

REPORT OF THE UNITED NATIONS MEDIATOR ON
PALESTINE TO THE SECURITY COUNCIL

INTRODUCTORY

1. I have come to Lake Success at this time for a number of reasons:
(a) a vital stage has been reached in the Palestine situation, owing to the refusal of one of the parties, thus far, to prolong the truce;
(b) the Security Council is entitled to a fuller acquaintance with my efforts and objectives than I have been able to convey by my cabled reports; and (c) particularly because of my view that prompt and effective intervention by the Security Council now could well be the decisive factor in the solution of the problem.
2. I took up my responsibilities as United Nations Mediator on Palestine on 21 May 1948, under the authority of the resolution adopted by the General Assembly at its one hundred and thirty-fifth meeting on 14 May 1948. This resolution empowered the Mediator, in using his good offices with local and community authorities in Palestine, and in co-operation with the Truce Commission for Palestine, to "(i) arrange for the operation of common services necessary to the safety and well-being of the population of Palestine; (ii) assure the protection of the Holy Places, religious buildings and sites in Palestine; (iii) promote a peaceful adjustment of the future situation of Palestine". In the exercise of these functions, and with a view to promoting the welfare of Palestine's inhabitants, the Mediator was also authorized, in his discretion, to invite the assistance and co-operation of appropriate specialized agencies of the United Nations and of other governmental and non-governmental humanitarian and non-political organizations.
3. The Mediator was directed by paragraph 3 (II) of the resolution of the General Assembly "to conform in his activities with the provisions of the resolution, and with such instructions as the General Assembly or the Security Council may issue". This statement of his broad terms of reference together with the enumeration of his functions in paragraph 1 (II) of the resolution, constitute the only definition of the scope of the Mediator's responsibilities and the approach to the problem which he is at liberty to make.

4. At the time of my acceptance of the position of Mediator, and upon my arrival in Cairo on 28 May to undertake the initial effort at mediation, the armed conflict between Arab and Jews in Palestine had attained such rapid momentum following the termination of the Mandate on 15 May that a fighting war was well underway, involving the seven Arab states on the one hand, and the Jewish Government on the other. Armies of the two contestants were engaged on a number of fronts throughout Palestine, within the limitations of the personnel, equipment and military supplies at their command. Air raids on populous areas and strategic points were a daily occurrence. Fighting in Jerusalem was particularly intense and destructive. At this time, there was neither a truce nor a resolution demanding a truce, although Part I of the General Assembly resolution of 14 May had affirmed support of the Security Council's efforts to secure a truce in Palestine, and had called for the co-operation of all parties concerned in making a truce effective. The Mediation effort, therefore, had to begin in the midst of active warfare.

5. At its three hundred and tenth meeting on 29 May, however, the Security Council adopted a resolution calling upon "all Governments and authorities concerned to order a cessation of all acts of armed force for a period of four weeks". This resolution called upon these Governments and authorities to undertake during the cease-fire not to introduce "fighting personnel" into Palestine or into the seven Arab countries; "should men of military age be introduced into countries or territories under their control, ... not to mobilize or submit them to military training ..."; and not to import or export war material into or to Palestine and the seven Arab countries. Every possible measure for the protection of the Holy Places and of the City of Jerusalem, including access for purposes of worship, was to be taken. The Mediator, "in concert with the Truce Commission", was instructed to "supervise the observance ..." of the provisions of this truce, and a sufficient number of military observers was to be provided for this purpose.

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6. On 2 June, the President of the Security Council notified the Mediator by cable to Cairo, that both Arab and Jewish authorities had accepted unconditionally the Security Council's

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truce resolution of 29 May, and in pursuance of the action of the Security Council at its three hundred and eleventh meeting on 2 June, instructed the Mediator, in consultation with the two parties and the Truce Commission, to fix the effective date for the cease-fire in as short a period as possible. I embarked immediately on negotiations with the two parties respecting the effective date of the truce. It became quickly apparent, however, that the two parties did not regard as unconditional their responses to the Security Council's resolution of 29 May, and that their interpretations of certain clauses of the resolution were so divergent as to make it quite impossible to fix a date for the cease-fire until major differences were bridged. As indicated in my cable of 4 June to the President of the Security Council (document S/823) the difficulty revolved around the precise interpretation to be given to the phrases in the first two action clauses of the 29 May resolution relating to fighting personnel and the introduction of men of military age, and particularly the latter. In response to my inquiry of 4 June, the President of the Security Council informed me in his message of 7 June, that the intent of the 29 May resolution was to "bring about a cessation of hostilities in Palestine without prejudice to the rights, claims and position of either Arabs or Jews", and to do so in such manner as to ensure that no military advantage would accrue to either side as a result of the truce. The question of food, water and other essential supplies for besieged Jerusalem presented a further obstacle.

7. In my consultations with the two parties on 3, 4, 5 and 6 June, I emphasized that the basic principle underlying both the letter and spirit of the truce must be that no military advantage should accrue to either side as a result of the truce. In the course of these consultations, I pledged that in the discharge of my new responsibility for supervising the observance of the truce I would bend every effort to ensure that no such advantage would accrue to either side as a result of its application. I made it quite clear to both parties, however, that it would be inevitable that relatively minor incidents would occur, and that neither the observers nor I would have any power to prevent any violation of the terms of the truce agreement. Willful infractions observed would be dealt with on the spot by the observers, where possible, and otherwise would be reported to the Security Council.

8. Difficulties of communication with, and access to, Jerusalem under war conditions, and the urgency of the time factor, made it impossible for me to consult as fully with the Truce Commission in connection with these negotiations as I would otherwise have desired. Within the limitations of uncertain and at times virtually non-existent communication, I kept the Commission informed of the progress of the truce discussions and received from the Commission full assurances of their support for my efforts.

9. Following the conclusion of the intensive consultations with the representatives of the two parties of 3, 4, 5 and 6 June, I decided that since eight governments were involved, and since it was impossible to get their representatives around a common table, there could be no practical possibility of negotiating a detailed agreement within any reasonable period of time. I therefore resolved to submit to the parties my own draft of the terms of the truce, which would be in conformity with the obvious intent of the truce resolution, while taking fullest possible account of the views of the two parties. I also felt that in view of the express desire of the Security Council that the truce should become promptly effective it was necessary to request the parties to accept the proposal without conditions and by a fixed date and hour.

10. The effective date for the cease-fire and truce was set at Friday 11 June, 1948, at six o'clock in the morning G.M.T. As to the disputed clauses of the Security Council resolution, I had to make interpretations which appeared to me to be at once consistent with the intent of the resolution, and equitable in the light of all the circumstances. My interpretation was that no fighting personnel could be introduced into Palestine or any Arab country during the period of the truce, and this included any one belonging to a military unit or bearing arms. Regarding the entry of men of military age, my interpretation was that the resolution did not prohibit immigration nor did it appear to place any complete and positive ban on the inclusion of men of military age in such immigration. Nevertheless, it was a fact that immigration, especially to the Jewish area of Palestine, could take place before the truce only under the risks of war. The entry into the Jewish area of large numbers of men of military age under the immunity from war risk provided by the truce, would, in my view, create a situation in which the truce would work to the military advantage of one side. On the other hand, it was also true that before the truce the Jewish Government was in position to

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admit into Palestine as many immigrants, and of such age and sex categories, as could manage to come to its shores under such war risks as existed.

11. The interpretation incorporated in the truce agreement proposal, therefore, was motivated by the objective that no military advantage should accrue to either side. This formulation permitted free immigration of women and children and of men under or above the age-group 18 to 45, subject only to the necessity of being checked on entry for verification of age and sex by the United Nations Observers. The number of men of military age who might be admitted, however, was left to the discretion of the Mediator, with the provision that in any case these would be limited in number and would be kept in non-military camps under the surveillance of United Nations Observers during the period of the truce. In determining the total of the limited number of men of military age to be admitted, consideration would be given to the total amount of immigration undertaken during the truce, and to the question of whether there would be a normal age and sex distribution in the immigrant groups as against an abnormal selectivity.

12. The resolution of the Security Council made no reference to the problem of supplying food, water and other essential supplies to the beleaguered Jewish population of Jerusalem during the period of the truce. The main supply routes for Jerusalem were controlled by Arab forces. Shortly before the truce began, Jewish forces had been able to open an emergency supply route to Jerusalem by means of a rough detour within the Jewish lines, but its possibilities for supply were limited. My interpretation was that if no food water and other supplies were permitted to go through to the besieged Jewish civilian population and military forces of Jerusalem during the period of the truce, this would work to the distinct military advantage of the Arabs, since the Jewish food reserves would be depleted during the four-week period and the truce itself would thus be employed as an instrument for starving out an opponent. On the other hand, if food, water and other essential supplies were permitted to flow into the City freely during the truce sufficient reserves would be stored up which would result in an improved Jewish position at the end of the four weeks. In consequence, the most equitable solution seemed to be one which would permit essential supplies to flow, but only in such carefully controlled quantities as to ensure that reserve stocks would be either substantially greater nor

less at the end of the truce than at its beginning. This would involve escorted convoys, check-points and fixed quotas.

13. The truce proposals were accepted unconditionally by both parties on 9 June. There was no great enthusiasm for the truce on either side, however, and each side expressed the fear that it would work to the advantage of the other. An important factor in the favourable conclusion of the negotiations was provided by the firm assurances which I gave to both sides that the terms of the truce would be supervised thoroughly and fairly. The terms of the truce and its effective date and hour were accepted simultaneously. Until the acceptances arrived on 9 June, all within two hours of the deadline, I could not be certain that there would actually be a truce, and consequently could make no firm commitments for the supervision of a truce. The Security Council resolution of 29 May had indicated that the Mediator and the Truce Commission would be "provided with sufficient number of military observers" for the supervision of the truce. In anticipation of the possibility that the truce might go into effect and Observers would be needed on very short notice, I referred to the possible need for Observers in informal approaches first to the representatives of the British, French, Soviet and United States diplomatic missions in Cairo, and later also to the Belgians. This was done within two or three days immediately following the twenty-ninth of May. I could indicate only the approximate number of Observers who would be needed. I also informed the Secretary-General of this possible need. I realized that if the truce were accepted it might quickly break down unless the system of supervision could be effectively applied from the very beginning. Three of the diplomatic representatives with whom I spoke in Cairo represented states which held membership on the Truce Commission at the invitation of the Security Council. I was subsequently informed that these three states would be willing to provide an adequate number of Observers, and I asked that they be sent to Cairo although at the time I could give no assurance that the truce terms would be accepted. I also made arrangements with my own Government whereby I could obtain the services, for the period of the truce, of five Swedish colonels who would act as my personal representatives in connection with the truce supervision. On the morning of 11 June, when the truce went into effect, only the five Swedish colonels and seven Observers had arrived. Fortunately, a number of members of the United Nations Secretariat were available in Cairo, and these and the seven Observers were immediately assigned to Observers posts, with the understanding that the Secretariat members would be relieved of such duties as soon as the other military Observers appeared on the scene,

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as they did during the following two days.

14. The machinery for the supervision of the truce had to be improvised quickly. Problems of transport and communication were severe, particularly since no means were immediately at my disposal for coping with them. The personnel, planes, naval vessels, communications and transport equipment made available to me by the three states members of the Truce Commission, and the equipment borrowed from the British, were indispensable to the supervision of the truce. The pattern of supervision was simple, but the area covered, comprising Palestine and the seven Arab states, was very great. The basic principle was to maintain maximum mobility, with a view to ensuring that coasts, ports, airfields, frontiers, strategic road points and the front lines were adequately observed by ground, air and sea reconnaissance. The institution of food and supply convoys under United Nations rather than Red Cross escort and control to Jerusalem and to the Jewish settlements in the Negev, placed an additional burden upon the system of truce supervision.

15. As a result of a conference between the Mediator and the Truce Commission in Jerusalem on 12 June, the Truce Commission, assisted by United Nations Observers and United Nations Secretariat personnel, assumed direct responsibility for the supervision of the truce in the Jerusalem area. When it developed that for reasons of internal policy the International Red Cross Committee could not assume responsibility for supervising the relief convoys to Jerusalem, the Truce Commission also discharged that function. It had been anticipated that the Jerusalem area might give the truce its most severe test. It is a tribute to the Truce Commission, the United Nations Observers, and the Arab and Jewish commanders in that area that the terms of the truce were consistently observed and that no incidents of major consequence occurred throughout the four week period of the truce. The inability to solve the issue of water supply for Jerusalem was due to the fact that it was out of the hands of the local officials and officers and was being dealt with on a high political level. As a result of the negotiations between the two parties carried on by the Truce Commission and the United Nations Observers in the Jerusalem area, formal agreements were reached concerning the no-man's land between the fighting lines, the quotas of supplies which could be brought into Jerusalem by convoy, and the neutralization of Mount Scopus and the Victoria Augustus Hospital.

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16. On the whole, the truce worked well and no fighting of major proportions occurred in Palestine during the four-week period. There were a great many local incidents, of course, and most of these, involving nervousness by local commanders in the field or deliberate attempts by them to improve their positions under cover of the truce, were quickly checked and often rectified by the prompt intervention of the United Nations Observers. In view of the delicate nature of the work of the Observers, involving continuous passing through the fighting lines, there was constant danger. The one fatality was the unfortunate death of the French Commandant de Labarriere who gave his life in the line of duty just two days before the expiration of the truce. One of the most difficult and widespread problems, which was dealt with on a local level with only fair success, was that of harvesting of crops both in the no-man's land and within the respective fighting lines. The more serious difficulties, which involved the landing of arms and men from the Altalena, the Negba disturbance in connection with the food convoys to the Negev settlements, and the inability to bring water to Jerusalem, have been previously reported to the Security Council (documents S/854, S/856, 856/Add.1, 856/Add.2, S/861, S/861/Add.1, S/862, S/869).

17. I am convinced that no substantial military advantage was gained by either side as a result of the operation of the truce supervision. It is not denied that relatively minor advantage may have been gained by one side or the other in particular localities through the inability of the Observers to cover the fronts completely at all times, and the tendency of some local commanders on both sides to take unfair advantage of this fact. A great many complaints about local situations were received from each side. From a purely military standpoint, there may have been an advantage for the Jews which would be inherent in any truce involving them. Their position is essentially a defensive one, and time runs in their favour in the sense that it increases the possibilities for consolidating their defensive positions and improving their military organization. At the same time, the truce stopped the momentum of the Arab attack. Moreover, in view of the fact that the Jewish political structure is quite new, time affords the Jewish Government opportunity to strengthen their political organization and also fortifies their political position psychologically. The Arabs, of course, are acutely aware of these possibilities, and this,

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no doubt, accounted in part at least, for their negative attitude toward a prolongation of the truce.

18. The four weeks truce spared Palestine from much bloodshed, loss of life, and destruction. Moreover, it provided a limited opportunity for the mediation effort toward the ultimate settlement to be carried on in an atmosphere of peace rather than active warfare. It had not been anticipated that agreement of the conflicting parties to a permanent settlement of the Palestine question could be achieved in those four weeks. However, they did give the mediation effort an opportunity to get underway. It was clear to me that the resumption of hostilities on 9 July at the end of the truce would certainly diminish, for the time-being at least, the chances for successful mediation. Consequently, on the evening of 3 July in Cairo I formally submitted to the members of the Sub-Committee of the Political Committee of the League of Arab States, and on the following day to the Jewish Government in Tel Aviv, an urgent appeal for the prolongation of the truce (document S/865). On 7 July the Jewish Government gave notice of its willingness to prolong the truce under substantially the same conditions as those governing the truce then in existence (document S/872). At midnight on 7 July my representative in Cairo was informed verbally by the Secretary-General of the Arab League that the Arabs were not prepared to accept a prolongation of the truce under its present conditions. The following afternoon the formal note reiterating the Arab rejection of the appeal for prolongation and setting forth the detailed reasons for doing so was delivered (document S/876).

19. The Arab rejection of the appeal for prolongation of the truce was a source of great disappointment. In the meantime, the Security Council on 7 July had also addressed "an urgent appeal to the interested parties to accept in principle the prolongation of the truce for such period as may be decided upon in consultation with the Mediator" (document S/875). On Friday, 9 July, shortly after the truce had expired, I decided to make one further attempt to prevent the resumption of hostilities. I addressed to each Government concerned, with the utmost urgency, an appeal to accept an unconditional cease-fire in Palestine for a period of ten days extending from 12 noon, G.M.T., on Saturday, 10 July (document S/878). At the time I left Rhodes on Saturday, 10 July, I had received no reply from either side.

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20. The necessity, arising from the Security Council resolution of 29 May, for negotiating with the parties on the conditions and effective date of the truce, precluded, until 11 June, any possibility of discussing with the parties questions relating to a permanent settlement. The attainment of the truce on that date meant that mediation on the settlement could begin in a calmer atmosphere. On the other hand, it also meant that throughout the period of the truce much of my attention had to be directed to matters relating to its supervision and to protests over incidents. This was by no means helpful to the mediation effort.

21. In the preliminary discussions with the parties on the question of the settlement which I undertook promptly after the truce began, it early became apparent that it was not possible at that stage to bring them together around a common table. The Jews were willing but the Arabs were not. In the talks with both sides, in the course of which they set forth their claims, positions, and objectives in great detail, the basic issues which emerged related to partition, the establishment of a Jewish state, Jewish immigration into Palestine, and the status of Jerusalem. In my negotiations on the truce, the two parties had made it clear what they expected to receive from me during the period of the truce as an indication of my ideas as to a possible basis for settlement. This was considered to be the raison d'etre for the truce. I therefore decided, although the time at my disposal was very short, to advance certain tentative ideas which emerged during the discussions, with a view to exploring the ground further for finding some common ground for further discussion. These ideas, which were purely tentative and exploratory, and which were advanced as suggestions rather than formal proposals, were presented to the parties under cover of my letter of 27 June (document S/863). Arab and Jewish consultants were made available to me at Rhodes for technical information concerning the positions of their respective sides. These consultants, however, did not work on the political level and did not participate in the formulation of the Suggestions.

22. The resolution of the General Assembly of 14 May empowered the Mediator to use his good offices to "promote a peaceful adjustment of the future situation of Palestine". The indispensable condition for the attainment of this objective would be to find some common framework of reference within which the parties would be willing to accept further mediation. In accepted international usage the employment of "good offices" involves offering friendly suggestions to facilitate adjustment of a controversy between

conflicting parties. Mediation is a consequence of the tender of good offices, and the primary task of the Mediator is to initiate proposals calculated to harmonize conflicting interests and claims. In the very nature of the case, therefore, the Mediator must strive to encourage compromise rather than strict adherence to legal principles. As indicated in Article 4 of Part II of the Hague Convention on the Pacific Settlement of International Disputes, "the part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen..." It is equally true that the Mediator can achieve success only by achieving voluntary agreement between the parties. His decisions have no binding effect and his suggestions or proposals may be rejected at will by the parties. It was on this basis that my Suggestions of 27 June were put forth. In the Introductory Statement to those Suggestions (document S/863) I pointed out that:

"I interpret my role as Mediator not as one involving the ^{383/e} handing down of decisions on the future situation in Palestine, but as one of offering suggestions on the basis of which further discussions might take place and possibly counter-suggestions be put forth looking toward a peaceful settlement of this difficult problem. My suggestions at this stage, then, must clearly be of such nature as to provide a reasonable framework of reference within which the two parties may find it possible to continue their consultations with me toward the end of a peaceful adjustment".

23. The Suggestions which I offered on 27 June as a possible focus of discussion, had been formulated on the basis of the equities involved in the Palestine dispute; the aspirations, fears and motivations of the conflicting parties; and the realities of the existing situation in Palestine. I could not call upon either party to surrender completely its position, not only because this would be a betrayal of my role as Mediator, but also because there was no sound basis for doing so in the light of all the circumstances. It was fully realized, of course, that there could be no possibility of a peaceful adjustment of the dispute unless there was at least a moderate willingness on the part of both parties to explore all avenues for a peaceful adjustment, and unless both of them were prepared at some stage to forego armed force as a means of attaining their objectives.

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

25. With the above objectives in mind, I advanced suggestions which in their main outline provided for a two member Union, one Arab and one Jewish, the Arab member including Transjordan should that country be favourably inclined toward the arrangement. There was no implication whatsoever that by entering into such an arrangement the present Hashemite Kingdom of Transjordan would be required to give up any of its present attributes of sovereignty, and this was carefully explained to the Arab representatives in Cairo. The reference to Transjordan in this context was a purely optional one and it was made very specific that this suggestion was "subject to the willingness of the directly interested parties to consider such an arrangement". The motive for the allusion to Transjordan in this regard was found in the fact that Transjordan is adjacent to Palestine over a long frontier, has common economic interests with Palestine, and was, in fact, included in the original Mandate for Palestine; that the Arab peoples of the two countries are homogeneous; that the two countries share a common currency; and that in general, the two countries have in the past, as now, been closely associated. It was quite frankly thought, also, that by thus increasing the population of the Arab member of the Union there would be less basis for the oft-repeated Arab fear of Jewish encroachment.

26. As regards that part of the suggestions relating to immigration, it was regarded as only reasonable to consider the question of immigration into Palestine within the context of the total Palestine problem. The question of Jewish immigration into Palestine is inevitably related to the absorptive capacity of the country. Moreover, the issue of immigration is unique in Palestine in that it is one of the two main issues which have given rise to the present dispute and which has made Palestine the object of international concern. It could not be ignored that unrestricted immigration into the Jewish area of Palestine might, over a period of years, give rise to a population pressure and to economic and political disturbances which would justify present

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Arab fears of ultimate Jewish expansion in the Near East. It can scarcely be ignored that Jewish immigration into the Jewish area of Palestine concerns not only the Jewish people and territory but also the neighbouring Arab world. In the light of these considerations, the intention of the suggestion on immigration was that the Jewish people would voluntarily accept an element of international regulation of immigration in the vital interest of peace with their Arab neighbours.

27. Certain territorial arrangements which might merit consideration by the two parties were annexed to the Suggestions. These would involve some important modifications of the boundaries defined in the partition plan of the 29 November 1947 resolution of the General Assembly. The partition plan boundaries were based on the assumption that a very close co-operation between the two proposed states would render such unusual boundaries workable. Only one of the two proposed new States emerged, and the co-operation hoped for was clearly not forthcoming. The territorial arrangements envisaged in the Suggestions were designed to create territorial conditions, when peace is restored in Palestine, which would help to consolidate that peace, rather than to maintain it on a precarious basis. Toward this end, the territorial arrangements suggested would diminish the number of points of potential friction, and in so doing would give to both Arabs and Jews a greater sense of security within their respective borders.

28. The territorial arrangements suggested included the City of Jerusalem in Arab territory, with municipal autonomy for the Jewish community and special arrangements for the protection of the Holy Places. The explanation for this suggestion is to be found in the fact that in any territorial arrangement in Palestine involving Arab and Jewish areas, Jerusalem stands in the heart of Arab territory. Any attempt to isolate this city politically and otherwise from the surrounding Arab territory presents enormous difficulties. On the other hand, the special features of Jerusalem, including its preponderantly Jewish population and its religious associations, admittedly require special consideration. Inclusion of Jerusalem in Arab territory need not imply in any sense Arab domination of the Jewish or other non-Arab peoples and interests of that City. International safeguards could be applied for this purpose. Moreover, while Jerusalem is of very great concern, for historical and religious reasons, to the Jewish community of Palestine, that City was not included in the Jewish state foreseen in the partition plan of the 29 November resolution of the General Assembly. The question of the status of Jerusalem is a separate question from that of the establishment and boundaries of a Jewish State.

29. The respective parties were not called upon to accept or reject the Suggestions in the form in which they were offered. They were invited merely to indicate whether further discussions might be profitably carried on within the general framework outlined, and if not, to indicate in which general direction such discussions might usefully proceed. Both parties rejected the framework suggested as a basis for discussion. The Jews objected to the deviations from the 29 November resolution, and particularly to the suggestions concerning the regulation of immigration and the status of Jerusalem. They offered no counter-suggestions, but urged a reconsideration of my "whole approach to the problem". The Arabs offered counter-suggestions which incorporated, in outline, the basic tenets of the Arab position. These counter-suggestions, providing for a unitary state in the whole of Palestine, offered little or no compromise. With regard to these counter-suggestions I submitted to the Arab representatives the following commentary:

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

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

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

"Now, in your counter-suggestions it is proposed to eliminate this separate Jewish political entity by creating a unitary state in the whole of Palestine. But there is no suggestion as to how this is to be done. May I inquire whether there are any views as to how this might be done by peaceful means. As Mediator I am directed by the resolution of the General Assembly 'to promote a peaceful adjustment of the future situation in Palestine'.

I am fully convinced that there is no possibility whatsoever of persuading or inducing the Jews to give up their present separate cultural and political existence and accept merging in a unitary Palestine in which they would be a permanent minority. The alternative method of achieving the Arab objective would be to wipe out the Jewish state and its provisional government by force. This course, as Mediator, I obviously cannot recommend."

30. Despite the unwillingness of the two parties to carry on discussions within the framework suggested, and in this regard the Arab refusal was more categorical than the Jewish, both have urged that the mediation effort continue. I have informed both parties that I am entirely at their disposal and will continue to exert every effort toward finding a basis for progress toward peaceful settlement.

31. During the last week of the truce, proposals were also presented to the two parties calling for (a) the demilitarization of Jerusalem; (b) should the truce not be prolonged, an immediate cease-fire in Jerusalem pending a final decision on the question of demilitarization; (c) the demilitarization of the oil refineries, terminals and port area of Haifa; and (d) in the event of refusal by one or both parties to prolong the truce, a three day extension of the truce for the purpose of permitting the United Nations Observers and their equipment to be evacuated safely. The Jewish Government was prepared to discuss the proposal for the

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demilitarization of Jerusalem under certain assumptions; would accept an immediate cease-fire in Jerusalem if the truce should not be prolonged; and also accepted the proposal regarding the three-day extension. The Jewish Government did not find acceptable the proposal for the demilitarization of the Haifa oil refineries, terminals and port area. The Arab states, through the Secretary-General of the Arab League, found unacceptable the proposal for the demilitarization of Jerusalem as a whole, and therefore also the proposal for an immediate cease-fire in the City for the purpose of deciding upon demilitarization should the truce not be prolonged. The Arabs, however, were ready to institute an immediate cease-fire in the Old City. The Arabs were also willing to consider the complete demilitarization of the entire city of Haifa, with Arab participation in the supervision of the city.

CONCLUSION

32. There are certain stark facts in the Palestine situation which are both fundamental and inescapable. The Arabs are bitterly opposed to the partition of Palestine, the establishment of a Jewish State, and Jewish immigration. While willing to permit many of the Jews now in Palestine to remain there as a minority group in an Arab-dominated unitary state, they regard the Jews of Palestine as interlopers and a menace to the Arab world. The Arab States have demonstrated their willingness to employ armed force to the limit of their capacities against what they regard as the injustice inherent in a Jewish invasion supported by the outside world. The Arab States regard it as their solemn obligation to take up the cudgels on behalf of the Arabs of Palestine.

33. On the other hand, the Jews of Palestine are equally as determined to have partition in Palestine, to defend and preserve the state they have established, and to keep open the gates for Jewish immigration into that state. They too have amply demonstrated their willingness and ability to fight tenaciously to defend their state against attack.

34. The de facto situation in Palestine today is that a Jewish Provisional Government, recognized by an increasing number of states, exists in an area of Palestine, and is exercising, without restrictions of any kind on its authority or power, all the attributes of full sovereignty, including the waging of war. This provisional government and the state it represents, were established under the cloak of authority given by the 29 November resolution of the General Assembly. Since that resolution, much has happened in Palestine, and it is not easy to undo what history has recorded. It is this de facto situation which the Arab states are fighting to eliminate, but the plain fact remains that it is there. It is a small state, precariously perched on a

coastal shelf with its back to the sea and defiantly facing on three sides a hostile Arab world. Its future may be assessed as uncertain, and if it survives this war its security will be likely to present a serious problem for a good time to come. Its peoples, other than the Arabs in its midst whose large numbers have been at least temporarily reduced by more than half by their flight from Jewish occupied areas, are intensely nationalistic and apparently fearless in the face of the Arab threat.

35. A first essential in Palestine today is an immediate cessation of hostilities. But that is only a first step. For the question must be answered, at some stage, whether the international community is willing to tolerate resort to armed force as the means for settlement of the Palestine issue. Willingness to do this could well involve many risks for the peace of the entire Near East, if not for the larger world. In this regard a distinction may properly be drawn between forbidding the use of force in Palestine and making it unprofitable to use force, on the one hand, and enforcing a political settlement, on the other. Ending the use of force in Palestine will in fact, make possible an eventual peaceful settlement.

36. For many and compelling reasons the international community has a vested interest in a peaceful settlement of the Palestine problem. Viewed realistically, the situation is as follows. If armed force is forbidden in the settlement of the problem and it is made prohibitively unprofitable for the Arab states to employ it, there will be in Palestine a Jewish community with a separate cultural and political existence, a Jewish state, whose strength and prosperity and capacity for economic and social development, by the admission of its own leaders, must largely depend on its ability to cultivate friendly relations with its Arab neighbours. If the employment of armed force is not forbidden, the issue of the Jewish state in Palestine will be settled on the field of battle. The decision which may be taken with regard to the resort to armed force in Palestine will determine the immediate prospects for further effective mediation over the settlement. In this vital regard the decisions of the Security Council on the matter will be controlling.

