

YEARBOOK
OF THE
UNITED
NATIONS



1948-49

DEPARTMENT OF PUBLIC INFORMATION
UNITED NATIONS, LAKE SUCCESS, NEW YORK

4. Admission of Israel

By a letter dated 29 November 1948 (S/1093) to the Secretary-General, the Foreign Minister of the Provisional Government of Israel applied, on behalf of his Government, for admission to membership in the United Nations. A declaration of acceptance of the obligations contained in the Charter was submitted with the letter.

a. DISCUSSION IN THE SECURITY COUNCIL

The Security Council considered the application at its 383rd meeting on 2 December 1948.

The representative of the United States supported the application, and urged early approval so as to permit favourable action by the General Assembly before the end of the third session. Pointing out that the United States had extended full recognition to the State of Israel and had recognized the Provisional Government of Israel as the effective authority of the new State, the United States representative declared that, in the opinion of his Government, the State of Israel fulfilled the requirements set out in the Charter. Israel was clearly an independent State having a people and a territory. Both reason and history demonstrated that the concept of territory did not necessarily include precise delimitations of the boundaries of that territory. The record of Israel's relations with the United Nations, and the repeatedly expressed willingness of the Provisional Government of Israel to negotiate on all outstanding problems between Israel and other Governments and authorities, demonstrated that the new State was peace-loving. It was clear that the State of Israel was able to carry out the obligations of the Charter.

The representative of the United Kingdom considered that the application was premature and rather doubtful. The First Committee was at that time still discussing the future of Palestine, and the State of Israel still had to prove compliance with the recent resolutions of the Security Council regarding the truce and armistice.

The representative of France also considered that no decision should be taken on the application of Israel before the First Committee of the General Assembly had been given an opportunity to complete its study of the Palestine question.

The representative of Canada stated that the application for membership must of necessity be closely related to the consideration as to whether the Israeli authorities would be able and willing to carry out recommendations of the General Assembly with respect to the situation in Palestine.

Israel's qualifications, he maintained, could be judged only in relation to whatever decision the General Assembly adopted at its third session with regard to Palestine.

The representative of Syria insisted that the State of Israel had consistently flouted the wishes of the United Nations, and he repudiated the contention of the United States representative that it was a peace-loving State which met all the provisions of Article 4 of the Charter.

The representative of the USSR recalled that his delegation had supported General Assembly resolution 181(II) of 29 November 1947 as the only decision which met the fundamental national interests of the Jewish and Arab peoples of Palestine. The USSR delegation had adhered to a single position and still felt that the only correct solution of the Palestine question was the implementation of that decision. The Government of the USSR, he said, supported the application of Israel and would give the same attention to the consideration of a membership application submitted by an Arab State which might be created on the territory of Palestine pursuant to resolution 181(II). Unfortunately, due to certain circumstances, such an Arab State, he said, had not yet been created.

At the end of the meeting, the application of Israel was referred to the Council's Committee on the Admission of New Members.

On 7 December, the Committee reported (S/1110) that it did not then possess the information necessary to enable it to come to a decision.

At the Council's 384th meeting on 15 December, the representative of France orally proposed that the Committee on the Admission of New Members reconsider the matter in view of resolution 194(III) concerning Palestine adopted on 11 December by the General Assembly.⁶⁸

That view was opposed by the representative of Syria, who considered that there was nothing new in the resolution which could help the Committee come to a final decision. Pointing out that the Security Council had followed the principle that no military or political advantage should be gained by either party during the period of truce or armistice, the representative of Syria considered that a resolution recommending the admission of the Jews would represent a great political advantage gained by them during the truce. He contended that the debate in the General Assembly had indicated that the proclamation of the Jewish State in Palestine had not been accepted. Approval of the application under discussion at that stage would destroy and frustrate the activities and

⁶⁸ See pp. 174-76.

chances of success of the Conciliation Commission which had been established by the Assembly. He urged that consideration of the application be delayed.

The representative of China said that his delegation had always stood for two principles in the Palestine question: (1) that the United Nations should enforce peace in Palestine; and (2) that the United Nations should try to mediate or conciliate or, in other words, that it would be unwise for the United Nations to impose a particular kind of settlement. Since the admission of Israel to the United Nations at that moment was looked upon with great disfavour by the Arab States, approval of the application would be interpreted to mean that the Security Council was partial to one side and would diminish the chances of successfully conciliating the dispute.

The representative of the USSR, stating that the Conciliation Commission had been set up, not to dissolve the State of Israel but to promote a peaceful settlement of the differences between it and its neighbours, considered that a decision of the Security Council to admit the State of Israel to membership in the United Nations would expedite a peaceful settlement in Palestine. He saw no reason to defer a decision on the matter.

The representative of the United Kingdom said that, as soon as the major questions at issue, notably the question of the frontiers in Palestine, had been resolved under the auspices of the Conciliation Commission appointed by the General Assembly, his Government would give sympathetic consideration both to its own recognition of the Jewish State and to that State's application for membership in the United Nations. The attitude of his Government was not due to any doubts concerning the obvious fact that the Jewish State was then in process of formation and that it would continue to exist. He declared that the Security Council could not, however, make a favourable recommendation on the application under discussion without first assuring itself that serious obligations which it had imposed under a number of resolutions had been satisfactorily fulfilled. The Jewish authorities had never submitted the requested account of their investigation into the assassination of Count Bernadotte and Colonel Sérot. He submitted a draft resolution (S/1121) calling for postponement of the consideration of the application.

The representative of the United States considered that it would help the Conciliation Commission in its work if the Security Council were to recommend the admission of Israel to the United Nations.

The representative of the USSR maintained that the territory of the State of Israel had been defined by General Assembly resolution 181(II) of 29 November 1947, which was still in force.

At the 385th meeting of the Council on 15 December, the representative of Syria pointed out that the vote in the First Committee of the General Assembly indicated that there were many delegations who favoured an advisory opinion of the International Court of Justice regarding the Palestine question. He therefore submitted a draft resolution (S/1125), proposing that the Court should be asked for an advisory opinion on various matters relating to legal aspects of the Palestine question.

At the same meeting the representative of France submitted a draft resolution (S/1127), proposing that a decision on the application of Israel be postponed for a month.

At the 386th meeting on 17 December, the Security Council put to the vote the three draft resolutions and the application of Israel.

The United Kingdom draft resolution (S/1121) was not adopted. There were 4 votes in favour (Belgium, China, Syria and the United Kingdom), with 7 abstentions.

The French draft resolution (S/1127) was not adopted. There were 6 votes in favour, with 5 abstentions.

The Syrian draft resolution (S/1125) was not adopted. There were 2 votes in favour (Belgium and Syria), with 9 abstentions.

The Israeli application for admission to membership in the United Nations did not receive the recommendation of the Security Council. There were 5 votes in favour, 1 against (Syria), with 5 abstentions (Belgium, Canada, China, France and the United Kingdom).

By a letter dated 24 February 1949 (S/1267) to the Secretary-General, the representative of Israel requested that renewed consideration be given to his Government's application (S/1093) for membership in the United Nations.

The Security Council resumed consideration of the application of Israel at the 413th meeting on 3 March 1949.

The representative of the United Kingdom stated that his Government, before deciding how to cast its vote, would require clarification of the Israeli Government's attitude with regard to the Assembly's recommendation in favour of the internationalization of the whole area of Jerusalem. He also asked that the Israeli Government clarify its position with respect to the Assembly's recommendation on behalf of Arab refugees, and explained that without having a clarification of these

points his delegation would prefer to see consideration of the application deferred. However, he added that, inasmuch as his Government had previously signified its intention of renouncing the use of its privileged vote to block the admission of any State which obtained the requisite majority, his delegation would have no other alternative than to abstain from voting should the matter come to a vote at the present time.

The representative of Norway said that, in principle, his Government favoured the admission of Israel and would support the application despite doubts as to the timing of the decision.

In opposition to the application, the representative of Egypt contended that it would not only be wrong for the Security Council to take action at the present time, but would, in his estimation, "be an affront to humanity and a sacrilege to the Organization we are supposed to represent." He said that the Jews were driving three-quarters of the people of Palestine from their homes, and there were many other considerations tending against accepting the Jewish application. The people of the Middle East, he declared, could hardly have great confidence in, and reverence for, the United Nations if that application was accepted and, indeed, given preferred treatment. After reviewing the sufferings of the Arab people, he declared that his delegation and his country washed their hands of any act of the Security Council which would recommend Israel's admission to membership at the present time.

The representative of Canada shared the opinion of the French delegation that the situation had been somewhat clarified as a result of recent developments and, therefore, he supported Israel's application.

The representatives of Cuba, the Ukrainian SSR, the USSR and the United States also spoke in support of the application, the latter representative submitting a draft resolution (S/1276), recommending to the General Assembly that it admit Israel to membership in the United Nations. The United States draft resolution was adopted by 9 votes to 1 (Egypt), with 1 abstention (United Kingdom).

The representative of Argentina noted that the draft resolution had not been supported by the five permanent members of the Council as required in Article 27, Paragraph 3 of the Charter, and said he did not believe the Security Council could establish principles to modify the Charter whenever it thought fit. This argument was supported by the representative of Egypt, but the representative of the USSR explained that, in accordance with the established practice of the Security Council, when

a permanent member of the Council abstains from voting, such action is not interpreted in the way that the representatives of Argentina and Egypt had sought to interpret it.

b. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS THIRD SESSION

On 7 March 1949, the President of the Security Council transmitted the Council's resolution to the President of the General Assembly (A/818). After a debate in the General Committee and in the plenary meeting of the Assembly as to whether the item should be deferred or included in the agenda, and, if included in the agenda, whether it should be considered by the Assembly in plenary session or referred to a Committee, the General Assembly (1) decided by 46 votes to 7, with 3 abstentions, to include the item in the agenda and (2) decided by 31 votes to 18, with 17 abstentions, to refer it to the First Committee. On 2 May 1949, it re-allocated the question to the Ad Hoc Political Committee, which considered it at its 42nd to 51st meetings from 3 to 9 May.

(1) Discussions in the Ad Hoc Political Committee

One of the first questions discussed in the Ad Hoc Political Committee was the Security Council's practice of not considering an abstention by one of the permanent members of the Council as a veto.

(a) QUESTION OF THE VALIDITY OF THE SECURITY COUNCIL'S RECOMMENDATION

At the Committee's 42nd meeting on 3 May, the representative of Iraq declared that he considered that the abstention of one permanent member (the United Kingdom) in the vote on the admission of Israel had made the final recommendation defective. In view of the importance of the question, he thought it would be wise to ask the Council to reconsider its position. If that did not prove feasible, he said, then there could be no harm in consulting a competent legal body such as the International Court of Justice. He therefore submitted a draft resolution (A/AC.24/64), asking that an inquiry should be sent to the Security Council "seeking further explanation for the validity of the vote taken with regard to the application of Israel to membership in the United Nations," in view of the abstention of one of the permanent members, and, "without prejudice to the discussion of the merits of the case," that an advisory opinion be sought from the International Court of Justice upon the nature of this vote.

The representative of the United Kingdom stated that the abstention of his delegation in the Security Council had been in accordance with the

practice adopted in the Council by the five permanent members, and reaffirmed that the abstention of one of the permanent members did not constitute a veto, and that such an abstention permitted the Council to take action without the affirmative vote of that permanent member when a resolution was supported by seven or more votes.

The representative of Pakistan stated that the recommendation of the Security Council did not comply with the terms of Article 27 of the Charter, as it had not received the concurring votes of the five permanent members of the Council. Moreover, the United Kingdom had, both generally and specifically, made it clear that its abstention could not be construed as an affirmation. He contended that the Committee had before it no Security Council decision which had been taken in accordance with the terms laid down in the Charter, and proposed either returning the recommendation to the Security Council or obtaining an advisory opinion from the International Court of Justice. The representative of Egypt expressed himself in complete agreement with these arguments.

The Chairman considered that it was beyond the Committee's competence to question the regularity of the vote in the Security Council and the validity of the decision taken. The representatives of Canada and China supported the Chairman's ruling and stated that it was not open to the General Assembly, still less to the Committee, to cast doubt upon the validity of the decision adopted.

The representative of Argentina observed that, whereas his Government was definitely opposed to the use of the veto in relation to the admission of new Members, it also objected to the fact that the permanent members of the Council voluntarily abandoned the privilege on an arbitrary basis without considering the wishes of the rest of the Organization.

The representative of Iraq declared, at the 44th meeting on 4 May, that "taking note of the general tone of the discussion," he would not press for a vote on his draft resolution, but he reserved the right to raise that point, if necessary, either in the Committee or the General Assembly at a later date.

(b) INVITATION TO ISRAEL TO PARTICIPATE IN THE DISCUSSION

The representative of El Salvador presented, at the Committee's 42nd meeting on 3 May, a draft resolution (A/AC.24/60) proposing that the Government of Israel should be invited to send a representative to participate without vote in the discussions of the Committee, with a view to clarifying that Government's attitude with regard to

the execution of the General Assembly's resolutions on the internationalization of Jerusalem and the adjacent area and on the problem of refugees.

This draft resolution was revised (A/AC.24/60/Rev.1) as a result of amendments submitted by the representatives of Australia (A/AC.24/65) and Denmark (A/AC.24/66). The revised draft invited the Government of Israel to send a representative to the Ad Hoc Political Committee with a view to answering such questions and making such statements as the Committee might deem desirable before reporting to the General Assembly on the question of the admission of Israel to membership in the United Nations. This revised draft resolution was adopted at the Committee's 44th meeting on 4 May by a roll-call vote of 35 in favour to 6 against, with 11 abstentions.

(c) INVITATION TO THE HOLY SEE TO PRESENT ITS VIEWS

At the Committee's 42nd meeting on 3 May, the representative of Argentina introduced a draft resolution (A/AC.24/61) to invite the Holy See to submit a report on the guarantees which it considered necessary for the protection of the Holy Places and for safeguarding free access to them. Amendments to the draft were submitted by the representatives of Greece (A/AC.24/63) and Saudi Arabia (A/AC.24/67/Rev.1), suggesting that the invitation be extended to the Orthodox Patriarchate and to the Moslem religious authorities as represented by the Supreme Council of the Ulema Al-Azhar. The USSR representative stated that there were no grounds for calling for a report from the Vatican, and he observed that no religious groups had been represented during the Palestine discussions in the General Assembly. The representative of Denmark did not feel that any useful purpose would be served by hearing the representatives of various religious bodies until the Committee knew what would be the attitude of the Government of Israel with respect to the Assembly resolutions. The representative of the United States was of the opinion that it would be preferable to have any proposals from religious groups directed to the Conciliation Commission for Palestine, which was charged with the implementation of the Assembly resolution of 11 December 1948⁶⁹ relating to the protection of and access to the Holy Places. By a vote of 21 to 20, with 6 abstentions, it was decided at the Committee's 44th meeting on 4 May to adjourn debate on the Argentine draft resolution until after the representative of Israel had stated the attitude of

⁶⁹ See pp. 174-76.

his Government with regard to the Assembly resolutions.

(d) STATEMENTS OF THE REPRESENTATIVE OF ISRAEL

In a statement presented to the Committee at its 45th meeting on 5 May, the representative of Israel said that, the task of finding solutions to the problem of Arab refugees having been allocated to the United Nations Conciliation Commission, the only question that remained was the eligibility of Israel for membership within the meaning of Article 4 of the Charter, which in the view of his Government was the only relevant factor governing admission of States to the United Nations. He declared that Israel held no views and pursued no policies on any questions which were inconsistent with the Charter or with the resolutions of the General Assembly and the Security Council.

Jerusalem—Summing up his Government's attitude on the question of Jerusalem, the Israeli representative stressed that his Government had co-operated to the fullest extent in the implementation of the Statute drawn up by the General Assembly in November 1947, and bore no responsibility for the failure of that project. That failure was due rather to the armed resistance of the Arab States and the refusal of United Nations organs to assume the obligations necessary for the implementation of the Statute.

He stated that the Government of Israel advocated the establishment by the United Nations of an international regime for Jerusalem, which should be concerned exclusively with the control and protection of the Holy Places. It would co-operate with such a regime, and would also agree to place under international control Holy Places in parts of its territory outside Jerusalem. It further supported the suggestion that guarantees should be given for the protection of the Holy Places in Palestine and for free access thereto.

The Government of Israel was prepared to offer the fullest safeguards and guarantees for the security of religious institutions in the exercise of their functions, and, with that end in view, was willing to negotiate immediately with all religious authorities concerned. In fact, negotiations of that nature had already been opened between the Government of Israel and the Papal Envoy to Jerusalem. Similar negotiations had also begun with other Governments interested in obtaining the safeguards in question, notably the Government of France.

The Israeli Government would persevere in its efforts to repair the damage inflicted on religious

buildings and sites in the course of the war "launched by the Arab States".

The Government of Israel, he maintained, would continue to seek agreement with the Arab interests concerned in the maintenance and preservation of peace and in restoring access into and free movement within Jerusalem. Negotiations on that subject would not, however, affect the juridical status of Jerusalem, which should be defined by international consent.

Israel would give its full attention to all proposals for satisfying international interests in Jerusalem, in the firm belief that the United Nations should assume only such responsibilities as it was willing and able to exercise and such as did not exceed what was necessary for the genuine satisfaction of universal religious interests.

Arab Refugees—The representative of Israel stated that he was authorized by his Government to make the following statement on the principles governing its approach to the question of Arab refugees:

"1. The problem of the Arab refugees was a direct consequence of the war launched by the Arab States which were entirely responsible for that as well as for other forms of suffering inflicted by that war;

"2. The ensuing problem had raised a humanitarian issue and also had serious implications for the future peace, development and welfare of the Middle East. The Government of Israel believed that a solution of the problem was inseparably linked with a solution of the outstanding issues between it and the Arab States and that no satisfactory solution was possible except by the restoration of peace in the Middle East. A solution could be found only within a final settlement creating conditions of co-operation between Israel and its neighbours."

The representative of Israel assured the Committee that his Government was earnestly anxious to contribute to the solution of the problem and proposed that a resettlement of refugees in neighbouring areas, rather than in Israel, should be considered as the main principle of the solution. He recalled that his Government had already announced its acceptance of obligations to make compensation for abandoned lands and he suggested that the entire question of compensation, as well as the general question of reparations and war damage, might well be settled by negotiations at Lausanne. The Government of Israel reaffirmed its obligation to protect the persons and property of all communities living within its borders and was prepared to lend its assistance to the efforts of international, governmental and non-governmental agencies to alleviate the immediate plight of those refugees suffering hardships as a result of the war.

Boundary Question—In the opinion of his Government, the representative of Israel stated, the

question of the resettlement of Arab refugees was closely linked with the boundary question. It held that adjustment of the territorial provisions laid down in resolution 194(III) should not be arbitrarily imposed from outside but should be freely negotiated by the Governments concerned. This was also, he contended, the intention of this resolution, which his Government interpreted as a directive to the Governments concerned to settle their territorial and other differences by negotiation. The success of armistice negotiations between the military forces of these Governments in Palestine encouraged the belief that the same process would be followed in the forthcoming boundary discussions.

Assassination of the United Nations Mediator—The representative of Israel stated that a report (S/1315) on the measures taken following the assassination in Jerusalem of Count Folke Bernadotte, the United Nations Mediator, and of Colonel Andre Sérot, a United Nations observer, had been submitted to the Security Council, and had also been conveyed by an envoy of the Israeli Government to the Swedish Ministry of Foreign Affairs in Stockholm. That communication contained a report of the police investigation and court proceedings. The incident had been a source of deep distress and acute mortification to the Government and people of Israel. Despite all efforts to discover and bring to justice the perpetrators and instigators of the crime, the results had thus far been disappointingly negative. The Government of Israel, however, by no means regarded the assassination as a closed chapter and would continue to make all possible efforts to discover and punish the assassins.

While admitting that failure had been reported in the functioning of its security system in the past, the Government of Israel, he contended, could not admit that any conclusions could be drawn from that event with respect to its present capacity to fulfil its international obligations.

(e) **QUESTIONS ASKED OF THE REPRESENTATIVE OF ISRAEL**

During the 46th, 47th, 48th, 50th and 51st meetings of the Committee, the representative of Israel replied to questions put by the representatives of Poland, Lebanon, El Salvador, Greece, Denmark, Argentina, Belgium and Cuba.

In reply to the representative of Poland, he observed that in order to obtain an impression of religious opinion on Jerusalem or on any other question, it would be necessary to consult various authorities and representatives numbering a dozen or more people. He also answered a number of

questions of the representative of Poland relative to the topography of the Holy Places in Jerusalem and other localities in the Holy Land.

The representative of Lebanon asked who, if the Government of Israel was willing to accept an international regime for the Holy Places, would have sovereignty over the new city of Jerusalem. The representative of Israel stated that his Government believed that the reconciliation of universal religious interests with the national sentiment and allegiance of the population of Jerusalem would best be served if an international regime were to confine itself to securing the protection and immunity of the Holy Places. He stated that his Government believed that the integration of the Jewish part of Jerusalem into the State of Israel was a healthy and natural process for which, in due time, it would seek juridical confirmation. The representative of Lebanon referred to a statement made by the Prime Minister of Israel, as reproduced in the second progress report of the United Nations Conciliation Commission for Palestine (A/838), in which he was said to have declared that for "historical, political and religious reasons, the State of Israel could not accept the establishment of an international regime for the city of Jerusalem." The representative of Israel maintained that advocacy of that proposal did not in itself create the fact which was advocated. He added that the Prime Minister was outlining to the Conciliation Commission the trend of thought of the Government of Israel on the problem of Jerusalem and it was merely part of a statement of policy by the Government of Israel. That did not give an accurate impression unless the statement as a whole was read.

Referring to a further statement by the Prime Minister of Israel that his Government would, when in a position to do so on an equal footing with the Arab States, request the Assembly to revise part of the resolution of 11 December 1948, relating to Jerusalem, the representative of Lebanon asked whether the Government of Israel would be willing to respect the resolutions of the General Assembly if the Assembly failed to grant a modification of the resolution of 11 December 1948. The representative of Israel replied that if his Government were a Member of the General Assembly, its attitude to the General Assembly's recommendations would be influenced by its views in favour of an increase in the compelling moral force of General Assembly resolutions. His Government did not accept the theory, adduced by Arab States over the last six or eight months, that Assembly resolutions were optional and might be discarded at will. The representative of Lebanon

also asked whether the Prime Minister's expressed belief that the real solution of the major part of the refugee question lay in the resettlement of refugees in Arab States did not reject the conditions laid down in the Assembly resolution of 11 December 1948. The Israeli representative replied that such was not the case, as the Israeli Prime Minister had contended that the return of refugees to their homes was contingent on the establishment of peace.

The representative of El Salvador asked whether, in view of his earlier statements, the representative of Israel could assure the Committee that the State of Israel would do everything in its power to co-operate with the United Nations, in order to put into effect the Assembly resolutions of 29 November 1947 and 11 December 1948. The Israeli spokesman reviewed his Government's legal interpretation of the resolutions concerning Jerusalem and observed that the Statute adopted on 29 November 1947 was never ratified and therefore never consummated in the legal or practical sense. His Government, however, accepted the idea that special and separate treatment should be accorded to Jerusalem in view of its association with three world religions. Not only was the Government of Israel prepared to co-operate with the United Nations in working out a scheme to give effect to paragraph 8 of the Assembly resolution of 11 December 1948, but it had already made proposals which substantially met the principles of that resolution. In so far as the question of refugees was concerned, he observed that even the full co-operation of his Government would not avail to solve this problem unless it was considered against the general background of the Near East, and unless similar co-operation was received from other Governments. In answer to a further question as to who would exercise sovereignty over Jerusalem and the surrounding area, if Jerusalem were only partially internationalized, the representative of Israel stated that his Government would suggest that the incorporation of the Jewish part of Jerusalem in the State of Israel receive formal recognition by the General Assembly, and that the General Assembly acknowledge the right of the State of Israel to exercise its functions in that area.

After answering inquiries made by the representative of Greece concerning the protection of the Holy Places, the representative of Israel was asked by the representative of Denmark to explain his Government's attitude with respect to Arab refugees. He said that the Prime Minister of Israel had not stated that the principle of repatriation should be rejected but had merely outlined the factors which governed its realization.

In reply to a question by the representative of Argentina, the representative of Israel indicated that his Government was acting in conformity with the objectives contained in the Papal encyclical concerning Jerusalem and the Holy Places.

The representative of Belgium asked whether the State of Israel, if admitted to membership, would agree to co-operate subsequently with the General Assembly in settling the question of Jerusalem and the refugee problem or whether, on the contrary, it would invoke Article 2, paragraph 7, of the Charter, which deals with the domestic jurisdiction of States. The representative of Israel stated that he did not believe the Article in question could possibly affect the Jerusalem problem, and he did not believe it would be wise to refer to it in relation to the question of refugees.

(f) LEBANESE PROPOSAL

At the 45th meeting of the Committee on 5 May, the representative of Lebanon introduced a draft resolution (A/AC.24/62), proposing that action on the admission of Israel to membership in the United Nations be postponed until the Government of Israel "(1) has accepted the principle of the internationalization of Jerusalem, and (2) has accepted the principle that the refugees who wish to return to their homes should be allowed to do so," and instructing the United Nations Conciliation Commission for Palestine "to conduct negotiations with the Government of Israel with a view to ascertaining its acceptance of the two principles referred to ... above, and to report to the fourth regular session of the General Assembly." This draft resolution was subsequently revised at the 49th and 50th meetings. In its final form (A/AC.24/62/Rev.3), the operative part of the draft resolution contained a recommendation to the General Assembly to defer to its fourth regular session action on the admission of Israel to membership in the United Nations.

The representative of Lebanon stated that the General Assembly not only had to determine whether Israel complied with the conditions laid down in Article 4 of the Charter, but also had to consider the cardinal question of whether the new State, in its present structure, conformed to the previous decisions affecting it which had been adopted by the United Nations itself. He asserted that the State of Israel directly contravened these decisions in at least three important respects: in its attitude on the problem of Arab refugees, on the delimitation of its territorial boundaries, and on the question of Jerusalem. Referring specifically to the position of the Arab States concerning the internationalization of Jerusalem, he denied re-

ports that the Arabs did not favour such a policy and stated that he was authorized to assert that they were fully committed to such a regime. He also stated that if Israel were then admitted as a Member of the United Nations without some assurance that Jerusalem would be internationalized, the city would, in fact, be partitioned.

The Lebanese draft resolution was supported by, among others, the representatives of Brazil, Denmark, Pakistan, Syria, Turkey and the United Kingdom.

The representative of Brazil stated that the explanations offered by the representative of Israel had not completely dispelled the doubts and fears expressed by his delegation concerning the implementation of the Assembly resolutions relating to the internationalization of Jerusalem and concerning the Arab refugees. This view was also held by the representative of Bolivia.

The representative of Denmark did not believe that the Assembly was entitled to make it a condition to the admission of Israel that it should accept the terms of the Assembly resolution of 11 December 1948, but could only require of the State of Israel that it should accept its obligations under the Charter if, and when, it became a Member of the United Nations. He stated that the Committee was not entirely satisfied with the explanations given by the representative of Israel and he suggested that the admission of Israel be suspended until peace had been achieved between Israel and its neighbours. He was prepared to support the Lebanese draft resolution provided it excluded reference to the Assembly resolution of 29 November 1947.

The representative of Pakistan expressed serious concern over the fate of approximately 800,000 Arab refugees and was critical of the Israeli Government for its failure to adhere to the Assembly resolution of 11 December 1948.

The representative of Syria reviewed the history of Israeli activities in Palestine and stated that Israel's admission to membership, without a previous assurance that the wishes of the United Nations would be carried out, would adversely affect the progress of negotiations then being carried on at Lausanne. He added that a statement of intentions on the part of Israel was not sufficient.

The representative of Turkey did not feel that he could support Israel's application until a clear indication had been given of the manner in which the Assembly resolutions would be implemented. The representative of the United Kingdom stated that he was not convinced by the explanations given by the representative of Israel and regretted

that the application for admission had been pressed at the present stage.

The revised draft resolution presented by the representative of Lebanon (A/AC.24/62/Rev.3) was put to a vote at the Committee's 51st meeting on 9 May. It was rejected by a roll-call vote of 19 in favour to 25 against, with 12 abstentions.

At the 51st meeting of the Committee on 9 May, the representative of Argentina withdrew his draft resolution inviting the Holy See to present its views, following which the representatives of Greece and Saudi Arabia withdrew their amendments to this draft resolution.

The representative of Argentina requested, however, that the report of the Ad Hoc Political Committee to the General Assembly (A/855) express the desire of the Committee that the United Nations Conciliation Commission should, when studying the question of the internationalization of Jerusalem and the problem of the protection of the Holy Places and free access to them, along the lines of the resolutions of the General Assembly of 29 November 1947 and 11 December 1948, take into account the views of the Holy See and those other religious authorities which desired to present their position with regard to this matter. He suggested that the report should also include reference to the fact that the Ad Hoc Political Committee had taken note of the assurances given by the representative of the State of Israel with regard to the internationalization of Jerusalem (see above), including the question of guarantees for the protection of the Holy Places, and free access thereto. The Argentine proposal was endorsed by the Committee by 38 votes to 6, with 11 abstentions.

The representative of Norway, supported by the representatives of Denmark and Sweden, requested that the report should also include a reference to the Commission of Churches on International Affairs, an organization created by the World Council of Churches and the International Missionary Council, in case other religious authorities were mentioned.

(g) **JOINT DRAFT RESOLUTION RECOMMENDING THE ADMISSION OF ISRAEL**

At the Committee's 47th meeting on 6 May, the representative of Australia introduced a joint draft resolution (A/AC.24/68) of Australia, Canada, Guatemala, Haiti, Panama, the United States and Uruguay, recommending that the General Assembly admit Israel to membership in the United Nations.

The representative of Chile presented an amendment (A/AC.24/69), the first part of which

would recall the Assembly's resolutions of 29 November 1947 and 11 December 1948 and take note of the statements and explanations made by the representative of Israel in respect to their implementation. The second part of the amendment provided for a reference to the matters being dealt with by the United Nations Conciliation Commission.

The representative of Peru submitted an amendment (A/AC.24/72) proposing an addition to the second part of the Chilean amendment and also relating to matters being dealt with by the United Nations Conciliation Commission.

The representative of Australia explained that he found it difficult to accept the Chilean and Peruvian amendments, and suggested that the points raised might be disposed of by referring to them in the Committee's report, with the expectation that the United Nations Conciliation Commission would examine them thoroughly and report on them at the fourth session of the Assembly.

The representative of Chile, however, considered it necessary to retain the first part of the amendment. This was accepted by the representative of Australia and the other sponsors of the joint draft resolution, in the interest of obtaining a larger area of agreement on the joint draft resolution. The representative of Peru withdrew his amendment.

The draft resolution was opposed by the representatives of Iraq, Saudi Arabia, Yemen and Syria. The representative of Iraq insisted that this was not the appropriate time to consider the admission of Israel, as that State was not peace-loving according to the terms of the Charter and had repeatedly flouted decisions both of the General Assembly and the Security Council.

The representative of Saudi Arabia strongly objected to Israel's admittance to membership. He referred to Israeli violations of the Assembly resolutions and contended that the history of the Zionists was nothing but a series of broken promises. He agreed that the General Assembly and the Security Council were strictly bound to consider only the criteria set forth in Article 4 of the Charter and, in this respect, he held that the State of Israel was not qualified.

The representative of Yemen viewed the replies given by the representative of Israel as evasive and said they actually meant an unequivocal rejection of United Nations decisions. He added that to admit the applicant State prematurely would be to prejudice the outcome of the Conciliation Commission's negotiations.

The representative of Syria declared that if it

were decided to admit Israel to the United Nations before certain questions were solved in a manner entirely satisfactory to followers of the three great religions of the world, the General Assembly would be revoking all the decisions it had already taken. He also stated that if any of the established rights of these great religions were explicitly or implicitly surrendered, the United Nations would be alienating powerful and valuable support of which it stood in need in its fight for peace.

In addition to its sponsors, the joint draft resolution was supported by the representatives of Nicaragua, the Netherlands, Poland, the Philippines, Panama, Honduras, Chile and Uruguay. The representative of Greece qualified his approval by a caution against excessive haste, which might prejudice the settlement of a question pregnant with consequences for Israel, the Arab States and the world in general. The admission of Israel was recommended by the representative of China who, nevertheless, found the Government's attitude on the repatriation of Arab refugees to be somewhat disturbing.

The representative of Norway observed that the statement made by the representative of Israel with regard to the assassination of Count Bernadotte and Colonel Sérot was hardly satisfactory, but that his comment with respect to the Holy Places in Palestine might well serve as a basis for further discussion. He added that he was not entirely satisfied with the explanations given concerning the problem of refugees, and suggested that Israel would be well advised to bear in mind, during future negotiations, the views expressed in the Committee both by those in favour and those opposing its admission to membership. His delegation was, however, prepared to support the seven-Power draft resolution recommending Israel's admittance. The representative of Colombia was of a somewhat similar opinion.

The representative of Ecuador stated that, admitting the direct connexion existing between the admission of Israel and the fate of the City of Jerusalem—a connexion which did not, however, signify the interdependence of those two questions—Israel could still be admitted to the United Nations, in accordance with the provisions of Article 4 of the Charter, without that signifying that the General Assembly's resolutions concerning a legal Statute for Jerusalem were in any way impaired.

The representative of France asserted that among the obligations to be assumed by Israel, if it became a Member of the United Nations, was the obligation to carry out the resolutions adopted by the United Nations and to do nothing which would run counter to the policy followed by it or

its agencies. He added that he would abstain from voting on the joint draft resolution before the Committee and that his vote in the General Assembly would depend upon the undertakings which Israel might assume.

The representative of the Union of South Africa observed that Israel's attitude with regard to the problem of Arab refugees and the question of Jerusalem caused doubts to be entertained as to its qualifications for membership. The assurances given by the representative of Israel were to a certain extent satisfactory but did not constitute a complete guarantee or afford any certainty that circumstances would permit the fulfilment of all the promises made by Israel. He explained that his Government was reviewing its position in the matter and, unless the vote was postponed until a later date, he would be obliged to abstain, pending receipt of definite instructions.

The representative of the USSR declared that his delegation had voted in favour of the admission of Israel in the Security Council and would vote in favour of the joint draft resolution. He added, however, that it would vote against the Chilean amendment to the joint draft resolution, as he considered that admission of Israel should not be conditioned by any question arising from the discussion of the Palestine issue which had taken place in the General Assembly.

At its 51st meeting on 9 May, the Committee adopted the first part of the Chilean amendment (A/AC.24/69) by 27 votes to 7, with 21 abstentions.

The amended joint draft resolution (A/AC-24/74) was then adopted by a roll-call vote of 33 to 11, with 13 abstentions.

(2) Resolution Adopted by the General Assembly

The report of the Ad Hoc Political Committee (A/855), containing the resolution recommending the admission of Israel to membership in the United Nations, was considered by the General Assembly at its 207th plenary meeting on 11 May 1949. Twenty of the fifty-eight Members of the United Nations participated in the Assembly discussion.

The following representatives supported the Committee's draft resolution: Poland, the United States, the Netherlands, Canada, Guatemala, France, New Zealand, Uruguay, Bolivia, Cuba, Iceland and Peru.

The following representatives opposed the Committee's draft resolution: Iraq, Egypt, Syria, Lebanon, Yemen and Saudi Arabia.

The following representatives declared their intention of abstaining: El Salvador and Belgium.

The representative of Poland stated that Israel, within the framework of the United Nations, could make an important contribution to peace and progress. He recalled that Poland had actively assisted the Jews in their aspirations, not only for a national home but also for full statehood, and charged that United Kingdom and United States diplomacy had been ready to betray the new State before its birth.

The representative of the United States maintained that the point at issue in the current discussion was whether the State of Israel was eligible for membership under Article 4 of the Charter. He was satisfied that Israel fulfilled the conditions of the Charter, and stressed the fact that the representative of the new State had reiterated the solemn pledges of his Government to carry out the obligations of the Charter.

The representatives of Canada, Uruguay and Bolivia all based their position in respect to the admission of Israel on Article 4 of the Charter and were convinced that Israel would recognize the responsibilities and obligations of Member States to live in peace with other nations and to settle disputes by peaceful means.

In recording their support in favour of Israel's admission, the representatives of the Netherlands and New Zealand stressed that they expected the Government of Israel to respect the Assembly's resolutions, particularly those with respect to the Holy Places and the Arab refugees.

The representatives of Cuba, Iceland and Peru were also satisfied that Israel would fulfil the assurances and pledges it had given, and the representative of France observed that the new State was offered the opportunity to exercise its responsibilities.

The representative of Iraq again raised the question of the abstention of the United Kingdom, a permanent member, in the Security Council's vote recommending Israel for membership. Article 27 of the Charter, the representative of Iraq said, calls for the affirmative concurrence of the five permanent members of the Council, and, he argued, an abstention does not constitute an affirmative vote of concurrence. The Assembly, he submitted, would do well to clarify that point in order to be certain of being on solid legal ground. He contended that the Security Council decision was invalid and that the decision of the Ad Hoc Political Committee, based on the recommendation of the Council, was therefore null and void. He asked the Assembly to consult the International Court of Justice on the matter. He also expressed the opinion that the admission of Israel to the United Nations would be the highest consummation of injus-

tice and would "drive another nail into the coffin of the United Nations".

The representative of Egypt stated that the representative of Israel had failed to give satisfactory answers on any one of the three main issues raised in the Ad Hoc Political Committee, and he expressed the hope that the decision to be reached by the General Assembly would be in keeping with the Charter, the Universal Declaration of Human Rights and the dictates of peace in the Middle East and all over the world.

Opposing Israel's application for admission, the representative of Syria asserted that it would not be a happy omen for the United Nations if it were to reward aggression by approval and admit to membership a Government which had not only disregarded the wishes of the United Nations, but had also indicated its intention to continue to do so.

The representative of Lebanon reiterated his earlier contention that the conditions laid down in Article 4 of the Charter could not be fairly held to be the only determining factors for the admission of Israel to membership. He held that Israel was too intimately related to the United Nations, and too deeply indebted to it, for Members to deny the relevance of previous decisions to the paramount question of its admission.

The representative of Yemen maintained that, by admitting Israel, the United Nations would be offering shelter to a group which had not only imposed its rule by force on the people of Palestine, but which had also driven from their homes almost a million of those people.

The representative of Saudi Arabia stated that it would be unwise to admit an artificially-created State with a record of systematic aggression and flagrant violation of the basic principles of the Charter.

The representatives of El Salvador and Belgium stated that, as they were not satisfied with the answers of the representative of Israel concerning that country's readiness to implement the relevant resolutions of the General Assembly, they would be forced to abstain from voting.

Before putting the draft resolution recom-

mended by the Ad Hoc Political Committee to the vote, the President of the General Assembly endorsed the ruling of the Committee's Chairman that the recommendation of the Security Council was in accordance with the requirements of the Charter.

The draft resolution was then adopted by the General Assembly, at its 207th plenary meeting on 11 May, by 37 votes to 12, with 9 abstentions. The vote, taken by roll-call, was as follows:

In favour: Argentina, Australia, Bolivia, Byelorussian SSR, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, France, Guatemala, Haiti, Honduras, Iceland, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Ukrainian SSR, Union of South Africa, USSR, United States, Uruguay, Venezuela, Yugoslavia.

Against: Afghanistan, Burma, Egypt, Ethiopia, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Yemen.

Abstaining: Belgium, Brazil, Denmark, El Salvador, Greece, Sweden, Thailand (Siam), Turkey, United Kingdom.

The resolution (273(III)) read as follows:

"Having received the report of the Security Council on the application of Israel for membership in the United Nations,

"Noting that, in the judgment of the Security Council, Israel is a peace-loving State and is able and willing to carry out the obligations contained in the Charter,

"Noting that the Security Council has recommended to the General Assembly that it admit Israel to membership in the United Nations,

"Noting furthermore the declaration by the State of Israel that it 'unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations',

"Recalling its resolutions of 29 November 1947 and 11 December 1948 and taking note of the declarations and explanations made by the representative of the Government of Israel before the ad hoc Political Committee in respect of the implementation of the said resolutions,

"The General Assembly,

"Acting in discharge of its functions under Article 4 of the Charter and rule 125 of its rules of procedure,

"1. Decides that Israel is a peace-loving State which accepts the obligations contained in the Charter and is able and willing to carry out those obligations;

"2. Decides to admit Israel to membership in the United Nations."

T. THE INTERIM COMMITTEE OF THE GENERAL ASSEMBLY

The Interim Committee was established by the General Assembly on 13 November 1947.⁷⁰ It met at Lake Success from 5 January to 5 August 1948, and submitted four reports to the Assembly dealing with the following subjects: (1) the problem of voting in the Security Council,⁷¹ (2)

consultation with the Interim Committee by the Temporary Commission on Korea,⁷² (3) the study

⁷⁰ See Yearbook of the United Nations, 1947-48, pp. 75-78.

⁷¹ See Ibid, pp. 288-96 and this Yearbook, p. 287.

⁷² See Yearbook of the United Nations, 1947-48, pp. 282-84.