

Palestine Occupied

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Israeli Expansionism, 1967.

Letters to the American People, 1968.

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World Opinion Condemns Israeli Aggression:
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Israeli Practices in the Occupied Arab Territories
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Table of Contents

Foreword	5
Introduction.....	7
Chapter I — Principles governing territories, human rights, liberties and freedoms	
World War I pledges of Arab independence (1915).....	27
The Hussein-McMahon Correspondence (1915-1916).....	28
The Sykes-Picot Agreement (1916).....	31
The Balfour Declaration (1917).....	32
Allied assurances of fulfillment of pledges to Arabs (1918).....	34
The 'Fourteen Points' of President Wilson (1918).....	35
Article 22 of Covenant of League of Nations (1919).....	36
The Atlantic Charter (1941).....	37
The United Nations Charter (1945).....	37
The Universal Declaration of Human Rights (1948).....	38
The Geneva Conventions (1949).....	40
The Tripartite Agreement (1950).....	43
United States Commitments towards Middle East (1967).....	46
Chapter II — Partition of Palestine	
Plan of Partition (1947).....	49
Effect of partition on Palestine territory.....	55
Hesitancy of certain Member States over partition.....	55
Zionists exert pressure and influence in U.S.....	58
Zionists attack Arab inhabitants before British withdrawal.....	61
Aram armies enter Palestine.....	66
Cease-fire directives of Security Council.....	66
Appointment of a United Nations Mediator.....	68
The Armistice (1949).....	69
Chapter II — Aftermath of creation of state of Israel	
The Palestine Conciliation Commission.....	73
Admission of Israel into membership of United Nations.....	75
The refugee problem.....	76
Israel disclaims responsibility for refugee problem.....	78
Palestine Arab refugee attitude towards repatriation.....	81
Israeli violations of the Armistice.....	83
Israel's policy of expansion.....	91
Encroachment on Arab territory in 1948.....	93
Invasion of Egypt in 1956.....	93
The war of June 1967.....	93

Maps

The Eastern Arab World (No. 1).....	29
The Plan of Partition, 1947 (No. 2).....	57
Jerusalem International Zone (No. 3).....	59
According to Armistice Agreement, 1949 (No. 4).....	71

Foreword

THIS PAMPHLET is a revised edition of the one which was published in August 1959 under the title of 'Palestine Partitioned 1947-1959 (Excerpts and Documents).' The name has been changed because it is no longer a question of 'partition' that the Arabs are up against but the occupation of the whole of Palestine and beyond.

A chapter has been added setting out the principles governing human rights, individual liberties and freedoms, self-determination and independence as established from time to time by the Western Democracies. Otherwise, the pamphlet has retained its original pattern in its basic text of providing the student of the Palestine Problem with easy access to pertinent excerpts from the more important official documents and quotes from reliable non-Arab sources, on fundamental issues affecting the Palestine dispute.

Except for the *Introduction*, which provides a brief summary of the Palestine Question, personal views and comments have been avoided as much as possible. This was deliberate in order to allow students and writers the freedom—after comparing principle with application—to formulate their own conclusions of how the problem arose, who is responsible for the tension and instability in the Middle East, and what should be done to bring about 'peace with justice' in the area.

Public opinion can no longer ignore the Palestine tragedy if world peace is to be maintained. The expulsion and dispossession of the Palestine Arabs in 1948; the attack on Egypt in 1956; and the occupation of the Sinai Peninsula, the West Bank of Jordan and the Gholan Heights in Syria in June 1967, have brought the situation in the Middle East to serious dimensions.

It is therefore imperative that all those who are interested in the preservation of the principles on which the democracy of the 'free world' are founded, and in world peace, should make it their business to search for the truth—for only in truth can there be justice, freedom and peace. The following pages strive to assist towards the achievement of these ends.

Dallas, Texas
October 1968

S.H.

Introduction

PALESTINE HAS HAD many upheavals in its history, but with the disintegration of the last of the Christian Crusades in the 13th century, the country settled down to a peaceful existence until the advent of the Zionist movement in the 20th century—a movement which claimed Palestine and beyond as the eternal home of the Jewish people to the exclusion of the indigenous Arab inhabitants.

The modern history of the Palestine Problem began during World War I. The first period—beginning in 1915—was abundant with promises and counter-promises, pledges, secret agreements and ambiguous and contradictory declarations. These included the British promise in 1915 of support of Arab independence in return for Arab help in the war against Turkey; the secret Sykes-Picot Agreement of 1916, dividing the Eastern Arab world into spheres of influence between Britain and France; the Balfour Declaration of 1917 viewing with favour the establishment in Palestine of a national home for the Jewish people, provided that such a 'home' did not prejudice the civil and religious rights of the existing non-Jewish communities in Palestine; and finally, the partition in 1947 of the country into a Jewish state, an Arab state, and an international zone of Jerusalem and environs under United Nations jurisdiction.

The second period—after 1947—was beset with violence, violations, defiances and wars. These included Zionist attacks, first against the British Mandatory Administration, then against the Arab inhabitants before the termination of the Mandate which culminated in the massacre of 250 men, women and children at Deir Yasin on 9 April 1948 and the panic flight of the Moslem and Christian inhabitants; the occupation of Arab territory beyond the area allotted to the 'Jewish state' under the Partition Resolution; the expulsion and dispossession of the Moslem and Christian inhabitants; the cease-fire and armistice; the efforts of the Palestine Conciliation Commission for a settlement; the invasion of Egypt in 1956; and finally, the 5th of June 1967 war and the occupation of the Sinai Peninsula, the West Bank of Jordan and the Gholan Heights in Syria.

The territory of mandated Palestine covered 10,435 square miles, which on the date of the British occupation in 1918 was inhabited by 700,000 people, of whom 644,000 were Arabs (574,000 Moslems and 70,000 Christians) and 56,000 were Jews, most of whom were Arabs of the Jewish faith. The latter, who comprised about 8% of the total population, owned about 2% of the land area. By May 1948 when the Mandate over Palestine came to an end, the population was estimated to have reached 1,380,000 of whom one-third, or about 650,000, were Jews. The increase in the Jewish population was mainly due to immigration. During the thirty-year interval, Jews were able to acquire additional land, bringing their maximum holdings on the date of the termination of the Mandate in 1948 to 5.67% of the total area. So neither in population nor in land ownership could the Zionists legitimately claim an exclusive right to Palestine.

The basic issue in the Palestine Problem is the uprooting and dispossession in 1948 of an entire nation in order to make room for the 'ingathering' in Palestine of Jews from all parts of the world. This build-up of the Jewish population in Palestine was not inspired by humanitarian considerations for the oppressed and persecuted Jews of Europe as was made to believe, but was achieved mainly in order to fulfill the political aspirations of a major ideological movement called Zionism. The aims of the movement, as formulated by the first Zionist Congress in 1897, were:

"Zionism strives to create for the Jewish people a home in Palestine secured by public law. The Congress contemplates the following means to the attainment of this end:

1. The promotion on suitable lines of the colonization of Palestine by Jewish agricultural and industrial workers.
2. The organization and binding together of the whole of Jewry by means of appropriate institutions, local and international, in accordance with the laws of each country.
3. The strengthening and fostering of Jewish national sentiment and consciousness.
4. Preparatory steps towards obtaining Government consent where necessary to the attainment of the aims of Zionism."¹

¹ Stein, Leonard, *Zionism* (London: Kegan Paul, Trench, Tribner & Co., 1932), p. 62.

World War I gave the Zionists their opportunity to obtain a foothold in Palestine through the Balfour Declaration of 2 November 1917. This enabled them, during the thirty years which followed, to increase the Jewish population and to provide the manpower needed to eventually gain control of the country by force of arms.

In May 1942, a conference of American, European and Palestinian Zionists was held at the Biltmore Hotel in New York. The conference resolved that "the gates of Palestine be opened; that the Jewish Agency be vested with control of immigration into Palestine and with the necessary authority for upbuilding the country, including the development of its unoccupied and uncultivated lands; and that Palestine be established as a Jewish commonwealth integrated in the structure of the new democratic world."²

On the basis of this 'Program,' the Jewish Agency presented the British Government on 22 May 1945—a fortnight after VE Day—with the following demands:

- "(1) That an immediate decision be announced to establish Palestine 'undivided and undiminished' as a Jewish state;
- (2) That the Jewish Agency be vested with the control of Jewish immigration into Palestine;
- (3) That an international loan be raised to finance the immigration of the 'first million' Jews to Palestine;
- (4) That reparations in kind from Germany be granted to the Jewish people for the 'rebuilding' of Palestine; and—as a first installment—that all German property in Palestine be used for the resettlement of Jews from Europe;
- (5) That free international facilities be provided for the exit and transit of all Jews who wish to settle in Palestine."³

Zionist plans for a 'Jewish state,' however, went further than the 'Program' submitted to the British Government. These were disclosed in a report by General Patrick J. Hurley, personal representa-

² ESCO Foundation for Palestine, Inc., *Palestine: A Study of Jewish, Arab and British Policies* (New Haven: Yale University Press, 1947), Vol. II, p. 1085.

³ R.I.I.A., *Great Britain and Palestine 1915-1945* (New York & London: Oxford University Press, 1946), pp. 139-140.

tive of President Roosevelt in the Middle East, dated May 3, 1943. General Hurley reported to the President that "The Zionist organization in Palestine has indicated its commitment to an enlarged program for:

- (1) a sovereign Jewish state which would embrace Palestine and probably eventually Transjordan;
- (2) an eventual transfer of the Arab population from Palestine to Iraq;
- (3) Jewish leadership for the whole Middle East in the fields of economic development and control." ⁴

It will be observed that the Zionist plans took no account of the presence of the Arab inhabitants who then formed more than two-thirds of the total population of the country. In fact this lack of realism for the rights and interests of the indigenous Arab inhabitants was not accidental but formed the basis of Zionist policy from the start. It should be recalled that in 1921, when the Jewish population was no more than eight per cent of the total inhabitants, Dr. Eder, a member of the Zionist Commission, is reported to have 'boldly told the Court of Enquiry' appointed by the High Commissioner in Palestine to inquire into the disturbances, that "there can be only one National Home in Palestine, and that a Jewish one, and no equality in the partnership between Jews and Arabs, but a Jewish preponderance as soon as the numbers of the race are sufficiently increased." ⁵

The Zionist claim to Palestine rests on ancient 'Biblical' promises of 4000 years ago. They quote the Covenant with Abraham and the Old Testament prophecies of a Jewish 'return' to Palestine in order to attract Jewish interest and gain certain Christian support. They deliberately ignore two main factors: The first, that the Covenant—if it had any legality or logic in the 20th century at all—does not apply only to the adherents of the Jewish faith; and the second, that present-day Jews have no proof of physical descent from the early Hebrews to entitle them to proffer claims of inheritance. Religion is no criterion to any claim of inheritance; and nowhere is the notion found that being a Jew is synonymous with physical descent

⁴ United States: *Foreign Relations of the U.S.: Near East and Africa* (Washington D.C.: 1964), Vol. IV, pp. 776-777.

⁵ Ziff, William, *The Rape of Palestine* (New York: Longmans, Green & Co., 1938), p. 171.

from Abraham. Many Jews in history have been converts from other stock. There were the Black Jews of Malabar, and the Falashas of Ethiopia. The current leaders of Israel, as well as the Jewish immigrants who hail from Central Europe, Poland, Russia and the United States, are mostly of Khazar extraction, descendants of Caucasian Russians whom Byzantine Jews converted to Judaism in the mid-Eighth century.⁶ To quote one example of the absurdity and illegitimacy of the Zionist claim, there is the case of Sammy Davis Jr., an American negro who embraced Judaism some years back. According to Zionist logic and Israeli laws, Sammy Davis is now regarded as living in 'exile' in America pining for the day he can return to his 'home' in Palestine!

On the question of the true meaning of the 'Biblical' promise, a number of Christian scholars and authorities, concerned with the way Holy Scriptures were being interpreted, pointed out that the words "the seed of Abraham" inevitably include Arabs, both Moslems and Christians, who claim descent from Abraham through his son Ishmael; that the promises made to the patriarchs have been annulled by the national apostasy; that the so-called 'return' has been fulfilled and it cannot be fulfilled again; that the promises apply to all mankind; that such terms as 'victory' and 'salvation,' in their true Biblical meaning, connote religious and spiritual achievements, not the conquest or degradation of political enemies; and more specifically, that such terms as 'Israel,' the 'new Israel,' or the 'Israel of God' in the New Testament apply to the Ideal Christian Church, or to a body of true believers in the religious sense. These authorities state further that even without the specific statements of the New Testament with regard to the spiritual and religious nature of the promises to Israel, the Old Testament alone in its truest sense, and in the hands of its truest interpreters, points to a spiritual kingdom for all mankind and not to a political Israel that occupies territory and homes belonging naturally to another people and reduces some of its inhabitants to second-class citizenship. Judaism, like Christianity, they explain, has had a continuous history since Biblical times; and the best insights of this continuing tradition also lead towards an Israel of the spirit and not of the flesh. Thus, no true Christian, believing in the New

⁶ For a study of the problem, see *The Jewish People: A Biographical History*, by Harry L. Shapiro (UNESCO, 1960); also Article entitled 'The Myth of the Jewish Race' by Professor Juan Comas, published in *Issues* magazine of the American Council for Judaism (New York: Winter 1965-1966), pp. 21-23.

Testament, could possibly confuse the modern Israel, brought into being by political machinations and military power accompanied by ruthless deprivation of the native inhabitants, with the Israel of God of Christian faith. These two Israels contradict one another completely.⁷

The Palestine Arab case, on the other hand—if a case needs at all to be made—in essence stems from the principle that the only title which any people has to its country comes from *birth and long and continued possession*. It is these that give the British their right to Britain, the French their right to France and the Americans their right to America. This is a criterion which the common acceptance of mankind has set up as a universal principle. It is recognized as the basis of the integrity and security of all nations; and no just international order can be established in the world today on any other foundation.

If such a formula can apply to a new country like America with its only four-hundred-and-fifty years of history, how much sounder in comparison is the right of the Palestine Arabs to their country which dates back to the dawn of history? The Palestine Arabs of today—Moslems and Christians—are not, as is popularly believed, exclusively the descendants of the Arab desert conquerors of 1300 years ago; they are, in fact, predominantly the descendants of the original native population—Philistines, Canaanites, Hittites, Jebusites, etc. They were there when the early Hebrews invaded the land in about 1500 B.C., survived the Israelite occupation, retained possession of a large part of the country throughout the Israelite period, and remained in the land after the Hebrew 'dispersion,' to be intermingled first with the Arab conquerors in the seventh century, then with the Crusaders in the eleventh century, and continued their occupation and possession of the land in their new Arabized character until the Zionist invasion of 1948. Such long and uninterrupted possession of a land is the only moral basis in the civilized world of any people's right to their country.

At any rate, no matter in what manner the Arab inhabitants came to be in Palestine, whether as descendants of the Arab conquerors or of those who came before or after them, the fact remains that they

⁷ For an authoritative interpretation of the 'Divine Promise,' see *Israel According to Holy Scripture*, obtainable from the Arab Information Center, 405 Lexington Avenue (Suite 3711), New York, N.Y. 10017.

were there until uprooted by the Zionist and Israeli invasions of 1948 and 1967. They still legally own the land. That is enough to give them unfettered title to the country of their birth.

When the Jews in Palestine—the majority of whom had been brought into the country against the protests of the original Arab inhabitants—had become a sizable community and had accumulated ample arms and received military training, they launched a ‘war of terror and destruction’ against the British—the very forces which made it possible for the Jews to go to Palestine in the first instance—to compel them to hand over authority to the Jewish Agency. Among the many crimes committed against their erstwhile benefactors were the murder of Lord Moyne in Cairo in 1944 because his policies did not meet with Zionist approval; the blowing up of part of the King David Hotel building in Jerusalem where one-hundred Government officials lost their lives; the hanging of two British soldiers as an act of reprisal; the cold-blooded murder of British police and soldiers; and the kidnapping and flogging of others—all this was happening while the British Government was fighting Nazi Germany to help save, among other things, the remnants of European Jewry from annihilation.

Winston Churchill—an ardent supporter of Zionism all his life—was shocked by these Zionist atrocities. Addressing the British House of Commons on the assassination of Lord Moyne, Sir Winston said: “If our dreams for Zionism are to end in the smoke of assassins’ pistols and our labours for its future are to produce a new set of gangsters worthy of Nazi Germany, many like myself will have to reconsider the position we have maintained so consistently and so long in the past. If there is to be any hope of a peaceful and successful future for Zionism, these wicked activities must cease and those responsible for them must be destroyed root and branch.”⁸

This admonition of Winston Churchill made no impression on the Jewish community; and in October 1944, the Officer Administering the Government and the Commander-in-Chief, Middle East, issued a joint communique in which they stated that the Zionist terrorists and “their active and passive sympathizers are directly impeding the war effort of Great Britain” and “assisting the enemy.” The communique called upon “the Jewish community as a whole to do their utmost to assist the forces of law and order in eradicating this evil

⁸ Palestine: *A Survey of Palestine 1945-1946*, p. 73.

thing within their midst," and demanded "of the Jewish community in Palestine, their leaders and representative bodies to recognize and discharge their responsibilities and not to allow the good name of the *Yishuv* to be prejudiced by acts which can only bring shame and dishonour on the Jewish people as a whole." ⁹

Instead of reducing their terrorist activities, the Zionists stepped up their attacks. In July 1946, the General Officer Commanding in Palestine announced to his troops that "The Jewish community of Palestine cannot be absolved from responsibility for the long series of outrages culminating in the blowing up of a large part of the Government Offices in the King David Hotel causing grievous loss of life. Without the support, active and passive, of the general public, the terrorist gangs who actually carry out these criminal acts would soon be unearthed, and in this measure the Jews in this country are accomplices and bear a share in the guilt." ¹⁰

Sympathy and support for these Zionist crimes were, however, not confined to the Jewish community in Palestine; the Jewish terrorists had many sympathizers and supporters in the United States without whose contributions terrorism and sabotage would not have been possible. At the time when Zionist terrorism was at its highest, Ben Hecht, a rich and influential Jewish Hollywood scenario writer, published a 'Letter to the Terrorists of Palestine' in the *New York Herald Tribune* of 15 May 1947 in which he said: "The Jews of America are for you. You are their champions. You are the grin they wear. You are the feather in their hats. Every time you blow up a British arsenal, or wreck a British jail, or send a British railroad train sky-high, or rob a British bank, or let go with your guns and bombs at the British betrayers and invaders of your homeland, the Jews of America make a little holiday in their hearts . . . We are working to help you. We are raising funds for you . . ." ¹¹

Zionist violence, however, proved effective in finally ousting the British from Palestine. In 1947, the British Government announced that it had found "the mandate had proved to be unworkable in practice, and that the obligations undertaken to the two communities had

⁹ *Ibid.*

¹⁰ Koestler, Arthur, *Promise and Fulfillment* (London: Macmillan & Co., 1949), p. 88.

¹¹ It is comforting to note that Ben Hecht lived to regret his blind support of Zionist and Israeli excesses. See his book *Perfidy* (New York: Julian Messner, Inc., 1962).

been shown to be irreconcilable.”¹² In declaring its intention of giving up the Mandate to the United Nations, the British Government said: “We have tried for years to solve the problem of Palestine. Having failed so far, we now bring it to the United Nations in the hope that it can succeed where we have not. All we say is that we should not have the sole responsibility for enforcing a solution which is not accepted by both parties and which we cannot reconcile with our conscience.”¹³

In November 1947, the General Assembly voted the partition of Palestine. The partition plan provided for the establishment of a ‘Jewish state’ on 56% of the total area of Palestine although the Jewish inhabitants were then only one-third of the total population and owned less than 6% of the land; an ‘Arab state’ for the Arab majority on 43% of the area; and an international zone of Jerusalem on the remaining 1%. The plan gave the ‘Jewish state’ the fertile coastal plains and the rich citrus belt, leaving for the ‘Arab state’ the hilly regions and the arid lands.

The Partition resolution stipulated that the Jewish and Arab states were to come into being two months after the date of termination of the Mandate on 15 May 1948. In addition, the resolution provided for the establishment of a Palestine Commission, entrusting it with the task of taking over administration as the Mandatory Power withdrew and in due time to hand over responsibility to the respective envisaged governments. But for no explained reason the Palestine Commission was abolished the day the state of Israel was established and no arrangements made for the ‘Arab state’ to come into being, or for the Arab inhabitants to be protected in their homes and property.

The Arabs rejected the partition because they maintained that the United Nations had no jurisdiction to partition countries against the will of the majority and requested that the matter be referred to the International Court of Justice for an expression of opinion as to the legal aspects of the case. Their rejection was also due to the fact that the population of the ‘Jewish state’ was to be 50% Arab and 50% Jewish, with the Jews owning less than ten percent of the total

¹² Palestine: Supplementary Memorandum submitted to the United Nations Special Political Committee (UNSCOP), p. 27.

¹³ U.N. Official Records of First Special Session of General Assembly, Vol. III, pp. 183-184.

land area, and yet political control was to be in the hands of the Jews without regard to the Arabs.

The United Nations tried to protect the Arabs of the proposed 'Jewish state' by providing that their civil, political, economic, religious and property rights were in no way to be prejudiced by the partition. But it did not lay down how these Arab rights were to be safeguarded if encroached upon.

Consequently, shortly after the Partition Resolution was adopted in 1947, the Zionists launched a campaign of terror aimed at expelling the Moslem and Christian inhabitants, confiscating Arab property without consideration, and occupying as much of Palestine as they could before the British left. The United Nations became alarmed at the violence that was taking place; and in March 1948, met to reconsider the partition plan, and there was talk of voiding it and making all of Palestine a United Nations trusteeship.

As the date of British withdrawal approached, and fearing that the United Nations might succeed in altering its partition recommendation, the Zionist underground forces—which later formed the Israeli army—intensified their attacks against Arab towns and villages in an effort to confront the United Nations and the world with a *fait accompli*. On 9 April 1948, they attacked the Arab village of Deir Yasin and massacred 250 men, women and children, and paraded those who escaped massacre through the streets of Jerusalem to be spat upon and insulted before dumping them onto Arab quarters. This Zionist brutality naturally had the effect of creating panic among the defenseless Arab inhabitants who began to flee. Menachem Beigin, the leader of the attack and now an Israeli cabinet minister, was reported to have declared at the time: "The massacre was not only justified, but there would not have been a state of Israel without the 'victory' at Deir Yasin." ¹⁴

The result: *Before* the British left, and *before* a single soldier from any Arab State entered Palestine, the Zionists had already occupied territory reserved for the 'Arab state' and the 'International zone of Jerusalem,' as well as the area assigned to the 'Jewish state'; while over 300,000 Palestine Arabs became refugees in adjacent Arab countries.

¹⁴ Quoted from the *Jewish Newsletter* (New York), 3 October 1960.

The Palestine Arabs, forsaken by the Mandatory Power which was still responsible for law and order, and neglected by the United Nations which set in motion the Zionist underground groups by its recommendation of partition without providing adequate safeguards for the Arab inhabitants, appealed to the Arab states for protection. So on 15 May 1948—the day of the termination of the Mandate and British withdrawal from the country—the Arab League cabled the Secretary-General of the United Nations informing him that the Arab States “were compelled to intervene in Palestine because the disturbances there constituted a serious and direct threat to peace and security in their territories and in order to restore peace and establish law in Palestine.”¹⁵

A few days later, war broke out between the Arab armies and the Israeli forces which continued to penetrate deeper into Arab territory. The Security Council ordered a cease-fire and Count Folke Bernadotte was appointed to arrange for a truce and settle the problem. His proposals, however, conflicted with Israeli plans and he was assassinated in the Israeli-held sector of Jerusalem on 16 September 1948. Notwithstanding the Security Council cease-fire order and the truce, the Israeli forces attacked and occupied the Arab town of Beersheba and the Negeb in October 1948, and the Gulf of Aqaba on 10 March 1949 after the armistice with Egypt had been signed on 24 February 1949. All calls by the Security Council to withdraw to the cease-fire lines were ignored.

In December 1948, the General Assembly met and resolved that the refugees wishing to return to their homes should be permitted to do so and that compensation should be paid for the property of those choosing not to return and for damages suffered. At the same time, the General Assembly appointed a Palestine Conciliation Commission and entrusted it with the task of settling the dispute.¹⁶

A meeting was called by the Commission in Lausanne, Switzerland; and on 12 May 1949, a ‘Protocol’ was signed whereby the Israelis and the Arab States undertook to reach a settlement of the refugee question, the respect for their rights and the protection of their property, as well as territorial and other questions. The 1947 Partition Plan was to form the basis for the discussion. Things then looked as if a solution was in sight.

¹⁵ U.N. Document A/658.

¹⁶ U.N. Resolution 194 (III) of 11 December 1948—U.N. Document A/810.

But in June 1949, the Commission reported to the General Assembly that when the parties were asked to make known their views on the implementation of the provisions of the 'Protocol,' the Israeli delegation demanded that the territorial frontiers of Mandatory Palestine be considered the frontiers of Israel, with one provisional and temporary exception, namely, that the central area of Palestine then under Jordanian military authority, in which the Israelis consented to recognize the Hashemite Kingdom of Jordan as the *de facto* military occupying power without entering into the future status of the area for the time being.

The Arab delegations protested that the Israeli proposals were a repudiation of the terms of the 'Protocol' and certainly not in conformity with the Partition Resolution which brought the 'Jewish state' into existence. The Israeli delegation retorted: "It could not accept a certain proportionate distribution of territory agreed upon in 1947 as a criterion for a territorial settlement in present circumstances." On the question of the refugees and Jerusalem, the Israeli delegation also adopted an inflexible attitude.¹⁷ In the face of such Israeli intransigence, the 'Protocol' became a 'dead letter' and hopes for a settlement and peace receded.

It should be noted in this respect that during the debate in the United Nations in November 1948 on the report of the U.N. Mediator Count Bernadotte in which he suggested certain territorial changes as part of his peace plan, it was the Israeli representative who strongly objected to any alteration in the boundaries as resolved in the Partition Resolution of 29 November 1947, and argued: "It was logical that any conciliation effort should make the 29 November resolution its basis." At a subsequent meeting, he said: "In the view of his delegation, the Assembly's resolution of 29 November is a valid international instrument of international law, while the conclusions in the Mediator's report were merely the views of a distinguished individual which were not embodied in any decision of a United Nations organ."¹⁸

Is it not ironic that what was termed 'logical' and 'a valid international instrument of international law' in November 1948 should no longer be so in June 1949, after the state of Israel had gained

¹⁷ See U.N. Document A/297 of 21 June 1949.

¹⁸ See U.N. Records of First Committee of Third Session, 23 and 29 November 1948.

admission into membership of the United Nations and undertook, *unreservedly*, to abide by the Charter?

The period which followed the Israeli rejection of a compromise abounded with Israeli violations of United Nations resolutions and the provisions of the General Armistice Agreements. The refugees were not allowed to return to their homes or be compensated despite nineteen United Nations resolutions calling upon Israel to do so; the inhabitants of 'demilitarized zones' were either banished into the interior or expelled across the armistice demarcation line and their lands seized; 'demilitarized zones' were occupied and militarized; Arab property continued to be exploited without being legitimately owned by the Jewish citizens. In short, every resolution adopted by the United Nations on Palestine and every agreement entered into were violated and defied.

In October 1956, the Israeli forces, taking advantage of the strained relations between Egypt on the one hand and Britain and France on the other over the nationalization of the Suez Canal, colluded with the latter Governments in attacking Egypt in order to reap some benefits. They occupied the Gaza Strip and the Sinai Peninsula under the pretext of 'retaliation against infiltration,' but in actual fact the operation was for all intents and purposes a bid for expansion. David Ben Gurion made no secret of Israeli intentions in the declaration he made on the eve of the invasion because he had no idea then that the Israelis might be pushed back. He said: "The army did not make an effort to occupy enemy territory in Egypt proper and limited its operations to free the area from northern Sinai to the tip of the Red Sea."¹⁹ On 7 November 1956, he told the Israeli Parliament: "Sinai was never Egyptian territory," and talked of the "third kingdom of Israel."²⁰ Referring to the Island of Tiran south of the Gulf of Aqaba, he described it as "the Island of Yotvat, south of the Gulf of Elath, which was liberated by the Israeli army."²¹

Mr. Ben Gurion's reference to not occupying 'enemy territory in Egypt *proper*'; the selection of the words 'free' and 'liberated'; and the use of Hebrew terminology for centuries-old Arabic names, indicates that the Israelis believe that these territories are theirs by right

¹⁹ *New York Times*, 8 November 1956.

²⁰ From Mr. Bar Zohar's *Biography of David Ben Gurion*, as published in the *Jerusalem Post*, 4 November 1966.

²¹ *New York Times*, 8 November 1956.

and that the invasion was in fact planned not as 'retaliation for infiltration' but as part of their policy of expansion.

World conditions were then such that the Israelis were not allowed to keep what they had gone out to get. The General Assembly called upon the Israelis to withdraw to behind the armistice demarcation lines at least seven times,²² and it was only after President Eisenhower had threatened to apply sanctions against Israel that the Israelis withdrew.

President Eisenhower at that time enjoyed full American, and world, support for his stand, and much was the opinion expressed that he should have taken advantage of his popularity to bring about 'peace with justice' in the Holy Land after Israeli withdrawal. Instead of being satisfied with a return to the *status quo*, he should have reopened the entire Palestine question by requiring the Israelis to fulfill their undertakings under the 'Lausanne Protocol' on the question of the return of the Arab refugees to their homes and respect for their property and rights, and then to take up the question of territory and settle that within the framework of the Partition Plan. Unfortunately a golden opportunity was lost, and responsibility for all that followed must be placed on the shoulders of those who lacked the foresight and wisdom to do what is right and what is just when it was within their grasp.

Return to the *status quo* did not improve matters. The Israelis were still in occupation of Arab homes and lands, while the Arab owners languished in refugee camps subsisting on international charity at the rate of seven cents per person per day.

The Israelis, disappointed by their failure to achieve what they had gone out to get, were unwilling to give up or to make concessions that would solve the Palestine problem. They kept the area in a state of tension, and hardly a month passed without the Middle East news making the headlines.

In 1966, all signs indicated that the Israelis were intent on war and another bid for expansion; and the year 1967 appeared best suited for that. Israel's internal problems had become precarious; there

²² See U.N. Resolutions 997(ES-I) of 2 November 1956; 998(ES-I) of 4 November 1956; 999(ES-I) of 4 November 1956; 1002(ES-I) of 7 November 1956; 1120(XI) of 24 November 1956; 1123(XI) of 19 January 1957; and 1124(XI) of 2 February 1957.

was much dissatisfaction; differences increased between the Oriental and Western Jews; the economy of the country was unbalanced; the number of unemployed had reached the figure of about 100,000 (about 10% of its labour force) and was on the rise; and emigration had exceeded immigration for the first time since the 1920s. Something therefore had to be done to draw the attention of World Jewry to Israel's plight. Two conferences of world Zionist leaders were held in occupied Jerusalem to deal with the situation, but apparently their help was not as quickly forthcoming as the situation demanded. Hence the Israelis had to decide on more drastic measures. Funds and immigration were urgently needed and both these could only be reached through war with the Arabs.

That these are Israeli tactics which have become common knowledge is attested to by General Carl Von Horn, one-time Chief of Staff of the United Nations Truce Supervision Organization in Palestine. Commenting on the reasons for the tension on the armistice demarcation lines during his tenure of office, he said: "... it was Israeli policy to maintain a situation 'pregnant' with threats of Arab attacks. It seemed to all of us in U.N.T.S.O. that there were two reasons why this suited them. First, it ensured a high state of readiness and efficiency within their own army, which showed a marked tendency towards internal disputes immediately tension relaxed. Second, it enabled them to make sure that their 'plight' received the maximum amount of attention in foreign and particularly American newspapers, with the natural corollary that sympathy, aid and money continued to flow into Israel in substantial quantities." ²³

It is no surprise therefore that the Israelis were able, on account of the 1967 war, to raise nearly one billion dollars from World Jewry, most of which came from the United States *tax-free*. Further help is said to be forthcoming as a result of the meeting of American 'millionaires' in occupied Jerusalem who pledged to raise 750 million dollars for Israel. Prime Minister Levi Eshkol is reported to have described the outcome of the meeting as exceeding all expectations.

There were other reasons why the Israelis selected the year 1967 for their attack on the Arab States. First, inter-Arab differences were at their highest and therefore the Arabs were least able, militarily, to resist any thrust which the Israelis might make. There were signs that

²³ Von Horn, Carl, *Soldiering for Peace* (London: Cassell & Co., 1966), p. 96.

fences were being mended, and the Israelis could not afford to wait and see Arab unity and preparedness frustrate their plans. Second, the 1968 U.S. presidential elections were approaching, and the Israelis felt confident that their influence in the United States was now sufficiently strong to make the 'Jewish vote' a factor to be reckoned with in preventing a repetition of United States interference to dislodge them, as President Eisenhower did in 1956. The fact that certain presidential aspirants visited Israel before announcing their candidacy strengthens the Arab belief that Israel plays a big role in the election of a United States president. Furthermore, six Senators up for re-election also visited Israel and returned to applaud its victories and accomplishments, ignoring the principles condemning aggression and forgetful of the great human sufferings of the Arab inhabitants.

To escape world condemnation, the Israelis used the closure of the Strait of Tiran and the entry of U.A.R. troops into the non-militarized Sinai Peninsula as a pretext to launch their attack and to occupy the Sinai Peninsula, the West Bank of Jordan and the Gholan Heights in Syria—a territory they coveted for so long and planned to occupy in their second round of expansion. The argument that the Israelis acted in 'self-defense' was at first accepted by world public opinion, but subsequent events and declarations proved that this was not the case. The Israeli annexation of the Old City of Jerusalem despite two General Assembly and one Security Council resolutions, adopted unanimously, not to do so²⁴ and world condemnation of the Israeli action; the bulldozing of over 400 Arab homes and the expropriation of 40 acres of Arab property near the Wailing Wall to make room for a park; the expulsion and dispossession of over 300,000 Arabs from the West Bank of Jordan and the Gaza Strip despite General Assembly and the Commission on Human Rights resolutions calling on Israel to allow them to return;²⁵ the demolition of whole Arab villages; the expropriation of land on Mount Scopus in Jerusalem for the construction of Jewish housing schemes; the theft and plunder of Arab homes; the murder of Arab civilians and the persecution and economic pressure on others to compel them to flee; Israeli talk of a 'greater Israel'; of the natural borders of Israel as being the River Jordan; of never evacuating the Old City of Jerusalem no matter

²⁴ Resolution 2253 (ES-V) of 4 July 1967—Ibid. and Resolution 2254 (ES-V) of 14 July 1967 (U.N. Document A/6798 and S/RES/252 (1968) of 21 May 1968.

²⁵ Resolution 2252 (ES-V) of 4 July 1967—ibid. and Resolution 6 (XXIV) of 27 February 1968—U.N. Document E/CN.4/L 1008 of 28 February 1968.

how many resolutions the General Assembly might adopt; of expropriating and establishing Jewish settlements in occupied Arab territories; of declaring occupied Arab territories as no longer 'enemy territory'—all these actions and declarations do they not lead to the conclusion that expansion, not self-defense, was, in fact, the motive behind the Israeli attack?

The Israelis may have proven by their swift, treacherous attack in 1967 their military superiority over the Arab armies, but this does not mean that the Arab spirit to regain what rightfully belongs to them has been broken. On the contrary, it remains as indomitable as ever. The Israelis may have won a military victory, but they have not won the war and are certainly far from winning the peace. If there had been a gleam of hope in the past of an Arab-Israeli rapprochement, that possibility has vanished with the 5th of June aggression and the attack on the East Bank of Jordan on 21 March 1968 has certainly stiffened Arab resistance and determination.

The Israeli claim that they invaded the East Bank of Jordan on 21 March 1968—despite the existence of a Security Council 'cease-fire' order—in order to destroy the so-called 'terrorist' bases in El-Karameh camp, is not true. In the *first place*, there is no such thing as 'terrorists' or 'saboteurs.' There is a 'Resistance Movement' which was born as a result of the Zionist invasion and Israeli occupation of Palestine. This movement is no different in any way to those movements which were created in Europe during World War II. It will be recalled that Nazi Germany invaded and occupied most of Europe, and it was only natural and legitimate for its peoples to resist the invasion and occupation and to attempt to rid themselves of the intruders, sacrificing their lives in the process. The Allies gave these movements every support and encouragement and provided them with all the assistance they needed. Their activities eventually aided in the defeat of Nazi Germany.

In the case of Palestine, there also was an invasion and occupation. But the difference between the Nazi invasion and occupation and the Zionist invasion and occupation is that whereas the former allowed the inhabitants of occupied countries to remain in their homes, the latter expelled and dispossessed the Moslem and Christian inhabitants. If therefore there was any justice in the Resistance Movements of Europe against Nazi Germany, there is certainly every

justice in the Palestine Arab Resistance Movement against the Zionist invasion and occupation of Arab lands.

The term 'terrorists' or 'saboteurs,' it should be explained, can only apply to criminal deeds against the forces of 'law and order,' such as the Zionist activities in Palestine during the Mandate against British personnel and Administration, which are referred to earlier in this *Introduction*. The Palestine Arab Resistance Movement, on the other hand, avoids harming genuine civilians and directs its attacks against the Israeli military and para-military forces whether they are in uniform or not. Farmers of 'border' villages are not excluded because they are known to be soldiers on the reserve force.

The Palestine Arabs have declared their avowed determination to free their homeland from the Zionist invader and regain possession of their usurped property; and in this they now have the support of all Arabs as well as others who understand the Arab position and believe in the principles of justice and freedom. Those who feel otherwise, are reminded of the following American 'Declaration of the Causes and Necessity of Taking Up Arms' adopted in 1775 by the second Continental Congress at Philadelphia by people who were denied freedom but had not undergone expulsion and dispossession as the Palestine Arabs did:

"In our native land, in defence of the freedom which is our birth-right, and which we enjoyed till the late violation of it—for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before."

In the *second place*, the Karameh camp was never used as the headquarters of the Palestine Arab Resistance Movement. It was a purely refugee camp established by the United Nations to house the victims of the 1948 Israeli aggression. The camp was still under the administration of the United Nations Relief and Works Agency when the Israeli attack took place.

The real reason for the Israeli attack is better understood from the sequence of events during the fighting on 21 March 1968. Little is known that when the Israeli troops were dropped from helicopters

into the Karameh camp, the Israeli authorities immediately asked for a 'cease-fire' hoping in this way to advance the 'cease-fire' line from the River Jordan to the foothills, thus including within their occupied territory the whole of the fertile Jordan Valley and have absolute control over the Jordan River waters. But the Jordan troops kept fighting until the last of the Israeli invaders was thrown back across the River.

The Israeli treatment of the Palestine Arabs and their policy towards the Arab States leave no room for compromise. The gap today between Arab and Israeli has become wider and the Arab wound much deeper. What kind of presence do the Israelis hope for in the Middle East when they have to rely all the time on might and not on right? The destiny of a nation is not judged in terms of ten, twenty, fifty or one-hundred years; and the Israeli presence in the midst of one-hundred million Arabs should give them food for thought. The Arab States today may be weak, disunited and untrained, but this is not a lasting situation that cannot be rectified in the future. What then will be the position of the 'Jewish state' in an area where the Israelis have created so much hostility as a result of the crimes and injustices of an unprecedented nature they have committed in Palestine? David Ben Gurion is known to often quote the Bible. Has it ever occurred to him to remind his co-religionists of the passage which warns: 'He who conquers by the sword shall fall by the sword'?

Until the 1967 aggression, there were people who deplored the Palestine tragedy on humanitarian grounds, and also saw in it a threat to world peace. Some of them pointed out that it is the responsibility of the United Nations, and they urged the implementation of its resolutions with determination and courage; others considered Israel should be pressured to take back a number of the refugees as a gesture of goodwill; and others still felt that a bi-national state might be the answer. None of these proposals found response from the Israelis, who continue to depend on might.

It is not the call to negotiate peace that will bring peace, but the earnest will and honest acceptance of the principles on which peace can be founded. In the case of Palestine, these principles are:

1. To admit that a grave injustice against the Palestine Arabs has been committed;

2. For the community of nations to recognize its responsibilities and to fulfill them whatever the consequences; and,
3. To take measures to redress the wrong and to remove the injustice.

To meet the situation which has arisen as a result of the latest Israeli aggression and bring peace to the Middle East, there are only two courses of action open to the United Nations if a true and lasting peace is indeed its objective, namely, one immediate; the other to follow.

The first step is for the United Nations to adhere to the principles upheld in the Charter of condemning aggression and the use of force; to demand and ensure the immediate withdrawal of Israeli troops from territory occupied to behind the armistice demarcation lines; to order the payment of compensation for losses sustained by the civilian population in lives and property—a measure which will go a long way towards removing the hatred and enmity which have been building up over the past twenty years; and to punish all those who are found guilty of atrocities and of crimes against humanity—a penalty already imposed upon Nazi criminals.

The second step—once the tragedies of the immediate aggression have been dispensed with and tempers have cooled—to re-open the entire Palestine Question and to consider how best to redress the wrong done to the Palestine Arabs and to prescribe the manner in which they should be enabled to re-enter and to regain possession of their property and rights in their homeland.

Unless these steps are taken with wisdom, courage and determination, the present crisis will flare up again in the not distant future. It is more than likely that the conflict then will not be confined to the Middle East.

Chapter I

Principles Governing Territories, Human Rights, Liberties and Freedoms

TWO WORLD WARS have been fought with the declared purpose of protecting human liberties and freedoms, upholding the rights of all peoples to self-determination and independence, and preserving peace with justice in the world. The declarations, promises and pledges made from time to time by world leaders, agreements entered into and charters signed, have been numerous. Those which are applicable to or affect Palestine in one way or another, are:

1. *World War I Pledges of Arab Independence (1915)*

The World War I 'war aims' of the Allies in Arab territories, as officially stated at the time, were "... guaranteeing their liberation and the development of their civilization"; to establish "national governments and administrations deriving their authority from the initiative and the free choice of the native population"; to recognize Arab independence as soon as "effectively established"; and "to ensure impartial and equal justice to all, to facilitate the economic development of the country ... to foster the spread of education ..."¹

¹ Jeffries, Joseph M. N., *Palestine: The Reality* (New York: Longmans, Green & Co., 1939), pp. 237-238.

2. *The Hussein-McMahon Correspondence (1915-1916)*

During the period July 1915 to March 1916, a correspondence was exchanged between the Sherif Hussein of Mecca, as spokesman for the Arab cause, and Sir Henry McMahon, British High Commissioner in Cairo, on behalf of the British Government, in which the Sherif offered Arab aid in the war against Turkey if Britain would, in return, pledge its support of Arab independence in a territory which he specified as

“... bounded on the north by Mersina and Adana up to the 37° of latitude, on which degree fall Birijik, Urfa, Mardin, Midiat, Jezirat (Ibn 'Umar), Amadia, up to the border of Persia; on the east by the borders of Persia up to the Gulf of Basra; on the south by the Indian Ocean, with the exception of the position of Aden to remain as it is; on the west by the Red Sea, the Mediterranean Sea up to Mersina.” (See map I)²

Ten letters in all were exchanged which culminated in a British promise of Arab independence in the following terms:

“The two districts of Mersina and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo cannot be said to be purely Arab and should be excluded from the limits demanded.

“With the above modification and without prejudice to our existing treaties with Arab chiefs, we accept those limits.

“As for these regions lying within those frontiers wherein Great Britain is free to act without detriment to the interests of her ally France, I am empowered in the name of the Government of Great Britain to give the following assurances and make the following reply to your letter:

“Subject to the above modifications, Great Britain is prepared to recognize and support the independence of the Arabs in all the regions within the limits demanded by the Sherif of Mecca’.”
(See Map I)³

² Command 5957—Hussein-McMahon Correspondence 1915-1916, Letter No. 1 dated 14 July 1915.

³ *Ibid.*, Letter No. 4, 24 October 1915.

THE EASTERN ARAB WORLD



———— Area of Arab independence as defined by Sherif Hasein in his letter dated 14 July 1915 to Sir Henry McMahon, British High Commissioner in Egypt.

||||| Area of Arab independence as understood to have been excluded from the Sherif's proposal.

The British Government later contended that Palestine was not included in the British pledge of Arab independence and claimed that Palestine was the area cited as falling 'west of the line Damascus, Homs, Hama and Aleppo.'

A Committee was formed in 1939 to study the *Correspondence*. Sir Michael McDonnell, former Chief Justice of Palestine, expressed the opinion that "Palestine was included," otherwise why "speak of the districts of Damascus, Homs, Hama and Aleppo, not one of which is east of Palestine and all of which go northward in that order away from Palestine?" "Why say nothing," he enquired, "of the Sanjaqs of Hauran and Maan to the west of which the whole of Palestine lies? Why not, if Palestine was to be described, speak of Lake Hule, the River Jordan, the Lake of Tiberias and the Dead Sea as the eastern boundaries?"

Sir Michael then remarked, "To suggest that an area of the size of Palestine and of the importance of the Holy Land, if not excluded by the act that it did not lie west of the districts of Damascus, Homs, Hama and Aleppo, was intended to be excluded by a side wind by the reference to the interests of France which, at the very time, the British Government was refusing to admit, is an argument that will not hold water."

The Committee's findings were: "In the opinion of the Committee, it is, however, evident from these statements that His Majesty's Government was not free to dispose of Palestine without regard for the wishes and interests of the inhabitants of Palestine and that these statements must all be taken into account in any attempt to estimate the responsibilities which—upon any interpretation of the *Correspondence*—His Majesty's Government have incurred towards these inhabitants as a result of the *Correspondence*." ⁴

Fresh and more explicit evidence, however, came to light in 1964. This was contained in a memorandum on *The British Commitment to King Hussein*, prepared by the Political Intelligence Department of the British Foreign Office for use at the Paris Peace Conference of 1919, and an *Appendix on Previous Commitments by His Majesty's Government in the Middle East*. These two documents belonged to the late Professor William Linn Westermann, one-time adviser on Turkish Affairs to the American delegation to the Paris

⁴ Cmd. 5974, Annex C, pp. 30-38.

Peace Conference. They were deposited at an American University and on his instructions were not to be opened until after his death. In these papers there are several references to Palestine as being *included in the proposed area of Arab independence*; and the most clear is a passage in Section (iv) of the Memorandum. It reads:

“With regard to Palestine, His Majesty’s Government are committed by Sir Henry McMahon’s letter to the Sherif on October 24, 1915, to its inclusion in the boundaries of Arab independence.”⁵

3. The Sykes-Picot Agreement (1916)

During the period that the Arabs were fulfilling their part of the bargain and fighting the Turks, the British and French were busy negotiating secretly how to divide the Eastern Arab world between themselves. The Agreement which finally emerged provided for:

- (1) an independent Arab state or a confederation of Arab States in a part of what is now geographically known as Saudi Arabia and Yemen;
- (2) France in Lebanon and Syria, and Britain in Iraq and Transjordan, “to establish such direct or indirect administration or control as they may desire and as they may deem fit to establish after agreement with the Arab States or Confederation of Arab States”;
- (3) Parts of Palestine to be placed under “an international administration of which the form will be decided upon after consultation with Russia and after subsequent agreement with the other Allies and the representatives of the Sherif of Mecca.”⁶

George Antonius, an Arab authority on Middle East affairs, commented: “What the Sykes-Picot Agreement did was, first, to cut up the Arab rectangle in such a manner as to place artificial obstacles in the way of unity . . . Whatever gains the Allied Powers may have hoped to derive from the partition of that territory, it showed a lack

⁵ *The Times* (London), 17 April 1964—Correspondence on *Light on Britain’s Palestine Promises*.

⁶ Woodward E. L. and Butler, R., *Documents on British Foreign Policy, 1919-1939*, 1st ser., Vol. 4, pp. 241-251.

of perspicacity on their part to have imagined that it could make for a peaceful or a lasting settlement."

"Another peculiarity of the Agreement," said Antonius, "was that it provided for a topsy-turvy political structure in which the first were to come last and the last first. The inhabitants of Syria and Iraq were politically more developed and mature than the inhabitants of the inland regions. Yet the Agreement provided that the greater part of Syria and Iraq might be placed under a regime of direct foreign administration, while the inland regions were in any case to form independent Arab States. The absurdity of these provisions is particularly evident in the case of the regions destined to form the British sphere of influence."

"But more serious even than those errors of judgment, was the breach of faith," Antonius added. "The Agreement," he said, "had been negotiated and concluded without the knowledge of the Sherif Hussein and it contained provisions which were in direct conflict with the terms of Sir Henry McMahon's compact with him. Worse still, the fact of its conclusion was dishonestly concealed from him because it was realized that, were he to have been apprised of it, he would have unhesitatingly denounced his alliance with Great Britain."⁷

4. The Balfour Declaration (1917)

On 2 November 1917, then Foreign Minister Arthur Balfour, on behalf of the British Government, sent a letter to Edmond de Rothschild which became known as the 'Balfour Declaration.' The text read:

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people and will use their best endeavours to facilitate the achievement of this object; it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."⁸

⁷ Antonius, George, *The Arab Awakening* (London: Hamish Hamilton, 1938), p. 248.

⁸ Palestine: *A Survey of Palestine 1945-1946*, p. 1.

Lloyd George, during whose premiership the 'Declaration' was issued, is reported to have told the Palestine Royal (Peel) Commission in 1937:

"The Zionist leaders (Mr. Lloyd George informed us) gave us a definite promise that if the Allies committed themselves to giving facilities for the establishment of a national home for the Jews in Palestine, they would do their best to rally Jewish sentiment and support throughout the world to the Allied cause. They kept their word."⁹

Chaim Weizmann, head of the newly formed Zionist Organization, later claimed that an agreement had been reached by him with Emir Feisal, son and spokesman of the Sherif Hussein of Mecca, in which Emir Feisal had acquiesced in the establishment of a Jewish state in Palestine.

While the Agreement referred to did contain provisions for 'cordial goodwill and understanding' between Arab and Jew and 'to encourage and stimulate immigration of Jews into Palestine on a large scale and as quickly as possible to settle Jewish immigrants upon the land through closer settlement and intensive cultivation of the soil,' it did not provide for a Jewish state either in Palestine or of Palestine. However, the Agreement included a protective clause stipulating: "In taking such measures, the Arab peasant and tenant farmers shall be protected in their rights and shall be assisted in forwarding their economic development." Furthermore, the Agreement included an important reservation written in Arabic in Feisal's own handwriting which by itself made the Agreement null and void. This proviso—seldom quoted—read:

"Provided the Arabs obtain their independence as demanded in my memorandum dated the 4th of January 1919 to the Foreign Office of the Government of Great Britain, I shall concur in the above articles. But if the slightest modification or departure were to be made, I shall not then be bound by a single word of the present Agreement which shall be deemed void and of no account or validity, and I shall not be answerable in any way whatsoever."¹⁰

⁹ Cmd. 5479—The Palestine Royal (Peel) Commission Report, p. 17.

¹⁰ Miller, David Hunter, *My Diary at the Conference at Paris* (New York: 1924), Vol. III.

5. *Allied assurances of fulfillment of promises to Arabs (1918)*

The texts of the *Sykes-Picot Agreement* and the *Balfour Declaration* were disclosed by the Bolsheviks on coming to power in 1917, and widely publicized by the Turkish military commanders as a sign of British betrayal of pledges to the Arabs.

The disclosure caused great anxiety in Arab circles, which caused Sherif Hussein to request an explanation from the British Government. The following assurances were given:

(1) *The Hogarth Message* of January 1918 assured the Sherif that "Jewish settlement in Palestine would only be allowed insofar as would be consistent with the political and economic freedom of the Arab population."¹¹ The phrase, 'the political and economic freedom of the Arab population' is very significant in that it represented a fundamental departure from the text of the Balfour Declaration which purported to guarantee only 'the civil and religious rights' of the Arab population, and, as will be readily seen, offered a guarantee of Arab independence and sovereignty which the phrase used in the Balfour Declaration did not.

(2) *The Bassett Letter* of 8 February 1918. This was another assurance that "His Majesty's Government and their allies remain steadfast to the policy of helping any movement which aims at setting free those nations which are oppressed." The letter added: "The Government of His Britannic Majesty repeats its previous promise in respect of the freedom and the emancipation of the Arab peoples."¹²

(3) *The British Declaration to the Seven* of 16 June 1918. This declaration confirmed previous British pledges to the Arabs in plainer language. The declaration referred to the proclamations read in Baghdad and Jerusalem on March 19 and December 9, 1917, respectively, and stated that these proclamations "define the policy of His Majesty's Government towards the inhabitants . . . which is that the future government . . . should be based upon the principle of the consent of the governed. This policy will always be that of His Majesty's Government."¹³

¹¹ Antonius, *The Arab Awakening*, p. 268.

¹² Jeffries, *Palestine: The Reality*, pp. 216-217.

¹³ Antonius, *The Arab Awakening*, pp. 433-434.

(4) *The Anglo-French Declaration* of 9 November 1918. This declaration was more explicit: "France and Great Britain agree to further and assist in setting up indigenous governments and administrations in Syria (which then included Palestine) and Mesopotamia (Iraq)." ¹⁴

The Sherif of Mecca accepted these assurances, belied the Turkish Commander on the Sykes-Picot Agreement and the Balfour Declaration and proceeded with the war against Turkey with greater vigour and determination.

The part played by the Arabs in winning the war against Turkey, was attested to by Capt. Liddell Hart, Chief Military Commentator with the Allied Forces at the time. He wrote:

"In the crucial weeks while Allenby's stroke was being prepared and during its delivery, nearly half of the Turkish forces south of Damascus were distracted by the Arab forces . . . What the absence of these forces meant to the success of Allenby's stroke, it is easy to see. Nor did the Arab operation end when it had opened the way. For in the issue, it was the Arabs who almost entirely wiped out the Fourth (Turkish) Army, the still intact force that might have barred the way to final victory. The wear and tear, the bodily and mental strain on men and material applied by the Arabs . . . prepared the way that produced their defeat." ¹⁵

6. *The 'Fourteen Points' of President Wilson (1918)*

Point XII of President Wilson's famous address of 8 January 1918, was devoted to the Ottoman Empire. The following is pertinent to Palestine:

"The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are under Turkish rule should be assured an undoubted security of

¹⁴ Jeffries, *Palestine: The Reality*, pp. 237-238.

¹⁵ *Ibid.*, pp. 234-235.

life and an absolutely unmolested opportunity of autonomous development . . .”¹⁶

On 11 February 1918, President Wilson declared as essential to any peace settlement: “Peoples are not to be handed about from one sovereignty to another by an international conference or an understanding between rivals and antagonists.”¹⁷

And on 4 July 1918, he declared: “The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, (be) upon the basis of the free acceptance of that settlement by the people concerned and not upon the basis of material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.”¹⁸

7. *Article 22 of the Covenant of the League of Nations (1919)*

On 28 June 1919, the Treaty of Versailles and the Covenant of the newly established League of Nations were signed. Article 22 of the Covenant provided: “To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust be embodied in this Covenant. The best method of giving practical effect to this principle, is that the tutelage of such peoples should be entrusted to advanced nations . . . and that this tutelage should be exercised by them as mandatories on behalf of the League.”

In regard to “certain communities formerly belonging to the Turkish Empire, (which) have reached a stage of development . . . their existence as separate nations can be provisionally recognized

¹⁶ Howard, Harry N., *The King-Crane Commission* (Beirut: Khayyats, 1963), p. 5.

¹⁷ Hoover, Herbert, *Ordeal of Woodrow Wilson* (New York: McGraw-Hill Book Co., 1958), p. 23.

¹⁸ *Ibid.*, p. 25.

subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.”¹⁹

8. *The Atlantic Charter (1941)*

On 12 August 1941, Prime Minister Winston Churchill and President Roosevelt signed the ‘Atlantic Charter.’ The two leaders committed their countries’ determination to the following principles:

“First, their countries seek no aggrandizement, territorial or other;

“Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned; and

“Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them . . .”

9. *The United Nations Charter (1945)*

The provisions in the Charter pertinent to Palestine are found in Article 73:

“Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

“(a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses;

¹⁹ League of Nations, *Responsibilities of the League arising out of Article 22 (Mandates)*, No. 20/48/161, Annex I, p. 5.

- “(b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- “(c) to further international peace and security;
- “(d) to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article . . .”

10. *Universal Declaration of Human Rights* (1948)

On 10 December 1948, the General Assembly of the United Nations adopted and proclaimed the ‘Universal Declaration of Human Rights.’ Following this historic act, the Assembly called upon all Member countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.”

The provisions which can be appropriately applied to the Palestine case are:

PREAMBLE

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

“Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

“Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

“Whereas it is essential to promote the development of friendly relations between nations,

“Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

“Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

“Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

“NOW THEREFORE THE GENERAL ASSEMBLY PROCLAIMS

“THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS
as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction:

“Article 1 — All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

“Article 2 — Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

“Article 3 — Everyone has the right to life, liberty and security of person.

“Article 5 — No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

"Article 9 — No one shall be subjected to arbitrary arrest, detention or exile.

"Article 13 — (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country including his own, and to return to his country.

"Article 17 — (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property."

11. *The Geneva Conventions (1949)*²⁰

On 12 August 1949, four Conventions were contracted at Geneva, Switzerland, which became known as 'The Geneva Conventions 1949.' The articles affecting civilian non-combatants in times of war and prisoners of war, are:

(1) *Article 1 of all four Conventions* provides

"The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances."

(2) *Article 3 of all four Conventions* provides:

"In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

"(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

²⁰ United Nations, *Treaty Series*, Vol. 75 (1950), Nos. 970-973.

“To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

“(a) violence to life and persons, in particular, murder of all kinds, mutilation, cruel treatment and torture;

“(b) taking of hostages;

“(c) outrages upon personal dignity, in particular, humiliating and degrading treatment;

“(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

“(2) The wounded and sick shall be collected and cared for.

“An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

“The Parties to the conflict should further endeavor to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

“The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.”

(3) *Article 4 of the Third Convention* provides:

“A. Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict as well as members of militias or volunteer corps forming part of such armed forces;

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or out-

side their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:

- (a) that of being commanded by a person responsible for his subordinates;
 - (b) that of having a fixed distinctive sign recognizable at a distance;
 - (c) that of carrying arms openly;
 - (d) that of conducting their operations in accordance with the laws and customs of war;
- (3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power;
- (4) Persons who accompany the armed forces without actually being members thereof, such as civil members of military aircraft crews, war correspondents, supply contractors, members of labor units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model;
- (5) Members of crews, including masters, pilots and apprentices of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favorable treatment under any other provisions of international law;
- (6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.

B. The following shall likewise be treated as prisoners of war under the present Convention:

- (1) Persons belonging, or having belonged, to the armed forces of the occupied country, if the occupying power considers it necessary by reason of such allegiance to intern them, even though it had originally liberated them while hostilities were going on outside the territory it occupies, in particular where such persons have made an unsuccessful attempt to rejoin the armed forces to which they belong and which are engaged in combat, or where they fail to comply with a summons made to them with a view to internment.
- (2) The persons belonging to one of the categories enumerated in the present article, who have been received by neutral or non-belligerent Powers on their territory and whom these Powers are required to intern under international law without prejudice to any more favorable treatment which these Powers may choose to give and with the exception of Articles 8, 10, 15, 30, fifth paragraph, 58-67, 92, 126 and, where diplomatic relations exist between the Parties to the conflict and the neutral or non-belligerent Power concerned, those Articles concerning the Protecting Power. Where such diplomatic relations exist, the Parties to a conflict on whom these persons depend shall be allowed to perform towards them the functions of a Protecting Power as provided in the present Convention, without prejudice to the functions which these Parties normally exercise in conformity with diplomatic and consular usage and treaties.

C. This article shall in no way affect the status of medical personnel and chaplains as provided for in Article 33 of the present Convention.”

12. *Tripartite Declaration Regarding the Armistice Borders*²¹

“26. STATEMENT BY THE GOVERNMENTS OF THE UNITED STATES, THE UNITED KINGDOM, AND FRANCE, MAY 25, 1950²²

²¹ American Foreign Policy 1950-1955, Basic Documents, pp. 2237-2238.

²² Department of State Bulletin, June 5, 1950, p. 886. See also the President's statement of May 25, 1950 (ibid.) and the Secretary's address of May 31, 1950 (supra, pp. 1432-1441).

The Governments of the United Kingdom, France, and the United States, having had occasion during the recent Foreign Ministers meeting in London²³ to review certain questions affecting the peace and stability of the Arab states and of Israel, and particularly that of the supply of arms and war material to these states, have resolved to make the following statements:

1. The three Governments recognize that the Arab states and Israel all need to maintain a certain level of armed forces for the purposes of assuring their internal security and their legitimate self-defense and to permit them to play their part in the defense of the area as a whole. All applications for arms or war material for these countries will be considered in the light of these principles. In this connection the three Governments wish to recall and reaffirm the terms of the statement made by their representatives on the Security Council on August 4, 1949,²⁴ in which they declared their opposition to the development of an arms race between the Arab states and Israel.

2. The three Governments declare that assurances have been received from all the states in question, to which they permit arms to be supplied from their countries, that the purchasing state does not intend to undertake any act of aggression against any other state. Similar assurances will be requested from any other state in the area to which they permit arms to be supplied in the future.

3. The three Governments take this opportunity of declaring their deep interest in and their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area. The three Governments, should they find that any of these states was preparing to violate frontiers or armistice lines would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside the United Nations, to prevent such violation."

²³ See the tripartite communique of May 13, 1950; *supra*, pp. 1458-1459.

²⁴ See U.N. Security Council Official Records, 433rd and 434th Meetings, 4 August 1949, pp. 20-21, 23-27, and 33-37.

“27. REAFFIRMATION OF THE TRIPARTITE DECLARATION: Statement by the President, November 9, 1955 ²⁵

All Americans have been following with deep concern the latest developments in the Near East. The recent outbreak of hostilities has led to a sharp increase in tensions. These events inevitably retard our search for world peace. Insecurity in one region is bound to affect the world as a whole.

While we continue willing to consider requests for arms needed for legitimate self-defense, we do not intend to contribute to an arms competition in the Near East because we do not think such a race would be in the true interest of any of the participants. The policy which we believed would best promote the interests and the security of the peoples of the area was expressed in the Tripartite Declaration of May 25, 1950.²⁶ This still remains our policy.

I stated last year that our goal in the Near East as elsewhere is a just peace.²⁷ Nothing has taken place since which invalidates our fundamental policies, policies based on friendship for all of the peoples of the area.

We believe that true security must be based upon a just and reasonable settlement. The Secretary of State outlined on August 26th ²⁸ the economic and security contributions which this country was prepared to make toward a solution. On that occasion I authorized Mr. Dulles to state that, given a solution of the other related problems, I would recommend that the United States join in formal treaty engagements to prevent or thwart any effort by either side to alter by force the boundaries between Israel and its Arab neighbors.

Recent developments have made it all the more imperative that a settlement be found. The United States will continue to play its full part and will support firmly the United Nations, which has already contributed so markedly to minimize violence in the area. I hope that other nations of the world will cooperate in this endeavor, thereby contributing significantly to world peace.”

²⁵ Department of State Bulletin, Nov. 21, 1955, p. 845. This statement was issued from the temporary White House in Denver, Colo.

²⁶ Supra.

²⁷ See the President's address of Oct. 20, 1954; *infra*.

²⁸ Supra, pp. 2176-2180.

13. *United States commitments towards the Middle East (1967)*

On 23 May 1967, thirteen days before the Israeli military forces crossed the armistice demarcation line into Arab territories, President Johnson reiterated United States policy on aggression in the Middle East. He warned:

“To the leaders of all the nations of the Near East, I wish to say what three American Presidents have said before me—that the United States is firmly committed to the support of the political independence and territorial integrity of all the nations of that area. The United States strongly opposes aggression by anyone in the area, in any form, overt or clandestine. This has been the policy of the United States led by four Presidents—President Truman, President Eisenhower, President John F. Kennedy, and myself—as well as the policy of both of our political parties. The record of the actions of the United States over the past 20 years, within and outside the United Nations, is abundantly clear on this point.”

...

“We have always opposed—and we oppose in other parts of the world at this very moment—the efforts of other nations to resolve their problems with their neighbors by the aggression route. We shall continue to do so. And tonight we appeal to all other peace-loving nations to do likewise.

“I call upon all concerned to observe in a spirit of restraint their solemn responsibilities under the Charter of the United Nations and the General Armistice Agreements. These provide an honorable means of preventing hostilities until, through the efforts of the international community, a peace with justice and honor can be achieved.”²⁹

On 24 May 1967, Mr. Arthur Goldberg, U.S. Chief Delegate at the United Nations, told the Security Council: “We are fully aware, as are all the members of the Council, of the longstanding underlying problems in the area. But no problem of this character can be settled by warlike acts. The United States opposition to the use of aggression

²⁹ Statement issued as a Press Release from the White House on May 23, 1967—Department of State Bulletin, 12 June 1967, p. 871.

sion and violence of any kind, on any side of this situation, over the years, is a matter of record. As our actions over many years have demonstrated, and as President Johnson reaffirmed in his statement yesterday, '... the United States is firmly committed to the support of the political independence and territorial integrity of all the nations of that area. The United States strongly opposes aggression by anyone in the area, in any form, overt or clandestine.' "

Mr. Goldberg continued: "My country's devotion to this principle has been demonstrated concretely—not only in the Suez crisis, where we stood against old allies, but consistently through the years. In fact, in the most recent debate in this Council involving this area (For background, see Dept. of State Bulletin of December 26, 1966, p. 974), we made very clear the United States commitment to the solution of all problems of the area by exclusively peaceful means and by recourse to the armistice machinery."

The United States Representative concluded by stating: "In this spirit, Mr. President, I am authorized to announce that the United States, both within and outside the United Nations, is prepared to join with other great powers—the Soviet Union, the United Kingdom and France—in a common effort to restore and maintain peace in the Near East." ³⁰

When the 'territorial integrity' of Egypt, Jordan and Syria were violated and the Old City of Jerusalem annexed to the Israeli-held sector, the Arabs expected President Johnson to fulfill the United States 'commitment' of stopping the aggression and so lessen human suffering and the deterioration of the situation in the Middle East. Instead, the United States Government opposed the condemnation of the aggression; rejected support of a resolution for Israeli withdrawal from territories occupied; and abstained twice in the General Assembly (on 4 and 14 July 1967) and once in the Security Council (on 21 May 1968) when resolutions were adopted calling on Israel "to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem." ³¹

³⁰ U.S./U.N. press release dated May 24, 1967—Department of State Bulletin dated June 12, 1967, pp. 872-873.

³¹ See Official Records of Fifth Emergency Special Session of the General Assembly, 17 June to 18 September 1967, and proceedings of 1548th plenary meeting of 4 July and 1554th plenary meeting of 14 July 1967: U.N. Document A/6798. Also proceedings of Security Council with resolution 252 (1968) of 21 May 1968.

It was difficult for the Arabs to reconcile between the United States repeated declarations of 'commitment' opposing aggression in the Middle East and the position adopted by President Johnson when it was Israel which violated the provisions of the United Nations Charter and the General Armistice Agreements. As a result of this attitude, the position in the Middle East remains serious.

Chapter II

Partition of Palestine

1. *Plan of Partition (1947)*¹

THE PLAN PROVIDED in Part I, *Section A*:

“1. The Mandate for Palestine shall terminate as soon as possible but in any case not later than 1 August 1948.

“2. The armed forces of the mandatory Power shall be progressively withdrawn from Palestine, the withdrawal to be completed as soon as possible but in any case not later than 1 August 1948 . . .

“3. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem . . . shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948 . . .”

Section B provided in paragraph 1 for the establishment of a Commission consisting of one representative of each of five Member States; and paragraph 2 provided that “The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission, which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.”

¹ U.N. Resolution 181 (II) of 29 November 1947.

Paragraph 2 went on to provide that "In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required." And that "The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly."²

Paragraphs 3 to 9 deal with the other tasks of the Commission, such as, "the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem . . ." (para. 3); "select and establish in each State a Provisional Council of Government" (para. 4); such Councils "shall have full authority in the areas under their control . . ." (para. 5); such Councils "shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence" (para. 6); "The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local" (para. 7); the recruitment of "an armed militia" (para. 8); and "The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold elections to the Constituent Assembly which shall be conducted on democratic lines." (para. 9).³

Paragraph 10 dealt with "the Constitutions of the States"⁴ (which) shall embody Chapters 1 and 2 of the 'Declaration' provided for in Section C below and include, *inter alia*, provisions for:

"(a) . . .

"(b) Settling all international disputes in which the State may be involved by peaceful means in such manner that international peace and security, and justice, are not endangered;

"(c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial

² Notwithstanding, the mandatory Power refused to permit the Commission to function, on the grounds that so long as the British Government was the legal authority, it alone was responsible for the administration of the country.

³ Under Resolution 186 (S-2) of 14 May 1948—the date the state of Israel was proclaimed—the General Assembly adopted a decision reading: "Relieves the Palestine Commission from the further exercise of responsibilities under resolution 181 (II) of 29 November 1947."

⁴ After twenty years of its existence, the state of Israel still has no Constitution.

integrity or political independence of any State, or in any other manner inconsistent with the purpose of the United Nations;

“(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic and religious matters and the enjoyment of human rights and fundamental freedoms, including freedoms of religion, language, speech and publication, education, assembly and association;

“(e) ...”

The ‘Declaration provided for in Section C and Chapters 1 and 2 thereunder’ read as follows:

“C. Declaration

“A declaration shall be made to the United Nations by the Provisional Government of each proposed State before independence. It shall contain, *inter alia*, the following clauses:

“*General Provision*—The stipulations contained in the Declaration are recognized as fundamental laws of the State and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

“Chapter 1—Holy Places, Religious Buildings and Sites

“1. Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

“2. In so far as Holy places are concerned, the liberty of access, visit, and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens of the other State and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order and decorum.

“Similarly, freedom of worship shall be guaranteed in conformity with existing rights, subject to the maintenance of public order and decorum.

“3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government may call upon the community or com-

munities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities if no action is taken within a reasonable time.

"4. No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the creation of the State.

No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

"5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to Holy Places, religious buildings and sites within the borders of the State and the religious rights appertaining thereto, are being properly applied and respected, and to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community with respect to such places, buildings and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

"Chapter 2—Religious and Minority Rights

"1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.

"2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language or sex.

"3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.

"4. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.

"5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all

faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

“6. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority, respectively, in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

“7. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.*

“8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State) shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

*“Chapter 3—Citizenship, International Conventions and
Financial Obligations—*

“1. Citizenship: Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights. Persons over the age of eighteen years may opt, within one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State, providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jew residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will

* The following stipulation shall be added to the declaration concerning the Jewish State: “In the Jewish State adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the administration.”

be taken to include the wives and children under eighteen years of age of persons so opting.

“Arabs residing in the area of the proposed Jewish State and Jews residing in the area of the proposed Arab State who have signed a notice of intention to opt for citizenship of the other State shall be eligible to vote in the elections to the Constituent Assembly of the State in which they reside.”

“Chapter 4—Miscellaneous Provisions

“1. The provisions of Chapters 1 and 2 of the Declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.”

“E. Assets

“1. The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Allocations should be made by the United Nations Commission referred to in Section B, paragraph 1, above. Immovable assets shall become the property of the Government of the territory in which they are situated.

“2. During the period between the appointment of the United Nations Commission and the termination of the Mandate, the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal or encumbering of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State lands or any other asset.”⁵

⁵ The Mandatory Power disposed of the movable and immovable properties of the Palestine Government without reference prior to withdrawal with the Palestine Commission or after withdrawal with the United Nations. Under an agreement dated 30 March 1950, the British Government transferred certain Palestine Government assets to the Israeli authorities; and in 1951, it transferred others to the Jordan Government. The validity of these agreements is questionable.

delegate from Canada said: "We support the plan with heavy hearts and many misgivings";⁸ while Belgium's Foreign Minister Van Langenhove said: "We are not certain that it is completely just; we doubt whether it is practical; and we are afraid that it involves great risks..."⁹ New Zealand's representative talked of the "grave inadequacies of the present proposals."¹⁰

Those who opposed the partition warned the United Nations of the dangers which might arise as a result of its action. The Representative of Pakistan, for example, warned the Western Powers "to remember that you may need friends tomorrow, that you may need allies in the Middle East. I beg of you," he pleaded, "not to ruin and blast your credit in these lands . . . They who paid lip-service to humanitarian principles, closed their own doors to the 'homeless Jews,' but voted Arab Palestine to be not only a shelter, a refuge, but also a state so that he (the homeless Jew) should rule over the Arab."¹¹

The Representative of Lebanon, on the other hand, told his fellow delegates: "I can well imagine to what pressure, to what manoeuvres your sense of justice, equity and democracy has been exposed," and how delegates had been tackled "in hotel rooms, in bed, in corridors and ante-rooms, to threaten them with economic sanctions or to bribe them with promises in order to compel them to vote one way or another . . ."¹²

A pertinent criticism of the manner in which the Partition Resolution was obtained came from author Alfred Lilienthal. He wrote: "The United Nations dealt a severe blow to the prestige of international law and organization by its hasty, frivolous, and arrogant treatment of the Palestine question. The General Assembly turned down the only reasonable suggestions—a referendum in Palestine and submission of the legal problems to the International Court of Justice. The Displaced Persons Problem was handled with outrageous thoughtlessness. For persons displaced by World War II, whatever their faith, were surely a responsibility of international welfare organizations—not pawns in a whimsical power play of Jewish nationalists."¹³

⁸ *Ibid.*, p. 1319.

⁹ *Ibid.*, p. 1365.

¹⁰ *Ibid.*, p. 1357.

¹¹ *Ibid.*, pp. 1367-1369.




¹² *Ibid.*, p. 1314.

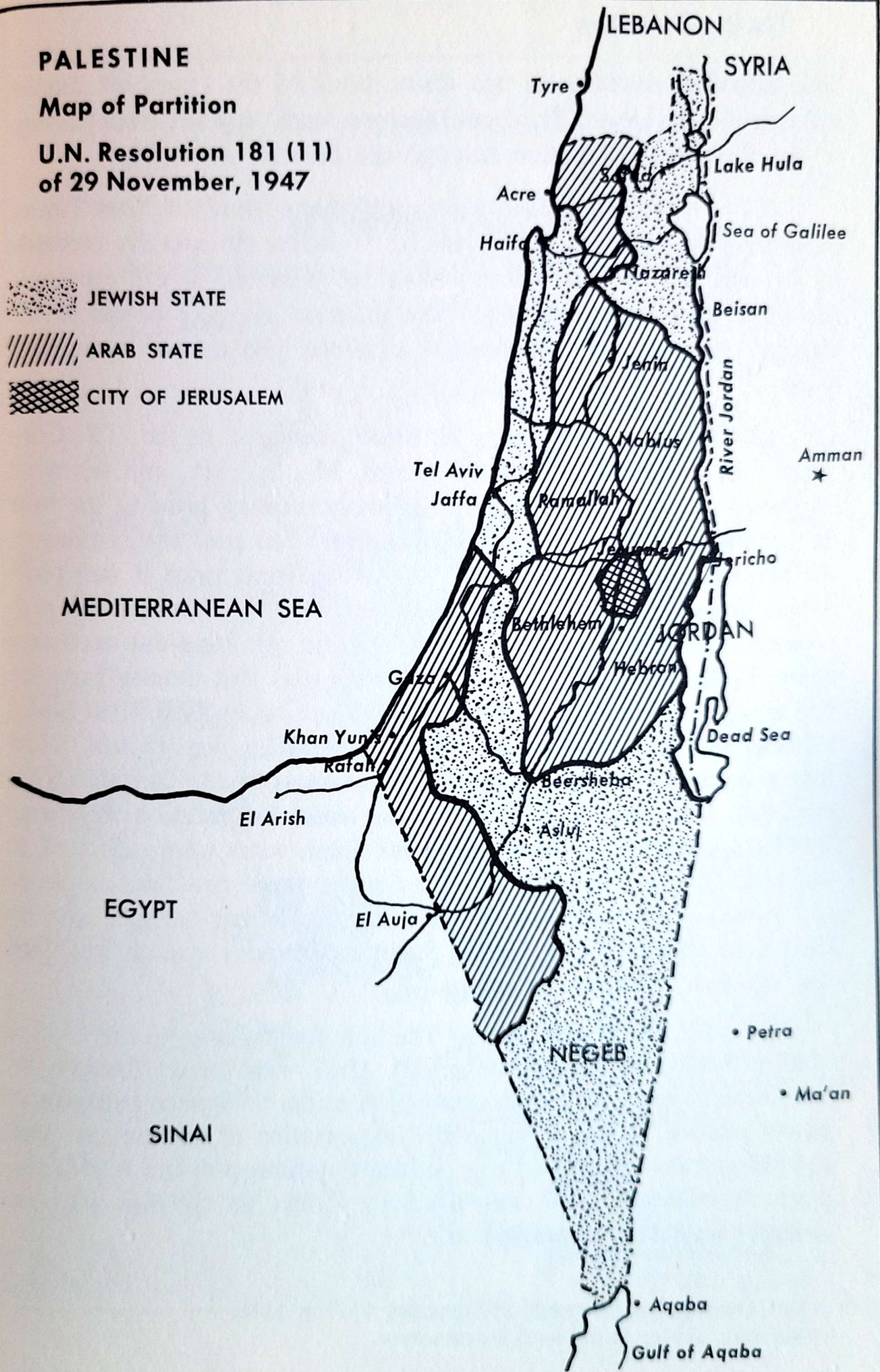
¹³ Lilienthal, Alfred, *What Price Israel?* (Chicago: Henry Regnery, 1953), pp. 73-74.

PALESTINE

Map of Partition

U.N. Resolution 181 (II)
of 29 November, 1947

-  JEWISH STATE
-  ARAB STATE
-  CITY OF JERUSALEM



4. *Zionists exert pressure and influence in United States*

The following testimonies are illustrations of the extent of Zionist influence in the United States and the pressures used to obtain passage of the Partition Resolution through the General Assembly:

(1) *Arthur Hayes Sulzberger*, publisher of the *New York Times*, describing the situation, said publicly: "I dislike the coercive methods of Zionists who in this country have not hesitated to use economic means to silence persons who have different views. I object to the attempts at character assassination of those who do not agree with them." ¹⁴

(2) *The Hon. Lawrence H. Smith*, declared in the U.S. Congress: "Let's take a look at the record, Mr. Speaker, and see what happened in the United Nations Assembly meeting prior to the vote on partition. A two-thirds vote was required to pass the resolution. On two occasions the Assembly was to vote and twice it was postponed. It was obvious that the delay was necessary because the proponents (the U.S.A. and the U.S.S.R.), did not have the necessary votes. In the meantime, it is reliably reported that intense pressure was applied to the delegates of three small nations by the United States member and by officials 'at the highest levels in Washington.' Now that is a serious charge. When the matter was finally considered on the 29th, what happened? The decisive votes for partition were cast by Haiti, Liberia and the Philippines. These votes were sufficient to make the two-thirds majority. Previously, these countries opposed the move . . . The pressure by our delegates, by our officials, and by the private citizens of the United States constitutes reprehensible conduct against them and against us." ¹⁵

(3) *Dr. Millar Burrows*—"The vote for partition in the United Nations Assembly on November 29, 1947, was forced through by our Government with a shameless resort to the time-worn methods of power politics. It was a shameful demonstration of the sad fact that the old morally discredited ways of unscrupulous pressure and diplomatic intimidation could control a body formed for the high purpose of achieving international justice." ¹⁶

¹⁴ *Ibid.*, p. 124.

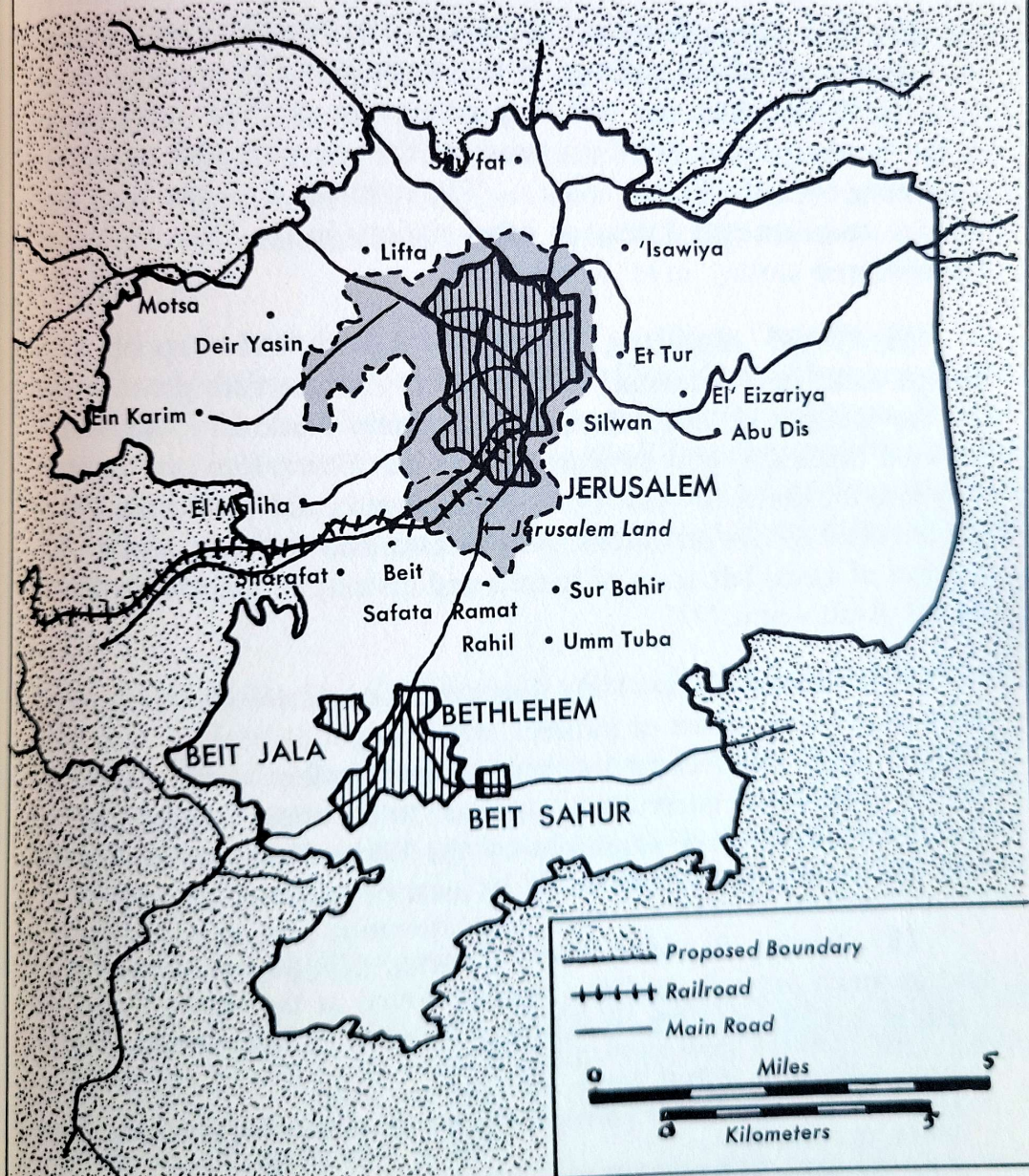
¹⁵ U.S. Congressional Record, 18 December 1947, p. 1176.

¹⁶ Burrows, Millar, *Palestine is Our Business*.

JERUSALEM INTERNATIONAL ZONE

As Resolved by General

Assembly Resolution No. 181 (11) of 29 November, 1947



(4) *Ambassador William A. Eddy*, reported that in October 1945, the Secretary of State recalled four chiefs of U.S. Missions in Arab countries to have them testify as a group to Mr. Harry Truman regarding the deterioration of American political interests in the Near East. Mr. Truman is reported to have summed up his position to the four gentlemen with the utmost candor. He said: "I'm sorry, gentlemen, but I have to answer to hundreds of thousands who are anxious for the success of Zionism; I do not have hundreds of thousands of Arabs among my constituents." ¹⁷

(5) *The James Forrestal Diaries*—"The Middle East: America has lost very greatly in prestige in the Arab world by our attitude on Palestine. The British say that they cannot do all they would like to do for the Arabs because of the pressure that we were able to exert in connection with the British loan . . . The methods that had been used to bring coercion and duress on other nations in the General Assembly bordered closely onto scandal." ¹⁸

(6) *'Time' Magazine*, reported: "All-out U.S. support of a Zionist state, he (Forrestal) believed was fraught with great danger for the security of this country. Democratic National Chairman J. Howard McGrath, gravely warned him that Democrats would probably lose the States of New York, Pennsylvania and California if they did not heed Zionist ambitions. As Forrestal had foreseen, all-out U.S. support of Israel left scars of hatred and distrust of the United States on the Arab world." ¹⁹

(7) *Sumner Welles*—"By direct order of the White House every form of pressure, direct or indirect, was brought to bear by American officials upon those countries outside the Moslem world that were known to be either uncertain or opposed to partition. Representatives or intermediaries were employed by the White House to make sure that the necessary majority would at least be secured." ²⁰

(8) *Former President Harry Truman*—"I do not think I ever had as much pressure and propaganda aimed at the White House as I had in this instance. The persistence of a few of the extreme Zionist

¹⁷ Eddy, William A., *F.D.R. Meets Ibn Saud*, pp. 36-37.

¹⁸ Millis, Walter (Ed.), *The Forrestal Diaries* (New York: The Viking Press, 1951), pp. 180, 363.

¹⁹ *Time Magazine*, 15 October 1951.

²⁰ Welles, Sumner, *We Need Not Fail* (Boston: Houghton Mifflin, 1948), p. 94.

leaders—actuated by political motives and engaging in political threats—disturbed me and annoyed me. Individuals and groups asked me, usually in rather quarrelsome and emotional ways, to stop the Arabs, to keep the British from supporting the Arabs, to furnish American soldiers, to do this, to do that, and the other.”²¹

In 1951, former President Truman had occasion to tell Congress: “Until this large body of uprooted and homeless people find new homes and economic opportunities, they will constitute a potentially destructive force in this vitally important area of the world.”²²

(9) *Journalist Drew Pearson*—“A lot of people used their influence to whip voters into line. Harvey Firestone, who owns rubber plantations in Liberia, got busy with the Liberian Government; Adolphe Berle, advisor to the President of Haiti, swung that vote . . . China’s Ambassador Wellington Koo warned his Government . . . The French Ambassador pleaded with his crisis-laden Government for partition.”

“Few knew it,” he wrote after the partition, “but President Truman cracked down harder on his State Department than ever before to swing the United Nations vote for the partition of Palestine. Truman called Acting Secretary Lovett over to the White House on Wednesday and again on Friday warning him he would demand a full explanation if nations which usually line up with the United States failed to do so on Palestine . . .”²³

5. Zionists attack Arabs before British withdrawal

Shortly after the Partition Resolution had been adopted, the Zionist underground forces (the *Hagana*, *Irgun Zvei Leumi* and the *Stern Gang*) came out into the open and began to attack Arab towns and villages. Those attacks were part of a plan designed many years before partition was even contemplated. Three testimonies of what the Zionists intended to do will suffice:

(1) *Geoffrey J. Morton*, Assistant Superintendent of Police in Palestine, wrote: “The illegal organizations were seizing every oppor-

²¹ The Truman Memoirs, *Life Magazine*, January 1956.

²² *Report to Congress 1951*, p. 164.

²³ From his ‘Merry-Go-Round’ column, reproduced in the *Chicago Daily Tribune*, 9 February 1948, Part 2, 8:1.

tunity to build up their own arsenals in apparent anticipation of the eventual departure of the British from Palestine.

"Even as far back as the spring of 1942 they seem to have been certain that we should withdraw. I knew one missionary, who had witnessed the evacuation of large sections of the community in the Greco-Turkish dispute after the First World War, who in 1942 accepted an invitation to lecture on her experiences to a *soit-disant* cultural organization in Jerusalem. It was arranged that she should be conveyed by car to the scene of the meeting. To her surprise, she was blind-folded for the journey and never knew where she was taken. Her audience turned out to be a gathering of obviously important people in the Jewish world, who questioned her in detail about the problems involved in mass evacuation of the population. They made no bones about wanting this information in order to know how best to evict the Arab population when the British withdrew. My missionary friend informed them in the strongest possible terms of the wickedness of what they were contemplating, and of the misery that such a step would entail. At this meeting she was shown a map of the future Jewish empire. It did not include Egypt, but it did include the whole of Palestine, Jordan, Syria, the Lebanon, and strangely enough—Cyprus."²⁴

(2) *Sir John Bagot Glubb*, Officer Commanding the Jordan Arab Legion, wrote: "In December 1947, a senior British officer in the Arab Legion was one day visiting a British district commissioner in Palestine. A Jewish district officer employed under the district commissioner was also present. They were having drinks in the evening. The UNO partition plan had recently been published. The British officer asked the Jewish official whether the new Jewish state would not have many internal troubles, in view of the fact that the Arab inhabitants of the Jewish state would be equal in number to the Jews.

" 'Oh, no!' replied the Jewish officer. 'That will be fixed. A few calculated massacres will soon get rid of them!' The speaker was not a terrorist—he was a respectable moderate Jewish official, employed in the mandatory Government.

"Later on, when the problem of the Arab refugees became a

²⁴ Morton, Geoffrey J., *Just the Job* (London: Hodder & Stoughton, 1957), p. 156.

tragedy which drew the attention of the world, Jewish apologists claimed that the Arabs had voluntarily become refugees, and that they had not been driven out.”²⁵

(3) *David Ben Gurion*, former Israeli Prime Minister, admitted with compunction that it was Zionist policy to clear the country of the Arab inhabitants. He said: “The primary task of the Hagana was to safeguard our settlements and lines of communications, but here the best defence is attack. Field troops and Palmach in particular were thus deployed and quickly showed the mettle that was soon to animate our army and bring it victory. In operation ‘Nachshon’ the road to Jerusalem was cleared at the beginning of April, almost all of New Jerusalem occupied, and the guerrillas were expelled from Haifa, Jaffa, Tiberias, Safad while still the Mandatory was present. It needed sagacity and self-control not to fall foul of the British Army. The Hagana did its job; until a day or two before the Arab invasion not a settlement was lost, no road cut, although movement was seriously dislocated, despite express assurances of the British to keep the roads safe so long as they remained. Arabs started fleeing from the cities almost as soon as disturbances began in the early days of December (1947). As fighting spread, the exodus was joined by bedouin and fellahin, but not the remotest Jewish homestead was abandoned, and nothing a tottering Administration (meaning the British Mandatory) could unkindly do stopped us from reaching our goal on May 14, 1948 in a State made larger and Jewish by the Hagana.”²⁶

Some of the atrocities which the Zionists perpetrated to bring about the flight of the Palestine Arabs, can best be illustrated in the massacre at Deir Yasin—an Arab village on the western boundaries of Jerusalem and included within the area reserved under the Partition Resolution to be under United Nations control. The village was attacked on 9 April 1948, notwithstanding the non-aggression agreement which had been signed previously between the Jews and the Arab villagers. During the attack, 250 men, women and children were massacred. Announcing the massacre in the British House of Commons on 12 April 1948, the Secretary of State for the Colonies said: “This barbarous aggression was a proof of savagery. It was a crime

²⁵ Glubb, Sir John Bagot, *A Soldier with the Arabs* (New York: Harper & Bros., 1957), p. 81.

²⁶ Ben Gurion, David, *Rebirth and Destiny of Israel* (New York: The Philosophical Library, 1954), pp. 281-292.

that added up to a long list of atrocities committed by the Zionists to this day and for which he could find no words of revulsion and grave concern of the British Government.”

Samples of the comments on the Deir Yasin and other atrocities and expulsions are given hereunder:

(a) *Correspondent Jon Kimche*—“Deir Yasin was one of the few Arab villages whose inhabitants . . . on occasions collaborated with the Jewish Agency. On Friday, April 9, 1948, a commando force composed of Irgun and Stern soldiers raided the village. There was no obvious occasion for them to do so . . . Nothing they have said has explained, or can explain away, the murder of some 250 innocent Arabs, among them more than a hundred women and children. No less disgusting was the subsequent publicity parade by the Irgun of a number of poor Arab prisoners through the streets of Jerusalem.

“The massacre of Deir Yasin was the darkest stain on the Jewish record throughout all the fighting. It is historically important because it was to become the beginning of a second legend with which the terrorists sought to serve their cause and justify their deeds. Just as they had claimed credit for the British decision to leave Palestine as being the result of the terrorists’ attacks on British troops, so later they justified the massacre of Deir Yasin because it led to the panic flight of the remaining Arabs in the Jewish state area and so lessened the Jewish casualties.” ²⁷

(b) *Arnold Toynbee*, British historian—“The Jews’ immediate reaction to their own experience was to become persecutors in their turn for the first time since A.D. 135—and this at the first opportunity that had since arisen for them to inflict on other human beings who had done the Jews no injury, but who happened to be weaker than they were, some of the wrongs and sufferings that had been inflicted on the Jews by their many successive Western gentile persecutors during the intervening seventeen centuries.

“If the heinousness of sin is to be measured by the degree to which the sinner is sinning against the light that God has vouchsafed to him, the Jews had even less excuse in A.D. 1948 for evicting Palestinian Arabs from their homes than Nebuchadnezzar and Titus and Hadrian and the Spanish and Portuguese Inquisition had had for uprooting, persecuting, and exterminating Jews in Palestine and else-

²⁷ Kimche, Jon, *The Seven Fallen Pillars* (London: Secker and Warburg, 1950), pp. 227-228.

where at divers times in the past. In A.D. 1948 the Jews knew, from personal experience, what they were doing; and it was their supreme tragedy that the lesson learnt by them from their encounter with the Nazi Gentiles should have been not to eschew but to imitate some of the evil deeds that the Nazis had committed against the Jews.

"While the direct responsibility for this calamity that overtook the Palestinian Arabs in A.D. 1948 was on the heads of the Zionist Jews who seized a *Lebensraum* for themselves in Palestine by force of arms in that year, a heavy load of indirect, yet irrepudible, responsibility was on the heads of the people of the United Kingdom; for the Jews would not have had in A.D. 1948 the opportunity to conquer an Arab country in which they had amounted to no more than an inconsiderable minority in A.D. 1918 if, during the intervening years, the power of the United Kingdom had not been exerted continuously to make possible the entry of Jewish immigrants into Palestine contrary to the will, in despite of the protests, and without regard to the forebodings of Arab inhabitants of the country who in A.D. 1948 were duly to become the victims of this long pursued British policy.

"The evil deeds committed by the Zionist Jews against the Palestinian Arabs that were comparable to crimes committed against the Jews by the Nazis were the massacre of men, women and children at Deir Yasin on the 9th of April 1948, which precipitated a flight of the Arab population, in large numbers, from districts within range of the Jewish armed forces, and the subsequent deliberate expulsion of the Arab population from districts conquered by the Jewish armed forces between the 15th May 1948 and the end of that year—e.g., from 'Akka in May, from Lydda and Ramle in July, and from Beer-sheba and Western Galilee in October."²⁸

During the six-months' period which preceded the establishment of the state of Israel and the entry of the Arab armies into Palestine, the Zionists had already occupied Arab areas within and outside the territory reserved for the 'Jewish state' and expelled and dispossessed their Arab population. A partial list of major attacks and occupations include:

Towns — Tiberias
Haifa
Jaffa*

19 April 1948
22 April 1948
29 April 1948

²⁸ Toynbee, Arnold, *A Study of History* (London: Oxford University Press, 1935-1954), Vol. VIII, pp. 289-290.

Katamon Quarter of Jerusalem**	30 April 1948
Šafad	10 May 1948
Beisan	11 May 1948
Acre*	14 May 1948
Villages — Qazaza*	December 1947
Sa'sa	February 1948
Salameh*	March 1948
Biyar 'Adas	March 1948
Kafr Kanna	March 1948
Qastal**	April 1948
Lajjun	April 1948
Saris	April 1948 ²⁹

6. *Arab armies enter Palestine*

The armies of the Arab States entered Palestine after 15 May 1948 at the urgent pleadings of the Palestine Arabs who were unable to defend themselves. Before doing so, the Secretary-General of the League of Arab States cabled to the Secretary-General of the United Nations informing him that the Arab States “were compelled to intervene in Palestine because the disturbances there constituted a serious and direct threat to peace and security within the territories of the Arab States and in order to restore peace and establish law in Palestine.”³⁰

7. *Cease-fire directives of the Security Council*

In 1948, there were nine cease-fire directives issued by the Security Council: On 22 and 29 May;³¹ 7 and 15 July;³² 19 August;³³ 19 October;³⁴ 4 and 16 November;³⁵ and 29 December.³⁶ These directives, while mainly intended to stop the fighting, laid down two very important principles:

²⁹ Entities with one asterisk, in ‘Arab state’ area; with two in Jerusalem I.Z.

³⁰ U.N. Document A/565, p. 9.

³¹ Resolutions 49 (S/773) and 50 (S/801).

³² Resolutions 53 (S/875) and 54 (S/902).

³³ Resolution 56 (S/983).

³⁴ U.N. Document S/1044.

³⁵ Resolutions 61 (S/1070) and 62 (S/1080).

³⁶ Resolution 66 (S/1169).

- (1) No party is permitted to violate the truce on the ground that it is undertaking reprisals or retaliations against the other; and
- (2) No party is entitled to gain military or political advantage through violation of the truce.

Notwithstanding, on 14 October 1948, the Israeli forces launched a major offensive against the Gaza and Beersheba Sub-Districts, occupied the latter town and considerable territory around.

At its 367th meeting on 19 October 1948, the Security Council called for:

- “(a) Withdrawal of both parties from any positions not occupied at the time of the outbreak;
- “(b) Acceptance by both parties of the conditions set forth in the Central Truce Supervision Board decision number twelve affecting convoys;
- “(c) Agreement by both parties to undertake negotiation through United Nations intermediaries or directly as regards outstanding problems in the Negeb and the permanent stationing of United Nations Observers throughout the area.”³⁷

On 4 November 1948, realizing that the Israeli forces had not withdrawn from the positions occupied, the Security Council adopted the following resolution:

“Having decided on 19 August that no party is permitted to violate the truce on the ground that it is undertaking reprisals or retaliations against the other party, and that no party is entitled to gain military or political advantage through violations of the truce, and

“Having decided on 29 May that, if the truce was subsequently repudiated or violated by either party or by both, the situation in Palestine could be reconsidered with a view to action under Chapter VII of the Charter . . .

“Calls upon the interested Governments, without prejudice to their rights, claims or position with regard to a peaceful adjustment of the future situation of Palestine or to the position which the Members of the United Nations may wish to take in the General Assembly on such peaceful adjustment:

³⁷ U.N. Document S/1044.

"1. To withdraw those of their forces which have advanced beyond the position held on 14 October, the Acting Mediator being authorized to establish provisional lines beyond which no movement of troops shall take place."³⁸

8. Appointment of a United Nations Mediator

On 14 May 1948, Count Folke Bernadotte, of Sweden, was appointed United Nations Mediator with the task, among other things, of bringing about a settlement between the parties.³⁹

On 16 September 1948, the Mediator submitted to the General Assembly his proposals for a settlement which included certain territorial adjustments, the return of the Arab refugees to their homes and for the payment of compensation for losses sustained. But before the General Assembly had time to consider the Mediator's report, Count Bernadotte with his French Aide, Colonel Serot, were assassinated in the Israeli-held Sector of Jerusalem on 17 September 1948.⁴⁰ His report stated:

"It is not yet known what the policy of the Provisional Government of Israel with regard to the return of the refugees will be when the final terms of settlement are reached. It is, however, undeniable that no settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged by the hazards and strategy of the armed conflict between Arabs and Jews in Palestine. It would be an offence against the principle of elemental justice if these innocent victims of the conflict were denied the right of return to their homes while Jewish immigrants flow into Palestine, and indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries.

"There have been numerous reports from reliable sources of large-scale looting, pillaging and plundering, and of instances of destruction of villages without apparent military necessity. The liability of the Provisional Government of Israel to restore private property to its Arab owners and to indemnify those owners for property wantonly destroyed is clear . . .

³⁸ U.N. Document S/1070. The resolution was never implemented.

³⁹ Resolution 186 (S-2) of 14 May 1948.

⁴⁰ U.N. Document S/1045.

"But in any case their (the refugees') unconditional right to make a free choice should be fully respected." ⁴¹

9. *The Armistice (1949)*

On 16 November 1948, the Security Council adopted the following resolution:

"*Reaffirming* its previous resolutions concerning the establishment and implementation of the truce in Palestine, and recalling particularly its resolution 54 (1948) of 15 July 1948 which determined that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter,

"*Taking note* that the General Assembly is continuing its consideration of the future government of Palestine in response to the request of the Security Council in its resolution 44 (1948) of 1 April 1948,

"*Without prejudice* to the actions of the Acting Mediator regarding the implementation of Security Council resolution 61 (1948) of 4 November 1948,

"1. *Decides* that, in order to eliminate the threat to the peace in Palestine and to facilitate the transition from the present truce to permanent peace in Palestine, an armistice shall be established in all sectors of Palestine;

"2. *Calls upon* the parties directly involved in the conflict in Palestine, as a further provisional measure under Article 40 of the Charter, to seek agreement forthwith, by negotiations conducted either directly or through the Acting Mediator on Palestine, with a view to the immediate establishment of the armistice, including:

"(a) The delineation of permanent armistice demarcation lines beyond which the armed forces of the respective parties shall not move;

"(b) Such withdrawal and reduction of their armed forces as will ensure the maintenance of the armistice during the transition to permanent peace in Palestine." ⁴²

⁴¹ U.N. Document A/648, p. 5.

⁴² Resolution 62 of 16 November 1948—U.N. Document S/1080.

Armistice Agreements were accordingly concluded with Egypt on 24 February 1949;⁴³ with Lebanon on 23 March 1949;⁴⁴ with Jordan on 3 April 1949;⁴⁵ and with Syria on 20 July 1949.⁴⁶ For delineation of the 'armistice demarcation line,' see Map 4.

The basic provisions in the four Agreements are:

(1) "No military or political advantage should be gained" by either Party.

(2) "The armistice demarcation line is not to be construed in any sense as a political or territorial boundary, and is delineated without prejudice to rights, claims and positions of either Party to the armistice as regards the ultimate settlement of the Palestine question."

(3) "The provisions of the Agreement are dictated exclusively by military, and not by political, considerations."

(4) Demilitarized zones are "defined with a view toward separating the armed forces of the two Parties in such manner as to minimize the possibility of friction and incident, while providing for the gradual restoration of normal civilian life in the area of the demilitarized zone, without prejudice to the ultimate settlement."

(5) "The armed forces of both Parties shall be totally excluded (from the demilitarized zone), and in which no activities by military or para-military forces shall be permitted."

(6) "The Chairman of the Mixed Armistice Commission shall be empowered to authorize the return of civilians to villages and settlements in the demilitarized zone and the employment of limited numbers of locally recruited civilian police in the zone for internal security purposes."

(7) "The Chairman of the Mixed Armistice Commission . . . and United Nations Observers attached to the Commission shall be responsible for ensuring the full implementation of this article" (Article V).

(8) "Where interpretation of the meaning of a particular provision of this Agreement, except Articles I and II, is at issue, the Commission's interpretation shall prevail."

⁴³ U.N. Document S/1264/Rev. 1.

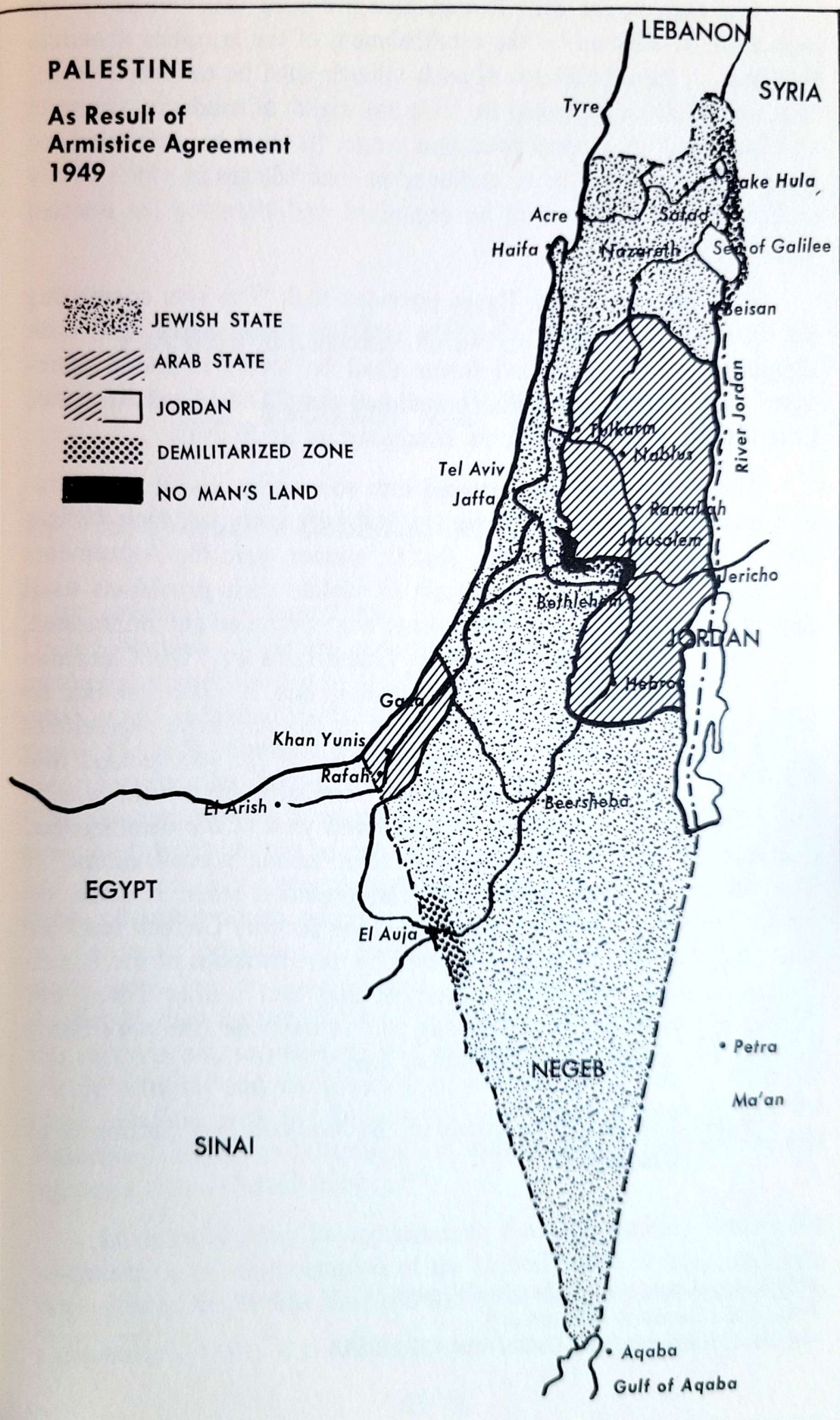
⁴⁴ U.N. Document S/1296/Rev. 1.

⁴⁵ U.N. Document S/1302/Rev. 1.

⁴⁶ U.N. Document S/1353/Rev. 1.

PALESTINE

As Result of
Armistice Agreement
1949



The Agreement with Jordan also provided that "wherever villages may be affected by the establishment of the armistice demarcation line . . . the inhabitants of such villages shall be entitled to maintain, and shall be protected in, their full rights of residence, property and freedom." A second condition read: "It shall be prohibited for Israeli forces to enter or be stationed in such villages in which locally recruited Arab police shall be organized and stationed for internal security purposes."

The Agreement with Egypt provided that "The area comprising the village of El-Auja and vicinity shall be demilitarized, and both Egyptian and Israeli armed forces shall be totally excluded therefrom." The Agreement further stipulated that "The Mixed Armistice Commission shall maintain its headquarters at El-Auja . . ."

The Agreements were entered into voluntarily, and it was therefore incumbent upon the Parties to faithfully carry out their obligations pending final settlement. But no sooner were the Agreements concluded when the Israelis began to violate their provisions as if they never existed. Demilitarized zones were occupied and militarized, the Israelis claiming that they were 'Israeli territory.' The Chairman of the Mixed Armistice Commission, whose duty it was to provide an interpretation, held that "neither party to the Armistice Agreement enjoys rights of sovereignty within the zone."⁴⁷ He also decided that "As long as the Israel-Syrian General Armistice Agreement was in force, the territory controlled by Israel was west of the demilitarized demarcation line, the demilitarized zone having special status."⁴⁸ The Security Council upheld this interpretation when it ruled on another incident. On 22 January 1958, the Security Council resolved that "the status of the zone is affected by the provisions of the Israel-Jordan General Armistice Agreement and that neither Israel nor Jordan enjoys sovereignty over any part of the zone (the zone being beyond the respective demarcation lines)."⁴⁹

Note: For Israeli violations of the Armistice, see Section 6 of Chapter III.

⁴⁷ U.N. Document S/2049, Section IV, para. 3.

⁴⁸ U.N. Document S/2088, para. 8.

⁴⁹ U.N. Document S/3942, Resolution 127 (1958).

Chapter III

Aftermath of Creation of State of Israel

1. *The Palestine Conciliation Commission*

THE GENERAL ASSEMBLY met to consider the report of the late United Nations Mediator; and on 11 December 1948, adopted a resolution under which it established the Palestine Conciliation Commission and entrusted it with the task of taking over the responsibilities of the U.N. Mediator with a view of facilitating a peaceful settlement between the Parties. The General Assembly also resolved that "the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible." The Assembly then instructed "the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him with the appropriate organs and agencies of the United Nations."¹

Immediately after its appointment, the Conciliation Commission—consisting of representatives of the United States, France and Turkey—visited the Middle East and contacted the parties concerned. On

¹ Resolution 194 (III) of 11 December 1948—U.N. Document S/810.

12 May 1949, a 'Protocol' was signed at Lausanne, Switzerland, which read as follows:

"The United Nations Conciliation Commission for Palestine, anxious to achieve as quickly as possible the objectives of the General Assembly's Resolution of December 11, 1948, regarding refugees, the respect for their rights and the preservation of their property, as well as territorial and other questions, has proposed to the Delegation of Israel and to the Delegations of the Arab States that the 'Working Documents' (the partition plan of 1947) attached hereto, to be taken as basis for discussion with the Commission. "The interested Delegations have accepted this proposal with the understanding that the exchange of views which will be carried on by the Commission with the two parties will bear upon the territorial adjustments necessary to the above indicated objectives." ²

The parties having accepted the 1947 Partition Plan as the basis for the discussion, things then looked as if a solution was in sight. But in June 1949, the Commission reported to the General Assembly that when the parties were asked to make known their views on the implementation of the provisions of the 'Protocol,' the Israeli delegation demanded that the territorial frontiers of Mandatory Palestine be considered the frontiers of Israel with one provisional and temporary exception, namely, that in regard to the central area of Palestine then under Jordanian military authority, the Israelis consented to recognize the Hashemite Kingdom of Jordan as the *de facto* military power without entering into the future status of the area for the time being.

The Arab delegations protested that the Israeli proposals were a repudiation of the terms of the 'Protocol' which the Israelis had signed and certainly a departure from the provisions of the Partition Resolution which brought the 'Jewish state' into existence. The Israeli delegation retorted: "It could not accept a certain proportionate distribution of territory agreed upon in 1947 as a criterion for a territorial settlement in present circumstances." ³

On the questions of the repatriation and compensation of the refugees and the internationalization of Jerusalem, the Israeli delegation also adopted inflexible attitudes. This brought the negotiations for a settlement to an end, and the Commission retired to the United Nations Headquarters in New York.

² U.N. Document A/927 of 21 June 1949, para. 10 and annex.

³ *Ibid.*, paras. 24-29 and 32-33.

2. *Admission of Israel into membership of the United Nations*

On 29 November 1948, the Israeli authorities applied for membership in the United Nations. This was rejected by the Security Council on 17 December 1948.

The application was renewed during the period the Palestine Conciliation Commission was engaged in negotiations at Lausanne, Switzerland. On 3 March 1949, the Security Council, aware of the progress of the negotiations, recommended to the General Assembly that Israel should be admitted into membership.⁴

On 11 May 1949—almost at the same time that the ‘Lausanne Protocol’ was being signed if the time element between Switzerland and New York were taken into consideration—the General Assembly approved Israel’s admission into membership. The Assembly, however, made a departure from the usual form of acceptance of new members in that, in the case of Israel, it laid down certain specific conditions. The resolution read:

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

“*Noting furthermore* the declaration by the state of Israel that it ‘unreservedly accepted the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a member of the United Nations,’

“*Recalling* its resolutions of 29 November 1947 (on partition) and 11 December 1948 (on repatriation and compensation of refugees), and taking note of the declarations and explanations made by the representative of the Government of Israel before the *Ad Hoc* Committee in respect of the implementation of the said resolutions,

“The General Assembly, . . .

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

⁴ U.N. Document S/1277—Security Council resolution 69 of 4 March 1949.

"2. *Decides* to admit Israel to membership in the United Nations." ⁵

With the collapse of the Lausanne talks, it became clear that the Israelis never intended to carry out their obligations under the two resolutions cited in the resolution of admission. They signed the 'Lausanne Protocol' merely to gain admission into membership of the United Nations, and this they had achieved. The statement of David Ben Gurion in 1950 bears witness to that. He said: "Some members of the United Nations wished at this opportunity to test Israel's intentions with regard to the refugee, boundaries and Jerusalem issues, before approving its application for admission. In a way, Israel's attitude at the Lausanne talks aided its delegation at Lake Success in its endeavour to obtain the majority required for admission." ⁶

3. The Refugee Problem

As already stated, the General Assembly, in its resolution of 11 December 1948, decided that "The refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible." ⁷

On 8 December 1949, the General Assembly adopted a further resolution providing:

"7. Establishes the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

"(a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission;

"(b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to

⁵ Resolution 273 (III) of 11 May 1949—U.N. Document A/900.

⁶ Israeli Yearbook 1950, pp. 140-142.

⁷ Resolution 194 (III) of 11 December 1948.

the time when international assistance for relief and works projects is no longer available.”⁸

One of the first duties which the Agency performed was to decide on the definition of ‘refugee’ and the ‘ration’ of the individual:

(1) The criteria for accepting refugees on the relief rolls were that they should be genuine refugees who had lived in Palestine for two years or more prior to the beginning of the conflict in 1948 and had lost their homes and livelihood as a result of that conflict. Persons who had lost their means of livelihood but not their actual homes were not entitled to United Nations relief. These were from:

- (a) Villages or towns situated on the borders, part of whose lands had been placed in Israeli-held territory as a result of the armistice demarcation line;
- (b) Villages or towns situated on or adjacent to the border which may not have lost their lands but whose economy was greatly disrupted by the armistice demarcation line;
- (c) Villages slightly removed from the border inside Jordan, parts of whose detached lands had been placed in Israeli-held territory.

(2) The basic foodstuffs distributed per person are:

	Grammes per month	Calories per day	
Flour	10,000	1,170	
Pulses (legumes)	600	70	
Oils and fats	375	110	
Sugar	600	80	
Rice and/or Burghol (Crushed wheat)	500	70	1,500
Added in winter: Flour	400	50	
Pulses	300	40	90

According to the estimates of the relief agency, the ‘ration’ costs average about \$27 per person per year, including administrative expenses, that is, seven cents per person per day.

⁸ Resolution 302 (IV) of 8 December 1949.

United Nations records show that the number of persons who left their homes by 14 May 1948 was in the neighbourhood of 900,000. The years which followed saw more and more Arabs expelled.

The Agency which cares for the refugees, placed the number of persons registered with UNRWA as on 31 May 1967—shortly before the 5th of June 1967 war—at 1,346,000. This does not include those refugees who have been able to re-establish themselves or migrated to other parts of the world. A conservative figure of those affected by the partition of Palestine by the end of 1967 is in the neighbourhood of 2,500,000 persons.

4. *Israel disclaims responsibility for refugee problem*

The Israelis have used the argument that the Palestine Arabs left of their own accord at the behest of their leaders, and as such, they have forfeited their rights of return as well as of claiming their property.

The following are a few examples of the testimonies which disprove the Israeli allegation:

(1) *Erskine B. Childers*, a British writer, who took the trouble to investigate, had this to say: "Examining every official Israeli statement about the Arab exodus, I was struck by the fact that no primary evidence of evacuation orders was ever produced. The charge, Israel claimed, was 'documented'; but where were the documents? There had allegedly been Arab radio broadcasts ordering the evacuation; but no dates, names of stations, or texts of messages were ever cited.

"In Israel in 1958 as a guest of the Foreign Office and therefore doubly hopeful of serious assistance, I asked to be shown the proofs. I was assured they existed, and was promised them. None had been offered when I left, but I was assured again. I asked to have the material sent to me. I am still waiting.

"I next decided to test the undocumented charge that the Arab evacuation orders were broadcast by Arab radio—which could be done thoroughly because the British Broadcasting Corporation monitored all Middle Eastern broadcasts throughout 1948. The records

and companion ones by a U.S. monitoring unit, can be seen at the British Museum. There was not a single order, or appeal, or suggestion about evacuation from Palestine from any Arab radio station, inside or outside Palestine, in 1948. There is repeated monitored record of Arab appeals, even flat orders, to the civilians of Palestine to stay put. To select only two examples: On April 4, as the first wave of flight began, Damascus Radio broadcast an appeal to everyone to stay at their homes and jobs. On April 24, with the exodus now a flood, Palestine Arab leaders warned that 'Certain elements and Jewish agents are spreading defeatist news to create chaos and panic among the peaceful population. Some cowards are deserting their houses, villages or cities... Zionist agents and corrupt cowards will be severely punished. (El-Inqaz, 'The Arab Liberation Radio,' at 1200 hrs.)'.

"Even Jewish broadcasts (in Hebrew) mentioned such Arab appeals to stay put. Zionist newspapers in Palestine reported the same. None so much as hinted at any Arab evacuation orders."⁹

(2) *Sir John Bagot Glubb*, who was on the spot and ought to know, said: "The story which Jewish publicity at first persuaded the world to accept, that the Arab refugees left voluntarily, is not true. Voluntary emigrants do not leave their homes with only the clothes they stand in. People who have decided to move house do not do so in such a hurry that they lose other members of their family—husband losing sight of his wife, or parents of their children. The fact is that the majority left in panic flight, to escape massacre. They were in fact helped on their way by the occasional massacres—not of very many at a time, but just enough to keep them running."¹⁰

(3) *Nathan Chofshi*, a Jewish immigrant from Russia who arrived in Palestine in 1908 in the same group with David Ben Gurion, writing in rebuttal of an American Zionist's assertion, said: "If Rabbi Kaplan really wanted to know what happened, we old Jewish settlers in Palestine who witnessed the flight could tell him how and in what manner we, Jews, forced the Arabs to leave cities and villages... Here was a people who lived on its own land for 1300 years. We came and turned the native Arabs into tragic refugees. And we still dare to slander and malign them, to besmirch their

⁹ Childers, Erskine B., *The Other Exodus* (London: The Spectator Magazine, 12 May 1961).

¹⁰ Glubb, *A Soldier with the Arabs*, p. 251.

name. Instead of being deeply ashamed of what we did and of trying to undo some of the evil we committed by helping these unfortunate refugees, we justify our terrible acts and even attempt to glorify them.”¹¹

(4) *Professor Erich Fromm*, a noted Jewish writer and thinker, had the following to say on the Israeli argument that the Arab refugees left of their own accord:

“It is often said that the Arabs fled, that they left the country voluntarily, and that they therefore bear the responsibility for losing their property and their land. It is true that in history there are some instances—in Rome and in France during the Revolutions—when enemies of the State were proscribed and their property confiscated. But in general international law, the principle holds true that no citizen loses his property or his rights of citizenship; and the citizenship right is *de facto* a right to which the Arabs in Israel have much more legitimacy than the Jews. Just because the Arabs fled? Since when is that punishable by confiscation of property and by being barred from returning to the land on which a people’s forefathers have lived for generations? Thus, the claim of the Jews to the land of Israel cannot be a realistic political claim. If all nations would suddenly claim territories in which their forefathers had lived two thousand years ago, this world would be a mad-house.

“I believe that, politically speaking, there is only one solution for Israel, namely, the unilateral acknowledgment of the obligation of the State toward the Arabs—not to use it as a bargaining point, but to acknowledge the complete moral obligation of the Israeli State to its former inhabitants of Palestine.”¹²

(5) *The Right Hon. Anthony Nutting*, in a speech before the Congregation at Temple Emanu-El in New York, on the occasion of the 50th anniversary of the Balfour Declaration (2 November 1917), said: “Zionist propaganda would have us believe that the Palestine refugees are the product of the Arab attack on Israel in 1948, and that they were ordered to flee from their homes by their own Arab leaders, who promised that they would be restored when the Arabs had liquidated the state of Israel.

¹¹ *The Jewish Newsletter* (New York), 9 February 1959.

¹² *Ibid.*, 19 May 1958.

"The truth is the exact opposite. Before the Arabs attacked in May 1948, the Arab refugees numbered 300,000; who had been ordered—nay forced—to leave by the Zionists who had neither use nor room for them in the areas of Palestine allotted to the Israel state. Thus it would be truer to say that the refugees were the cause of the first Arab-Israeli war and not the result."¹³

5. *Palestine Arab refugee attitude towards repatriation*

The attitude of the refugees on their rights to homes and country has remained the same since 1948, namely, that they insist on their full rights, including the payment of compensation for losses sustained. The following excerpts from some of the Annual Reports of the United Nations Relief and Works Agency (UNRWA) indicate the nature and steadfastness of the attitude of the refugees on repatriation:

(1) *1954 Report (U.N. Document A/2717)*—"As regards the obstacles to the attainment of the goal envisaged by the General Assembly, a very important one is the absence of a solution along the lines of the Assembly's resolutions regarding repatriation and compensation . . ." (Para. 32)

"As regards the refugees, the majority of them have been exiles for six years, but time has not softened the bitterness of separation. The prevailing sentiment of at least the older refugees is the longing to return to their homes. In the absence of some other acceptable solution, that sentiment will continue to dominate the attitude of the refugees as a group, and it would be a serious mistake to underestimate its strength" (para. 33).

(2) *1955 Report (U.N. Document A/2978)*—"The outstanding factor which continues to condition refugee attitude and to influence the policies of Near East Governments in this matter is the strong desire of the refugees to return to their homeland. This feeling has not diminished during the year, and its strength should not be underestimated. The demand for repatriation springs mainly from the natural longing of the people for their old homes, strengthened

¹³ American Council for Judaism, *Issues Magazine*, Winter 1967-Spring 1968, p. 4.

and encouraged by the solution of the General Assembly to the effect that 'refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those not choosing to return.' (para. 35)

"... It must be strongly emphasized that unless some opportunity is given to the refugees to make their choice, or unless some other political settlement can be reached, the unrequited demand for repatriation will continue to be an obstacle to the accomplishment of the objective of reintegration and self-support as set forth in paragraph 4 of General Assembly resolution 393(V) and related resolutions." (para. 36)

(3) *1956 Report (U.N. Document A/3212)*—"It must be stressed once more that the refugees' desire to return to their homeland continues unabated. There are, of course, some who have established themselves satisfactorily in new lives; but the great majority maintain their collective claim that a grave injustice has been done to them and assert that the only acceptable solution is a return to their homes. So long, however, as nothing is done to help requite this longing for their homeland, either by giving them the choice between repatriation and compensation provided for in paragraph 11 of General Assembly resolution 194(III) of 11 December 1948, or through some other solution acceptable to all parties, the long-term task assigned to the Agency will prove unrealizable. (para. 7)

"It is easy to understand why this desire to return to their former homes has made impossible any large-scale progress in the Agency's long-term task of bringing about 'the reintegration of the refugees into the economic life of the Near East' during the period under review . . . For the past eight years, the refugees have held the United Nations largely responsible for their plight; the Agency has been the symbol of the United Nations to most of them, who regard UNRWA relief as a debt owed them by the world at large . . ." (para. 8)

"... Finally, as already mentioned in previous reports, the refugees as a whole continue collectively to resist large-scale development projects, which appear to them to involve permanent resettlement and therefore to carry serious political implications. It is, therefore, evident that, in the absence of wider and bolder political decisions

concerning the entire refugee problem, there should be no optimism regarding its solution.” (para. 53)

(4) *1957 Report (U.N. Document A/3686)*—“The great mass of the refugees continues to believe that a grave injustice has been done to them and to express a desire to return to their homeland. In particular, they request the implementation of paragraph 11 of General Assembly resolution 194(III) of 11 December 1948 concerning repatriation and compensation . . . The refugees collectively remain opposed to certain types of self-support projects which they consider would mean permanent resettlement and the abandonment of hope of repatriation . . . On the other hand, the Government of Israel has taken no affirmative action in the matter of repatriation and compensation. It remains the Director’s opinion that, unless the refugees are given the choice between repatriation and compensation provided for in resolution 194(III), or unless some other solution acceptable to all parties is found, it would be unrealistic for the General Assembly to believe that decisive progress can be accomplished by UNRWA towards the ‘reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement’ in line with General Assembly resolution 393(V) of 2 December 1950.” (para. 6)

(5) *1965-1966 Report (U.N. Document A/6313)*—“As year succeeds year, there is no sign that the refugees are becoming any less embittered by their conviction that a grave injustice has been done to them through the loss of their homes and country and the continued deprivation of any benefit from the property they left behind. The implications for peace and stability in the Middle East of the continued existence of the Palestine refugee problem thus remain as grave as ever.”

6. Israeli violations of the Armistice

Israeli violations of the provisions of the General Armistice Agreements came before the Security Council on numerous occasions since 1948. There have been a number of condemnations of Israel by the Security Council, with none against any Arab State, and two Israeli invasions and occupation of Arab territories.

The following are examples of some of the earlier violations affecting basic issues which are obviously responsible for the tense

situation that existed on the armistice demarcation line since the Agreements were signed in 1949:

(1) *On 18 September 1950*, the Chief of Staff (General William Riley) reported to the Security Council: "On 2 September 1950, Israeli military rounded up some 4000 bedouins who have been living in the Negeb in and around the demilitarized zone of El-Auja and drove them out of Israeli-controlled territory across the Egyptian international boundary into Egyptian territory . . ." An investigation revealed that the refugees represented five bedouin tribes who "(a) had lived in the Beersheba area under the British Mandate but had moved to El-Auja about two years ago because of Israeli pressure; (b) that since 20 August, Israelis had conducted operations to clear the bedouins, employing army troops with armoured cars and guided by reconnaissance aircraft; (c) that after driving the bedouins across the border, the Israelis burnt tents, crops and possessions; and (d) that thirteen bedouins were killed by Israelis during these operations . . ." ¹⁴

On 17 November 1950, the Security Council adopted a resolution which, among other things, decided:

"Requests the Israel-Egyptian Mixed Armistice Commission to give urgent attention to the Egyptian complaint of expulsion of thousands of Palestine Arabs;

"Calls upon both parties to give effect to any finding of the Israel-Egyptian Mixed Armistice Commission regarding the repatriation of any such Arabs who in the Commission's opinion are entitled to return;

"Authorizes the Chief of Staff of the Truce Supervision Organization with regard to the movement of nomadic Arabs to recommend to Israel, Egypt and to such other Arab States as may be appropriate, such steps as he may consider necessary to control the movement of such nomadic Arabs across international frontiers or armistice lines by mutual agreement;

"Calls upon the Governments concerned to take in the future no action involving the transfer of persons across international frontiers or armistice lines without prior consultation through the Mixed Armistice Commission . . ." ¹⁵

¹⁴ U.N. Document S/1797.

¹⁵ Resolution 89 of 17 November 1950—U.N. Document S/1907.

According to General Vagn Bennike, who replaced General Riley as Chief of Staff, between 6000 and 7000 Arabs were expelled from El-Auja demilitarized zone before May 1951 when the Mixed Armistice Commission examined the matter and decided against Israel's action; 200 to 250 more were expelled in 1953.¹⁶

(2) *On 18 May 1951*, the Security Council adopted the following resolution on Israeli violations affecting the Israel-Syrian armistice demarcation line:

"Noting that the Chief of Staff of the Truce Supervision Organization in a memorandum of 7 March 1951 (S/2049, Section IV, paragraph 3), and the Chairman of the Israel-Syrian Mixed Armistice Commission on a number of occasions, have requested the Israel delegation to the Mixed Armistice Commission to ensure that the Palestine Land Development Company, Limited, is instructed to cease all operations in the demilitarized zone until such time as an agreement is arranged through the Chairman of the Mixed Armistice Commission for continuing this project,

"Noting further that Article V of the General Armistice Agreement gives to the Chairman the responsibility for the general supervision of the demilitarized zone,

"Endorses the requests of the Chief of Staff and the Chairman of the Mixed Armistice Commission on this matter and calls upon the Government of Israel to comply with them . . .

"Notes that under Article VII, paragraph 8, of the Armistice Agreement, where interpretation of the meaning of a particular provision of the Agreement, other than the preamble and articles I and II, is at issue, the Mixed Armistice Commission's interpretation shall prevail . . .

"Considers that it is inconsistent with the objectives and intent of the Armistice Agreement to refuse to participate in meetings of the Mixed Armistice Commission or to fail to respect requests of the Chairman of the Mixed Armistice Commission as they relate to his obligations under Article V, and calls upon the parties to be represented at all meetings called by the Chairman of the Commission and to respect such requests;

¹⁶ U.N. Document S/PV.635, pp. 27-28—Statement made before the Security Council.

"Calls upon the parties to give effect to the following excerpt cited by the Chief of Staff of the Truce Supervision Organization at the 542nd meeting of the Security Council on 25 April 1951, as being from the summary record of the Israel-Syrian Armistice Conference of 3 July 1949, which was agreed to by the parties as an authoritative comment on Article V of the Armistice Agreement between Israel and Syria:

"The question of civil administration in villages and settlements in the demilitarized zone is provided for, within the framework of an armistice agreement, in sub-paragraphs 5(b) and 5(f) of the draft article. Such civil administration, including policing, will be on a local basis, without raising general questions of administration, jurisdiction, citizenship and sovereignty.

"Where Israel civilians return to or remain in an Israel village or settlement, the civil administration and policing of the village or settlement will be Israelis. Similarly, where Arab civilians return to or remain in an Arab village, a local Arab administration and police unit will be authorized.

"As civilian life is gradually restored, administration will take shape on a local basis under the general supervision of the Chairman of the Commission.

"The Chairman of the Mixed Armistice Commission, in consultation and cooperation with the local communities, will be in a position to authorize all necessary arrangements for restoration and protection of civilian life. He will not assume responsibility for direct administration of the zone."

"Noting the complaint with regard to the evacuation of Arab residents from the demilitarized zone:

"(a) Decides that Arab civilians who have been removed from the demilitarized zone by the Government of Israel should be permitted to return forthwith to their homes and that the Mixed Armistice Commission should supervise their return and rehabilitation in a manner to be determined by the Commission;

"(b) Holds that no action involving the transfer of persons across international frontiers, armistice lines or within the demili-

tarized zone should be undertaken without prior decision of the Chairman of the Mixed Armistice Commission . . . ¹⁷

In four separate reports, the Chief of Staff (General Riley) drew the attention of the Security Council that the Israeli authorities had refused to implement the Council's resolution of 18 May 1951; ¹⁸ that Israeli police continue to occupy and to exercise general control over the demilitarized zone; ¹⁹ that Israeli police control the movements of the Arabs and interfere with the freedom of movement of the Chairman of the Mixed Armistice Commission and United Nations Observers; ²⁰ and that the Israeli police continue to maintain a check-post on the main road to Mishmar ha Yarden in the central sector of the demilitarized zone. Although removal of the check-post was requested by the Chairman, it had not been removed.²¹

(3) *On 24 November 1953*, the Security Council dealt with the Israeli attack on the village of Qibya, in the West Bank of Jordan, and adopted the following resolution:

"Recalling its previous resolutions on the Palestine question, particularly its resolutions 54 of 15 July 1948, 73 of 11 August 1949, and 93 of 18 May 1951 concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commissions, . . .

"1. Finds that the retaliatory action at Qibya taken by the armed forces of Israel on 14-15 October 1953 and all such actions constitute a violation of the cease-fire provisions of the Security Council resolution 54 (1948) and are inconsistent with the parties' obligations under the General Armistice Agreement between Israel and Jordan and the Charter of the United Nations;

"2. Expresses the strongest censure of that action, which can only prejudice the chances of that peaceful settlement which both parties, in accordance with the Charter, are bound to seek, and calls upon Israel to take effective measures to prevent all such actions in the future; . . ." ²²

¹⁷ U.N. Resolution 93 of 18 May 1951—U.N. Document S/2157.

¹⁸ Report dated 26 June 1951—U.N. Document S/2213, Part II, paras. 14 & 17.

¹⁹ Report dated 16 August 1951—U.N. Document S/2300, para. 9.

²⁰ Report dated 6 November 1951—U.N. Document S/2389, paras. 14 & 16.

²¹ Report dated 30 October 1952—U.N. Document S/2833, paras. 50 & 58.

²² U.N. Resolution 101 of 24 November 1953—U.N. Document S/3139/Rev. 2.

(4) *On 27 October 1953*, the Chief of Staff (General Vagn Bennike) appeared before the Security Council to report on the situation along the armistice demarcation line. The General reiterated the difficulties experienced by his predecessor, and listed these as "the economic situation of the Arabs in the demilitarized zone, encroachments on Arab lands, control exercised by the Israel police over the greater part of the zone, Israeli opposition to the fulfillment by the Chairman and United Nations Observers of their responsibilities for ensuring the implementation of Article V of the General Armistice Agreement."

The Chief of Staff then suggested that "These difficulties can be solved if the provisions of Article V of the General Armistice Agreement are applied in the light of the Acting Mediator's authoritative comment, accepted by both parties in 1949," and the statement made by him before the Security Council on 25 April 1951, to the effect, *inter alia*, that "In the nature of the case, therefore, under the provisions of the Armistice Agreement, neither party could validly claim to have a free hand in the demilitarized zone over civilian activity, while military activity was totally excluded."

General Bennike then opined that "total adhesion to these two principles would greatly ease the situation. It would mean, in particular, recognition of the special powers of the Chairman of the Mixed Armistice Commission and the Observers in the demilitarized zone."²³

(5) *On 29 March 1955*, the Security Council was seized once again with the problem of the Egyptian-Israeli armistice demarcation line, and took the following resolution:

"*Noting* that the Egyptian-Israel Mixed Armistice Commission on 6 March 1955 determined that a 'prearranged and planned attack ordered by the Israeli authorities' was 'committed by Israeli regular army forces against the Egyptian regular army forces' in the Gaza Strip on 28 February 1955,

"1. *Condemns* this attack as a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and as inconsistent with the obligations of the parties under the General Armistice Agreement between Egypt and Israel and under the United Nations Charter;

²³ No effective action was taken by the Security Council to implement the recommendation, and the situation continued to deteriorate.

"2. *Calls again* upon Israel to take all necessary measures to prevent such actions;

"3. *Expresses* its conviction that the maintenance of the General Armistice Agreement is threatened by any deliberate violation of that Agreement by one of the parties to it, and that no progress towards the return of permanent peace in Palestine can be made unless the parties comply strictly with their obligations under the General Armistice Agreement and the cease-fire provisions of its resolution of 15 July 1948." ²⁴

(6) On 13 November 1966, Israeli forces attacked the village of Sammu' in the West Bank of Jordan, killing 18 persons and wounding 130 others. They also destroyed 125 houses, including the school, clinic and mosque.

On 25 November 1966, the Security Council adopted the following resolution:

"*Observing* that this incident constituted a large-scale and carefully planned military action on the territory of Jordan by the armed forces of Israel,

"*Reaffirming* the previous resolutions of the Security Council condemning past incidents of reprisal in breach of the General Armistice Agreement between Israel and Jordan and of the United Nations Charter,

"*Recalling* the repeated resolutions of the Security Council asking for the cessation of violent incidents across the demarcation line, and not overlooking past incidents of this nature,

"*Reaffirming* the necessity for strict adherence to the General Armistice Agreement,

"1. *Deplores* the loss of life and heavy damage to property resulting from the action of the Government of Israel on 13 November 1966;

"2. *Censures* Israel for this large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;

"3. *Emphasizes* to Israel that actions of military reprisal cannot

²⁴ Resolution 106 of 29 March 1955—U.N. Document S/3378.

be tolerated and that if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts;

"4. *Requests* the Secretary-General to keep the situation under review and to report to the Security Council as appropriate." ²⁵

Representatives of the Great Powers, in condemning Israel, made these comments:

Britain—The action "constituted a flagrant violation of our Charter and of the Israel-Jordan Armistice Agreement; it has done nothing to enhance the security of Israeli citizens or the reputation of Israel." ²⁶

France—Intervened "to condemn unequivocally the military action planned and carried out by the Israeli authorities. What is difficult to understand is that an attack which has proved to be so deadly was launched against a country which is respectful of its international obligations." ²⁷

U.S.S.R.—By its "direct military attack on a densely populated part of Jordan, Israel has flagrantly and brutally violated the most important provision of the United Nations and this alone deserves our condemnation." The representative described the attack as "lawlessness and brigandage and an open and arrogant challenge to the Security Council." ²⁸

U.S.A.—Condemned the raid "deeming it in clear violation of the solemn obligations undertaken by Israel in the General Armistice Agreement. And what makes it of course most deplorable is the tragic toll in human lives of this inexcusable action. The Government of Israel carried out (with the support of tanks, armored vehicles, heavy weapons and aircraft) a raid on Jordan the nature of which and whose consequences in human lives and in destruction far surpasses the cumulative total of the various acts of terrorism conducted against the frontiers of Israel."

The attack was compared to "the retaliatory action at Qibya taken by the armed forces of Israel on 14-15 October 1953."

²⁵ Resolution S/228 of 25 November 1966, adopted at 1328th meeting of the Security Council.

²⁶ U.N. Document S/PV.1320 of 16 November 1966.

²⁷ U.N. Document S/PV.1321 of 16 November 1966.

²⁸ *Ibid.*

The U.S.A. representative concluded: "My Government is confident that the Government of Jordan in good faith fully adheres to and respects its obligations under the General Armistice. Its record of co-operation with the United Nations peace-keeping machinery in the Middle East speaks for itself." ²⁹

(7) The Israeli attitude towards the General Armistice Agreements and their obligations under the United Nations Charter can best be illustrated by drawing upon the experiences of General Carl Von Horn, one-time Chief of Staff in Palestine and his staff. The General revealed that the United Nations Truce Supervision Organization had "from time to time incurred a certain degree of animosity" in their dealings with the Arabs, but never "in the same implacable and frenetic way." He added: "The Arabs could be difficult, intolerant, and indeed often impossible, but their code of behaviour was on an infinitely higher and more civilized level." He then pointed out that "all came to this conclusion in UNTSO," which he described as "strange, because there was hardly a man among us who had not originally arrived in the Holy Land without the most positive and sympathetic attitude towards the Israelis and their ambitions for their country."

General Von Horn went on to explain: "After two or three years in daily contact with officials, soldiers and private individuals on *both* sides, there had been a remarkable change in their attitude." He found it, he said, "sad but very significant" that when he asked what their most negative experiences had been during their service with UNTSO, the reply was almost invariably: "The consistent cheating and deception of the Israelis." ³⁰

7. Israel's policy of expansion

Each time the Israelis are accused of scheming to expand into further Arab territory to fulfill the Zionist dream of an 'empire' from the 'Nile to the Euphrates,' they emphatically deny any such accusation, claiming that all they want is to be left alone to live in peace. The latest such denial was officially made by the Israeli representative to the United Nations in November 1966—hardly six months before the Israeli attack of 5th June 1967. He declared: "I should like to inform

²⁹ U.N. Document S/PV.1320 of 16 November 1966.

³⁰ Von Horn, *Soldiering for Peace*, pp. 282-283.

the Committee quite categorically that the Government of Israel covets no territory of any of its neighbours nor does it feel obliged to hand over its territory to any of its neighbours. We are all members of the United Nations. We have all signed the Charter obliging us to respect each other's political independence and territorial integrity. My Government fully and unreservedly accepts this obligation towards the other 120 State Members of the United Nations." ³¹

Yet how is one to reconcile this 'categorical' declaration with the earlier and later statements of the Israeli leaders and the events which followed? Here are a few examples:

(1) *Mr. David Ben Gurion*—The state "has been resurrected in the western part of the land" of Israel and that independence has been reached "in a part of our small country. Every state consists of a land and a people. Israel is no exception, but it is a state identical neither with its land nor with its people. It has already been said that when the State was established, it held only six per cent of the Jewish people remaining alive after the Nazi cataclysm. It must now be said that it has been established in only a portion of the Land of Israel. Even those who are dubious as to the restoration of the historical frontiers, as fixed and crystallized from the beginning of time, will hardly deny the anomaly of the boundaries of the new State." ³²

(2) *Mr. Moshe Dayan*, as Chief of Staff of the Israeli Army, declared: "It lies upon the people's shoulders to prepare for the war, but it lies upon the Israeli army to carry out the fight with the ultimate object of erecting the Israeli Empire." ³³

(3) *Mr. Menachem Beigin*, Leader of the Herut Party and Minister in the Israeli Cabinet: "I deeply believe in launching a preventive war against the Arab States without further hesitation.. By doing so, we will achieve two targets: firstly, the annihilation of the Arab power; and secondly, the expansion of our territory." ³⁴

(4) *Another spokesman of the Herut Party*, declared: "Peace with the Arab countries is impossible with the present boundaries of Israel which leave Israel open to attack." He advised that "Israel should take the offensive immediately and capture strategic points

³¹ U.N. Document A/SPC/PV.505 of 8 November 1966.

³² Israeli Yearbooks 1951-1952, p. 64; and 1952, pp. 63 & 65.

³³ From a statement broadcast on the Israeli Radio (Arabic programme) on 12 February 1952.

³⁴ From a statement made in the Israeli Parliament on 12 October 1955.

along its borders, including the Gaza Strip and then should take over the British backed Kingdom of Jordan.”³⁵

(5) *Dr. Chaim Weizmann*, President of the World Zionist Organization for most of three decades and first Israeli President, during his visit to Jerusalem on 1 December 1948, told his audience: “Do not worry because part of Jerusalem is not now within the state. All will come to pass in peace. Again I counsel patience. Fear not, my friends—the old synagogues will be rebuilt anew and the way to the Wailing Wall will be opened again. With your blood and sacrifices you have renewed the covenant of old. Jerusalem is ours by virtue of the blood which your sons shed defending it.”³⁶

With this background, let us look at the record. The Israelis made three attempts at expansion since 1948:

The first was before the state of Israel was established when a drive was made to occupy the whole of Palestine before the British Mandatory relinquished its authority on 14 May 1948. The extra territory encroached upon was eventually retained under the General Armistice Agreements of 1949. The efforts of the Palestine Conciliation Commission at a settlement failed because the Israelis made increased demands on territory as their price for a settlement.

The second was in 1956 when the Israelis, in collusion with Britain and France, attacked Egypt and occupied the Sinai Peninsula and the Gaza Strip. They withdrew only after President Eisenhower had threatened to apply sanctions against the ‘Jewish state.’

The third was when the Israelis attacked on 5 June 1967 and occupied the Sinai Peninsula, the West Bank of Jordan and the Golan Heights in Syria.

8. The June 1967 War

On 6 June 1967, the Security Council, “concerned at the outbreak of fighting and with the menacing situation in the Near East,” called upon “the Governments concerned as a first step to take forth-

³⁵ *New York Times*, 25 January 1956. The invasion of Egypt began on 29 October 1956.

³⁶ Joseph, Dov, *The Faithful City: The Siege of Jerusalem 1948* (New York: Simon and Schuster, 1960), pp. 322-323.

with all measures for an immediate cease-fire and for a cessation of all military activities in the area. . . .”³⁷ This call was repeated on 7 June³⁸ and 9 June.³⁹ On 11 June and 25 October 1967, the Security Council condemned “violations of the cease-fire,” affirmed “its demand for a “cease-fire and discontinuation of all military activity,” and reaffirmed “the necessity of the strict observance of the cease-fire resolutions.”⁴⁰

On the question of the civilian population and prisoners-of-war, the Security Council adopted the following resolution:

“*Considering* the urgent need to spare the civil populations and the prisoners of the war in the area of conflict in the Middle East additional sufferings,

“*Considering* that essential and inalienable human rights should be respected even during the vicissitudes of war,

“*Considering* that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949⁴¹ should be complied with by the parties involved in the conflict,

“1. *Calls upon* the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;

“2. *Recommends* to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949;⁴²

“*Requests* the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council.”⁴³

At this stage, the situation in the Middle East was referred to a

³⁷ Resolution 233 (1967) adopted at 1348th meeting. U.N. Document S/INF/22, p. 5.

³⁸ Resolution 234 (1967) adopted at 1350th meeting. *Ibid.*

³⁹ Resolution 235 (1967) adopted at 1352nd meeting. *Ibid.*, p. 6.

⁴⁰ Resolutions 236 (1967) and 240 (1967) adopted at 1357th and 1371st meetings respectively. *Ibid.*, pp. 6-7 and 9.

⁴¹ United Nations, Treaty Series, Vol. 75 (1950), No. 972.

⁴² *Ibid.*, Nos. 970-973.

⁴³ Resolution 237 (1967) adopted at 1361st meeting of 14 June 1967—U.N. Document S/INF/22, pp. 7-8.

Fifth Emergency Special Session of the General Assembly; and on 4 July 1967, the General Assembly adopted the following four principal resolutions:

(1) *on humanitarian assistance*

“Considering the urgent need to alleviate the suffering inflicted on civilians and on prisoners of war as a result of the recent hostilities in the Middle East,

“1. *Welcomes with great satisfaction* Security Council resolution 237 (1967) of 14 June 1967, whereby the Council:

“(a) Considered the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings;

“(b) Considered that essential and inalienable human rights should be respected even during the vicissitudes of war;

“(c) Considered that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict;

“(d) Called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities;

“(e) Recommended to the Governments concerned the scrupulous respect of the humanitarian principles, governing the treatment of prisoners of war and the protection of civilian persons in time of war, contained in the Geneva Conventions of 12 August 1949;

“(f) Requested the Secretary-General to follow the effective implementation of the resolution and to report to the Security Council;

“2. *Notes with gratitude and satisfaction* and endorses the appeal made by the President of the General Assembly on 26 June 1967;⁴⁴

“3. *Notes with gratification* the work undertaken by the International Committee of the Red Cross, the League of Red Cross Societies and other voluntary organizations to provide humanitarian assistance to civilians;

⁴⁴ See Official Records of General Assembly, 5th Emergency Special Session, Plenary Meetings, 1536th meeting, paras. 29-37.

"4. *Notes further with gratification* the assistance which the United Nations Children's Fund is providing to women and children in the area;

"5. *Commends* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for his efforts to continue the activities of the Agency in the present situation with respect to all persons coming within his mandate;

"6. *Endorses*, bearing in mind the objectives of the above-mentioned Security Council resolution, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who are at present displaced and are in serious need of immediate assistance as a result of the recent hostilities;

"7. *Welcomes* the close co-operation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and of the other organizations concerned, for the purpose of co-ordinating assistance;

"8. *Calls upon* all the Member States concerned to facilitate the transport of supplies to all areas in which assistance is being rendered;

"9. *Appeals* to all Governments, as well as organizations and individuals, to make special contributions for the above purposes to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and also to the other intergovernmental and non-governmental organizations concerned;

"10. *Requests* the Secretary-General, in consultation with the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to report urgently to the General Assembly on the needs arising under paragraphs 5 and 6 above;

"11. *Further requests* the Secretary-General to follow the effective implementation of the present resolution and to report thereon to the General Assembly."⁴⁵

(2) *On 'Measures taken by Israel to change the status of the City of Jerusalem.'*

⁴⁵ Resolution 2252 (ES-V) of 4 July 1967. U.N. Document A/6798, pp. 3-4.

"The General Assembly,

"Deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the City,

"1. Considers that these measures are invalid;

"2. Calls upon Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;

"3. Requests the Secretary-General to report to the General Assembly and the Security Council on the situation and on the implementation of the present resolution not later than one week from its adoption." ⁴⁶

(3) *On 'Measures taken by Israel to change the status of the City of Jerusalem.'*

"The General Assembly,

"Recalling its resolution 2253 (ES-V) of 4 July 1967,

*"Having received the report submitted by the Secretary-General,"*⁴⁷

"Taking note with the deepest regret and concern of the non-compliance by Israel with resolution 2253 (ES-V),

"1. Deplores the failure of Israel to implement General Assembly resolution 2253 (ES-V);

"2. Reiterates its call to Israel in that resolution to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;

"3. Requests the Secretary-General to report to the Security Council and the General Assembly on the situation and on the implementation of the present resolution." ⁴⁸

(4) *On 'The situation in the Middle East'—The General Assembly,*

"Having considered the grave situation in the Middle East,

⁴⁶ Resolution 2253 (ES-V) of 4 July 1967. *Ibid.*, p. 4.

⁴⁷ U.N. Document A/6753. For the printed text, see Official Records of the Security Council, Twenty-second Year, Supplement for July, August and September 1967, document S/8052.

⁴⁸ Resolution 2254 (ES-V) of 14 July 1967. Document A/6798, p. 4.

"Considering that the Security Council continues to be seized of the problem,

"Bearing in mind the resolutions adopted and the proposals considered during the fifth emergency special session of the General Assembly,

"1. *Requests* the Secretary-General to forward the records of the fifth emergency special session of the General Assembly to the Security Council in order to facilitate the resumption by the Council, as a matter of urgency, of its consideration of the tense situation in the Middle East;

"2. *Decides* to adjourn the fifth emergency special session temporarily and to authorize the President of the General Assembly to reconvene the session as and when necessary." ⁴⁹

Once again the situation in the Middle East came before the Security Council, and the following resolutions were adopted:

(1) *On 'the situation in the Middle East'*—The Security Council,

"*Expressing* its continuing concern with the grave situation in the Middle East,

"*Emphasizing* the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

"*Emphasizing further* that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

"1. *Affirms* that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

- (i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;
- (ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

⁴⁹ Resolution 2256 (ES-V) of 21 July 1967, *Ibid.*, p. 4.

"2. Affirms further the necessity

- (a) For guaranteeing freedom of navigation through international waterways in the area;
- (b) For achieving a just settlement of the refugee problem;
- (c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

"3. Requests the Secretary-General to designate a Special Representative ⁵⁰ *to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;*

"4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible."⁵¹

- (2) *On 'the violation of the cease-fire order and the Israeli attack on El-Karameh refugee camp on 21 March 1968.'*

"The Security Council, . . .

"Recalling resolution 236 (1967) by which the Security Council condemned any and all violations of the cease-fire,

"Observing that the military action by the armed forces of Israel on the territory of Jordan was of a large-scale and carefully planned nature,

"Considering that all violent incidents and other violations of the cease-fire should be prevented and not overlooking past incidents of this nature,

"Recalling further resolution 237 (1967) which called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place,

"1. Deplores the loss of life and heavy damage to property;

⁵⁰ Dr. Gunnar Jarring, of Sweden, was appointed and assumed his functions in January 1968.

⁵¹ Resolution 242 (1967) adopted at 1382nd meeting on 22 November 1967—U.N. Document S/INF/22 of 5 February 1968, pp. 10-11.

- “2. *Condemns* the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;
- “3. *Deplores* all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and that the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;⁵²
- “4. *Calls upon* Israel to desist from acts or activities in contravention of resolution 237 (1967);
- “5. *Requests* the Secretary-General to keep the situation under review and to report to the Security Council as appropriate.”⁵³

(3) *Violation of cease-fire order and the Israeli attack on Es-Salt on 4 August 1968*

“*Recalling* its previous resolution 248 (1968) condemning the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions and deploring all violent incidents in violation of the cease-fire,

“*Considering* that all violations of cease-fire should be prevented,

“*Observing* that both massive air attacks by Israel on Jordanian territory were of a large scale and carefully planned in violation of resolution 248 (1968),

“*Gravely concerned* about the deteriorating situation resulting therefrom,

“1. *Reaffirms* its resolution 248 (1968) which, *inter alia*, declares that ‘grave violations of the cease-fire cannot be tolerated and that the Council would have to consider further and more effective

⁵² The provision coincides with paragraph 3 of Security Council resolution S/228 (1966) of 25 November 1966, condemning Israel for the attack on Sammu’, which read: “*Emphasizes* to Israel that actions of military reprisal cannot be tolerated and that if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts.” Six months later, the Israelis launched their surprise attack of 5 June 1967.

⁵³ Resolution 248 (1968) of 24 March 1968—U.N. Document S/RES/248 (1968).

steps as envisaged in the Charter to ensure against repetition of such acts’;

“2. *Deplores* the loss of life and heavy damage to property;

“3. *Considers* that premeditated and repeated military attacks endanger the maintenance of the peace;

“4. *Condemns* the further military attacks launched by Israel in flagrant violation of the United Nations Charter and resolution 248 (1968) and warns that if such attacks were to be repeated the Council would duly take account of the failure to comply with the present resolution.”⁵⁴

(4) *On ‘the situation in Jerusalem’*—The Security Council saw fit to adopt the following resolution:

“*Recalling* General Assembly resolutions 2253 (ES-V) and (ES-V) of 4 and 14 July 1967,

“*Having considered* the letter (S/8560) of the Permanent Representative of Jordan on the situation in Jerusalem and the report of the Secretary-General (S/8146),

“*Having heard* the statements made before the Council,

“*Noting* that since the adoption of the above-mentioned resolutions, Israel has taken further measures and actions in contravention of those resolutions,

“*Bearing in mind* the need to work for a just and lasting peace,

“*Reaffirming* that acquisition of territory by military conquest is inadmissible,

“1. *Deplores* the failure of Israel to comply with the General Assembly resolutions mentioned above;

“2. *Considers* that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

“3. *Urgently calls upon* Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;

⁵⁴ Resolution S/RES/256 (1968) of 16 August 1968.

“4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution.”⁵⁵

The Commission on Human Rights also felt concern over the Israeli treatment of the civilian population of occupied territories; and on 27 February 1968, adopted the following resolution:

“*The Commission of Human Rights,*

“*Recalling* provisions of the Geneva Conventions of 12 August 1949 regarding the protection of civilian persons in time of war,

“*Mindful* of the principle embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country,

“*Recalling* resolution 237 (1967) adopted by the Security Council on 14 June 1967 in which the Council considered that essential and inalienable human rights should be respected even during the vicissitudes of war and called upon the Government of Israel, *inter alia*, to facilitate the return of those inhabitants who have fled the areas of military operations since the outbreak of hostilities,

“*Recalling also* resolution 2252 (ES-V) adopted by the General Assembly which welcomed with great satisfaction Security Council resolution 237 (1967) of 14 June 1967 and called for humanitarian assistance,

“1. *Notes* with appreciation the resolutions adopted by the Security Council and the General Assembly in accordance with the provisions of the Universal Declaration of Human Rights and the Geneva Conventions of 1949 regarding human rights in the territories occupied as a result of the hostilities in the Middle East;

“2. *Affirms* the right of all inhabitants who have left since the outbreak of hostilities in the Middle East to return and that the Government concerned should take the necessary measures in order to facilitate the return of those inhabitants to their own country without delay;

“3. *Requests* the Secretary-General to keep the Commission

⁵⁵ Resolution 252 (1968) adopted at 1426th meeting of the Security Council on 21 May 1968—U.N. Document S/RES/252 (1968).

informed upon developments with respect to operative paragraphs 1 and 2 above.”⁵⁶

At the 990th meeting of the Commission on Human Rights, the Representative of Yugoslavia, referring to a newspaper report of the demolition of certain Arab homes in Old Jerusalem by Israeli authorities, proposed, on behalf of his own delegation and those of Pakistan and India, that, as had been done previously in cases of urgency, a telegram be despatched to the Government of Israel reading as follows:

“The United Nations Commission on Human Rights is distressed to learn from newspapers of Israeli acts of destroying homes of Arab civilian population inhabiting the areas occupied by the Israeli authorities subsequent to the hostilities of June 1967. The Commission on Human Rights calls upon the Government of Israel to desist forthwith from indulging in such practices and to respect human rights and fundamental freedoms.”

By 17 votes to 1, with 7 abstentions, the Commission adopted the proposal of India, Pakistan and Yugoslavia.⁵⁷

The declarations of Israeli leaders varied according to the circumstances. Before the Israelis were sure of United States support, their declarations were: “We do not demand anything except to live in tranquillity in our present territory”;⁵⁸ “We have no invasion aims. Our only target is to foil the Arab armies’ aim of invading our country”;⁵⁹ “Israel went to war without any territorial aggrandizement.”⁶⁰

Once the Israelis were assured that the United States would stand against any resolution in the United Nations that would condemn the aggression and order immediate ‘withdrawal,’ their position changed to one of: “The Gaza Strip is Israel; the status of the West Bank is the same”;⁶¹ “On no account will we force ourselves to leave, for

⁵⁶ Resolution 6 (XXIV) adopted at 973rd meeting on 27 February 1968—U.N. Document E/CN.4/L.1008 of 28 February 1968.

⁵⁷ U.N. Document E/CN.4/L.1025/Add. 14 dated 9 March 1968.

⁵⁸ From a radio broadcast by Israel Prime Minister Levi Eshkol on 5 June 1967.

⁵⁹ From a radio broadcast by Israeli Defence Minister Moshe Dayan on 5 June 1967.

⁶⁰ Statement made by Levi Eshkol in a speech to a reserve unit in Sinai. Quoted from the *Jerusalem Post*, 15 June 1967.

⁶¹ U.P.I. Despatch, 5 July 1967.

example, Hebron. This is a political programme but more important it is a fulfillment of a people's ancestral dream";⁶² "The world must reconcile itself to the fact that the (Old) City has at last returned to the nation that founded it and that turned it into a holy city";⁶³ "It (Jerusalem) was the capital of Israel in the days of David, and it will remain so for ever."⁶⁴

Summing up the Israeli attitude, Rowland Evans and Robert Novak of the *New York Post*, reporting from Jerusalem, said: "No matter what they say publicly, the Israelis are performing exactly as though they plan not a temporary but a permanent occupation of the historic lands west of the Jordan River they captured in the six-day war last June."

The writers reached this conclusion not only through the interviews of Israeli people, but most significant, they quote military officers to this effect. Besides, the activities of the Israeli authorities in the occupied territory are revealing. Everywhere on the West Bank, wrote these reporters, Arab road crews, supported by heavy Israeli equipment, are widening the narrow roads of the Jordan. Telephone crews are laying down modern lines of communication and connecting them into a single central system with the headquarters in Tel Aviv.

Referring to these and other developments, such as the establishment of strategically located Israeli 'training camps,' an Army Colonel said: "We would do this only if we plan to stay a long time."⁶⁵

⁶² U.P.I. Despatch, 9 August 1967.

⁶³ U.P.I. Despatch, 5 July 1967.

⁶⁴ *Jerusalem Post*, 20 June 1967.

⁶⁵ *New York Post*, 21 October 1967.



Israel territory resulting from Armistice Agreements, 1948. Territories occupied as a result of the hostilities of June 1967