

SAN FRANCISCO, LONDON, GENEVA, NEW YORK

On April 25, 1945, the United Nations Conference on International Organization (UNCIO) convened in San Francisco for the purpose of adopting a Charter. Among the 51 participating states were Egypt, Iraq, Lebanon, Saudi Arabia, and Syria. Iraq had declared war on Germany, Italy and Japan on January 16, 1943 and, on the same day, gave notice of its adherence to the Declaration by the United Nations of January 1, 1942. It took no part, however, in any military operations. Egypt and Syria declared war on Germany and Japan as late as February 26, 1945 and announced their adherence to the Declaration on February 27 and March 1, 1945, respectively. One day later Lebanon declared war on Germany and Japan, and on March 1, 1945, it also adhered to the Declaration. Saudi Arabia declared war on Germany and Japan on March 1, 1945, and on the same date announced its adherence to the Declaration.¹

It will be recalled that the deadline for the declaration of war against Germany and Japan, which was the necessary qualification for admission to the San Francisco Conference, was March 1, 1945.²

While the Dumbarton Oaks proposals for a General International Organization (dated Washington, October 7, 1944)³ contained no provisions concerning the disposal of former mandated territories, it was obvious, following a decision in principle to this effect at the Yalta Conference,⁴ that the Charter would say something on this subject. Foreseeing such a development, the Jewish Agency for Palestine submitted a Memorandum to the San Francisco Conference.⁵ Paragraph 12 of that Memorandum stated that it was "imperative that effective safeguard be provided to assure and preserve Jewish rights pending action in fulfillment of the obligation to establish Jewish nationhood in Palestine." To that end it was suggested:

"a. In view of the unique character of the Palestine Mandate and the special rights of the Jewish people thereunder, no action should be taken at the San Francisco Conference which would be inconsistent with or prejudicial to the special rights of the Jewish people under the Balfour Declaration and the Palestine Mandate, and all such rights shall be expressly reserved and safeguarded."

In a supplementary Memorandum of May 8, 1945, the demand for preservation of the rights of the Jewish people with regard to Palestine was reiterated:

"Neither the American nor the British Proposals⁶ make compre-

hensive provision for the preservation of existing rights and privileges under the Mandate of the League of Nations. Such a clause would be in accordance not only with the demands of justice and the theory of acquired rights, but also with the century-old tradition of European and American history in accordance with which even war cannot be allowed to impair such vested rights and interests. The need for such a safeguarding provision is the more imperative by reason of the fact that the definition of the purposes of the trusteeship must necessarily be couched in terms too general to allow adequately for the unique character of the Palestine Mandate with its dynamics in matter of population and its objective of creating a National Home for a people still to come to the country.

"It is therefore suggested that whatever the final text of the chapter on trusteeship, the following safeguarding clause should be included:

" 'No trusteeship arrangement shall deprive any people or nation of any rights or benefits acquired or impair any obligations assumed under existing mandates held by members of the United Nations.' "

The Working Paper for a Chapter of the Charter on Dependent Territories and Arrangements for International Trusteeship⁷ contained under section B, a paragraph 5, which read as follows:

"Except as may be agreed upon in individual trusteeship arrangements placing each territory under the trusteeship system, nothing in this chapter should be construed in and of itself to alter in any manner the rights of any state or any peoples in any territory."⁸

The Arab states launched a bitter attack against this clause. Previously⁹ an attempt by the Egyptian delegate in the seventh meeting of Committee II/4 to erase the words "by subsequent individual agreements" from paragraph B1¹⁰ was defeated. The real purpose of this amendment was apparently to make the transition from mandate to trusteeship automatic and not subject to any further agreement. The Egyptian delegate suggested that the reference to individual agreements was a matter of detail which did not properly fall within a clause dealing with general principles; furthermore, its meaning was obscure.

In opposition, however, it was argued that the words suggested for deletion were an essential element in the decision to establish a trusteeship system and could not be removed without creating confusion. The existing mandates had been brought under the mandatory system of the League of Nations by individual agreements, and the three types of territory¹¹ under discussion could only be placed under the new trusteeship system by means of similar agreements. The

words in dispute implied that no territory could be placed under trusteeship by any form of unilateral action.

A second Arab attempt to achieve the same purpose was made at the eighth meeting of Committee II/4¹² when the Delegate for Egypt, seconded by the Delegate for Iraq, suggested to have paragraph B 3¹³ read as follows:

"The trusteeship system should apply to . . . (b) all territories now held under mandate. . ."¹⁴

Objection was taken to the proposed amendment on the ground that it would have the effect of creating a compulsory system, and, thus, of legislating beyond the competence of the Conference. It would also prejudice decisions which ought to be left to subsequent meetings of the United Nations. The proposed trusteeship system would differ appreciably from the League system of mandates, and the simple form of succession suggested by the Egyptian delegate was therefore not practicable. No power now holding a mandate should be expected to continue to accept responsibility under a new system, if it had no share in deciding upon the revised terms of its trust.

This amendment, too, was defeated.

When in the ninth meeting of Committee II/4, paragraph 5 (as amended by the U.S. delegation)¹⁵ was under discussion, the Delegate of Egypt directed his attack to two points: the clause "except as may be agreed upon in individual trusteeship arrangements"; the plural form of "peoples" which he wanted to have replaced by the "people of any territory." In support of the latter amendment it was argued that the language of paragraph 5 did not clearly indicate the people whose rights it was intended to protect. It should be made certain that only the rights of the inhabitants of the territory be protected.

On the other hand, it was urged that the amendment proposed by the Delegate for Egypt would do the opposite of what he intended. It would freeze existing situations and make it impossible to enlarge the rights of the people in mandated territories.

At the suggestion of the Delegate for Iraq, supported by the Delegate for Egypt, action on paragraph 5 was postponed in order to provide the Delegate for Egypt and the Delegate for the United States with an opportunity to harmonize their points of view. When the same clause came up at the following (tenth) meeting,¹⁶ it appeared that this had not been achieved. The Delegate for the United States stated that paragraph B 5 was intended as a safeguarding clause. He wanted the minutes of this Committee to show that all

existing rights remained unchanged—that they were neither increased nor diminished by the adoption of the Charter. Any change was to be left to subsequent agreements.

The Chairman suggested that this statement be made a matter of record.

A second attempt by the Delegate for Iraq, seconded by the Delegate for Egypt, to postpone further discussion on paragraph B 5 on the ground “that this paragraph involved questions of great importance to certain delegations and that more time was needed for further study” was also defeated.

The attack against the expression “any peoples” was resumed by the Syrian Delegate who wanted to have rights limited to “peoples of the territory concerned.” Those favoring the amendment said that it would exclude claims to rights by peoples outside the territory concerned. If such rights existed they should be upheld by the states to which such peoples belonged, not by the peoples themselves. Opponents of the amendment held that, by failing to preserve certain rights, the safeguarding clause would be seriously weakened.

The Syrian amendment was defeated by a vote of 26 against to 5 for. The Committee adopted paragraph 5 by a vote of 29 for and 5 against. At the same time, in order to give consideration to “a proposal which the Delegate for Iraq might want to make,” the vote was taken with the understanding that it would not preclude subsequent consideration of the paragraph.

At the thirteenth meeting,¹⁷ paragraph B 5 appeared with an additional sentence (underlined in our footnote).¹⁸

The Delegate for the United States said that, at the appropriate time, he would make a statement for the record to the effect that, among the “rights whatsoever of any states or any peoples,” the rights set forth in paragraph 4 of Article 22 of the Covenant of the League of Nations were included.¹⁹

Once again the Delegate for Iraq moved to substitute “the people of that territory” for “any peoples.” In addition, a new paragraph was now suggested, to read:

“Notwithstanding anything contained in this Chapter, in the event of the transfer to the trusteeship system of any territory now administered on the basis of Paragraph 4 of Article 22 of the Covenant of the League of Nations, such trusteeship shall not apply to such territory save within the limits and for the purposes laid down in the aforementioned paragraph of the Covenant.”²⁰

Both amendments were defeated. Paragraph 5 remained practically unchanged²¹ and appears as Article 80 of the Charter.²²

It is to be added that, throughout this discussion the words "Jewish people" and "Palestine," while in everybody's mind, did not appear in the records.²³ *On y pense toujours, on n'en parle jamais.*

A move toward obtaining recognition for the Arab states as a regional organization within the framework of Chapter VIII (Regional Arrangements) was undertaken by the Arab states at the San Francisco Conference as follows:

On May 4, 1945, the text of the Pact of the League of Arab States signed in Cairo, March 22, 1945, was distributed by the Secretariat of the Conference among the delegations.²⁴ A Corrigendum was issued four days later to make it clear that the text was "submitted to the Secretary General on April 28, 1945, by the Chairman of the Delegation of Egypt on behalf of the Delegations of Iraq, Lebanon, Saudi Arabia, Syria, and Egypt for background information for the Conference and reference to the appropriate Committees." It will be noted that the text distributed was incomplete, the sections dealing with Palestine and those Arab countries not members of the League being omitted.²⁵

The first General Assembly was, in due course, called into session and, the United Nations having now become a working factor in international relations, the fight for Palestine was renewed in that forum by the parties concerned. The first issue centered around Article 80 paragraph 2 of the Charter, which contained an indirect summons to the mandatory governments not to delay conversion of their mandates into trusteeships.²⁶

On January 18, 1946 during the First Part of the General Assembly of the United Nations in London, Mr. Bevin made the following statement with regard to Palestine:

"Regarding Palestine, the Assembly is aware that an Anglo-American Committee of Enquiry is, at this very moment, examining the question of European Jewry, which is one of the most tragic episodes in the whole of history, and also the Palestine problem. We think it necessary to await the Committee's report before putting forward any proposals relating to the future of Palestine."²⁷

An allusion to the Anglo-American Committee of Inquiry was contained also in the passionate plea of Mr. Jan Masaryk for a solution of the Jewish problem.²⁸

The following day Mr. Peter Frazer, speaking for New Zealand, hailed the announcement by Mr. Bevin "that the question of Palestine will receive the fullest and most detailed consideration [by the United Nations?] after the Joint Commission [Anglo-American Committee of

Enquiry] has reported," and suggested a United Nations solution for the Palestine problem:

"A thought must have forced itself upon many of the delegates during the past year in regard to Palestine. I, for one moment, do not doubt despite all that has been said and all the resolutions passed everywhere, the good faith of the United Kingdom in regard to the task confronting it and the world in Palestine. But it does seem to me, and I do not suggest any form of overcoming the problem because there are a number—that some way should be found for not one, not some, but all the United Nations to bear the responsibility of ending the tragedy of a race sent wandering—all that is left of them after the Nazi and fascist cruelties and murders and oppression, and the horrors of the camps, of seeing that they get a fair opportunity and have a home, and at the same time to ensure that that is done with the goodwill of the Arab neighbours and inhabitants of Palestine.

"I think the task is too great to be imposed upon one nation; it should be shared in some form. The mandate may remain as it is. I am not particular so long as all of us will range ourselves alongside the United Kingdom and say 'This is a world problem and has got to be a world responsibility.' No amount of little insurrections or riots, or assassinations will help, or has ever helped any people; what is wanted is goodwill and I believe that the world has the goodwill for both races concerned. I would despair of this Organization and of the future of the world if we could not find a way in which those races could dwell together in unity."²⁰

On the other hand, the Syrian representative, Mr. el-Khoury, made a statement a few days later calling for immediate independence:

"The Syrian Government and, I am sure, all other Arab Governments, are deeply anxious to see Palestine treated in the same manner as Transjordan and freed in accordance with the wishes of its indigenous population from any mandate or trusteeship. Article 22, paragraph 4 of the Covenant of the League was applied to Transjordan and Palestine. Palestine, being no less developed than Transjordan and enjoying the same natural right of self-determination as any other nation, should also be treated in the same way."²⁰

At the First Part of the First General Assembly no action was taken with regard to trusteeship agreements, of which no drafts were in fact submitted. The Assembly did, however, adopt a resolution based on the report of the fourth Committee with respect to Chapters XII and XIII of the Charter:

"The General Assembly

“WELCOMES the declarations, made by certain States administering territories now held under mandate, of an intention to negotiate trusteeship agreements in respect of some of those territories and, in respect of Transjordan, to establish its independence.

“INVITES the States administering territories now held under mandate to undertake practical steps, in concert with other States directly concerned, for the implementation of Article 79 of the Charter (which provides for the conclusion of agreements on the terms of trusteeship for each territory to be placed under the trusteeship system), in order to submit these agreements for approval, preferably not later than during the second part of the first session of the General Assembly.”³¹

Following the First Part of the First Session the Palestine Mandate, in so far as Transjordan was concerned, was terminated and was replaced by a Treaty of Alliance Between His Majesty in Respect of the United Kingdom and His Highness the Amir of Trans-Jordan on the 22nd March, 1946, (Ratifications exchanged at Amman, June 17, 1946.)³²

The Agreement of 1946 does not mention the termination of the Mandate, but does refer to the Declaration made by the Government of the United Kingdom in the General Assembly of the United Nations Organization “that they intend to recognize the status of Trans-Jordan as a sovereign independent State.”

Between the First and the Second Part of the First General Assembly the last (Twenty-First Ordinary) Session of the Assembly of the League of Nations was called (April 8-17, 1946). The Assembly adopted a resolution on mandates suggested by the First Committee³³ as follows:

“The Assembly,

“Recalling that Article 22 of the Covenant applies to certain territories placed under mandate the principle that the well-being and development of peoples not yet able to stand alone in the strenuous conditions of the modern world form a sacred trust of civilization:

“2. Recalls the role of the League in assisting Iraq to progress from its status under ‘A’ Mandate to a condition of complete independence, welcomes the termination of the mandated status of Syria, the Lebanon and Transjordan, which have, since the last session of the Assembly, become independent members of the world community;

“3. Recognizes that, on the termination of the League’s existence, its function with respect to the mandated territories will come to an end, but notes that Chapters XI, XII and XIII of the Charter of the

United Nations embody principles corresponding to those declared in Article 22 of the Covenant of the League;

"4. Takes note of the expressed intentions of the Members of the League now administering territories under mandate to continue to administer them for the well-being and development of the peoples concerned in accordance with the obligations contained in the respective Mandates, until other arrangements have been agreed between the United Nations and the respective mandatory Powers."³⁴

Earlier Viscount Cecil of Chelwood (United Kingdom) had made the following statement on Palestine:

"The future of Palestine cannot be decided until the Anglo-American Committee of Enquiry have rendered their report, but until the three African territories have actually been placed under trusteeship and until fresh arrangements have been reached in regard to Palestine—whatever those arrangements may be—it is the intention of His Majesty's Government in the United Kingdom to continue to administer these territories in accordance with the general principles of the existing mandates."³⁵

A comparison of the resolution of the Assembly and the statement by Viscount Cecil of Chelwood would suggest that, despite the disappearance of the League of Nations, it was implicitly understood both by the Assembly of the now defunct organization and by the representative of the United Kingdom that the Mandate of Palestine remains, as before, the instrument governing the administration of Palestine.

In the Plenary Session Darwiche Bey (Egypt), who made all reservations on behalf of his government with regard to Palestine when the Resolution was discussed in Committee, made the following statement:

"The terms of Article 22 of the Covenant of the League of Nations, referred to in the preamble of the resolution under consideration, provide that the system of mandates was meant for peoples not yet able to stand alone in the strenuous conditions of the modern world. Palestine, after the last war, was considered to be a territory coming under this provision. The opinion of my Government is that Palestine has intellectually, economically, and politically reached a stage where it should no longer continue under mandate or trusteeship or whatever other arrangements may be considered. Palestine is not behind the countries the independence of which has lately been admitted, and to which reference is made in the resolution; she is not behind Iraq, Syria, the Lebanon or Transjordan. I therefore feel that I have to make all reservations in the Assembly, as I did in the Committee,

with regard to the fourth paragraph of the resolution, whereby the Assembly

“ ‘Takes note of the expressed intention of the members of the League now administering territories of the League to continue to administer them . . . in accordance with the obligations contained in the respective mandates. . . ’

“ ‘It is in the view of my Government that mandates have terminated with the dissolution of the League of Nations, and that, in so far as Palestine is concerned, there should be no question of putting that country under trusteeship. I have not chosen the procedure of submitting a formal resolution whereby the Assembly expresses the wish that the independence of Palestine shall be declared; I chose in the Committee, and I intend here, simply to abstain from voting on this resolution!’ ”³⁶

This statement was followed by a declaration of the President:

“ ‘The Assembly will take note of the declaration made by the Delegate of Egypt, which will no doubt be studied by the competent authorities of the United Nations before the General Assembly in September.’ ”³⁷

It will be noted that Iraq, although a member of the League of Nations, did not come to the Twenty-First Ordinary Assembly.

Between the first and the second part of the first session of the General Assembly, the Governments of Iraq and Egypt addressed notes to the respective British Ambassadors concerning the possible submission of the Palestine problem to the United Nations. Copies of these notes were sent to the Secretary-General of the United Nations “ ‘with a view to submitting the proposals therein set forth to the General Assembly of the United Nations at its next meeting. At the same time it would be obliged if the Secretariat would bring this letter to the knowledge of all members of the United Nations.’ ”³⁸

However, these notes were not considered by the Secretary-General as a formal request to put the Palestine problem on the Agenda of the General Assembly, and so it appeared neither on the initial³⁹ nor on the supplementary Agenda.⁴⁰ The Egyptian and Iraq Governments raised no objections on this score.

The two notes demanded “ ‘that an end should be put to the existing situation (in Palestine) and that a new regime should be installed, inspired by the spirit and the principles of the Charter. This is considered all the more necessary in view of the fact that the General Assembly of the United Nations, at its First Session (*viz.*, the First Part of the First Session) took the decision to entrust to the nations

directly concerned the task of initiating consultations with a view to the conclusion of the agreements referred to in the Charter.”

It will be noted that the resolution of the General Assembly in London⁴¹ does not impose on the nations directly concerned the task of initiating consultation, but invites the states administering territories now held under mandate to undertake practical steps for the implementation of Article 79 of the Charter. Initiation of consultations is thus left to the states administering territories, who are to undertake practical steps in concert with other states directly concerned. The question as to who are the “states directly concerned” is left open. To date there is no agreed definition of this expression.

Whether any reply to these notes was made by Great Britain is not known. Nor are the real intentions of the Arab states clear. In San Francisco they were anxious to have the mandate replaced automatically by a trusteeship agreement. During the First Part of the First Session of the General Assembly they demanded independence; and in Geneva Egypt asked for independence.⁴² However, the language of the two above mentioned notes would again suggest some kind of trusteeship, for otherwise the reference to “states directly concerned” would have no meaning.⁴³ But in the Second Part of the General Assembly the plea for complete independence was again resumed.

In the Fourth Committee Mr. Zurayk, speaking for Syria, reiterated the Syrian viewpoint on the future of Palestine in the following statement:

“As regards Palestine, in which Syria and the other Arab States were most directly concerned, it was clear that the Arab States desired her independence, an independence which already had been recognized in the Covenant of the League of Nations, which had placed that territory under a mandate ‘provisionally.’”⁴⁴

During the Second Part of the First Session of the General Assembly held in New York, a new power—the USSR—for the first time expressed its interest in Palestine. The chief Soviet Delegate, Mr. Molotov, was highly critical of the “state of affairs regarding the establishment of an international system of trusteeship. . . Not a single step has been taken . . . by the countries which would not let go their firm hold⁴⁵ of the Mandate of Palestine. . .”⁴⁶

In the Fourth Committee the Soviet Delegate, Mr. Novikov, criticized the mandatory powers in a long speech for their delay in submitting trusteeship agreements and took the view that the United Nations has exclusive jurisdiction over the future of the Palestine Mandate.

"As regards Palestine, the question was raised as to the reason for the failure of the Government of the United Kingdom to submit a draft trusteeship agreement for that territory. The United Kingdom's attempt to settle the problem of Palestine through negotiations with the United States Government, and with Arab and Jewish representatives, outside the United Nations, was contrary to the principles of the Charter which provided for a trusteeship system for non-self-governing territories including former mandates.

"With the dissolution of the League of Nations there were only two legal alternatives for dealing with territories formerly held under mandate: either to grant them true independence or to transform them into trust territories."⁴⁷

No action in this matter, however, was taken by the General Assembly.

Thus, in the period between the San Francisco Conference and the conclusion of the Second Part of the First Session of the General Assembly, the United Nations served as an arena for verbal dispute; it did not, however, come directly to grips with the Palestine problem. This was reserved for a later stage.

⁴⁷Katherine Elizabeth Crane, "Status of Countries in Relation to the War," *Department of State Bulletin*, Vol. 13, (1945), pp. 230-241.

⁴⁸See Mr. Churchill's statement on the Crimea Conference in *Parliamentary Debates, Commons*, Vol. 408, col. 1271, February 27, 1945. See also *International Conciliation*, No. 410, Sect. 2, p. 296.

⁴⁹Released October 9, 1944.

⁵⁰"The Charter of the United Nations," *Hearings before the Committee on Foreign Relations, United States Senate*, 79th Congress, First Session, 1945, Washington, pp. 112-118.

⁵¹*Memorandum Submitted to the United Nations Conference on International Organization*, by the Jewish Agency for Palestine, San Francisco, California, April, 1945.

⁵²On Trusteeship, see Document 2 G/26 (c); Document 2 G/26 (d).

⁵³Document 323, II/4/12, May 15, 1945, (II meaning the Second Commission-General Assembly and 4-the Fourth Committee-Trusteeship).

⁵⁴It was maintained by Huntington Gilchrist in *American Political Science Review*, Vol. XXXIX (1945), pp. 990-991 that this clause resulted from fears of mandatory powers and also from supporters of the Jewish people in relation to Palestine.

⁵⁵Document 448, II/4/18, May 19, 1945.

⁵⁶"1. The Organization should establish under its authority an international system of trusteeship for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements and set up suitable machinery for these purposes."

⁵⁷See Footnote 13.

⁵⁸Document 512, II/4/21, May 23, 1945.

⁵⁹"Par. B.3. The trusteeship system should apply only to such territories in the following categories as may be placed thereunder by means of trusteeship arrangements: (a) territories now held under mandates; (b) territories which may be detached from enemy states as a result of this war; and (c) territories

voluntarily placed under the system by states responsible for their administration. It would be a matter for subsequent agreement as to which territories would be brought under a trusteeship system and upon what terms. The trusteeship system should not apply to territories which become members of the United Nations."

¹⁴For the reasons of the authors of this motion see: Document 512, II/4/21.

¹⁵Document 552, II/4/23, May 24, 1945: "Except as may be agreed upon in individual trusteeship arrangements made under paragraph 4 and 6 placing each territory under the trusteeship system, nothing in the chapter should be construed in and of itself to alter in any manner the rights of any state or any peoples in any territory, or the terms of any mandate."

¹⁶Document 580, II/4/24, May 26, 1945.

¹⁷Document 877, II/4/35, June 9, 1945.

¹⁸Par. B 5. "Except as may be agreed upon in individual trusteeship arrangements, made under paragraph 3, 4, and 6, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples of the terms of existing international instruments to which member states may respectively be parties. *This paragraph should not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of the agreements for placing mandated and other territories, as provided for in paragraph 3, under the trusteeship system.*"

¹⁹By contrast with the Mandate for Syria-Lebanon there is no reference to Article 22, Paragraph 4 in the Mandate for Palestine. See Chapter XIV.

²⁰See for the pros and cons of this amendment Document 877, II/4/35, June 9, 1945.

²¹See Document 892, II/4/36; Document 912, II/4/37; Document 1018, II/4/38; Document 1010, II/4/37 (1); Document 1092, II/4/44, and Annex A; Document 1115, II/4/44 (1) (a).

²²See also Al-Jamali's and Awad's criticism of the "Chapter on Trusteeship" in the Third Meeting of Commission II on June 20, 1945 (Document 1144, II/16, June 21, 1945, pp. 8-10, 23-25).

²³The Index to the 16 volumes of the Documents of the United Nations Conference on International Organization does not record these words.

²⁴Document 72, III/4/1, May 4, 1945 (III meaning Commission III-Security Council, and Committee 4-Regional Arrangements).

²⁵For a complete text of the Pact see *American Journal of International Law*, Vol. 39 (1945), Official Documents 266-272. See also *Department of State Bulletin*, Vol. XVI (1947) 967-970.

²⁶Although *prima facie*, this provision can be interpreted as implying the obligatory conversion of mandates into trusteeships, this could hardly have been the intention of the parties who did not wish to commit the mandatory government to just one solution.

²⁷*Journal of the General Assembly, First Session*, No. 8, January 18, 1946, pp. 176-177.

²⁸*Ibid.*, pp. 184-185.

²⁹*Ibid.*, pp. 234-235.

³⁰*Ibid.*, p. 267.

³¹United Nations, *Resolutions adopted by the General Assembly during the First Part of its First Session from 10 January to 14 February, 1946*, p. 13.

³²Cmd. 6916; Treaty Series No. 32 (1946). This Alliance supersedes the previous Agreement of February 20, 1928 (Cmd. 3488) as revised by further Agreements dated June 2, 1934 (Cmd. 4999) and July 19, 1941 (Cmd. 6323). See also *Book of Documents*, pp. 269-279. For Mr. Bevin's declaration in the General Assembly see *Journal of the General Assembly First Session* 8, p. 177, cf. Mr. Novikov's comment in the 4th Committee A/C.4/54, p. 36.

³³*Records of the Twentieth and Twenty-First Ordinary Sessions of the Assembly*, pp. 78-79.

³⁴*Ibid.*, p. 58. Reproduced also on pp. 278-279. This resolution was distributed as a United Nations Document A/88.

³⁵*Ibid.*, p. 28.

³⁶*Ibid.*, pp. 58-59.

³⁷*Ibid.*, p. 59.

³⁸U. N. Press Release GA/5, 23 July, 1946, reproduced in the *New York Times* of July 24, 1946. There were newspaper reports to the effect that the Arab League had been intending to take the Palestine issue to the UN ever since June, 1946.

³⁹A/66.

⁴⁰A/118.

⁴¹See above pp. 8-9.

⁴²See above p. 16.

"During the discussions in the First Special Session of the General Assembly numerous suggestions were made by the Arab States who claimed a special status in regard to Palestine as "states directly concerned." (See e.g. 75: 31-35.) It should, however, be noted that this technical term has meaning only in connection with the drafting of trusteeship agreements for former mandated territories. Moreover, there was no agreed definition on the meaning of this expression. See for this controversy documents A/C.4/19 and A/C.4/69 Add. 1. The Fourth Committee (A/C.4/6, p.17; A/C.4/7, pp.19ff; A/C.4/13, pp.23ff; A/C.4/18, pp.26-27; A/C.4/22, pp.31-34; A/C.4/49, pp.20-21; A/C.4/54, pp.38-39; A/C.4/68, pp.53-54; A/C.4/85, pp. 117, 125-127, 130, 132-33) discussed the report of the Preparatory Commission of the United Nations, Chapter IV, Section 1 and various amendments having to do with the problem of "states directly concerned" (A/C.4/8 Rev. 1, A/C.4/9; A/C.4/11; A/C.4/12; A/C.4/15; A/C.4/16; A/C.4/19).

⁴⁴A/C.4/61, p. 64.

⁴⁵In the version of the speech published by the USSR Embassy in Washington this sentence is rephrased: "... which have firmly in their grip ..."

⁴⁶A/P.V. 42, p. 166.

⁴⁷A/C.4/54, pp. 35-40.

It may be interesting to note that the same speech published by the Embassy of the Union of Soviet Socialist Republics reads as follows:

"The failure to submit a draft agreement on trusteeship over Palestine inevitably raises the question of reasons which the British Government may have for failing to submit a draft on trusteeship over this territory in accordance with Article 79 of the Charter and the resolution of the General Assembly of February 9, 1946. *We have no information on this score, as the British Government has not found it possible to inform us. If, however, the British Government considers that there are certain special circumstances compelling it to treat the Palestine mandate differently, it would have been better to inform the General Assembly accordingly and the latter could have considered the measures necessary.*

"One thing is clear: the attempts of the British Government to solve the question of Palestine by negotiations with the United States Government as well as with Arab and Jewish representatives apart from the United Nations Organization does not correspond to the principles of the United Nations Charter, which established a trusteeship system over non-self-governing territories including former mandates.

"The fate of this as well as other former territories under mandate cannot be left suspended after the liquidation of the League of Nations. There are but two possible legal ways of determining their fate, either by granting true independence to this or that mandated territory or by transforming it into a trust territory. From the point of view of the principles of the Charter there is no third way." (The italicized sentences do not appear in the Official Summary Record).