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ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON PALESTINE

COMMUNICATION FROM THE REPRESENTATIVE OF THE UNITED KINGDOM
REGARDING ILLEGAL IMMIGRATION INTO PALESTINE AND OBSERVATIONS
OF THE JEWISH AGENCY FOR PALESTINE THEREON

The following correspondence has been transmitted to the Chairman
of the Committee by the Assistant Secretary-General, Department
of Security Council Affairs.

United Nations
Lake Success, New York
11 June 1947

Sir,

In accordance with the instructions of the Secretary-General, I have the honour to send you herewith copies of the letter dated 29 May 1947 which was addressed by the Secretary-General, at the request of the Representative of the United Kingdom, to all the Members of the United Nations, together with copies of the letter from the Representative of the United Kingdom of 23 May, 1947, which was attached thereto. I am also enclosing copies of a letter from the Jewish Agency for Palestine, dated 9 June, 1947, together with their observations on the above-mentioned letter from the Representative of the United Kingdom.

This material is forwarded to you for the information of the Committee.

I have the honour to be,

Sir,

Your obedient servant

A. SOBOLSKY
Assistant Secretary-General,
Department of Security Council Affairs.

Mr. Emil Sandstrom,
Chairman,
Special Committee on Palestine

ANNEX I

LETTER FROM THE SECRETARY-GENERAL CIRCULATED TO MEMBERS OF THE
UNITED NATIONS

United Nations
Lake Success, New York
29 May, 1947

Sir,

I have the honour to transmit herewith a copy of a letter which I have received from His Excellency the Permanent United Kingdom Representative to the United Nations, and shall be grateful if you will be so good as to bring it to the attention of your Government.

I hope that consideration will be given to this letter in the light of the resolution on the Palestine question adopted on 15 May, 1947 by the General Assembly. I should therefore appreciate your informing me of the receipt of this letter, as well as of any action which your Government may be able to take on this matter.

I have the honour to be,

Sir,

Your obedient servant,

Trygve Lie
Secretary-General

ANNEX II

LETTER FROM THE REPRESENTATIVE OF THE UNITED KINGDOM TO THE
SECRETARY-GENERAL

United Kingdom Delegation
to the United Nations
New York

23rd May, 1947.

Sir,

I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to invite your attention to the resolution passed by the General Assembly on May 15th in the following terms:-

"The General Assembly calls upon all Governments and peoples, and particularly on the inhabitants of Palestine, to refrain, pending action by the General Assembly on the report of the Special Committee on Palestine, from the threat or use of force or any other action which might create an atmosphere prejudicial to an early settlement of the question of Palestine".

2. It appears to His Majesty's Government that one of the most important ways in which members of the United Nations can assist towards a peaceful solution of the Palestine problem is by doing all in their power to discourage illegal immigration while the question remains sub judice.

3. As an indication of the gravity of this question, His Majesty's Government would point out that during the six months from mid-October 1946 onwards approximately 15,000 Jewish illegal immigrants from various European ports were intercepted in Palestine waters and diverted to camps in Cyprus. This figure may be compared with the present legal immigration rate of 18,000 a year and the fact, mentioned by Mr. Levin in his speech in the House of Commons on February 25th last, that 96,000 Jewish immigrants had then been admitted to Palestine since May 1939.

4. In the face of this situation His Majesty's Government recently made renewed representations to all the European Governments concerned to prevent the departure of illegal immigrant vessels. Now, however, that the General Assembly is seized of the question of Palestine, and in view of the resolution quoted above, His Majesty's Government consider that it is especially incumbent on all members of the Organization to discourage, as far as lies in their power, any illegal activity which is likely to increase the difficulty of finding a solution of the Palestine problem.

5. I am, therefore, instructed to request you to appeal to all Member States to take the strictest precautions, in so far as they are concerned, to prevent the transit through their territory and the departure from their ports of Jews attempting to enter Palestine illegally.

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6. I shall be grateful if Your Excellency will inform me of the steps which you are able to take to give effect to this request and of the replies which may be received from members of the United Nations.

I have the honour to be,
Sir,
Your obedient servant,
(For Sir Alexander Cadogan)

(signed) Valentine Lawford

His Excellency
Mr. Trygve Lie,
Secretary-General
of the United Nations,
Lake Success.

ANNEX III

LETTER FROM THE JEWISH AGENCY FOR PALESTINE TO THE SECRETARY-
GENERAL

The Jewish Agency for Palestine
June 9, 1947

The Honorable
Trygve Lie
Secretary-General of the United Nations
Lake Success
New York

Dear Sir:

With reference to the note of the British Government of May 23, 1947 circulated by the Secretary-General to the Member nations of the United Nations, I have the honor on behalf of the Jewish Agency for Palestine to transmit to you the accompanying observations of the Jewish Agency for Palestine.

The attention of the Secretary-General is drawn to paragraph 10 of these observations, and it is respectfully hoped that the same circulation will be given them as in the case of the original note of the British Government.

Sincerely yours,

/s/

Abba Hillel Silver
Chairman
American Section

ANNEX IV

OBSERVATIONS ON THE NOTE OF THE BRITISH GOVERNMENT,
OF MAY 23, 1947, CIRCULATED BY THE SECRETARY-GENERAL
TO THE MEMBER NATIONS OF THE UNITED NATIONS

1. On April 21, 1947, one week prior to the opening of the Special Session of the General Assembly to deal with Palestine, a note was filed by the British Government with the Secretary-General of the United Nations for circulation among the member nations requesting that they do all in their power to discourage "illegal immigration" of Jews to Palestine. This note was withdrawn before any action had been taken in pursuance of it by the Secretary-General.

2. In the course of the debate which subsequently took place at the General Assembly appeals for peace in the period of the "inquiry" were made by a number of delegates both in the First Committee and in the General Assembly. A Resolution along these lines was thereafter adopted by an overwhelming majority of the Assembly with five Arab States abstaining.

3. It is submitted that this Resolution, as its wording indicates and as appears clearly from the discussion at the Special Session, was intended to refer to violence or the threat of violence in Palestine pending the report of the Special Committee. By no stretch of the imagination can it properly be interpreted as calling for cooperation by the United Nations in the campaign being waged by the British Government against the immigration of Jews into Palestine outside the quotas prescribed by the Palestine Government.

4. Indeed, at no time in the course of the discussion at the Special Session did the British Delegation ask for the inclusion in the proposed Resolution of any clause designed to prevent such "illegal immigration". Nor by a single word was it suggested that the so-called peace Resolution was directed at the continuance of such immigration, the legality of which in the face of Britain's illegal policy under the 1939 White Paper the Jewish Agency has repeatedly asserted. Had the British Government sought to do so its action would undoubtedly have been challenged on the ground that it was bringing into issue the very matter for which the Special Committee of the United Nations was being appointed.

5. The Jewish Agency now learns that on May 23, 1947, eight days after the conclusion of the Special Assembly, the British Government renewed its request to the Secretary-General to circulate to the member nations of the United Nations its note requesting their active support in discouraging "illegal immigration"; and that on May 29 a circular note was sent out to this effect by the Secretary-General to the member nations who were also asked to inform him of any action that they may take.

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6. This request of the British Government and the ensuing action of the Secretary-General would appear to be altogether out of order.

7. The British Government, if it desired action on the part of the United Nations with regard to "illegal immigration", could and should have sought such action in the course of the eighteen-day Session of the Assembly - all the more in view of its abortive attempt prior to the Session to use the machinery of the United Nations for this purpose. The failure of the British Delegation to bring up the problem openly before the United Nations was undoubtedly, as suggested above, because the British were uncertain of the possible reaction of other Delegations. Now that those Delegations have left for their homes, however, by a forced interpretation of a Resolution directed to another end, Great Britain seeks to obtain by subterfuge what she could not achieve by open discussion. This can obly be described as a devious and improper stratagem to which it is regrettable that the Secretariat has given its support.

8. But beyond that, it must be observed that the United Nations is not committed to the immigration policy of Great Britain in regard to Palestine and can, therefore, take no action on this score. As for the statement of the British representative that "illegal immigration" should be discouraged while the matter is sub judice, it must be emphasized that, by Article 80 of the Charter, Great Britain is committed to respect the right of the Jewish people under the Mandate to have its immigration to Palestine "facilitated" and not curbed. It is urged that the proper course would accordingly be for the Mandatory Government to revert to the obligations to which it is committed under the Mandate and, pending the inquiry, to abandon its illegal restrictions on Jewish immigration. The Secretary-General, by asking the member nations to inform him as to the action taken by them in pursuance of the British note, has improperly identified the United Nations with the policy of Great Britain on Jewish immigration as arbitrarily determined by Great Britain alone.

9. It is clear that the Secretary-General is not bound to accept Great Britain's unilateral interpretation of the Resolution of the Assembly. Nor is there anything in the so-called peace Resolution which empowers the Secretary-General to take any action in the implementation of that Resolution or to ask an accounting from member states as to their compliance with the request of the British Government. In doing so it is submitted that he has gone outside and beyond the scope of his functions.

10. It is with deep regret that we find ourselves constrained to protest the action of the Secretary-General. The Jewish Agency for Palestine, as the body officially recognized both under the League of Nations Mandate and by the General Assembly of the United Nations as representing Jewish

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interests in regard to Palestine, accordingly requests the Secretary-General to circulate these observations to the member nations of the United Nations.

11. In so far as the action of the Secretary-General introduces new and prejudicial factors into the situation at a time when the Special Committee of the United Nations has begun its inquiry, the Jewish Agency for Palestine is transmitting a copy of this note to the Chairman of the Special Committee for the information of the members of the Committee and for such action as they may deem advisable.