I also obtained from the United States armed forces some 10 auxiliary technical personnel such as aircraft pilots and maintenance men, radio operators, motor-vehicle drivers and maintenance men, and medical personnel.

3. At the beginning of the truce no equipment was available other than a chartered aircraft, which the Secretary-General had placed at my disposal. In order to carry out the operation it was necessary that equipment be obtained for communication, transportation and patrolling. I obtained some used vehicles, planes and radio equipment from the Governments of the United States of America and the United Kingdom, a naval corvette from France and three destroyers from the United States. This equipment was obtained between 12 and 14 June. It was not sufficient for the immense task involved, and some of the equipment, particularly the motor-vehicles and radio sets, soon became unserviceable due to the lack of repairs and spare parts.

4. It was not possible within the limits of personnel and equipment available to establish observation posts to cover all the ports, airfields, boundaries and coastlines of all seven Arab States as well as of Palestine. Since Palestine was the actual scene of the conflict, where Arab and Israeli armies were confronting each other during the suspension of hostilities, I decided that the main work of observation must take place there. I accordingly transferred the headquarters of the truce supervision from Cairo to Haifa, although my own headquarters had been established on neutral ground in Rhodes. For the purposes of observation Palestine was divided into five areas, each consisting of an area headquarters and one or more observation posts, depending on circumstances and requirements. With respect to the Arab States, observers were sent at various times to Damascus, Beirut, Bennt Jbail, Amman, Baghdad, the Suez area and Egyptian airfields and ports. Members of the Secretariat were also stationed at Amman, Beirut, Cairo, Haifa, Jerusalem and Tel-Aviv to maintain liaison with the respective Governments and to act as my representatives.

5. In connexion with the City of Jerusalem it was agreed between the Truce Commission and myself that the Commission would be responsible for the supervision of the cease-fire and truce in the city and that the observers would assist them and deal with incidents and breaches. Our respective spheres of authority were somewhat vague and were never clearly defined, but I received the fullest co-operation at all times from the members of the Truce Commission.

6. The observers were given detailed instructions on their role. In addition to investigating alleged breaches of the truce, they were charged with the task of carrying on

routine observation and with dealing with incidents and complaints on the spot. They had no power to prevent a violation of the truce or to enforce their decisions. In the case of any complaint or incident where they could not achieve a settlement between the parties on the spot, their only recourse was to report the matter to their superiors or to me. Complaints by local civilians or troops were dealt with by the observers on the spot, those by military commanders were dealt with by the Chief of Staff or an area commander, and those by Governments were dealt with by myself. In cases requiring investigation, the inquiries were carried out by observers on the spot wherever possible.

The operation of the truce supervision

7. The number of incidents and complaints respecting alleged breaches of the truce were greatest during the early days of the truce, before the observation operation was fully in force, and again during the last few days of the truce, when each side was engaged in intensive preparations in the expectation of a renewal of hostilities on the termination of the truce. During the entire period of the four-week truce there was a constant stream of complaints from each side alleging violations by the other side. In all, some 500 complaints or incidents were dealt with by the observers. In a large number of cases the complaints proved to be entirely without substance, and in many cases the complaints from both sides were greatly exaggerated. Due to conflicting statements from each side it proved impossible to assess responsibility clearly in most cases.

8. In the City of Jerusalem a record was kept of 197 complaints, of which 39 were made by Arabs, 131 by Jews, and 27 were made by the observers themselves. The great majority of these complaints concerned cases of sporadic and individual sniping and firing, where it was impossible to determine who was the guilty party or persons. Other complaints arose out of attempts by each side to improve its position by fortifying houses and strategic points, digging trenches and erecting barriers. Other complaints dealt with looting and stealing household effects, crops and fruit. In general, the lack of time and personnel made it impractical to carry out more than superficial investigation except in the most serious cases. The observers had to content themselves in most cases with making representations to each side to curb their men and to prevent a continuance or repetition of the breach.

9. In the truce area, outside the City of Jerusalem, a record was kept of 258 complaints or incidents, of which 147 were Arab complaints, 59 were Jewish complaints and 52 were breaches of the terms of the truce (divided about evenly between Arabs and Jews) which

were discovered and reported by the observers themselves. The most serious of these complaints dealt with attacks on villages and included the alleged occupation of villages, strategic hills and road junctions after the commencement of the truce. These cases were subjected to careful investigation by the observers, but they were invariably confronted by conflicting evidence from both sides. The observers were greatly hampered in their work because of the fact that they were not present in Palestine at the time of the commencement of the truce and, in view of the short period of the truce, it was not possible for them to determine the *status quo* of the battle lines as it existed at 0600 hours (GMT) on 11 June. In nearly all cases, therefore, they had to accept the *status quo* as they found it on their arrival. Other complaints dealt with incidents arising out of harvesting operations (where I ruled that each side could harvest up to a point midway between the opposing lines, and that the ordinary rules of land warfare would apply to harvesting behind the lines), sniping and firing, the erection of fortifications and road blocks, digging trenches, laying mines and barbed wire, the movement of troops and military supplies, and the illegal flying of planes.

10. With respect to the importation of war materials into the truce area very few complaints were made. In oral discussions which I had with Arab leaders they complained in general that the Jews were continuing to receive war materials. But apart from the case of the *Altalena* (which is dealt with below), the Arabs filed only two specific complaints against the Jews. The United States Government brought to my attention two cases, and the United Kingdom Government one case, of the alleged receipt of war material by the Provisional Government of Israel. The observers could find no evidence to support any of these complaints. The Provisional Government also lodged five complaints regarding the importation of war materials by the Arab States, but in these cases, too, no evidence was found to support the charges. Except for the early days of the truce, a constant patrol of Palestine's coast was maintained by land, sea and air and all incoming ships were carefully inspected by the observers. Observers were also stationed at airports in Palestine and maintained a close check on incoming planes. Due to the lack of personnel and equipment, the observers were deployed where it was considered that they were most needed, and it was not possible to maintain the same degree of observation in the Arab States. Unquestionably, if more personnel and equipment had been available, closer supervision could have been maintained in Palestine as well as in the seven Arab States, but I am convinced that if the two opposing

forces did in fact manage to obtain war materials by clandestine methods, the amount would have been so limited as to have made no substantial difference to the relative strength of the two sides.

11. The question of the introduction of fighting personnel created no serious difficulties. With respect to the Arab States the supervision by observers was not adequate, but no complaints were made by the Provisional Government of Israel in this regard. With respect to Palestine, with the exception of the *Altalena* case, no evidence came to light that any fighting personnel entered the country.

12. Regarding the immigration of men of military age (18 to 45), I was concerned that they should not arrive in disproportionately large numbers, and that those who arrived should be placed in camps so that they would not be mobilized or submitted to military training. As in the case of war materials and fighting personnel, the observers kept a close check, except for the first few days of the truce, on all incoming ships and planes in Palestine, and a periodic check in the Arab States. Arab leaders complained orally to me that the Jews were smuggling large numbers of men of military age into Palestine, but in the two specific complaints lodged by them no evidence was found by the observers. The only exception was the case of the *Altalena*, where the Irgun Zvai Leumi claimed that some 800 men, women and children were brought to Israel. In all, during the period of the truce some 260 to 265 Jewish men of military age were admitted and placed in camps. In this regard too, if more observers and equipment had been available the supervision of the truce would have been more effective, but I am satisfied that this aspect of the supervision was carried out in a proper manner, and that, if any men of military age were smuggled into the truce area, their number would be very small. The Israeli authorities protested against the refusal of the United Kingdom to permit Jewish men of military age who were interned in Cyprus to leave for Palestine. I informed them that this was a unilateral decision of the United Kingdom, for which I was not responsible and that, so far as I was concerned, the same rules applied to immigration from Cyprus as from other places.

13. The problem of irregular forces in both Arab and Jewish occupied territory proved to be troublesome. These irregulars in many cases considered themselves as not bound by the provisions of the cease-fire and truce agreement, and were responsible for breaches of the truce on both sides. The only course of dealing with the problem was for me to insist that the Arab and Israeli forces and their respective Governments accept full responsibility for all activities occurring in the areas occupied by them.

14. During the truce three violations of its terms occurred of such serious nature that I reported them to the Security Council. In the case of the *Altalena* incident, the Irgun Zvai Leumi attempted to bring war materials and men of military age to Palestine. The Provisional Government of Israel took strong police action to prevent the landing, and the ship was set on fire, but some of the men and arms had already been successfully landed in Israel. The Provisional Government of Israel was informed that its explanation regarding the disposition of the men and arms was not satisfactory. Another violation occurred when the Egyptian forces refused to permit convoys carrying relief supplies under United Nations control to pass through their territory to isolated Jewish settlements in the Negeb, and fired on them. The incident was settled temporarily but re-occurred toward the end of the truce. The third violation reported to the Security Council was the failure of the Transjordan and Iraqi forces to permit the flow of water to Jerusalem through the pipeline and pumping stations controlled by them. Despite repeated representations to the Arab authorities and the decision of the Security Council on 7 July, no water flowed to Jerusalem during the truce.

The City of Jerusalem

15. The City of Jerusalem posed the most difficult problem of the truce supervision. Prior to the outbreak of hostilities its population was about 165,000 of which about 100,000 were Jews and about 50,000 were Arabs. Before the termination of the Mandate a considerable part of the Arab population had left the city. At the commencement of the truce Israeli forces were in occupation of the greater part of the City, and the Arab Legion was in occupation of the Old City (containing most of the Holy Places), and a small part of the New City. The Arabs, however, were in control of all the main supply routes to the city and the Jews were completely cut off, except for a very rough and tortuous route known as the "Burma Road", which the Jews had opened as an emergency by-pass of the Arab-held portions of the Tel-Aviv-Jerusalem road, a few days before the commencement of the truce. The Arabs also controlled Ras el Ain, the source of Jerusalem's water supply, part of the pipe-line and the pumping station at Latrun.

16. The opposing forces in Jerusalem confronted each other across lines that were very close—in some places opposite sides of the same street. Feeling was tense and there was frequent sniping and occasional firing of machine guns, mortars and artillery, as well as attempts by both sides to improve their lines and strengthen their positions. As it was,

Jerusalem accounted for nearly half the total of complaints and incidents during the entire truce. As a result of successful negotiations by the Truce Commission and the United Nations observers, an agreement, commonly referred to as the "No man's land Agreement", was arrived at on 16 June, whereby each of the opposing parties withdrew its forces to an agreed line, and a no man's land was established between the two lines, the houses and buildings in the no man's land being evacuated. Although this agreement did not eliminate all incidents, it was on the whole generally accepted and adhered to, and reduced both the possibility of friction and the number of incidents.

17. Among the terms of the truce that the parties had agreed to was a provision that essential supplies should be sent to Jerusalem for the relief of the population, in such a manner as to ensure that reserve stocks of supplies should be substantially the same at the end of the truce as at the beginning. It was originally intended that the International Red Cross Committee should supervise these relief convoys, but when it was found that it could not do so for reasons of internal policy, the Truce Commission, assisted by United Nations observers and Secretariat personnel, assumed that function. The first convoy was sent to Jerusalem on 17 June, and after considerable negotiation, on 23 June the quotas of supplies were agreed upon. Convoys, under escort of United Nations observers, were checked at Tel-Aviv before starting, at Latrun and Bab-el-Wad en route, and at Jerusalem on arrival. With respect to water supplies, however, efforts to induce the Arabs to permit the resumption of the flow of water through the pipe-line to Jerusalem ended in failure, and was reported to the Security Council as a violation of the terms of the truce.

18. At the beginning of the truce Mount Scopus had remained as an island of Jewish occupation behind the Arab lines in Jerusalem. Israeli forces were in possession of the Hadasah Hospital and the Hebrew University and controlled the Arab village of Issawiya, while the Arab Legion was in possession of the Augusta Victoria Hospice. It was evident that this area would become the scene of violent battle in case the truce terminated. Accordingly, on 7 July, the Arab and Israeli military commanders in Jerusalem executed an agreement with the Truce Commission and the senior United Nations observer in Jerusalem for the demilitarization of the Mount Scopus area, and the United Nations accepted responsibility for the security of the area and for providing food and water supplies. This agreement, despite the shortage of United Nations personnel to enforce it, was carried into effect and was also observed by both sides during the period of hostilities between the two truces.

19. The provisions of the Security Council's resolution regarding the protection of and free access to the Holy Places could not be successfully implemented. The essential difficulty lay in the fact that access to most of the Holy Places involved the crossing and recrossing of front lines. In view of all the circumstances, the safety of the Holy Places and freedom of access to them could not be assured.

20. Despite all the difficulties attendant upon the supervision of the truce in Jerusalem and the numerous incidents that occurred, it is noteworthy that no major fighting took place there during the entire period of the truce. This fact is a tribute to the work of the Truce Commission, the United Nations observers and Secretariat personnel, and to the co-operation they received from both the Arab and Jewish military commanders.

The end of the truce

21. Towards the end of the four-week truce when it appeared doubtful whether the truce would be prolonged, both sides were engaged in active preparations for the renewal of hostilities. Nervousness and tension were increasing and at the same time the authority and security of the observers were decreasing. When it became apparent that the truce would not be prolonged, in order to avoid the possibility of the observers and their technical staff becoming objects of attack, and to prevent their equipment falling into the hands of either side, all personnel and equipment were withdrawn to the Jewish coast on 7 July and were evacuated on 8 and 9 July.

22. The Truce Commission continued its work in Jerusalem, and a Swedish Colonel, who was my personal representative, and a senior member of the United Nations Secretariat together with eight United Nations guards, remained on duty in Jerusalem to assist the Truce Commission and to control the demilitarized Mount Scopus area. Secretariat personnel also remained at their posts in Amman, Beirut, Cairo, Damascus and Tel-Aviv, and at my headquarters in Rhodes, to act as my representatives and to maintain liaison with the respective Governments.

Assessment of the supervision of the first truce

23. In a detailed report now in preparation I draw the following conclusions respecting the observation of the four-week truce :

"As I have indicated previously the truce supervision was a most difficult and, in many respects, novel operation. The urgency was

great and time was short. The observation organization had to be created in its entirety. The area to be covered was immense and the personnel and equipment available were never sufficient. Matters of logistics were never completely satisfactory, and communications facilities were very limited and inadequate. As a result, the operation was not always as efficient or as thorough as I would have desired it to be. But with all its difficulties and shortcomings the truce supervision in my opinion achieved its purpose.

"It is true, as indicated in my report to the Security Council on 12 July 1948 (S/888), that the mere effluxion of time during the cessation of hostilities would favour the Jews. It is inherent in any truce that the preservation of the *status quo* prevents the attackers from attaining their objective and enables the defenders to consolidate their position. On the other hand, it is, of course, also true that each side is prevented from defeating the other, a consideration that affects the attacked as well as the attacker. Taking all factors into account, I adhere fully to my previous statement that 'I am convinced that no substantial military advantage was gained by either side as a result of the operation of the truce supervision'. The observation organization dealt with some 500 incidents and alleged breaches of the truce, and only three violations of the truce had to be reported to the Security Council. The great majority of complaints arose as the result of isolated incidents and the activities of irregular troops and local villagers ; and in many cases the alleged breaches were found to be greatly exaggerated. During the entire four-week period there was not one case of major fighting or large-scale military operations in Palestine.

"On 5 July 1948, before the end of the truce, in my cabled report to the President of the Security Council (S/865), I stated as follows : 'On the whole, the truce has worked well. There have been complaints from both sides as to the alleged violations of the terms of (the) truce agreement. There have been instances of violation, but all fighting on a major scale has been stopped, and it can be said quite confidently that the truce has worked well, and by 9 July 1948, neither State will have gained any significant military advantage from its application. In the meantime, through the operation of the truce, much bloodshed and destruction have been avoided and many lives spared.'

"After the end of the truce, with the benefit of a more detailed examination of the record and the opportunity for further assessment of the operation, I stand fully by that statement."

III. THE TRUCE ORDERED BY THE SECURITY COUNCIL ON 15 JULY 1948

Organization of the truce supervision

1. The Security Council's resolution of 15 July (S/902), having been adopted under Chapter VII of the Charter, constituted an order and not an appeal to the parties. Consequently, it was not necessary to enter into any negotiations with the parties for a voluntary truce agreement, and the cease-fire became effective in Jerusalem on 16 July and in the rest of the truce area on 18 July.

2. During the renewal of the fighting between 8 and 18 July the Israeli forces had improved their position and extended the area under their occupation. In so far as the subsequent work of truce supervision was concerned, the most notable changes were the capture by Israeli forces of the source of Jerusalem's water at Ras el Ain, and the fighting at Latrun, where the Arab Legion retained control of a portion of the Tel-Aviv-Jerusalem road between Latrun and Bab-el-Wad, but where the pumping station finally came to be in no man's land between the opposing forces. The Israeli forces also occupied Ramleh, Lydda, Nazareth and a number of Arab villages, most of whose inhabitants fled, thus augmenting the numbers of the refugees and the difficulties of the refugee problem. It is noteworthy that on the termination of the first truce, large-scale hostilities and active warfare, including the aerial bombardment of cities, had broken out.

3. Since this new truce was of indefinite duration and was to remain in force, subject to further decision by the Security Council or the General Assembly, until a peaceful adjustment of the future situation of Palestine was reached, a more elaborate system of truce supervision was necessary. At the commencement of the truce there were again no observers or equipment present in the truce area, and the observation organization had to be re-created and equipped after the truce was in force. Consequently, the truce supervision once again was late in starting. Profiting from the experience of the four-week truce and the greater period of time that was available, however, it was possible to plan for a larger operation covering a wider range, and one that would be more effective in practice.

4. Before leaving Lake Success on 16 July to return to Rhodes, I had approached the member States of the Truce Commission and they had agreed to furnish 300 officer observers, apportioned as follows: Belgium, 50; France, 125; and the United States of America, 125. By 7 August 1948, 137 of these observers had arrived (47 Belgian, 50 French and 40 United States) and had been despatched to Palestine. I appointed as my Chief of Military Staff and personal representative, Major-General Lunds-

trom of the Swedish Air Force. He and nine Swedish officer observers attached to my personal staff, arrived on 29 July. By the middle of August practically all of the 300 officer observers had arrived, and it became evident that even this number would not be sufficient to discharge fully the task of observation. I accordingly requested the services of 300 enlisted men (50 Belgian, 125 French and 125 United States) to act as observers and to assist the officer observers in their work. Of this additional 300 observers, 84 United States enlisted men had arrived at the time of writing this report. I also obtained 4 French and 78 United States enlisted men to serve the observers as auxiliary technical personnel. These included aircrewmembers, clerks, communications and motor transport personnel and medical assistants.

5. In order to carry out its tasks the observation organization required facilities for communications, reconnaissance and transportation, for which radio equipment, planes, ships and motor vehicles were needed. The work of supervision during the first truce had been severely hampered by the shortage of such equipment. During the second truce, although equipment was difficult to obtain and was slow in arriving, the facilities were greatly improved. At the present time sufficient planes and ships are available, but there is still an urgent need for more motor vehicles, particularly spare parts for repairs, and some special radio equipment. The following equipment has been made available:

Radio equipment. A considerable amount of radio equipment has been supplied by the United Nations and the United States of America, and some by the United Kingdom. This equipment consists of 90 radio sets, varying from 16 motor-vehicle mounted radio stations to 40 "walkie-talkie" sets, 16 power generators, 4 teletype machines, 16 field telephones, and a large quantity of miscellaneous equipment including transformers, batteries, cables, testers and spare parts.

Aircraft. The United Nations has contracted for 14 small planes, and the United States of America has furnished 4 C-47 Dakotas.

Ships. France furnished one naval corvette and the United States of America 3 destroyers.

Motor vehicles. The United Kingdom supplied 50 jeeps, 20 jeep trailers and 2 automobiles, and the United States of America 12 jeeps and 5 trucks.

In addition certain aircraft and vehicle spare parts, and field rations and medical supplies were received from the United Kingdom and the United States of America. The Secretary-General of the United Nations continued to make available to me a chartered aircraft for covering the

truce area and trips to capitals of the various Governments.

6. As Palestine continued to be the scene of the conflict and the place where the opposing forces confronted each other, I decided that the main work of observation should again take place in that country. Haifa was again chosen as the headquarters of the observation organization. The Chief of Military Staff was assisted by a Central Truce supervision Board, of which he was the Chairman and the senior American, Belgian and French officer observers were members. It was originally intended that there should also be regional truce supervision boards, but this was found to be impractical and in their place special investigating teams were established, as required, and attached to the Truce Supervision Headquarters. The observers were divided into a number of groups, of which one was assigned to each Arab army and to each Israeli army group. One group was assigned to Jerusalem, one to cover the coast and ports of the truce area, and one to control convoys between Tel-Aviv and Jerusalem. At the end of August another group was created to cover airports in the truce area. The original plan of organization and the detailed instructions given to each observer are set out in document S/928.

7. By 1 August, observers were stationed as follows :

Israel : Haifa, 49 ; Tel-Aviv, 26 ; Tiberias, 8.

Jerusalem : 10.

Arab areas of Palestine : Gaza, 7 ; Nablus, 8 ; Ramallah, 1.

Lebanon : Beirut, 8.

Syria : Damascus, 7.

Transjordan : Amman, 7.

The Provisional Government of Israel had complained that, during both the first and second truces, the truce supervision work was confined almost exclusively to Palestine, and that it was inadequate in the Arab States. There was some force in this complaint, and I endeavoured, while recognizing that the primary task must be discharged in Palestine, to extend the scope of the observation organization to cover the entire truce area. On 8 September, the distribution and location of observers was as follows :

Israel : Haifa, 76 ; Aqir, 2 ; Natanya, 4 ; Rama David, 4 ; Tel Aviv, 28 ; Tiberias, 13.

Jerusalem : 79.

Arab areas of Palestine : Hebron, 4 ; Gaza, 14 ; Nablus, 15 ; Ramallah, 7.

Egypt : Alexandria, 5 ; Cairo, 5 ; El Arish, 3 ; Port-Said, 1.

Iraq : Baghdad, 3 ; Basra, 3.

Lebanon : Beirut, 17.

Syria : Damascus, 14.

Transjordan : Aqaba, 2 ; Amman, 16.

United Nations Secretariat personnel continued at their stations at Amman, Beirut, Cairo,

Damascus and Tel-Aviv, and were also attached to the Truce Supervision Headquarters in Haifa.

8. All complaints are submitted to investigation by observers in the field and, where necessary, by a special investigation team. In cases where they cannot be settled by observers on the spot, they are referred, together with the observer's report, to Haifa Headquarters for disposal. The less serious cases are referred to the Chief of Staff, and the more serious ones to the Central Truce Supervision Board. Decisions by both the Chief of Staff and the Central Truce Supervision Board are transmitted to me for review and are then dispatched to the Governments concerned. Major violations, if not immediately rectified by the parties, are reported to the Security Council.

The operation of the truce supervision

9. One of the shortcomings of the first truce was the inability of the observers to establish the status of the front lines as they existed at the time of the commencement of the truce. Since observers were not present in Palestine during the first few days of the second truce, the establishment of agreed front lines has again been a difficult problem. However, one of the first instructions issued to each observer group commander was to submit to Haifa Headquarters a map showing the exact front lines as they existed at the time of the commencement of the cease-fire, and if that proved impossible, at the time the observers first reached the spot. Negotiations have proceeded steadily between the observers and the respective military commanders and, except for a few disputed areas, the front lines have been established and maps delineating them have been signed by both sides. As of 8 September, the front lines had been settled over a distance of some 350 kilometres and only some 50 kilometres remained to be settled. This procedure is not applicable to the Negeb area, much of which is wasteland, where there are no front lines but, rather, a number of fortified settlements controlled by Israeli forces over a large area. Experience has shown that there is a decrease in both friction and the number of incidents as soon as the front lines are completely determined and agreed to by the opposing forces.

10. The number of complaints and incidents reported during the second truce is much less than during the first truce. During the first seven weeks of the second truce, from 18 July to 4 September, there were some 300 complaints and incidents compared to some 500 during the four-week truce. Out of the 286 complaints and incidents of which records have been kept, 151 were complaints made by Arabs, 86 were made by Jews, 46 were reported by the United Nations observers (30 against the Arabs and

16 against the Jews), and 3 were complaints made by the French Consul in Jerusalem (two against the Jews and one against the

Arabs). The following table shows both the nature and number of complaints made against each side :

<i>Nature of complaint</i>	<i>Against Arabs</i>	<i>Against Jews</i>
Troop movements, traffic in war materials, and military training.....	7	5
Attacks and raids on positions and villages, and abductions.	17	47
Seizure and occupation of positions.....	10	8
Firing on United Nations personnel.....	7	10
Threatening the arrest of United Nations personnel or preventing their work.....	8	12
Shelling, mortaring or air bombardment.....	20	24
Sniping, machine-gunning, hand-grenading and ambushing.	18	21
Harvesting incidents.....	0	15
Fortifying roads and buildings, and mine-laying.....	15	17
Illegal aircraft flights.....	2	12
Offences against laws and customs of war.....	1	11
	105	182

As of 4 September, of the total number of complaints recorded, 87 had been settled or closed, 43 had been investigated and were under review by the Central Truce Supervision Board or the Chief of Staff, and 157 were still under investigation by observers.

11. Although the total number of complaints during the second truce has been much less than during the first truce, the nature of the complaints has been, on the whole, more serious than during the earlier period. Completely unfounded and grossly exaggerated complaints, though still frequent, have been less in number. It is necessary for the observers to engage in lengthier and more intensive investigations. Delay in completing investigations and issuing reports, which has been the subject of unfavourable comment from both parties, is now being overcome.

12. One aspect of the truce supervision that has been cause for some concern is the uncooperative attitude displayed by some local commanders, troops and irregulars on both sides. This has been expressed in some instances in a tendency to take matters into their own hands, and to defy the authority of the observers. This attitude has sometimes been encouraged by official public pronouncements of responsible leaders. The work of observers has thus been rendered more difficult and dangerous. In my instructions to the observers I had previously pointed out that a breach of the truce by one side did not release the other side from its obligation, under the Security Council's resolution, to refrain from taking military action. I had also warned each side that it was responsible for maintaining the truce and for the activity of irregulars in the area occupied by it, and that neither party was entitled to take the law into its own hands. The situation in Jerusalem,

however, deteriorated and there was a growing disposition to ignore the authority of the United Nations. I therefore appealed to the Security Council on 18 August (S/977) to issue a warning to both sides. On 19 August the Security Council adopted a resolution (S/983) informing each party that it was responsible for the actions of irregular forces and all persons in the territory under its control and must punish offenders against the truce, that no party could violate the truce on the ground of reprisals or retaliation, and that no party was entitled to gain military or political advantage through violation of the truce. This resolution of the Security Council has strengthened the hand of the observers in dealing with both parties.

13. Apart from having found it necessary to report the seriousness of the situation in Jerusalem to the Security Council (which is dealt with later), I have also reported four other serious violations of the terms of the truce to the Security Council. The first case was the blowing up of the Latrun pumping station; the second concerned the Red Cross Zone in Jerusalem; the third was the killing of two United Nations observers at Gaza, and the fourth was the attack on three Arab villages, Ein Ghazal, Jaba and Ijzim.

14. At the commencement of the second truce the Latrun pumping station was in no-man's land between the Arab Legion and Israeli forces. It was considered to be in United Nations hands. There was, however, no United Nations personnel available to guard it. On 11 August, I arranged for repair work to start immediately. It was hoped that the repairs would be completed in two days and that water would again be pumped to Jerusalem. During the night of 11-12 August, however, the pumping station was completely

destroyed by demolition charges. I reported the matter to the Security Council on 12 August stating that preliminary investigation indicated that the violation was committed by Arab irregulars. The Security Council requested (S/970) that I make all efforts and take steps to ensure the water supply to Jerusalem. The investigation of responsibility for the violation was continued, and at the same time I initiated steps to obtain equipment and parts to repair the pumping station. After an intensive investigation I reported to the Security Council on 4 September (S/993) that the destruction of the pumping station was a flagrant violation of the terms of the truce which was perpetrated by Arabs, possibly irregulars. I also reported that every effort was being exerted to effect arrangements to repair and ensure the future operation of the pumping station.

15. The second serious violation of the terms of the truce occurred in connexion with the Red Cross zone in Jerusalem which included Government House, the Jewish Agricultural School and the Government Arab College. Egyptian, Transjordanian and Israeli forces were all located in close proximity in the vicinity of the zone and a number of incidents had occurred there. On the night of 16-17 August, Israeli forces launched an attack on Egyptian positions south of the zone. Although the attack was repulsed, the Israeli forces remained in occupation of part of the zone, and refused to withdraw unless the Arab Legion complied with a previous order of the observers to withdraw from positions occupied by them in no man's land at Nabi Dawid and Deir Abu Tor, and unless the Egyptian and Transjordanian forces agreed to the establishment of, and withdrawal from, an enlarged neutral zone in the area surrounding the Red Cross zone. The Central Truce Supervision Board decided on 27 August that the Israeli forces had committed two flagrant violations of the terms of the truce in launching the attack and in retaining troops in the Red Cross zone, and ordered them to withdraw by 29 August. At the same time the Board decided to create a neutral zone, supervised by United Nations observers around the Red Cross zone, and ordered all troops to be withdrawn from the neutral zone by 29 August. The parties delayed in accepting the two decisions but, as a result of persistent negotiations by the observers, all three forces finally accepted, and on 4 September all troops were withdrawn from both areas. On the same day I sent a report on the matter to the Security Council (S/992). I am convinced that the settlement arrived at in this case and the establishment of the enlarged neutral zone will help to ameliorate the generally tense situation in Jerusalem. The Israeli authorities are protesting against the failure of the Arab Legion to comply with the Board's order that they withdraw from the positions occupied by them

at Nabi Dawid and Deir Abu Tor. The observers are exerting strong efforts to induce the Arab forces to withdraw from those positions.

16. The third serious violation of the terms of the truce occurred on 28 August when two French observers, Lt-Col. Joseph Queru and Captain Pierre Jeannel, were killed at Gaza by Saudi Arabian irregular troops under Egyptian military command. I reported the matter to the Security Council on 6 September (S/994), and pointed out that, although there was an element of United Nations responsibility in that the Egyptian forces did not receive advance notice of the arrival of the Auster plane carrying the two observers, and the pilot was not properly briefed, nevertheless Egyptian anti-aircraft guns fired at the plane in violation of the truce, and the two unarmed observers were murdered and robbed by troops under Egyptian command after the officers had landed and left their plane. The Egyptian Government was notified of its responsibility and appropriate redress was requested.

17. The fourth serious violation of the terms of the truce concerned a Jewish attack on three Arab villages, Ein Ghazal, Jaba and Ijzim. The Secretary-General of the League of Arab States and some Arab States complained against the attack on these three villages, which are located south of Haifa in Israeli territory, claiming that there were 4,000 refugees and tens of thousands captured and massacred. As I reported to the Security Council on 30 July (S/934), the preliminary investigation disclosed that the villages were deserted and had been damaged, but that there was no evidence of massacre or capture, and that the Israeli authorities had admitted that some of the inhabitants had been killed or made prisoners during a "police raid". The Provisional Government of Israel claimed that it had taken police action against the villages to stamp out sniping and activity of irregulars who were blocking the Tel-Aviv-Haifa road. After intensive investigation by observers, who succeeded in locating more than 3,000 of the villagers and in establishing that less than 130 were killed or missing, the Central Truce Supervision Board found that the villages were attacked by the Jews between 18 and 25 July by air and land, and the inhabitants had been forced to evacuate; after the evacuation the villages of Ein Ghazal and Jaba were destroyed by the Israeli forces. The attack could not be excused as a police action as there had been fighting prior to the truce, and at the commencement of the truce the villagers had offered to negotiate with the Jews, who had apparently failed to explore the offer. On 9 September I informed the Provisional Government of Israel that the type of action undertaken by their military forces was unjustified, and that the measures taken involving the systematic destruction of two villages, were excessive

and constituted a violation of both the spirit and letter of the terms of the truce. I also informed the Provisional Government of Israel that the Arab villagers should be allowed to return forthwith and that it must do everything possible to rehabilitate them, including the restoration at its expense of all houses damaged or destroyed. The procedures for carrying these decisions into effect were to be worked out between the Chief of Staff and the Governments concerned. On 12 September I reported the case to the Security Council (S/999).

18. In addition to their investigation of complaints referred to them, the observers deal with many incidents on the spot. In a number of cases they have succeeded in settling minor complaints or in preventing incidents and violations of the truce by their presence and prompt action. It is not possible to calculate the number of violations that have been prevented or minimized by the daily work of the observers. Despite some evidence of contrary tendencies, I am convinced that their presence has had a useful psychological effect and has been a restraining influence on both sides.

19. Another important function of the observation organization is in carrying on constant reconnaissance and patrolling by land, sea and air for incoming ships and planes, to prevent the introduction of war material and fighting personnel into the truce area and to keep a check on the immigration of men of military age. This work is performed mainly by the two observer groups in charge of coasts and ports and of airports.

20. With respect to the introduction of men of military age into the truce area, a change was made in the previous practice. During the first truce men of military age arriving in Israel were placed in camps to ensure that they were not mobilized or submitted to military training. At the commencement of the second truce, however, in accordance with a statement I had made to the Security Council at Lake Success, I decided that these men were not to be placed in camps, but were to be given special identity cards and assigned to particular areas where they would be periodically checked by the observers. From the time this practice was instituted on 23 July until 8 September, 14,359 immigrants arrived in Israel of which 4,295 were men of military age. With respect to the Arab areas of Palestine and the seven Arab States, it has not been possible to maintain an adequate check on the introduction of men of military age, due to the immense area involved and the limitations of personnel and equipment.

21. In connexion with the Holy Places, periodic visits by observers indicate that, apart from Jerusalem, there is no serious problem regarding their preservation. The tense situation in Jerusalem, however, makes it impossible under present circumstances to ensure either

their protection or free access to them, and the position is similar to what it was during the first truce.

22. The problem of furnishing essential supplies to the beleaguered Jewish settlements in the Negeb presented considerable difficulty and was only recently solved. The Egyptian supply lines from their forces in Gaza to those in the area south of Jerusalem cut across the Jewish supply lines from Tel-Aviv to the Negeb. Neither side had permitted the other to use the crossroads near El Faluja. The Jews had been supplying the Negeb settlements at night by plane. The Egyptian forces had refused to allow the passage of convoys under United Nations supervision until after the air traffic was stopped. The central Truce Supervision Board decided that the Jews and the Egyptians could each use the road exclusively for six hours daily, under United Nations supervision. The Board also decided that the Israeli forces should cease supplying the settlements by air except for the settlements that are inaccessible by road, in which case the flights were to be made only under United Nations supervision. I confirmed the findings of the Board and issued the decision on 14 September, and I am hopeful that the decision will reduce friction and the number of incidents in that sector.

The City of Jerusalem

23. During the second truce, the Truce Commission again collaborated with me and my representatives in supervising the truce in Jerusalem. The number of observers has been constantly increased, as they became available, and at the present time there are 79 observers stationed there.

24. During the interval between the two truces there were only slight changes in the relative battle-lines of the opposing forces. The city is effectively partitioned between the two forces, with the Israel forces holding the greater part of the city and the Arab Legion holding the Old City and a small part of the New City. The "No man's land Agreement" that was effective during the first truce, however, came to an end as it has not been possible to renew it. Except for an area in the Mount Zion and Deir Abu Tor region, the present truce lines have been fixed.

25. The situation in Jerusalem during the second truce has become considerably worse than it was during the first truce. There occurs an almost nightly exchange of fire from both sides which it is impossible to break down into specific complaints and incidents. Sniping and indiscriminate rifle fire are regular occurrences and the firing of machine-guns, mortars, artillery and Vercy lights on some nights is suggestive of a large-scale military operation.

26. On my return from Lake Success I devoted special attention to the problem of Jerusalem. As I reported to the Security Council on 1 August (S/939), my first discussions with both parties on the subject of demilitarization led me to believe that they were inspired with a common desire to avoid further fighting and destruction in Jerusalem. On 7 August (S/955) I reported that both parties had agreed to start conversations with a view to making arrangements to keep Jerusalem out of the conflict, and that these discussions did not exclude demilitarization. On 12 August (S/961) I reported to the Security Council my efforts to stop the firing in Jerusalem. On 18 August (S/977) I reported that the situation in Jerusalem was gradually getting out of hand, that both parties had come deliberately to ignore the authority of the United Nations, and that a further deterioration of the situation might lead to a general resumption of hostilities. In response to my appeal the Security Council on 19 August adopted a resolution (S/983) warning the parties that they were responsible for the activities of irregulars in their respective areas, that reprisals and retaliations were not permitted, and that neither party would be entitled to gain by any truce violation.

27. The warning contained in the Security Council's resolution of 19 August (S/983) has strengthened the hand of the observers in dealing with both parties, and has prevented a further deterioration of the situation in Jerusalem as elsewhere. Violations of the terms of truce nevertheless continue. It is my firm conviction that the problem of these violations in Jerusalem and the problem of demilitarization are inevitably linked together, and that the former cannot be fully eliminated unless the latter is solved.

28. The agreement for the demilitarization of the Mount Scopus area was observed during the interval between the truces and continued in effect during the second truce. The situation there, which was always difficult because of the lack of United Nations personnel to enforce it, has also deteriorated. The United Nations is responsible for supplying water and food to the area, but the Arabs will not permit necessary repairs to the water pipe-line, and both Arabs and Jews have obstructed food convoys to the area. Owing to Arab objections it has also not been possible to implement the replacement of Jewish police personnel.

29. In the matter of bringing essential

supplies to Jerusalem by convoy, considerably more difficulty has been encountered than during the first truce. On 2 August the Truce Commission (S/938) felt constrained to draw the attention of the Security Council to the Arabs' refusal to allow water and food supplies to reach Jerusalem. After considerable negotiation it was finally agreed that United Nations convoys would be permitted to bring supplies to Jerusalem, but the convoys were occasionally subjected to sniping and firing. Since the latter part of August, however, the situation respecting convoys has improved and they are now functioning smoothly. The destruction of the Latrun pumping station has made it impossible for water in adequate quantities to flow to Jerusalem, but the Jews have in the meantime built an auxiliary water pipe-line, of small capacity, along the "Burma Road" which provides a minimum amount of water to Jerusalem.

30. In general, the situation in Jerusalem is one of high tension. Despite constant and painstaking efforts by the Truce Commission and the United Nations observers, the situation, although improved, is still precarious.

Assessment of the supervision of the second truce

31. The outstanding feature of the second truce is that it is of indefinite duration, and not for a fixed period. While this truce applies to the same immense area and gives rise to many of the same difficult problems as the first truce, it has been possible to organize the supervision effort on a more elaborate and adequate scale. Although the shortage of personnel and equipment is still a serious problem, in neither case has the shortage been as severe as during the first truce, and the work of truce supervision in consequence has been more efficient and thorough.

32. Although the number of incidents and alleged breaches of the terms of truce has been fewer than during the first truce, the violations have been of a more serious nature, and at times the truce itself has appeared to be in a precarious position. Nevertheless, no large-scale military operations have occurred in Palestine, and a sense of profound satisfaction may be derived from the knowledge that the cessation of hostilities has unquestionably prevented a great deal of destruction, ruin and bloodshed, and has resulted in the saving of many lives.

IV. OBSERVER CASUALTIES

1. I can speak only with praise of the loyalty of the observer personnel to the cause of international peace, and of their courage and impartiality in the performance of their duty. They are unarmed and have no power to pre-

vent truce violations or to enforce their rights or decisions. They are engaged in a difficult and hazardous task. It is with deep regret that I must record the following casualties among observers.

KILLED

Commandant René de Labarrière, of the French Army, killed while on duty near Afula on 3 July 1948.

Ole H. Bakke, of Norway, a United Nations guard, killed while on duty at Jerusalem on 13 July 1948.

Lieutenant-Colonel Joseph Queru, of the French Army, killed while on duty near Gaza on 28 August 1948.

Captain Pierre Jeannel, of the French Army, killed while on duty near Gaza on 28 August 1948.

WOUNDED

Commandant du Moustier de Canchy, of the French Army, wounded while on duty near Afula on 3 July 1948.

Captain Robert Dens, of the Belgian Army,

wounded while on duty near Gaza on 3 July 1948.

Private First Class Edward Brodeur, of the United States Marine Corps, wounded while on duty at Jerusalem on 3 July 1948.

Captain Paul J. J. Leyder, of the Belgian Army, wounded while on duty at Latrun on 1 August 1948.

Captain Michel Taymans, of the Belgian Army, wounded while on duty at Jerusalem on 13 August 1948.

Captain Henri Tors, of the French Army, wounded while on duty at Jerusalem on 28 August 1948.

Eric Gormsen, of the United States of America, a United Nations guard, wounded while on duty at Jerusalem on 8 September 1948.

2. All these men were casualties in the service of the international community. I commend their gallantry and devotion to duty, and express my sincerest sympathy to the families of those who have lost their lives.

V. SOME CONCLUSIONS REGARDING THE TRUCE OPERATION

1. The supervision of the truce is a continuing responsibility and it is neither necessary nor desirable at this stage to formulate any definitive views concerning the operation. The experience thus far gained in the supervision of two truces extending over a total period of more than three months has been very valuable, however, and on the basis of this experience certain analyses and conclusions may even now be usefully set forth.

2. In assessing in general terms the entire period of truce, my dual role of Mediator and of supervisor of truce observation is an important factor. Conditions of truce, even though subject to frequent minor and occasional major infractions by both parties, provide a peaceful basis indispensable to the task of mediation. At the same time, organizing and supervising truce observance make imperative demands on time and staff. I am inevitably drawn into the settlement of disputes arising solely out of the truce, and it may be readily appreciated that my position and decisions as truce supervisor cannot, in the minds of the disputants, be easily dissociated from my role in the more fundamental task of mediation.

3. The situation in Jerusalem has been considerably more tense and difficult during the second truce than during the first. This fact is due to a complex of reasons among which are the change in military dispositions between truces, and the increased concentration of man-power which appears to have taken place there in the interval between the truces. The special importance which each side attaches to the status of Jerusalem in a general settlement of the Palestine problem is, in the circumstances, a constant influence tending to heighten the tension there.

4. However, the situation in Jerusalem has shown recent improvement. The decision of the Security Council on 19 August fixing the responsibility of the parties under the cease-fire order, a considerable increase in the number of United Nations observers stationed there, and intensive efforts to achieve localized demilitarization agreements, have produced beneficial results. Nevertheless, the conditions in Jerusalem are such that not even the increased number of observers now there could for long maintain the truce in the City if it should appear likely that a settlement would be indefinitely deferred.

5. United Nations supervision of the regular food convoys for Jerusalem has been an important feature of both truces. The movement of these convoys involved difficult negotiation and constant supervision and escort. Apart from some sniping activity during the early days of each truce, the convoy system has worked remarkably well. On the other hand, persistent efforts to ensure the flow of water to Jerusalem through the main pipe-lines have met with failure during both truces, the destruction of the Latrun pumping station having so far nullified all efforts to solve the problem during the second truce.

6. The period of the first truce coincided with the ripening of cereal crops in Palestine. Since the front lines ran almost entirely through land belonging to Arab cultivators, a great number of fields bearing crops was in no man's land or behind Jewish positions. Attempts by Arabs to harvest crops in no man's land and in the vicinity of and sometimes behind Jewish positions often led the Jews to react by firing on the harvesters. This was a major complication during the first truce, both before and after my ruling of 16 June, and explains

many of the breaches of truce and the difficulties of truce observation over a wide area. During the second truce, incidents of this nature have been relatively few, since the harvest season for cereal crops is over. The efforts of observers in securing local agreements regarding harvesting of crops undoubtedly saved many crops that would otherwise have been lost.

7. The fact that in the Negeb there is no continuous front line has been, during both truces, a special cause of difficulty as a result of the need for each side to by-pass the other's positions in order to supply some of its own positions. Convoys under United Nations supervision largely solved the problem, though not without friction, during the first truce. During the second truce a similar system was proposed, but agreement on conditions could not be reached with the parties. Consequently, on 14 September I laid down the terms governing future convoys in the Negeb.

8. In considering the effectiveness of the truce supervision, attention must be paid to two distinct, though related, aspects of the problem. On the one hand, there is the problem of observing the actual fighting fronts, of dealing with incidents which may arise there and preventing, if possible, any further outbreak of hostilities. On the other hand, there is the observation which is necessary over a vast area to check whether or not materials and men are being moved in a manner to confer military advantage contrary to the terms of the truce. As regards the second aspect of this problem, an important consideration is that the area under observation covers a very large part of the Middle East and that the necessity to concentrate a majority of the limited number of observers at my disposal near the fighting fronts restricts the number available for duties elsewhere. The availability of an increased number of observers has enabled me to ensure a more extensive supervision, especially in territories outside Palestine.

9. Experience has shown that the more quickly action can be taken to deal with a local violation, the more easily incidents are controlled or prevented. It must be admitted that, on

occasion, slowness to act, often because of circumstances beyond control, has hampered the operation of the truce supervision. Although the Secretary-General of the United Nations has given me the fullest co-operation and every assistance available to him, it is apparent that the United Nations was not in position as regards observer personnel, armed guards, communications and transportation equipment or budgetary provision to set up rapidly the elaborate machinery of truce observation required.

10. The second truce differed from the first principally in the fact that it was ordered by the Security Council under threat of further action under Chapter VII of the Charter, and that no time-limit was set. This introduced a new element into the situation as compared with the first truce, in that the second truce involved compliance with a Security Council order. There is a tendency on each side to regard alleged breaches by the other side of a truce which has been ordered by the Security Council as calling for prompt action by that Council. Both sides now evidence a sense of grievance and complain that the compulsory prolongation of the truce is contrary to their interests. This feeling is inevitably reflected in their attitudes toward the observers and truce obligations in general. The truce undoubtedly imposes a heavy burden on both sides, but even so, the burden of war would be heavier.

11. The truce is not an end in itself. Its purpose is to prepare the way for a peaceful settlement. There is a period during which the potentiality for constructive action, which flows from the fact that a truce has been achieved by international intervention, is at a maximum. If, however, there appears no prospect of relieving the existing tension by some arrangement which holds concrete promise of peace, the machinery of truce supervision will in time lose its effectiveness and become an object of cynicism. If this period of maximum tendency to forego military action as a means of achieving a desired settlement is not seized, the advantage gained by international intervention may well be lost.

PART THREE

ASSISTANCE TO REFUGEES

I. NATURE OF THE PROBLEM

The number of refugees

1. As a result of the conflict in Palestine, almost the whole of the Arab population fled or was expelled from the area under Jewish occupation. This included the large Arab populations of Jaffa, Haifa, Acre, Ramleh and Lydda. Of a population of somewhat more than 400,000 Arabs prior to the outbreak of hostilities, the number presently estimated as remaining in Jewish-controlled territory is approximately 50,000. On the other hand, it is estimated that some 7,000 Jewish women and children from Jerusalem and various areas occupied by the Arabs sought refuge within Jewish-controlled territory.

2. As of 10 September 1948, confirmed estimates (which may be subject to later modification owing to migratory movements, the addition of those who have exhausted their personal resources, and certain others who have been in hiding in isolated areas) give a total of 330,000 Arab refugees, distributed approximately as follows :

Iraq.....	3,000
Lebanon.....	50,000
Syria.....	70,000
Transjordan.....	50,000
Arab Palestine	
(a) Nablus-Tulkarm-Ramal-	
lah.....	80,000
(b) Gaza.....	65,000
Egypt.....	<u>12,000</u>
TOTAL.....	330,000

The remainder are scattered along access roads or distributed in tiny isolated communities or hiding places over a wide area¹.

Acute stage

3. The situation reached an acute stage owing to the fact that just before the second truce (18 July 1948) Ramleh and Lydda, to which many thousands had fled from Jaffa and other localities, also fell. Moreover, while those who had fled in the early days of the conflict had been able to take with them some personal effects and assets, many of the late-comers were deprived of everything except

the clothes in which they stood, and apart from their homes (many of which were destroyed) lost all furniture and assets, and even their tools of trade.

4. By the terms of resolution 186 (S/2) adopted by the General Assembly on 14 May 1948, the promotion of the welfare of the inhabitants of Palestine was included among my responsibilities. By the middle of July the refugee problem had become grave and it was apparent to me that urgent measures had to be taken for humanitarian reasons. Moreover, the refugee problem is intimately related to the problem of Palestine settlement. When subsequently an appeal from the League of Arab States was addressed to the Secretary-General of the United Nations and transmitted to me late in July, I took prompt action. This appeal, after drawing attention to the creation of a bureau at Cairo to organize and co-ordinate help for the refugees, and the readiness of the Arab States to co-operate to aid and assist them, added :

"It is felt that the situation of misery and distress of a large number of refugees merits the attention of the United Nations Organization concerned with the assistance and welfare of refugees, and this request is therefore being made to Your Excellency with a view to initiating such action as is required to relieve the acuteness and gravity of the situation."

The Executive Secretary of the Preparatory Commission of the International Refugee Organization, to whom this request was referred by the Secretary-General of the United Nations, in replying expressed doubts as to the eligibility of the Arab refugees, under annex I of the constitution of the International Refugee Organization, but added :

"Even if this could be established, the Preparatory Commission nevertheless regretfully concludes that prior claim on its limited resources would still be had by a large number of persons the Organization had not yet been able to assist, but which have long had urgent refugee status. Such priorities taken together with restricted financial position would make difficult any assumption of new operating responsibilities in the areas in question."

II. PRELIMINARY SURVEY

1. On 21 July 1948, I addressed a request to the Secretary-General of the United Nations, asking for the immediate dispatch to my headquarters at Rhodes of a senior official from

¹ The 50,000 remaining in their home areas in territory under Jewish control are not included.

the Department of Social Affairs for the purpose of surveying this grave problem. On his arrival, this officer proceeded at once to Palestine to make a rapid survey of the situation, linking up his inquiries with a preliminary survey of refugees which had been made on

the spot by an officer of the League of Red Cross Societies.

2. Palestinian Arabs are not citizens of the Arab States in which they have sought refuge. In Arab Palestine they were without the care or protection of any recognized Government, and the existing local and community authorities were unable to meet the necessities of a body of refugees that in some instances outnumbered the local residents by approximately two to one. They had been under the Palestine Administration of the United Kingdom as Mandatory Power. Upon the termination of that Mandate on 15 May 1948, as residents of Palestine they were in a territory for whose future the United Nations had assumed responsibility.

3. In Arab-occupied Palestine a rapid preliminary survey of the social situation was completed on 7 August 1948 and, on the basis of observation and a random sampling of 500 small units, it was estimated that 12 per cent of the refugee population consisted of infants from 0-2 years of age; 18 per cent from 3-5 years of age; 36 per cent from 6-18 years of age; while slightly more than 10 per cent were pregnant women and nursing mothers. To these should be added some 8 per cent of aged, sick or infirm people, representing in all a vulnerable total of approximately 85 per cent. Early refugee groups had been accommodated in houses, but later groups congested and overflowed all available forms of shelter. Some 22 per cent were simply camped on the ground under trees. Water supplies were inadequate, unprotected and a menace to health by infection and lack of control. In most places there was absolutely no sanitary accommodation, and since water was drawn from surface collections, and typhoid is endemic, grave possibilities in this regard at this season of the year were likely. In fact, an examination of a number of cases in the Ramallah area showed 49 positive typhoid fever cases (6 August 1948).

4. As regards food, an attempt was being made to issue bread (in most places facilities for cooking or baking were absent), and in some localities a small issue of money was being made to refugees in order that they might supplement the standard issue of 500 grammes of bread per day with a few olives, tomatoes, lentils, etc. Actually, this issue of bread was irregular both in amount and distribution.

5. There was virtually no provision among the great mass of the Arab refugees for the special needs of infants, young children, nursing mothers, pregnant women, the aged or the sick. The hospital accommodation throughout the whole area has been at all times far below the recognized basic provision. It is therefore completely inadequate to the requirements of a refugee population consisting

largely of vulnerable groups. Registered doctors, nurses and other medical auxiliary personnel are similarly deficient in number. The lack of clothing and bedding was already a matter of great discomfort and cause for complaint. With the onset of cold and rainy weather about the middle of October, it was not only likely that it would become a serious problem, but the fact that the water supply was barely sufficient for drinking purposes, and quite insufficient for washing clothes or the cleanliness of body or hair, multiplied the possibilities that typhus and perhaps relapsing fever would be greatly increased. The absence of water also handicapped the treatment of the grossly prevalent eye diseases. Apart from typhoid and some endemic enteritis and dysentery, no major risks were immediately apparent, but circumstances were favourable to the establishment both of minor and major water-borne and insect-borne diseases of an epidemic character.

Immediate needs

6. The immediate needs in order of importance were considered to be:

(a) Food and protected water supplies adequate in quantity and regularly distributed;

(b) Preventive medical provision against epidemic disease by inoculation, and hospital provision on an emergency basis;

(c) Work of activity to occupy the attention of the refugees;

(d) Tentage accommodation for 60,000 persons before 15 October, and;

(e) Clothing and bedding.

Repatriation

7. As previously stated, these refugees had come from areas under the control of the Jewish forces. The immediate solution of the problem appeared to be the return to their homes of those refugees who desired to return. Even though in many localities their homes had been destroyed, and their furniture and assets dispersed, it was obvious that a solution for their difficulties could be more readily found there than elsewhere. I accordingly submitted to the Provisional Government of Israel, on 26 July, a proposal that, without prejudice to the question of the ultimate right of all Arab refugees to return to their homes in Jewish-controlled Palestine if they desired, the principle be accepted that a limited number, determined by consultation, might be permitted to return to their homes as from 15 August 1948, differentiation being made in recognition of security considerations. I also stated that I would undertake to enlist the aid of appropriate international organizations and agencies in the resettlement and economic and social rehabilitation of the

returning refugees. The Provisional Government of Israel, however, replied on 1 August 1948, in substance, that as long as a state of war existed it was not in a position to re-admit, on any substantial scale, the Arabs who fled¹. On later occasions it has re-affirmed its unwillingness to take back any refugees at the present time.

Phases of the problem

8. The problem, wherever undertaken, has three phases :

(a) Immediate relief of absolute basic needs ;

(b) A programme from September to December 1948 inclusive, based on exact figures obtained by registration, and a skilled study by experts as to the whole supply, transportation and distribution aspects of a planned programme ; and

(c) A long-range programme if, as appears inevitable, operations would need to be continued through the winter of 1948 and until August-September 1949, when harvesting will be completed.

III. IMMEDIATE RELIEF OF BASIC NEEDS

United Nations International Children's Emergency Fund

1. The first portion of this programme involved an immediate estimate of the availability of emergency relief in terms of supplies and personnel. On 12 August 1948, therefore, in virtue of part II, paragraph 1, (c) of General Assembly resolution 186 (S/2), I invited the United Nations International Children's Emergency Fund to consider assisting me in carrying out certain of my responsibilities in respect of the children, pregnant women and nursing mothers, who constitute an estimated three-quarters of the Arab refugee total. On 13 August 1948, Dr. M. Kahany, the representative at Geneva of the Provisional Government of Israel, requested that similar facilities should be extended to his Government in respect of Arab and Jewish women and children (some 12,000 children and some 8,000 women) in the areas under Jewish control. Both these proposals were recommended and sent forward to the Executive Board of the Children's Fund which, at its meeting on 17 August 1948, was convinced that an emergency situation existed in which the Fund could be of assistance, and that such assistance was within the competence of the Fund (document E/ICEF/75). I had asked for an appropriation equivalent (plus shipping) to \$796,000 for the Arab refugees. The Executive Board, however, after adjusting the request to include the increased numbers mentioned as requiring relief by the representative of the Provisional Government of Israel, excluded cereals and agreed to provide a global sum not to exceed \$411,000 plus shipping costs, allocating that amount for a two-month' programme. This allocation, although less than requested, has served as the foundation for the programme of immediate relief.

Aid by Arab States

2. The Arab States, especially those in

¹. See part one, annex II.

which the inhabitants of Palestine have sought refuge, have already provided supplies and money to an extent that has greatly strained their resources in both directions, and are continuing to provide all possible measures of basic relief. It is claimed that this sum has already exceeded the assistance received or anticipated from all other nations or organizations combined.

Appeal to nations

3. I decided to appeal for cereals, which were most vitally needed, and for supplementary stores of other items, to those nations which had had important trade connexions with Palestine and the surrounding Arab countries. I accordingly dispatched telegrams for certain specific items to twenty-four nations, asking them to divert to me at Beirut, if possible, any such stocks which were at the moment on vessels at sea or which were in ports adjacent to the Middle East for purposes of immediate relief. I also approached twenty-nine other nations by telegram, with the request that they provide any available general food requirements or funds, indicating the general needs. These telegrams were dispatched on 16 August 1948, and it was requested that a reply be returned within ten days. On 1 September 1948, a second telegram was dispatched to those countries which had not replied, requesting them to inform me as early as possible of their decisions. The situation with regard to this appeal is shown, as at 8 September 1948, in annexes I and II. It will be observed that the greatest shortage exists in cereals. It will also be observed that in some instances transportation represents a major difficulty, owing to shortage of shipping.

4. During the course of these negotiations, steps had been taken to determine the facilities that existed for intake and warehousing of supplies at Beirut ; exemption of imports from duty ; free transportation within the countries concerned and to any part of Arab

Palestine ; and the degree of organization that existed from the point of view of distribution of supplies as a decentralized operation, to be carried out by the various countries concerned, and the supervision of that distribution. Satisfactory progress in this regard has been made with the League of Arab States, and preliminary agreements have been signed between the Governments of Lebanon and of Syria, and myself.

5. Meanwhile, the Government of Egypt and the International Red Cross and other bodies had made available considerable quantities of medical stores and inoculation material, and local programmes had been introduced on a somewhat sporadic basis in Arab Palestine ; the Governments of Lebanon and of Syria had also carried out a considerable amount

of work in respect of registration of refugees, inoculations and similar procedures. The British Foreign Office had been approached and steps taken to secure tents for the tentage areas, as it was considered these would become increasingly necessary as autumn passed into winter. The first consignment of 2,500 ten-man tents was procured during August. An encouraging response was made by the League of Red Cross Societies and the Committee of the International Red Cross (which arranged to work in unison) ; and also by the World Council of Churches, to direct appeals for aid from me. Organizational arrangements were set in hand by both bodies. Inquiries for information were also received from other organizations, which are presently considering their capacity to assist.

IV. SHORT-TERM PLANNED PROGRAMME

1. While these arrangements were being instituted with a view to the immediate relief of basic needs, approaches were being made to specialized agencies with a view to the provision of exact figures upon which a planned programme for the period September to December 1948, might be based.

World Health Organization

2. The Director-General of the World Health Organization, immediately upon request, allocated Dr. H. Mooser (assisted by a medical officer assigned by the Secretary-General) to survey the general medical situation with particular reference to epidemiological risks ; to examine suggested sites for tent villages in low-lying areas where winter conditions are extremely mild ; and, at the earliest possible moment, to provide a report with recommendations. The decision to establish tentage areas in low-lying locations is a compromise with necessity. The winter in Palestine on the highlands may be very severe for persons inadequately provided with shelter or clothing ; on the warmer lowlands, however, the selection of tent sites is a matter requiring considerable care and subject to very definite risks, particularly in respect of malaria, which can become epidemic at certain periods of the year. Where sanitary supervision is difficult and organization poor, as is usually the case where large numbers of inexperienced and untrained civilians are put under canvas, very real disease problems can arise, and may increase with the length of stay. The two medical officers commenced their operations in Cairo on 7 September 1948. On the basis of their recommendations, the Director-General of the World Health Organization is prepared to consider the further provision of emergency relief.

Food and Agriculture Organization

3. The Director-General of the Food and Agriculture Organization, immediately upon request and in conjunction with Haffnawy Pasha, Director of its Near East Regional Office, agreed to make available two officers, Dr. Kirk and Professor Abbassy, to survey the situation from the point of view of the immediate and potential production picture of Palestine and the surrounding countries, having in mind the bad harvests of 1946 and 1947 in certain areas ; the impossibility of the collection of a normal harvest in 1948 owing to war and consequential damage, and the disruption of labour ; the dislocation of the usual norms in those countries, consequent upon the influx of great numbers of refugees, and other related circumstances. These investigations are being undertaken in September.

International Refugee Organization

4. The Executive Secretary of the Preparatory Commission of the International Refugee Organization placed at my disposal General C. Hardigg, his chief officer for supply and transport, to provide a report on the best method of handling these problems in Palestine and the adjacent countries. General Hardigg commenced his investigations on 8 September at Beirut, from which point he undertook a rapid survey of the whole territory concerned, with a view to providing promptly a report with recommendations for the establishment and continuance of the supply and transport programmes, with both general and local application throughout the countries concerned.

Medical and hospital assistance

5. Attention was also directed towards the possibility of supplying, for the Arab refugees, a number of medical officers from the large group reputed to be available among refugees in the assembly centres in Western Germany and Austria. Up to the date of this report, this endeavour has been unsuccessful, owing to the inability to find available candidates who could meet the special and necessarily high qualifications. The possibility is being further explored.

6. It was not felt necessary to provide medical aid for refugees in the Jewish-controlled areas of Palestine, since medical and hospital facilities are more than adequate there. On the other hand, there is an acute shortage of medical and hospital facilities in the Arab parts of Palestine. The Arabs are similarly lacking in welfare centres, and other special provisions. The Jewish-controlled areas, in fact, contain almost all the public and private hospitals and bacteriological laboratories of Palestine.

Red Cross, World Council of Churches

7. Some national Red Cross organizations have already offered help in very practical form, and have allocated officers to the field to assist me in my effort. I am hopeful that others will do likewise. The World Council of Churches has also undertaken a programme for relief, its activities being in the hands of Dr. Klein, of Saint George's Cathedral, Jerusalem.

Integrated plan

8. It is obvious that the second stage of the programme comprises essentially the co-ordination into one integrated plan of the activities of the United Nations; the specialized agencies; the International Children's Emergency Fund; and appropriate voluntary agencies or other bodies. This composite group must work in close association with the League of Arab States which, on its part, is integrating its activities throughout the whole of the area concerned, and directing particular attention to aiding and assisting any programme for Arab Palestine. Up to the date of this report, the only aid sought in respect of Jewish Palestine is that of Children's Fund aid mentioned in section III, paragraph 1, above.

9. My function, at this stage, is to meet the immediate emergency by a short-term programme, and to meet it as economically and efficiently as possible, more especially by minimizing that duplication and overlapping which is inevitable in any series of parallel operations. My primary objective, therefore, has been to combine these operations by

consent within a unified plan. Secondly, and for the same reasons, I am attempting to decentralize the whole operation to the greatest possible degree, through local national committees of approved status, competent to give an adequate discharge for supplies, and competent also to ensure their distribution through subsidiaries at all appropriate levels, until they finally and equitably reach the refugees through the co-operation of all concerned. This involves the provision by the Arab States of the transportation and other facilities mentioned previously in section III, paragraph 4. Final negotiations in respect of these matters are proceeding at the present time, and, it is believed, will shortly be successful and fully operative.

10. It is believed that the degree of success in the relief effort will materially depend on the degree to which complete integration is secured. As the burden is increasingly taken up by the countries in which the refugees have sought refuge, together with those who are assisting them with funds and supplies, it is anticipated that it will be possible to follow a policy of disengagement which will not involve undue hardship to any contributing party. The present unavailability of resources for a large or continuing activity conducted by the United Nations, through myself as Mediator, is the major consideration in the establishment of a policy of co-ordination of activity at the highest level, with decentralization of the practical activities and early disengagement, as mentioned above. From the outset, it was apparent that the extreme stringency of the budgetary position in the United Nations made it impossible to anticipate the provision for this project of more than a nominal amount of funds for administrative purposes. The programme, therefore, has been to some extent subordinated to this requirement, and, wherever possible, has relied upon donations, not only of material but of the seconded services of officers with specialized training and experience.

Beirut headquarters

11. In order to assist in the integration of the programme, I have obtained from the Secretary-General of the United Nations various officers of the United Nations Secretariat, and also officers seconded by specialized agencies and voluntary agencies. A senior member of the United Nations Secretariat serves as Director of Disaster Relief. All programme and personnel activities are combined under his immediate direction in headquarters at Beirut, established with assistance of the Government of Lebanon and the League of Arab States. Assistance in the work will be provided by a chief medical officer (WHO); a chief supply officer (IRO, with subsequent

remplacement by UNICEF); a director of field operations (IRC); and two supervisory field medical officers (IRC and UN). A field supervisory supply officer will support the programme in the field and will be assisted by liaison and supply officers established, besides Beirut, at Damascus, Amman, Ramallah, Tel-Aviv or Haifa, Gaza and Jerusalem.

12. At the refugee level, assistance and supervisory activity as to the degree of efficiency and equity with which supplies are distributed to the refugees and with which medical provision is made for their welfare, will, it is hoped, be provided by volunteers

seconded from the International Red Cross, the World Council of Churches, and other voluntary agencies co-operating with the Arab officers concerned. Negotiations to this effect are presently in progress. Arab committees at all appropriate levels, from Government committees to village and camp committees, will co-operate in all practical operations.

13. At United Nations headquarters, Lake Success, liaison is being ensured with appropriate reference to co-ordination of activity in the Americas, by a special liaison unit and by a committee including all interests materially involved.

V. LONG-RANGE PROGRAMME

The question of disengagement, which has been mentioned in section IV, paragraph 10, raises the matter of the third phase, that is to say, the long-range programme. It has previously been indicated that, even if the refugees were able to return to their homes at once, it would nevertheless be necessary, owing to the present circumstances, to maintain

them during the winter and until August-September 1949, when harvesting will have been completed. It is obvious that action must be taken to determine the necessary measures and to provide for their implementation. It is my hope that the General Assembly of the United Nations will assume this responsibility.

VI. CONCLUSIONS

1. Conclusions which may be derived from the experience to date are summarized as follows :

(a) As a result of the conflict in Palestine there are approximately 330,000 Arab refugees and 7,000 Jewish refugees requiring aid in that country and adjacent States.

(b) Large numbers of these are infants, children, pregnant women and nursing mothers. Their condition is one of destitution and they are "vulnerable groups" in the medical and social sense.

(c) The destruction of their property and the loss of their assets will render most of them a charge upon the communities in which they have sought refuge for a minimum period of one year (through this winter and until the end of the 1949 harvest).

(d) The Arab inhabitants of Palestine are not citizens or subjects of Egypt, Iraq, Lebanon, Syria and Transjordan, the States which are at present providing them with a refuge and the basic necessities of life. As residents of Palestine, a former mandated territory for which the international community has a continuing responsibility until a final settlement is achieved, these Arab refugees understandably look to the United Nations for effective assistance.

(e) The temporary alleviation of their condition, which is all that my disaster relief programme can promise them now, is quite inadequate to meet any continuing need, unless the resources in supplies and personnel

available are greatly increased. Such increased resources might indirectly be of permanent value in establishing social services in the countries concerned, or greatly improving existing services. This applies particularly to general social administrative organizations, maternal and child care services, the training of social workers, and the improvement of food economics.

(f) The refugees, on return to their homes, are entitled to adequate safeguards for their personal security, normal facilities for employment, and adequate opportunities to develop within the community without racial, religious or social discrimination.

(g) So long as large numbers of the refugees remain in distress, I believe that responsibility for their relief should be assumed by the United Nations in conjunction with the neighbouring Arab States, the Provisional Government of Israel, the specialized agencies, and also all the voluntary bodies or organizations of a humanitarian and non-political character.

2. In concluding this part of my report, I must emphasize again the desperate urgency of this problem. The choice is between saving the lives of many thousands of people now or permitting them to die. The situation of the majority of these hapless refugees is already tragic, and to prevent them from being overwhelmed by further disaster and to make possible their ultimate rehabilitation, it is my earnest hope that the international community will give all necessary support to make the meas-

ures I have outlined fully effective. I believe that for the international community to accept its share of responsibility for the refugees of Palestine is one of the minimum conditions for the success of its efforts to bring peace to that land.

* * *

I cannot finish this report without expressing my sincerest thanks to all the members of my staff who so skilfully and willingly help me in my mission as Mediator. I thank the Secretary-

General of the United Nations who has given me his full co-operation and has put his personnel at my disposal. Without their loyalty to our mission and to me, and without their very able assistance, I would not have been able to accomplish anything during the three and a half months that have now elapsed since I was appointed Mediator for Palestine.

(Signed) F. BERNADOTTE.
United Nations Mediator for Palestine.

Rhodes, 16 September 1948.

ANNEX I

Refugees: Replies from countries to which telegrams requesting specific commodities were dispatched

COUNTRY SOLICITED AND COMMODITIES REQUESTED 16 AUGUST 1948	TONS	DATE OF REPLY	QUANTITIES DONATED
ARGENTINE			
Wheat.....	500		
Meat.....	150		
Butter.....	50		
Dried fruit.....	50		
AUSTRALIA			
Wheat.....	1,000	25 August	Full quantity.
Cheese.....	50		
Butter.....	50		
BELGIUM			
Peas.....	50	25 August	Intermediate reply.
Haricot beans.....	50		
BRAZIL			
Meat.....	150	27 August	Intermediate reply.
Dried fruit.....	25		
BURMA			
Rice.....	300	19 August 1 Sept.	Intermediate reply; 30 tons rice (will try supply balance).
CANADA			
Wheat.....	1,500	27 August	Intermediate reply.
Cheese.....	50		
Egg powder.....	50		
CHILE			
Potatoes (and general list).....	200		
CUBA			
Sugar.....	250		
France (incl. N.-African Colon.)			
Oil.....	30	28 August	Full quantity.
Dried fruit.....	150		
GREECE			
Oil.....	10	30 August 31 August	Intermediate reply; 10 tons oil.
HAITI			
Sugar.....	100	1 Sept.	Nil.
IRELAND			
Potatoes.....	200	26 August	Full quantity.
ITALY			
OIL.....	20	21 August	Full quantity.
NETHERLANDS			
Peas.....	50	25 August	Full quantity.
Haricot beans.....	50		
INDONESIA			
Rice.....	350	25 August	Asking if in co-operation with Netherlands Government.
Sugar.....	250	4 Sept.	Will try supply in full.
NEW ZEALAND			
Wheat or barley.....	500	8 Sept.	Hope able reply definitely shortly. Besides, ready donate 5,000 tons potatoes, 2-300 tons dehydrated potatoes, if ship available.
Butter.....	50		
Milk powder.....	25		

COUNTRY SOLICITED AND COMMODITIES REQUESTED 16 AUGUST	TONS	DATE OF REPLY	QUANTITIES DONATED
NORWAY Fish.....	50	20 August	Full amount.
PHILIPPINES Rice..... Sugar.....	250 100	27 August	Nil.
PORTUGAL Fish.....	75		
SWITZERLAND Cheese..... Milk powder.....	50 20	20 August	Full quantity (50 tons cheese, 12.5 tons milk powder, 37.5 tons condensed milk).
TURKEY Oil..... Dried fruit.....	20 50	9 Sept.	Intermediate reply.
UNION OF SOUTH AFRICA Wheat..... Meat.....	500 50	21 August	50 tons meat. No wheat.
URUGUAY Meat.....	100		
UNITED KINGDOM.....		12 August (Security Council)	£ 100,000 (for tentage and medical supplies from Near East).
UNITED STATES OF AMERICA Wheat*..... Meat..... Cheese..... Butter..... DDT.....	2,500 100 50 50 20	22 August	Working with voluntary agencies to provide quantities.

ANNEX II

**Refugees : Replies from countries to which the general telegram was dispatched
(16 August 1948)**

COUNTRY SOLICITED AND DATE OF REPLY	DONATION	REMARKS AND/OR FURTHER ACTION
BYELORUSSIAN SSR		
BOLIVIA 7 September.....		Intermediate reply.
BULGARIA		
CEYLON 18 August.....	50,000 rupees.	Ceylon making arrangements transfer.
COLOMBIA 10 August..... 4 September.....	Nil.	Intermediate reply.
COSTA RICA 2 September.....	Nil.	
CZECHOSLOVAKIA		
DENMARK 11 September.....	Nil. But aid from. Save the Children Fund and Red Cross.	
DOMINICAN REPUBLIC		
EL SALVADOR 11 September.....		Intermediate reply.
ECUADOR 11 September.....	Nil.	
ETHIOPIA 23 August.....	£ 5,000.	Placed in National Provincial Bank, London.
GUATEMALA 20 August.....		Intermediate reply.
HONDURAS		
INDIA 23 August.....	100,000 rupees.	Instruction transfer (if possible \$, Eng. pounds, or Sw. Frs.) to UN Mediator, UN Office, Geneva.
LIBERIA		
LUXEMBOURG 4 September.....	10 tons barley, 14,228 tins canned meat and vegetables	
MEXICO 24 August.....		Intermediate reply.
NICARAGUA		
PANAMA 3 September.....	Nil.	
PARAGUAY		
PERU		
POLAND		
ROUMANIA		
SWEDEN		
UKRAINIAN SSR		
USSR		
VENEZUELA 27 August.....	50,000 bolivares.	In national products.
YUGOSLAVIA		

ANNEX III

Supplies donated by agencies other than Governments, to which appeals were sent

AGENCY	DONATION	REMARKS
<i>Egyptian Red Cross.</i>	50 tons medical supplies.	Donated for S. Palestine. Already sent by 23 august.
<i>Egyptian Government.</i>	40,000 doses antityphoid vaccine. All necessary typhoid, cholera, plague vaccines, sulpha drugs, atabrine (if desired).	Donated for Amman. Already dispatched. Telegram. dated 31 august from St. Aubin states: " Choucha Pasha advises can deliver Cairo... "
<i>Greek Red Cross (through World Health Organization).</i>	50 syringes 5 cc ; 50 syringes 30 cc ; 1,000 needles ; 100 first-aid boxes.	Req. indication composition first-aid boxes.
<i>ECA Mission, Greece, with US Voluntary Aid.</i>	200 tons emergency relief supp. (no further details).	To be shipped to Beirut by Navy vessel shortly.
<i>American Medical Relief, Inc.</i>	5 ambulances.	
<i>American Red Cross.</i>	2 ambulances. \$ 250,000 worth medical supplies ; 20 tons DDT. Medical supplies value : \$ 200,000 Milk valued at \$ 35,000 ; cereals.	To Lebanese Red Cross. Already distributed.
<i>Christian World Service Inc. C.R.O.P.</i>	394 bales clothing ; 100 bales clothing ; 175 lbs. vit. tablets ; small quantity DDT.	Already shipped Beirut.
	2 trainloads wheat ; 1 box-car milk.	Available in Greece.
<i>American Arabian Oil Co.</i>	\$ 200,000 \$ (? purchase 1 1-2 million cans baby food).	At disposal N.E. Foundation.
<i>World Relief Service of National Catholic Welfare Conference</i>	\$ 25,000.	Purchase flour in Egypt.
<i>Lutheran World Relief Inc.</i>	5 tons clothing.	
<i>Near East Foundation.</i>	Will expand services and personnel.	
<i>International Bechtel Inc.</i>	\$ 100,000.	At disposal Near East Foundation.
<i>Danish Save The Children Fund.</i>	300,000 crowns.	To supply soup daily for ten thousand children in camps.

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