

TRANS-JORDAN

ATTITUDE OF THE UNITED STATES REGARDING THE GRANTING OF INDEPENDENCE TO TRANS-JORDAN BY THE UNITED KINGDOM

8901.01/2-1346

*Memorandum of Telephone Conversation, by the Director of the
Office of Near Eastern and African Affairs (Henderson)*

SECRET

[WASHINGTON,] February 13, 1946.

Mr. Michael Wright, Counselor of the British Embassy, called me by telephone this afternoon. He said that on the basis of such documents as were in the Embassy, the Embassy had come to the conclusion that the British Government had no intention of submitting to the United Nations the matter of the recognition of the independence of Trans-Jordan.¹ The British Embassy was of the opinion that the British Government had taken the position that it was free to recognize the independence of Trans-Jordan without seeking the approval of the United Nations. The status of Trans-Jordan—so far as the United Nations was concerned—might be decided when Trans-Jordan applied for membership to that body.

Mr. Wright said that the British Government in the opinion of the Embassy envisaged three steps: (1) the recognition of the independence of Trans-Jordan; (2) the conclusion of a treaty between Trans-Jordan and Great Britain and (3) the application by Trans-Jordan for membership into the United Nations. The Embassy, however, was planning to ask the British Government informally whether its conclusions in this regard were correct.

Mr. Wright continued that before submitting the inquiry to the British Government it would be helpful for him to know what in my opinion the position of the United States might be with regard to the kind of treaty which Great Britain would enter into with Trans-Jordan. He understood that the Department in general did not look with favor upon the conclusion of treaties which would grant a great power a special position in the territory of a small power. He would

¹The British Secretary of State for Foreign Affairs, Bevin, in an address before the Eleventh Plenary Meeting of the General Assembly on January 17, 1946, at London, had stated: "Regarding the future of Transjordan, it is the intention of His Majesty's Government in the United Kingdom to take steps in the near future for establishing this territory as a sovereign independent State and for recognizing its status as such." (United Nations, *Official Records of the General Assembly, First Session, First Part, Plenary Meetings*, p. 167)

like to know what kind of special privileges would be objectionable to the American Government. What stipulations in the agreement between Great Britain and Iraq,² for instance, would the United States dislike seeing in agreement between Great Britain and Trans-Jordan? Was he correct in understanding that we would not like to have the British diplomatic representative in Trans-Jordan given a position of precedence over other diplomatic representatives?

I told Mr. Wright that I had no instructions in this matter and therefore I was not in a position to tell him with precision what the policy of the American Government might be. I believed, however, that my Government would look with disfavor upon any agreement between Great Britain and Trans-Jordan which would give the British diplomatic representative automatically precedence over the American diplomatic representative. Furthermore, I was inclined to believe that my Government would not regard with approval clauses which would obligate the Government of Trans-Jordan to give preference to British nationals in selecting foreign advisers. In my opinion, the Government of the United States would react unfavorably to the inclusions of any provisions which would discriminate against the United States in economic, commercial and cultural matters. Mr. Wright asked whether the United States would be likely to object to an agreement under which Great Britain would be permitted to maintain troops or perhaps a base in Trans-Jordan territory. I said that he had posed a rather difficult question; one which could not be answered without considerable study since it involved a variety of factors. It was possible, however, that if Trans-Jordan, without any pressure and of its own free will, should express a desire for the stationing of British troops in its territory and should enter into an agreement with Great Britain providing for the quartering of such troops in barracks, in bases, or otherwise, the United States Government would not register objection. Our position in general was that in the absence of an understanding, freely entered into, voluntarily given, foreign troops should not remain in the territory of an independent country against the will of that country.³

Mr. Wright said that he hoped to get more information from his Government with regard to its plans with respect to Trans-Jordan within a few days and that he would pass it on to me.⁴

² The Anglo-Iraqi Treaty of Alliance of June 30, 1930.

³ Mr. Henderson sent a copy of this memorandum to the Secretary of State on March 4. In a marginal notation on the transmitting memorandum, Mr. Byrnes indicated his agreement with Mr. Henderson's views.

⁴ On March 15, the First Secretary of the British Embassy (Tandy) informed the Chief of the Division of Near Eastern Affairs (Merriam) of informal word from London that the treaty would not contain provisions giving a preferred position to the British representative to the Trans-Jordan Government or giving a preference for British advisers to that Government (890i.01/2-1346).

8901.01/2-2646

*Memorandum by Mrs. Christina P. Grant of the Division of
Near Eastern Affairs*

[WASHINGTON,] February 26, 1946.

A. General Political. Our policy toward Trans-Jordan has been based upon two principles: (1) recognition of the responsibility of Great Britain for the administration of the Palestine mandate, of which Trans-Jordan forms a part, under the terms of the mandate from the League of Nations, to which administration the United States consented in the American-British Palestine Mandate Convention of December 3, 1924; and (2) the specific rights guaranteed the United States in Trans-Jordan, under this same convention of December 3, 1924, and indirectly confirmed by the Anglo-Trans-Jordan Agreement of February 20, 1928.

Trans-Jordan was accorded a special position within the Palestine Mandate after April 1923, when the British Government recognized the existence of an "independent Government" (not however an independent state) in Trans-Jordan. The Government thus created was consented to by the League of Nations, and its independent status was tacitly accepted by the United States when the Convention of 1924 was signed with the British Government. The terms of this Convention applied specifically to Trans-Jordan as well as to Palestine.

Trans-Jordan is a class "A" mandate. When it was established as an "independent Government" in 1923 it was specifically exempted from the provisions of the Palestine Mandate dealing with the Holy Places and the Jewish National Home. Relations between the United Kingdom and Trans-Jordan are governed largely by an agreement signed on February 20, 1928, supplemented on June 2, 1934. This agreement delegates to the Amir of Trans-Jordan the powers of legislation and administration entrusted to Great Britain as the Mandatory Power for Palestine, reserving to British "advice", or control, certain matters such as foreign relations, financial and fiscal policy, jurisdiction over foreigners and freedom of conscience.

United States rights, as specified in the American-British Convention of December 3, 1924, include guarantees of vested American property rights in Trans-Jordan, the right of United States nationals freely to establish and maintain educational, philanthropic, and religious institutions there, and all the general rights and benefits secured under the terms of the mandate to members of the League of Nations and their nationals. Extradition and consular rights, guaranteed under treaties and conventions between the United States and Great Britain, are likewise extended to Trans-Jordan. Article 7 of this Convention provides that the rights of the United States and its

nationals as stated in the Convention shall not be affected by any modification of the terms of the Mandate to which the United States does not give its assent.

A new situation has been created by the declared intention of the British Government to "take steps in the near future" with a view to establishing Trans-Jordan as a fully independent and sovereign state. This decision, welcomed by most Arab States, has been attacked by the Zionists.

The strategic position of Trans-Jordan, as an interior section of the land bridge connecting the Mediterranean and the Mesopotamian-Persian Gulf area, gives the United States a definite interest in the political fate of this purely Arab Country. The fact that any future pipe-line connecting oil fields of Saudi Arabia with a Mediterranean port must pass either through or at least close to the territory of Trans-Jordan makes the security and general stability of that country of vital concern to commercial interests in the United States.⁵

In the past the Government of the United States has taken the position that it is not empowered, under the articles of the American-British Convention of December 3, 1924, to prevent the modification of the terms of any of the mandates. Under their provisions, however, this government can decline to recognize the validity of the application to American interests of any modification of the mandates unless such modification has been assented to by the Government of the United States. Moreover the question arises whether, as a signatory of the United Nations Charter, the United States should take some action with respect to the declared intention of the British Government to establish Trans-Jordan as an independent state.

In formulating the policy of this Government the following considerations have been taken into account:

1. Trans-Jordan is at present, and *de jure*, an autonomous and independent part of a class "A" mandate. It was, furthermore, specifically exempted from the provisions of the Palestine Mandate dealing with the Jewish National Home.

2. There is a basic difference in the categories of mandates under the former League of Nations; the underlying purpose of a class "A" mandate being the ultimate achievement of complete independence, which should not be delayed if it is feasible (Art. 22, sect. 4, of the Covenant of the League of Nations).

3. Syria and Lebanon, the two Levant States that jointly formed a class "A" mandate after 1920, achieved their independence without recourse to the League of Nations. They were recognized as independent by France during the war when the Council of the League of Nations was inoperative. Their independence was subsequently recognized by the United States.

⁵ For documentation on the negotiation of a pipeline agreement between the United States and the Government of Trans-Jordan, see pp. 18-30, *passim*.

4. The United States would be reluctant to take any position which might convey the impression that the United States is opposed to independence for any country or class "A" mandate when such country or mandate should be ready for independence.

5. The United States could not take any obstructive position with respect to the proposed independence of Trans-Jordan without jeopardizing its relations with the whole Arab world.

6. The United States would automatically resume the right to exercise the capitulatory privileges formerly conceded by the Ottoman Government, upon termination of the Mandate, under Article 8 thereof. The United States would be extremely reluctant to resume these capitulatory rights, however, since such a retrogressive step would be contrary to the spirit of our present policy.

In view of the above considerations, it is our present policy, subject to the approval of the Secretary, to recognize the independence of Trans-Jordan, as in the case of the Levant States, on securing a satisfactory assurance of the continuation of the rights guaranteed the United States under the American-British Convention of 1924. Formal termination of the mandate with respect to Trans-Jordan would be generally recognized upon the admission of the latter into the United Nations⁶ as a fully independent country. The United States would, however, view with concern any treaty between the British Government and an independent Trans-Jordanian Government that would accord the British Government or its nationals any special position or privileges in Trans-Jordan.

[The independence of Trans-Jordan was recognized formally by the United Kingdom in a treaty of alliance entered into at London with Amir Abdullah on March 22, 1946 (British Cmd. 6779, Trans-Jordan No. 1 (1946): *Treaty of Alliance between . . . the United Kingdom and . . . the Amir of Trans-Jordan*). On April 9, Senator Francis J. Myers, in a letter to Secretary Byrnes, cited Senate debate of the previous week on Trans-Jordan and requested "all the necessary information as to the steps which the Department has taken or contemplates in connection with Great Britain's action in Trans-Jordan which, as the consensus of opinion in the Senate debate indicated, is considered to be a violation of the Anglo-American Convention of 1924." Mr. Byrnes' reply of April 23 concluded: "After a careful study of the matter, the Department has found nothing which would justify it in taking the position that the recent steps taken by Great Britain with regard to Trans-Jordan violate any treaties existing be-

⁶ With respect to the favorable attitude of the United States toward admission of Trans-Jordan into the United Nations, see telegram 3373, July 11, to Paris, and Under Secretary of State Acheson's communication of July 15 to President Truman, volume 1, documentation on Policy of the United States favoring early admission of states eligible for membership in the United Nations.

tween Great Britain and the United States, including the Convention of December 3, 1924, or deprive the United States of any rights or interests which the United States may have with respect to Trans-Jordan. The Department considers, however, that it would be premature for this government to take any decision at the present time with respect to the question of its recognition of Trans-Jordan as an independent state." (741.90i/4-946). The full text of Mr. Byrnes' reply is printed in Department of State *Bulletin*, May 5, 1946, page 765. On May 20, the Department authorized the Consul General at Jerusalem (Pinkerton) to attend the ceremonies at Amman on May 25 when Abdullah was to be crowned King of the Hashemite Kingdom of Trans-Jordan, provided that he made "it clear to all concerned that US Govt has not reached any decision as to recognition of Trans-Jordan." (890i001/5-1746)

The United States extended *de jure* recognition to the Government of Trans-Jordan on January 31, 1949.]

8901.01/6-1046

The British Embassy to the Department of State

AIDE-MÉMOIRE

It may be of interest to the State Department to learn that His Majesty's Embassy recently brought to the attention of the Foreign Office certain criticism of His Majesty's Government's action in recognising the independence of Transjordan and have received from the Foreign Office the following reply.

2. In general His Majesty's Government take the view that these criticisms are answered by the fact that (a) their intention to grant independence to Transjordan was announced at an early session of the United Nations Assembly in London, where it was not challenged by any delegate, and (b) that the final assembly of the League of Nations passed a resolution approving and welcoming this action.

3. The Foreign Office have read with interest Mr. Byrnes' letter to Senator Myers of the 23rd April on this subject, which has anticipated the various points they proposed to raise in reply and which, in their opinion, needs no amplification as a comprehensive and objective review of the matter at issue.

4. The Foreign Office consider, however, that it may be useful to recall the full text of the resolution concerning mandates passed by the Assembly of the League of Nations at Geneva in April, which reads as follows:

"The Assembly . . . recalls the role of the League in assisting Iraq to progress from its status as a Mandate to a condition of complete independence, and 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."

5. In the light of the above and of the welcome given by the United Nations Assembly in January to the announcement of His Majesty's Government's intention to recognise Transjordan as an independent State, (the U.S. Delegate at the United Nations Assembly voting in favour of this resolution), His Majesty's Government feel that, in so far as general international approval is required for setting up Transjordan as an independent State, such approval has in fact been manifestly given.

6. There remains the question of Zionist interests. Upon this point, His Majesty's Government feel bound to reiterate that the clauses of the Palestine Mandate relating to the establishment of a Jewish national home were, with the approval of the League of Nations, never applied in Transjordan. His Majesty's Government have therefore never considered themselves under any obligation to apply them there, nor indeed as having any power to do so unilaterally.

7. The Foreign Office further point out that the Jewish Agency⁷ have no internationally recognised status in relation to Transjordan and that His Majesty's Government were under no obligation to consult the Agency nor to secure its consent to the grant of Transjordan independence. Under the new dispensation, there is nothing to prevent Zionist interests from negotiating freely with the independent Transjordan Government to achieve their aims in Transjordan. The only innovation introduced by the treaty in this particular is the removal of the theoretical possibility that Jews might have been settled in Transjordan without the consent of the Transjordan Government and against the wishes of the inhabitants of the territory.

WASHINGTON, 10 June, 1946.

⁷ For Palestine.