CHAPTER VI
THE UNITED NATIONS AND PARTITION RESOLUTION

The Problem before the General Assembly

The negotiations of the British government with the two communities Arabs and Jews had come to a deadlock and hostilities in Palestine had increased. The British government under these circumstances decided in February, 1947 to place the problem before the United Nations. Mr. Bevin, the British Foreign Secretary explaining the reason behind this decision, told the House of Commons on Feb. 18, 1947: that:

His Majesty’s Government have of themselves no power, under the terms of the Mandate, to award the country either to the Arabs or to the Jews or even to partition it between them. It is in these circumstances that we have decided that we are unable to accept the schemes put forward either by the Arabs or the Jews or not to impose ourselves a solution of our own. We have, therefore, reached the conclusion that the only course now open to us is to submit the problem to the judgment of the United Nations.

On April 2, 1947 the British Government asked that the question of Palestine be placed on the agenda for the next

regular session of the United Nations General Assembly. In addition, Britain asked for the convening of a special session to appoint and instruct a special committee to prepare the ground for the General Assembly’s study of the future government of Palestine.²

In a meeting held on April 17, 1947 the Political Committee of the Arab League decided to oppose the creation of a committee of inquiry by the United Nations, and proposed the inclusion on the Agenda of the special session of an item calling for the termination of the mandate over Palestine and declaring it an independent country. Further, if a committee of inquiry were to be set up against Arab wishes, they agreed to work toward the inclusion in the Mandate over Palestine and recognition of that country’s independence. The delegations of the Arab states were asked to follow these guidelines during the deliberation of the Palestine problem by the coming special session of the United Nations.

However before the special session got underway, the Arabs were confident that the other delegates would be aware

of their side of the story and the final decision would be in their favour. The Jewish Agency began to make detailed plans to win support for the Zionists arrived in Palestine for conferences on future policy. The discussions of three weeks, and the resolutions adopted have not been disclosed; but six U.S. members of the Jewish Agency and Dr. Nahum Goldman were appointed to organise the U.N. Campaign.

The First special session of the General Assembly of opened at Lake Success on April 28, 1947 to consider the Palestine question. There were two proposals on the agenda, a British proposal that asked for "the constitution and instruction of a committee to investigate the Palestine question", and an Arab proposal submitted by Egypt, Iraq, Lebanon, Syria and Saudi Arabia calling for the "termination of the Mandate over Palestine and the declaration of its independence." This Arab item of the agenda was in accordance with the decision taken by the Political Committee of the Arab League on April 17, 1947, as previously


mentioned. The Arab states based their suggestions on the ground that the problem before the General Assembly was not that more facts needed to be found, but that self determination should be applied as set forth in the Charter of the United Nations. These principles, in the opinion of the Arab states, were inconsistent with the Palestine Mandate which was based on Power politics, rather than the right or wrong of the situation. When the vote was taken on the Arab proposal the General Assembly decided by a vote of 15 in favor, 24 against with 10 abstentions, not to recommend the inclusion of the Arab states proposal in the agenda. With the defeat of the Arab item of the agenda in


Against: Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Equador, France, Greece, Honduras, Liberia, the Netherlands, Newzeland, Norway, Panama, Peru, Phillipino Republic Sweden, Union of South Africa, United Kingdom, United States, Uruguay, Veneruela.

Abstentions: Bolivia, Colombia, Czechoslovakia, Dominican Republic of El Salvador, Ethiopia, Guatemela, Haiti, Mexico, Poland.

Absent: Costa Rica Iceland, Luxembourgh, Nicaragua, Paraguay, Siam.
the Assembly, another procedural question was taken up that consumed much time, i.e. the representation of the Arabs and Jews of Palestine before the organisation. It was ultimately decided that the Jewish Agency for Palestine and the Arab Higher Committee could appear before the First Committee. 8

After setting the procedural questions before it, the General Assembly took up the main question of the constitution and instruction of the special committee to prepare the Palestine question for consideration at the second regular session. Before the assembly, there were two principal resolutions. One, submitted by the U.S. delegation, suggesting an investigation committee composed of Canada, C Czechoslovakia, Iran, the Netherlands, Peru, Sweden and Uruguay. The other resolution was submitted by Argentina, calling for an investigation committee composed of sixteen states. There would be China, France, U.S.S.R., United Kingdom, United States, one state chosen from among the Five Arab states, and five other states chosen by lot on a regional basis - one from Asia, one from Africa, one from

the Pacific and three from the American continent. The basic difference between the two resolutions was in the attitude toward the participation of the Big Five. While the Argentine resolution favored such participation, the American opposed it. Another point of difference was in the inclusion of one member of the Arab states on the special committee. The author of the Argentine proposal, considered Arab participation desirable because it would "place the problem in the hands of all those who have some interest in the problem." The Soviet Union Representative also supported the inclusion of one Arab representative on the committee. He saw no reason "for objecting to the inclusion in this committee of one of the Arab countries which, as we know seems particularly concerned with the Palestine problem. Mr. Gromyko also supported inclusion of representative of the permanent members of the security council in the U.N. Special Committee on Palestine.

He informed the First Committee that:

it is enough to ask ourselves the question in what circumstances will it be easier to reach agreement on the Palestine problem at the forthcoming session of the General Assembly? Will it be if the five great powers participate in the preparation of proposals and decisions, or if the Five great powers stand aside? It is obvious that there will be fewer difficulties in reaching agreement on the Palestine question at the next regular session of the General Assembly if the Five powers take part in the preparation of the relevant recommendations for the General Assembly". 12

The proposal of Soviet Union was supported by Poland and was opposed by U.K. At the close of the debate on the two resolutions, the First Committee at its fifty seventh meeting adopted the amended American Resolution. This excluded the permanent members of the security council and the membership of the committee swelled to eleven. 13 The General Assembly on May 15, 1947, appointed the following

12. Ibid.
states to the United Nations special committee on Palestine (UNSCOP): Australia, Canada, Czechoslovakia, Guatemala, India, Iran, the Netherlands, Peru, Sweden, Uruguay and Yugoslavia.\(^\text{14}\) After solving the problem of the composition of the special committee, the first committee turned its attention to the formulation of its terms of reference.

Having failed to get their proposal Agenda item included on the agenda of the special Session and failing in the prevention of the creation of the committee of inquiry the Arabs concentrated their efforts on the terms of reference of the UNSCOP. The Arabs strove to prevent UNSCOP from examining the Jewish displaced persons situation in Europe and Jewish immigration into Palestine, because these problems, the Arabs contended, had no connection with the Palestine problem. The Egyptian delegate, Mohmoud Hassan Pasha told the committee:

\begin{quote}
I do not see why we should complicate the question of Palestine by stepping on the rights of the original inhabitants of that country and allowing an invasion by an alien racial group. It is my belief.... that the question of Palestine is independent of the question of the displaced persons.\(^\text{15}\)
\end{quote}

\(^{\text{14}}\) Ibid., Vol. I, pp.176-77.

\(^{\text{15}}\) Ibid., Vol. III, p.186.
On the question of independence of Palestine, Mr. Hassan informed the Committee that:

It is most unjust and clearly opposed to the Charter of the United Nations, to single out Palestine from among all of the countries of the world and make its independence conditional upon the Jews becoming a majority against the wishes of the present majority of Palestinians.16

The Syrian delegation headed Mr. Faris EL khouri told the committee, "The question of Palestine is altogether independent and separate from the question of persecuted persons in Europe. The Arabs of Palestine are not responsible in any way for the persecution of the Jews in Europe."17 Mr. Charles Malik representing the Lebanese delegation shared the same feelings as those of Egypt and Syria. Mr. Malik observed:

It is very unfortunate that we constantly link these two problems together, either by implication or by direct mention, namely, the problem of Palestine on the one hand and the problem of the refugees and displaced persons on the other. I think if we continue to do that, we are giving further indications to our committee beyond our terms of reference from the General Assembly.18

16. Ibid.
17. Ibid., pp.184-85.
There views were opposed by the Jewish agency. The Jewish agency considered the problem of Jewish immigration to be the heart of the problem and as such it must be considered by the committee. Mr. M. Shertok informed members of the First Committee that he favored the United States Government proposed for including the displaced persons situation on the agenda. According to Mr. Shertok the relevant paragraph should read, "That the committee shall bear in mind the principle that independence for the population of Palestine should be the ultimate purpose of any plan for the future of that country and shall study various other issues connected with the problem of Palestine."

After the conclusion of the general debate before the first committee on the terms of reference of UNSCOP, voting began on the specific wording of these terms as included in the United States resolution. The other resolution submitted before the Committee by Argentina was withdrawn.

The vote taken on the paragraph that would permit the UNSCOP to visit refugee camps in Europe was adopted by a

20. Ibid., p.321.
vote of 36 in favor, 8 against and 4 obsetentions. The proposal of the Arab states that the question of Palestine was one in itself, did not receive the necessary vote for its passage. When the next paragraph, which read: "The special committee shall prepare a report to the general Assembly and shall submit such proposals as it may consider appropriate for the solution of Palestine" was next brought to vote, the delegations from India and the Soviet Union submitted amendments that would add the words"....including a proposal on the question of establishing without delay the independent democratic state of Palestine.21 These amendments were defeated. Supporting the amended draft resolution were the Arab states, the Soviet block, Afghanistan, India and Turkey while 26 voted against it, 12 abstained.22

The Arab states reacting to the outcome of the vote in the General Assembly declared that they would vote in the General Assembly against the terms of reference of UNSCOP as adopted in the first committee. In a brief statement before the committee, El Khouri explained why the syrian delegation intended to vote against the terms of reference as adopted in the committee:

21. Ibid., p.310.
22. Ibid., pp.312-13.
The reason is that a definite proposal for the independence of Palestine was detected by a great majority, and that another proposal to the effect that the solution should be based on the preamble of the charter of the United Nations, and the Covenant of the League of Nations was also overlooked.²³

In a nutshell, the first committee had not included the question of Palestine's independence in the instructions to UNSCOP and that group had complete freedom to go anywhere to study entire Palestine problem, specifically Zionist point of view.

The General Assembly received the recommendations of the First Committee and before the vote on the recommendations was taken the delegate from Egypt expressed his opinion that he would vote against the committees report. He said, "The decisions reached by the First Committee are not in line with the legal and political remedies believed necessary by us to a just and lasting solution of the Palestine problem".²⁴ The other Arab representatives supported Mr. Mohmoud Hassan Pasha of Egypt.

²³. Ibid., p.360.
When the delegates finished explaining the Arab position, the recommendations of the First Committee were put to a vote. It was adopted by a vote of 45 for, 7 against, 1 abstention and 2 absent.  

The resolution adopted by the General Assembly provided that, (1) a committee of Inquiry composed of eleven states was to be established; (2) the committee was given the power to investigate all issues connected with the Palestine problem and submit its recommendations to the General Assembly no later than Sept 1947; and (3) the committee was given Freedom to examine the problem of displaced persons in Europe and any other issues connected with the Palestine problem.

25. Ibid., p.176.

Voted in favour: Argentina, Australia, Belgium, Bolivia, Brazil, Byelorussion S.S.R., Canada, Chile, China, Columbia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Equador, El-Salvador, Ethiopia, France, Greece, Guatemala, Honduras, Iceland, India, Iran, Liberia, Luxemburg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Sweden, Ukrainian S.S.R., U.S.S.R., Union of South Africa, U.K., U.S.A., Uruguay, Venezuela, Yugoslavia.

Against: Afghanistan, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Turkey.

Abstention: Siam.

Absent: Haiti, Philippine Republic.

Another resolution was put forward before closing of the session of General Assembly. It included an amendment proposed by the representative from El Salvador that added the phrase "the inhabitants of Palestine". This resolution, which asked all the concerned parties in the region:

to refrain, pending action by the General Assembly on the report of the Special Committee on Palestine from the threat or the use of force or any other action which might create an atmosphere prejudicial to an early settlement of the question of Palestine." 27

This was passed with no opposition, though the Arab states abstained. Following the vote on the resolution, governments of the eleven states which comprised the UNSCOP communicated the appointment of their representatives. The members of the UNSCOP included the representative of Guatemala, Garcia Granados, who was considered to have a pro Zionist sympathy. In this regard he had the support of the representative of Uruguay.

The Arabs had virtually lost every point in the first phase of the battle. The Arab frame of mind was reflected

27. Ibid., pp.173-740.
in the newspapers throughout the Arab states. The Jordanian daily, Feiestin, wrote in its editorial: "Our defeat at the U.N.O. was complete ..... but defeat here is a figure of speech; what was actually defeated was right and justice, while the Atlantic Charter failed and the consciences of Europe and America were bankrupted."28

Most of the Arabs press reflected the view that the defeat of the Arab proposals was a result of an Anglo-American conspiracy in which the United States took active part. An editorial in Al- Difa said: "The Arabs fought very hard to explain to all world government the tragedy of Palestine, but Arab efforts were in vain in the face of the well contrived Anglo-Zionist (or rather Anglo American) conspiracy, because its foundation was established by the hated Balfour Declaration and the Mandate."29 Ash-Sha‘b commented that the greatest influence on the formation of the fact-finding committee was that of the British and


Americans. Those same countries restricted the terms of reference. 30

The Arab states had gone to the United Nations with the idea that the concepts and morals that were ingrained in the Charter of the United Nations would at least guarantee them a fair opportunity to persuade other nations that their cause was just. The Arab states attempted to dissuade the General Assembly of the necessity to have another fact finding commission and tried to get the point across that the real issue was whether or not the Arab inhabitants were to be deprived of their homeland in Palestine through increased Jewish immigration. Al-Difa said that the Arab states:

were not surprised of Britain's attitude in preparing its own favorable atmosphere for the special session and then staying in a corner watching her plot hatch, nor the American attitude which had embraced the Zionist cause over since it ... saw an easy way for American power to penetrate the Arab would ... but what

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30. Ash-Shab, As cited by Z. Hamdan no. 28, p. 51.
did cause astonishment was the statement by Gromyko ... setting the principles of his country and the Nations at a cheap price ... to disturb the atmosphere of the Middle East, since disturbance serves the Russian interests. And later, Gromyko... appeared to be exactly like the representatives of the imperialist states.

The Arabs also emphasized that the fact of Jews being displaced persons in Europe was regrettable, but certainly was not relevant to a solution of the Palestine problem. They further drove the point home that if a fact finding body were appointed investigation of Jewish problems in any place other than Palestine was not appropriate. And certainly not the least important was the Arab attempt to have the General Assembly place their proposal that the British mandate be immediately ended on the agenda.

The defeat on all counts at this first placement of the Arab problem before the United Nations gave the Arabs cause to feel that the United Nations was not a fair tribunal where principles above predominated, but was instead an organization dominated by the Major powers.

32. Ibid., May 20, 1947.
While the Arabs had tried parliamentary procedures which could have gained them their legitimate support, they suffered from the lack of skilled diplomats serving on the delegation from the Arab states, and also from naivete. On the other hand, the Zionists had obviously mobilized sufficient support in the big countries which would subsequently influence the smaller countries, to win the extremely important first round. Had the Arabs succeeded in having the UNSCOP consider the question of immediate independence of Palestine, then the Arab majority would be able to make it an Arab state. Had the Arabs succeeded in having the UNSCOP from outside issues and had them make their recommendations based on the facts relevant to Palestine alone, the result may not have ended as it did.

However, the result of the first special session of the United Nations Organisations over held had been a complete victory for the Zionists. Every pointer that they had held out before the session had been followed. The terms of reference of UNSCOP did not include the issue of independence of Palestine; Britain and Arab States were not included in the composition of UNSCOP. The U.S.S.R. and its allies of the East European countries had underwritten the idea of partition and setting up a Jewish state; the posture of the U.S. delegation had met with their approval.
The very composition of UNSCOP was most favourable to the Zionists. Of the twelve States represented, the governments of Czechoslovakia and Yugoslavia would follow Moscows lead; those of Guatemala, Peru and Uruguay were already sympathetic to Zionist state scheme; and Zionism was not without influence in the Netherlands and Sweden.

The United Nations Special Committee On Palestine

UNSCOP arrived in Jerusalem in mid June of 1947. Its first request was that the Government of Palestine and the Jewish Agency appoint liaison officers. Mr. D.C. MacGillivray was assigned to represent the while Aubrey S. Eban and David Horowitz served as liaison officers for the Jewish Agency. Concurrent with its arrival in Palestine, the UNSCOP body received a cable from the secretary General of the U.N. advising them of the decision of the Arab Higher Committee to abstain from collaboration with UNSCOP on the grounds that the committee from the U.N. was predisposed toward favoring a Zionist solution. The Higher Committee declared further that the natural rights of the Palestinian people were selfevident and based on the

principles of the United Nations Charter ... as such they need not be subject to another investigation. Furthermore, the Arabs were angry that the UNSCOP had rejected to demands of other Arab states that the problems of Palestine and the Jewish refugees be separated. The Higher Committee even organised a general strike for the day of the arrival of UNSCOP in Palestine to show the profound feelings. The Arab League and governments of the Arab states tried to persuade the Higher Committee to change its contrary attitude, for the intractable position that the higher Committee was developing would be "poor propaganda" and would hurt the overall Arab cause.35

The Arab Higher Committee however refused to appear before UNSCOP, the Chairman of the UNSCOP appealed for full cooperation in a broadcast on June 16, 1947:

I cannot put it too strongly that this committee has come to Palestine with an open mind. Our membership represents eleven different countries elected by the General Assembly, no one of which has any concern with the Palestine Question, but each of which shares the general concern for its equitable

solution. We are impartial on this problem and we intend to make an impartial report to the General Assembly. We come without bias. We have reached no conclusions in advance and we will reach none until we are in possession of the necessary information. Indeed, the work of this committee begins here.  

Three weeks later, UNSCOP decided to follow up the appeal by its chairman with a letter asking the Arab Higher Committee to reconsider its decision of non-cooperation. Jamal el-Husseini, Vice Chairman of the Arab Higher Committee on July 10, 1947, replied. He stated that the Arab Higher committee found no reason to change its previous decision. In contrast to the Palestinian Arab position, the other Arab states wanted to cooperate with UNSCOP as did the Jewish Agency.

The UNSCOP interviewed the representatives of the Palestine Government in the hope of obtaining information that would be helpful in reaching some conclusions. In keeping with the declared British position, no official recommendations for a solution were offered.

37. Ibid., p.6.
38. Ibid.
After the representative of the Palestine Government there came the Jewish Agency. Its representatives gave their position to UNSCOP as follows:

(a) That Palestine be established as a Jewish commonwealth integrated in the structure of the democratic world

(b) That the gates of Palestine be opened to Jewish immigration.

(c) That the Jewish Agency be vested with the control of immigration into Palestine and the necessary authority for the upbuilding of the country. 40

Many Jewish organization in Palestine and throughout the rest of the world submitted written or oral statements to the UNSCOP agreeing with the Jewish Agency for Palestine that the British mandate should be ended immediately and a Jewish state created. There were, however, difference of opinion between those who demanded that the whole of Palestine become a Jewish state, and those who are prepared to accept partition provided the territory assigned to the Jewish State was large enough to permit the settlement of a

40. Ibid., 1, p.40.
There was also a third faction which advocated a binational state with equal political rights for the two communities regardless of their respective sizes. Dr. Magnes, a leader of this faction, warned that partition would simply continue Arab claims on the land awarded to the Jews and result in war. He contended that:

Upon the basis of experience of the past twenty five years ..., Arab-Jewish cooperation has never been made the chief objective of major policy, either by the mandatory government, by the Jewish Agency, or by those representing the Arabs. Arab-Jewish relationship is the main political problem which one has to face ... This is the Kernel of the problem.

UNSCOP could not hear the Arab point of view from the Arab Higher Committee, so it decided to invite the Arab States to a private meeting to express their views on the Palestine question. Before the committee arrived in Lebanon, a set of questions was forwarded to Egypt, Iraq, Lebanon,

41. Ibid.

42. Ibid., IV, Annex B, pp.195-96.
Saudi Arabia, Syria and Yemen for a written answer. Since Jordan was not a member of the United Nations, she did not send a representative to the proposed meeting but instead welcomed the committee to visit Jordan to hear her views on the problem.

UNSCOP met with the representatives of the Arab States in Lebanon on July 23, 1947.\(^{43}\) It is worth noting that the Arabs had held a preliminary meeting and had decided to submit one joint answer to each question asked them by UNSCOP. One of the questions asked which solution to the Palestine problem would be favored by the Arab States. It provided three choices:

(a) A binational state with a limited immigration
(b) A Federal state, comprising two or more part states, each having the power to determine whether or not immigration would take place
(c) Partition, involving establishment of a new state, or the establishment of a bridgehead.

The Arab States, as well as the Arab Higher Committee of Palestine rejected all these solutions because the establishment of a new state, or the establishment of a

\(^{43}\) Ibid., IV, p.42.
bridgehead, would be incompatible with their own rights.\textsuperscript{44}

The Arab states informed UNSCOP that the creation of a Jewish State in Palestine would endanger the other Arab states. Mr. Hamid Frangie of Lebanon summarized the Arab fears for the creation of such a state in Palestine by informing the committee that:

A Jewish state however small would constitute a danger for the Arab world both from the interior and the exterior. From the interior it would create friction, exert a certain economic pressure and would gradually infiltrate in order to create disorder. From the exterior a Jewish state would constitute a bridgehead against the Arab world.\textsuperscript{45}

In answering another question concerning the partition of Palestine by the United Nations, the Lebanese Foreign Minister, as the Arab spokesman, declared: "It was never the intention of the Charter to agree to a partition of the country I think this would be absolutely against all the principles of the Charter."\textsuperscript{46}

\begin{itemize}
\item \textsuperscript{44} Ibid.
\item \textsuperscript{45} Ibid., p.39.
\item \textsuperscript{46} Ibid., p.41.
\end{itemize}
On July 25, seven members of the UNSCOP visited Amman, to talk with king Abdullah and his Prime Minister about the Palestine problem. The king’s views and those of the Jordanian Government were essentially the same as those presented by the other Arab states in Lebanon.47.

The view of the Arab States that were given to UNSCOP were summarized as follows

(a) Palestine should be a unitary state, with a democratic constitution and an elected assembly.

(b) That the constitution should provide inter alia guarantees for:

(i) the sanctity of the holy places and, subject to suitable safeguards, freedom of religious practice in accordance with the status ; (ii) full civil rights for all Palestine citizens, the naturalization requirement being ten years residence in the country ; (iii) protection of religions and cultural rights of the Jewish community, such safeguards to be altered only with the consent of the majority of the Jewish members in the legislative assembly.

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(c) That the constitution should provide also for (i) adequate representation in the legislative assembly of all important communities, provided that the Jews would in no case exceed one third of the total number of members; (ii) the strict prohibition of Jewish immigration and the continuation of the existing restrictions on land transfer, any change in these matters requiring the consent of majority of the Arab members of the Legislative Assembly (iii) the establishment of a Supreme Court which would be empowered to determine whether any legislation was inconsistent with the constitution.\textsuperscript{48} In advance of its meeting in Geneva, UNSCOP dispatched a sub committee headed by Mr. Hood, the Australian Representative, to examine the conditions of the Jewish displaced persons in Austria and Germany.

After four months of studying reports, documents and memoranda, holding hearings with individuals and groups, and making field trips to observe conditions, UNSCOP submitted its report on August 31, 1947.\textsuperscript{49} Since the Committee could not agree among themselves on one solution to the Palestine

\textsuperscript{48} Ibid., p.40.

\textsuperscript{49} Ibid., pp.47-64, 42-46.
problem, UNSCOP submitted both a majority and a minority report, with Australia not subscribing to either. Australia’s position was that UNSCOP’s task was not to back any specific proposal, but only to present the various alternatives with their advantages and disadvantages, and then leave the final decision to the General Assembly, based on the merits of the opposing solutions. 50

Nevertheless, in addition to proposing a solution, UNSCOP made eleven recommendations upon which the members agreed unanimously, and a twelfth recommendation to which Guatemala and Uruguay dissented. Among other points, the twelfth recommendation proposed (1) the British mandate over Palestine be terminated as soon as possible and the country be given independence at the earliest practicable date, with the United Nations assuming responsibility for Palestine in the interim, (2) provision be made for safeguarding the Holy places; (3) the General Assembly find a solution to the Jewish refugees in Europe by international action which should be aimed toward immediate alleviation of the plight of the Palestine problem; (4) solution of the Palestine

50. Khouri, n.35, p.47.
problem not to be considered as a solution to the entire Jewish problem.51

Following the twelve recommendations UNSCOP presented its majority plan for the Palestine state with economic union between the halves. The members supporting this solution were from Canada, Chechoslovakia, Guatemala, the Netherlands, Peru, Sweden and Uruguay. The plan provided for the division of Palestine into an independent Arab State and an independent Jewish State. The Jerusalem Bethlehem enclave was to be placed under an international trusteeship administered by the U.N. The two states would be linked together by an economic union which would have common currency, custom union etc. The division would not take place until September I, 1949, and Britain would continue to administer the Mandate during the transition period.52 To gain Britain's acquiescence, the majority plan provided that Britain should continue its administration "an such conditions and subject to such supervision." as might be


52. Ibid., pp.48-49. Britain had declared that she would terminate the mandate before September 1949, but the recommendation was made despite this. Moreover this was an indirect invitation to United States to share in the responsibility of implementing the partition plan, since the U.S. had on many occasion supported Zionist demands to admit 100,000 Jews to Palestine.
agreed upon between the United Kingdom and the United Nations", and if so desired, with the assistance of one or more members of the United Nations". Another important point in the majority report was that it called for the admission of 150,000 Jews during the transitional period.

The boundaries of the proposed Arab State would include the coastal plain from Isdud to the line between Egypt and Palestine which existed during the Mandate period. The boundary would extend north to the hill country of Samaria and Judea, excluding Jerusalem, to Western Galilee. The proposal Jewish State would include eastern Galilee, the Esdraelon plain, most of the coastal plain, and the Negev. The distribution of population in the two proposed states had been recorded for UNSCOP'S purposes as follows:

<table>
<thead>
<tr>
<th></th>
<th>Jews</th>
<th>Arabs and others</th>
<th>Total</th>
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<tbody>
<tr>
<td>The Jewish State</td>
<td>498,000</td>
<td>407,000</td>
<td>905,000</td>
</tr>
<tr>
<td>The Arab State</td>
<td>10,000</td>
<td>725,000</td>
<td>735,000</td>
</tr>
<tr>
<td>City of Jerusalem</td>
<td>100,000</td>
<td>105,000</td>
<td>205,000</td>
</tr>
</tbody>
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In addition there would be about 90,000 Bedouins in the Jewish State.54

53. Ibid., p.48.

54. Ibid., p.54. The Government of Palestine reported the total Jewish population in July 1947 to be 625,000. There also may have been a number of illegal, unregistered immigrants not included in this total.
The constitutions of both states were to include provision for the protection and free access to the Holy Places. Jewish immigration would be permitted during the transition period, and for an additional period of three years, depending on the capacity of the country to absorb such refugees. The absorptive capacity would be determined by an international commission set up for a period of three years and would be composed of three Arabs, three Jews and three representative of the United Nations.

The majority report did not take into consideration repeated Arab threats that they would oppose partition by all possible means. It also failed to indicate how the UNSCOP felt that the economic unity between the two states would be achieved in the face of the establishment of two political entities in the midst of a highly charged emotional atmosphere between the Arabs and the Jews.

The minority plan suggested a single state with a federal structure. Supporting this plan were the representatives of India, Iran and Yugoslavia. The federal state would comprise an Arab State and a Jewish State, with Jerusalem as its capital. This federal state would be created over a transitional period of three years, during
which the responsibility for administering the country would repose in an authority designated by the United Nations. There would also be a federal legislature established for each of the Arab and Jewish states, each having control over all local affairs except immigration. Controls over immigration into the Jewish state was to be entrusted to an international commission composed of three representatives—one a Palestinian Arab, one a Palestinian Jew, and third representing the United Nations. This commission would determine the absorptive capacity of the Jewish state "having due regard for the rights of the population then present within that state and for their anticipated natural rate of increase". 55

It was assumed that the minority report, like the majority report would not be opposed by the concerned parties in Palestine. Consequently neither report made concrete suggestions for handing any violent opposition as the special session, and despite the recalcitrant attitude of the Arab Higher Committee. The Arabs apparently still thought that they would be able to persuade those

55. Ibid., pp.60-64.
responsible for making recommended solutions on the problem that their side was stronger and deserved a favourable response.

After the recommendations of the UNSDOP were made public, the reaction of the Arab states was universal in denouncing the report. The Lebanese Prime Minister said:

> the logic evaded the true facts in the matter... Arab states will utilize all diplomatic means, whether inside the United Nations, or inside other international organisations, to convince Zionist supporters of the futility of their support. If international methods fails, the Arab states will not hesitate to use other means to eradicate this danger...."56

The Secretary General of the Arab League was reported to say "The Arab States refuse to accept the recommendations of the United Nations special committee....merely a decision twisting the facts of Palestine in favor of the Zionist minority."57

The Political Committee of the Arab League met in Lebanon and issued the following communique:

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56. Al-Ahram (Cairo), September 14, 1947 Quoted in Z. Hamadan, p.28, p.70.

57. Al-Ahram September 16, 1947, Quoted in Z. Hamadan, n.28, p.70.
The Political Committee considers the recommendations of UNSCOP are contrary to the natural rights of the Palestinian Arabs. Implementation of the recommendations would endanger peace and security not only in Palestine, but in the other Arab States as well... Committee decided to fight implementation by all effective practical means, as well as any other solution that might be devised which did not ensure independence of Palestine as an Arab state... Arabs of Palestine will never surrender to any solution which deprives them of their homeland or destroys its unity...they will fight a fierce, fight to defend their country especially when they know that the Arab states will stand behind them with men, money and ammunition... 58

The Arab leaders referred to preferably taking action through the United Nations or some other international body, and that the other threatened action will be taken only if the diplomatic attempts fail. It would seem that at this state the Arab states were still confident that they could gain their way through the medium of United Nations.

The UNSCOP Report before the Ad hoc Committee

The General Assembly opened its session in September 1947 with an agenda which included the UNSCOP report. The check question of Palestine which had been submitted to the first special session in April, and a new joint proposal of the Arab states for the "Termination of the Mandate over Palestine and the Recognition of its independence as one state." Before the General Assembly examined the Palestine question in detail, it referred it to the General Committee for recommendation. That Committee recommended the establishment of an AD HOC committee to study the recommendations of UNSCOP and report to the Assembly its own recommendations. When the General Assembly considered forming such an AD HOC committee delegations from two Arab States opposed the recommendation. The Arab opposition was based on their deeply felt apprehension that external pressure could be mobilized within the United Nations against such a committee and that their cause would be greatly endangered. The Iraqi delegate opposed the establishment of an AD HOC committee and proposed instead that the Palestine problem be considered in the political committee. Support his colleague, the delegate from Lebanon declared:

I want to state frankly another consideration which worries us; that is, that if you set aside a special committee to consider this problem, we feel that it is more possible to have certain pressure groups exert their influence to the maximum upon such a special committee than if the question were dealt with by the Political Committee which would, at the same time, be examining all the other important questions.60

But despite Arab opposition, the General Assembly on the same day set up an AD HOC committee on the Palestine question consisting of all members of the Assembly. AD HOC committee elected H.V. Evatt of Australia as its Chairman, and decided as one of the first orders of business to invite both the Arab Higher Committee and the Jewish Agency of Palestine to be present at its deliberations. On its agenda, the committee had three items: (1) question of Palestine as proposed by the United Kingdom (2) report of UNSCOP; (3) termination of the Mandate over Palestine and recognition of its independence as a unitary state, as proposed by Iraq and Saudi Arabia.

The representative of the Arab Higher Committee was invited to give his views before the AD HOC committee, and

61. Ibid., p.275,
he rejected both the majority and minority recommendations for a solution as unworkable and unacceptable to the Arabs of Palestine. Instead, he proposed a general plan for a unitary independent state of Palestine . Arab of course. 62

The delegation from the Arab States, themselves also rejected both the majority and minority solutions of the UNSCOP declaring that both such plans violated the Charter of the United Nations and the inherent right of a people to self determination. The Arab States also supported the demands of the Higher Committee on October 4, 1947. The Lebanese representative informed the committee that the British Government: "Had no right to dispose of a country over which it had no jurisdiction. From the standpoint of international morality, the Balfour Declaration was completely without foundation and that the fact it had been incorporated into the mandate for Palestine did not give it any added validity. 63 The delegate from Lebanon also cited prior British statements that the British Government had not intended to create a Jewish state in Palestine. 64 As far as


63. *Ad hoc Committee*, Fourth meeting, October 4, 1947, p.4.

64. Command (Cmd) 1700, 1922.
the UNSCOP report went, the Lebanese delegate, Mr., Chamoun, said that the majority plan would create friction instead of bringing a solution to the Palestine problem. In particular, Chamoun said that the distribution of territories for the two proposed states was unequal, that the area of the proposed Jewish state was six thousand square miles, while that of the Arabs was only about four thousand square miles. He feels the figure 407,000 given for the Arab population in the proposed Jewish state should properly be 500,000. Mr. Chamoun continued by stating that according to the majority plan proposed by UNSCOP:

In the Arab State, the Jewish minority would be small (8,000 to 10,000) while in the Jewish state the Arab population would be the same or even greater than that of Jews. In settling the frontiers and the compositions of the two proposed states, the majority of the Special Committee had given all the advantages to the Jews without thought of the subjection of the Arabs in the future Jewish state.

65. Ad hoc Committee, fifth meeting, p.4.
66. Ibid.
The Saudi-Arabian representative, Amir Faisal blamed Great Britain, the United States and the United Nations for complicating the Palestine problem. He declared that Great Britain was at fault over the turn of events in Palestine, "because of her encouragement of Jewish immigration and her failure to respect promises made to the Arabs."67 Regarding the United States, the Saudi Arabian representative asked why the American government would not allow the Jewish refugees into its own country. He also criticised those American congressmen and other officials who advocated the admission of an unlimited number of immigrants into Palestine without first taking into consideration and consulting the Arab population.68 Amir Faisal also criticized those United Nations members who had declared that the partition would solve the Palestine problem, while such a solution "would create a grave precedent for religions minorities and political groups to make similar claims".69

Now all of this general debate was taking place before the General Assembly in its guise as the Ad Hoc Committee.

67. Ibid., fifteenth meeting, p.1.
68. Ibid.
69. Ibid.
Nevertheless, since the question was an emotional one, the chairman continued to hear testimony after testimony bearing on the issue. The United States, for example, announced her support of the majority report of UNSCOP, with certain modifications. These modifications included more constitutional guarantees and a few territorial modifications. Mr. Hershel V. Johnson stressed the United States' conviction that the responsibility for keeping law and order in Palestine still would reside in the Mandatory power. He briefly referred to the problem of implementing the majority view by asserting the American Government's willingness to participate in any efforts initiated by the United Nations to solve the conflict that might arise, either through contributing money, or in meeting the need for keeping internal law and order during the transition period. Towards the latter end, Mr. Johnson suggested a special constabulary or police force recruited on a volunteer basis by the United Nations. Two days later the Soviet Union declared agreement with the United States on the proposed solution to the Palestine problem including

70. Jaffa, for example, was proposed to be included in the Arab State.

71. Ad hoc Committee, 11th meeting, p.3.
Mr. Tsarapkin informed the AD HOC committee that because Arab-Jewish relations had greatly deteriorated, it "had become impossible to reconcile their points of view on the solution to this problem; and the minority's proposal therefore appeared impracticable. Thus the partition proposed by the majority offered more hope of realization."  

The Jewish Agency rejected the minority plan, and also, and announced its acceptance of UNSCOPS majority proposal, which provided for partition, subject to certain territorial and other modifications. Elaborating on the Jewish Agency's viewpoint concerning the recommendation of UNSCOP, Rabbi Abba Hillel Silver told the AD HOC committee that on behalf of the Jewish Agency, he approved, with one exception the committees eleven unanimous recommendations. The exception was recommendation six which had to do with Jewish displaced persons. Rabbi Silver stated that the Jewish Agency did not disapprove this recommendation, but it would like to call attention to the "intense urge" of the majority of these displaced persons to

72. Ibid., 12th Meeting, p.2.
73. Ad hoc Committee, 4th meeting, p.4.
go to Palestine. Rabbi Silver said the Jewish Agency did not accept the solution advanced by the minority report because, "though it called them States, it actually made provision only for semi-autonomous cantous or provinces. Palestine would be an Arab state with Jewish enclaves, the Jews—would be frozen in the position of a permanent minority in the federal state, and would not even have control over their own fiscal policies or immigration." 74

Regarding the majority proposal of UNSCOP, the representative of the Jewish Agency declared that:

The Majority proposals did not satisfy the Jewish people. The Balfour Declaration, according to Mr. Llyod George, the then Prime Minister, implied that the whole of Palestine, including Transjordan, should ultimately because of Jewish state. Yet Transjordan was cut off from Palestine in 1922 and later set up as an Arab Kingdom, and now a second Arab state was to be carved out of the remainder of the country; finally, the Jewish National Home would represent less than one aside for it. Such a sacrifice should not be asked of the Jewish people. 75

74. Ibid., p. 5.

75. Ibid.
However, Rabbi Silver told the committee that the Jewish Agency would accept the partition as recommended by the majority plan as a lesser evil, subject to further discussion of constitutional and territorial provisions. When the Ad HOC committee convened for its nineteenth session, it decided to close the general debate. The Chairman, Mr. Evatt, decided to create three sub-committees to make a detailed study of the findings of UNSCOP and report on them.

The first committee was composed of nine pro-partition states and was delegated the task of drawing up a detailed plan that would support the UNSCOP majority proposal. Because the Arab Higher Committee again refused an annotation to attend the sub-committees meetings, while the Jewish Agency accepted - the deliberation and final report of the sub-committee were biased and completely one-sided.

The second sub-committee was composed of five Arab States, pro-Arab Pakistan and Afghanistan and neutral Colombia. This group was given the responsibility of drawing

76. Ibid., p.6.
up a scheme for a single, unified Palestine. Both Arab members and Colombia complained that the subcommittee only represented opposite viewpoints and requested that uncommitted states be added to each group to help find some middle ground that might permit a compromise agreement. When the Chairman, Mr Evatt, ignored the requests Colombia withdrew from the sub-committee, leaving only the Arabs and Pro Arabs as members. 78

The third subcommittee had the task of conciliating the two opponents, but it did not function at all. No group was set up to study the UNSCOP minority report, or any other possible solution at all. With the nonactivity of the third sub-committee, the General Assembly was to be advised by two prejudiced sub-committees representing the opposite poles of possible solution. 79

The second sub-committee's report contained three proposals, and was perhaps not as one sided as the report of the first committee. The proposals were, first, that the General Assembly ask for an advisory opinion from the

78. Ibid.
79. Ibid., p.49.
international Court of Justice on the legal questions concerning the League of Nation’s mandate and the United Nations competence to act in the case; the second proposal concerned the settlement of Jewish problem; and the third proposal called for the establishment of a unitary government in Palestine. 80

The Ad-HOC committee first considered the proposals of the second sub-committee. At the thirty second meeting of the Ad Hoc committee on November 25, 1947, the votes were taken. The first draft resolution, or proposal, which asked for an advisory opinion from the International Court was voted upon in two parts. The first part was rejected by a vote of 18 for , 25 against, with 11 abstentions. 81 The second part was that which would ask the International Court of Justice to rule "whether the United Nations or any of its members, is competent to enforce or recommend the enforcement of any proposal concerning the constitution and in particular, any plan of partition which is contrary to the wishes, or adopted without the consent of the

80. Ad hoc Committee, 23 Meeting, p.3.
81. Ibid., 32 meeting, pp.2-3.
inhabitants of Palestine." This proposal was also rejected by a vote of 21 to 20, with 13 abstentions. 82

The voting and the narrow margin on the last question reveals that those states voting for it doubted the legality of the partition plan. The second draft proposal was originally voted on paragraph by paragraph and failed. The proposal accordingly was amended and resubmitted for consideration. The amended draft proposal received 16 votes for, 16 against, and 26 abstentions. Because of the tie vote, they agreed to include the proposal in its report to the General Assembly. 83 The third draft proposal concerning the independent unitary state of Palestine was defeated by a vote of 13 to 29, with 14 abstentions. 84

After disposing of the proposals that tended to favour the Arab-side, the Ad HOC committee moved to consider the recommendation of the first subcommittee, which called for the partition plan with economic union. The committee voted to adopt a series of amendment, the most important of which was to leave the decision to the General Assembly to

82. Ibid., p.3.
83. Ibid., pp.4-6.
84. Ibid., p.6.
select the commission to implement its recommendations, in place of the *five nation commission* already designated. The amended draft resolution was adopted by a vote of 25 for, 13 against, and 17 abstentions. This simple majority vote was sufficient to adopt the partition resolution in the Ad HOC committee, but for the resolution to pass in the General Assembly it would be necessary that it receive a two thirds majority vote.

The outcome of the votes before the ad Hoc committee could only be viewed as another setback for the Arabs, at the same time representing a significant triumph for the Zionists and their supporters. The delegations from the Arab states protested against the partition resolution on the grounds that it was impractical, unjust and against the charter of the United Nations. The fact that the Ad Hoc committee adopted the partition resolution undoubtedly was the big step in achieving Zionist aims in Palestine. The first Zionist objective had been the recognition of the "National Home" in Palestine which in their view meant an independent state. The second objective was the recognition

85. Ibid., p.3.
of the Jewish Agency as the legal representative of the Jews in Palestine.\textsuperscript{86} Empowered to negotiate the attainment of the third objective ....an independent Jewish State in Palestine recognized by the United Nations.\textsuperscript{87}

There were a number of occurrences unfavourable to the Arab cause. None of them were fatal of course but their cumulative effect certainly was enough to deal the Arabs a blow. This is necessary to review the actions of the Ad Hoc committee. In the first place, the formation of the Ad Hoc committee was in itself an extra ordinary occurrence. Had the question of the UNSCOF report been referred to the Political Committee, the Arabs would have had fared better. In the Political Committee there would have been a more reasoned, less emotional approach to the question than was the case in AD Hoc committee. In addition, the Arab states would not have had to face the fact of the two diametrically opposed subcommittees that did arise under the Ad Hoc committee. Further, the problem of personal feelings towards particular delegates influencing the opinion toward their parent states would not have been as likely if the Political

\textsuperscript{86} John and Hadawi, n.3, p.247.

Committee were taking the action and making the recommendation.

The Zionists were able to more favourably impress the delegates from the other nations than the Arabs were. The Jewish case was presented by only three members of the Jewish Agency, in contrast to the Arabs who had a large number of diverse individuals making supporting, but often contradictory speeches for their cause. As a result, the Jews were able to be direct and incisive, and put their case forward in a logical and reasonable manner. They based their claims not only the plea that Palestine had been historically inhabited by Jews, but also on the legal status of the Balfour Declaration and the British mandate. The Jewish spokesman made the best use of their limited time before the committee to impress the members that their cause was right.

On the other hand the Arabs were not more skilled as politicians and statesmen than they were or they would, perhaps, have recognized that they were belaboring their points and boring their listeners. In addition, had they been more seasoned the Arabs may have been able to avoid some of their blunders, such as giving an inaccurate version
of documents that were well known to many of the other delegates. When the delegates from Egypt and Iraq stated that they had never accepted the British mandate as legal, it could be pointed out that both the countries joined the League of Nations and agreed to subscribe to all the requirements of membership, that the League of Nations had legally made. The British mandate ever Palestine was one such action that the League of Nation had legally committed. It was too late before either the Ad Hoc committee or the General Assembly for the two Arabs states to then say that they had registered reservations about seeing to uphold the mandate, for even if such reservation had been made and there was no evidence they had been .... it would have been necessary for the League of Nations to approve such reservations before membership would be approved.88

General Assembly and the Adoption of Partition Resolution in its Second Session

Inspite of serious setbacks earlier the Arabs were intent upon their attempt to avoid partition. Uptil now

88. See Jacob Robinson, Palestine and the United Nations (1947) Chapters XIII and XIV. While Jacob louds the Zionists the pinpoints every slip made by the Arabs in the U.N. The way the author portrayed the Arab action, it may be, it appeared, the same to the members of the U.N. at that time.
there had not yet been any show of power by the Zionists that would indicate that the two thirds majority required could be mustered by them to vote for participation. At the General Assembly active lobbying was on by both those favouring partition and by those against it. The Arab states needed only a few votes to prevent the decision from going against them. But this was perhaps the only point they could count on. The Zionists on the other hand, were backed by a substantial number of countries, including the United States and Russia, but had not yet gained an assured number of votes to win partition.

The debate on the draft resolution passed by the Ad Hoc committee began on November 26, 1977. The Arabs repeated their opposition, using generally the same arguments they had used before for the partition resolution not to be considered or adopted. Prince Saif EL Islam Abdullah of Yemen spoke in opposition, reminding the Assembly:

The Arabs of Palestine have agreed to great the Jews in Palestine equal rights. They overlooked the fact that many of the Jews had immigrated into Palestine against the will of the inhabitants. They overlooked all that for the sake of cooperation and peace. Can anyone then accuse the Arabs of being unreasonable or arbitrariness causing a breach of peace? 89

The Arabs seemed only to repeat the same words that had been used before on the floor of the General Assembly and make their primary move behind the scenes by trying to influence some of the uncommitted nations to vote against partition. They had yet not withdrawn from a parliamentary way of handling the issue. However they were beginning to realize the value of politicking and lobbied for votes while the debates were made.

Britain, which had been quiescent during the entire issue, and had generally abstained from voting on all questions involving the Palestine problem, was willing to withdraw its troops and influence from Palestine in any event. Sir Alexander Cadogan announced the British plan for withdrawal by August 1948. He further added:

The Government of the United Kingdom does not consider that the Mandate required it to establish either the Jewish State or an Arab State in Palestine by force, or to coerce either people in the interest of the other, nor is it prepared now to accept any responsibility which would involve the use of British troops as the means of enforcing a decision against either people.90

90. Ibid., pp.1323-24.
At the penury meeting of the General Assembly, the attitude of the American delegation was strongly in favour of adopting the Ad Hoc committee resolution. The American delegate personally gave his support to the proposal in private, but not to the degree he displayed in the General Assembly. This luke warm support of partition may be attributed to the influence of the specialists in the State Department who emphasized the American strategic and economic interests in the Arab world. The Joint Chief of Staff were also against the partition plan for it appeared to them that it was most likely that the plan would result in armed conflict.

With a lukewarm Ambassador to the U.N. influential members of the State Department being against partition as it was not supposed to be in the best interest of the United States in maintaining its position in the Middle East, and the Joint Chiefs of Staff and military establishment against being against partition, it was important to know who was for it?91

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91. The answer to this is that the Zionist Organisation mounted a spectacular propaganda effort which convinced the majority of American that the Jews were in right.
At the plenary meeting however Mr. Johnson stated that the partition plan was not "perfect in every detail", but that it offered" the best practical present opportunity and possibility of obtaining, in a future foreseeable to us now, a peaceful settlement in Palestine. He defended the legal competence of the General Assembly to adopt the proposed resolution. He said, "the General Assembly has, in our view, the undoubted authority under Article 10 to discuss and make recommendations regarding any subject within the scope of the Charter, and under article 14 to recommend measures for the peaceful adjustment of any situation". Mr. Johnson explained further that although both the Arab and the Jewish satates clearly defined boundaries, these would be "as freely crossed as the boundaries which separate the individuals states and will be as friendly as the boundary which runs for three thousand miles between Canada and the United State".

The climax of the efforts coordinated between American officials and the Zionists began with the plenary meeting of


93. Ibid., p.1326.

94. Ibid., p.1327.
the General Assembly and culminated with the adoption of the partition resolution on November 29, 1947. During this period, "every clue was meticulously checked and pursued. Even the smallest or the remotest of nations was contacted and wooed. Nothing was left to chance." 95 The American delegate, with apparent instruction from White House, and the Zionists jointly exerted strong pressures to enlist the support of the majority of the UN members for the partition plan. To illustrate this pressure, Kermit Roosevelt wrote "what happened at the United Nations was a repeat performance of what had already happened in the United States. Using the same methods that had been so successful here, and having the United States Government to assist in their use there the Zionists succeeded in getting what they wanted." 96 In explaining the role of the White House in the passage of the partition resolution, Sumner Wells, former Assistant Secretary of State, wrote: "By direct order of the White House, every form of pressure, direct or indirect, was brought to bear by American officials upon these countries outside of 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 length be secured. 97

In his speech before the General Assembly, Mahmoud Fawzi referred to the pressure that had been put on members of the Ad-Hoc committee to vote in favour of the partition. Without mentioning the United States by name, he said:

> We have been told about the situation in which one of the great powers find itself, about the predicament in which it thinks, or perhaps feels, that it is entangled. We have been told concerning that great power, that being confronted with the imminence of a general national election, its candidates seek the vote of a single component state, and that vote depends on the Jewish electorate of a single city. Thus is its policy dictated with regard to a Palestine which is more than five thousand miles away. 98

The same day Lebanese delegate spoke in a more blunt fashion than his colleague from Egypt about the pressure and maneuvers to which United Nations members are subjected

97. Welles Summer, We Need Not Fail, (Boston, 1948), p.63.

"During the last thirty six hours". We declared further, that "if we were to abandon this for the tyrannical system of tackling delegation in a hotel room, to threaten them with economic sanctions or to tribe them with promises in order to compel them to vote one way or another, think of what our organization would become in the future". Later in his speech Mr. Camile Chamoun referred to the United States by name "which throughout its history has represented for all peoples the ideals of liberty, justice and equity. I am forced to note that unfortunately that giant, the United States, is putting on the fatal shirt of Nessus."

The representative of Saudi Arabia Amir Faisal Al Saud, appealed for justice to the Palestinians and their struggle for independence," Prove, gentlemen ... that you are only for right and justice and that you are not subject to enticement. Prove that right, justice and the halting of aggression come before anything else. The small nations have depended on your organization to safeguard their rights and guarantee their safety and security".

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99. Ibid., p.1341.
100. Ibid.
101. Ibid., p.1338.
The Syrian delegate summed up Arab attitude, "We have voiced here the uneasiness of the Arabs in Palestine and in all the Arab countries. In their opinion, this plan is contrary to the principles of justice and to their natural rights, since their rights to independence are not questioned.¹⁰²

The occasion was rare when the U.S. and U.S.S.R. were to be on the same side in an issue. The Polish delegates paid tribute to their joint efforts, but when the Soviet delegate, Mr Gromyko, spoke, he strongly supported the partition plan and condemned the maneuvering behind the scenes for the passage of the partition proposal.

He declared that the Soviet Union "has no intention of maneuvering and manipulating votes as unfortunately is done at the Assembly, especially in connection with the consideration of the Palestine question".¹⁰³ Before the General Assembly adjourned, Belgium, which had abstained from voting before the Ad Hoc committee announced that she would vote in favour of partition.¹⁰⁴ Haiti, which had abstained

¹⁰². Ibid.
¹⁰³. Ibid., p.1363.
¹⁰⁴. Ibid., p.1365.
before, announced her opposition to partition. General Romula, the Philippine Foreign Minister, announced that his vote would be against partition.

The Arab States counted votes at this time, and felt that if the vote were to be taken on the Wednesday, November 26, that there was enough Arab support to prevent the two-thirds majority needed to pass the partition resolution. Only one more vote in the Ad Hoc Committee would have constituted the necessary number, but the Arabs were now confident that they had prevented the closing of that one-vote margin and wanted an immediate vote on the issue. To their bitter disappointment there was the announcement by the President of the Assembly that the planned evening session would be cancelled and the Assembly would not meet on the next day, which was Thanksgiving day. Putting off the vote until Friday would give the American Zionist group the opportunity to pressure some more votes to their side, and the Arab delegates pleaded in vain for the planned session to be held. The proposal to adjourn until Friday, November 28 was carried by a close vote, 24 to 21. The rejection

105. Ibid., p.1354.
106. Ibid., pp.1314-15.
of a vote on Partition at a session that night, was agreed upon after Zionist supporters found that they still lacked an assured two third majority, wrote Thomas J. Hamilton of *New York Times* on 13 March 1947.

It was the United States delegation which was taking the lead in supporting partition and seeking to influence in favour of the Zionist position. The Soviet Union had, of course no problem in securing the solid support of the East European Communist governments for partition.

The General Assembly did adjourn, and when it reconvened on November 28, the Arabs guessed rightly that their strength diminished over the holiday. The Arabs tried to extend the time before the vote. Their proposal to consider the minority report and other alternatives which had not yet been considered and again on January 15, 1948, the report was not yet admitted, for the partition resolution had already been introduced and had to be voted on before any such proposal as they had made.\(^{108}\) Zafrullah Khan, the Pakistani delegate, gave a speech criticizing the partition plan. He also referred to the pressure to which

\(^{108}\) Ibid., p.56.
the UN members had been subjected and the inexplicable attitude of the American Government in not recommending that the Jews settle outside Palestine, and possibly in the United States. 109

France proposed for a twenty four hour delay and it was accepted. The Arabs had a little more breathing time, but the next day the General Assembly convened to vote on the partition resolution. Before the vote was taken, more countries changed their positions. Belgium, luxembourg, the Netherlands, New Zealand, Liberia and France, all of which had abstained in the AD Hoc committee vote, now opted for position. Paraguay, which had been absent before, decided to vote in favour of the resolution. Haiti and the Philippines, both of which were ready to side with the Arabs on Wednesday, now cast their votes for partition. Greece, which had previously abstained now voted against partition; Chile shifted its position from "in favour: to abstention. And, finally. Siam which had earlier voted with the Arab had its credentials withdrawn by a new government which had committed a coup et al in the country.

When the final tally was made, the partition resolution was adopted by the General Assembly by a vote of 33 to 13 with 10 attentions. The abstentions were almost as vital to assuring the necessary majority as were votes in favour, since they were not counted in the equation for a two third majority.

After the partition resolution was adopted, the delegates of Saudi Arabia, Iraq, Pakistan, Syria and Yemen, rose in turn to say that their countries did not consider themselves bound by the vote in favour of the partition of Palestine, for such a decision was contrary to the letter and spirit of the Charter. As the bitter Arab delegates walked out of the Assembly Hall without waiting for the formal ending of the Assembly and the farewell speeches,

110. Ibid., pp.1424-25.
Against: Afghanistan, Cuba, Egypt, Greece, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, Yemen.
Abstained: Argentina, Chile, Columbia, El-Salvador, Ethiopia, Honduras, Mexico, U.K., Yugoslavia.

111. John and Hadawi, n.3, p.266.
they solemnly announced that the United Nations had died. "Not died", said Faris el-Khoury, "Muderect". They spoke of bloodshed to come and said the responsibility would not be their but would be on the shoulders of the countries that had pressed for partition. 112

Dr. Chaim Weizmann, hailed the decision as 'A victory for international equity and cooperation.' In contrast, Meir Grossman, president of the United Zionist Revisionists, (I.Z.L. now Herut) of America described the action clearly unjustifiable. He said, "It is with deep sorrow that we received the decision of the United Nations to partition Palestine into two states and reduce the Jewish national territory from 44,000 to 5,500 square miles." He announced that the Revisionist movement would fight for a Jewish state within 'the historic boundaries of Palestine' with 'international consent.' 113

The Arabs in general and Palestinians in particular did not accept the resolution for the partition of Palestine. Their attitude was is based on political, historical and juridical consideration.

112. Ibid.
113. Ibid., p.268.
The first ground of invalidity of the resolution was based on the incompetence of the General Assembly of the U.N. to recommend the partition of Palestine or to create a Jewish state in the country.

The U.N. is an organisation of States which was formed for certain purposes defined in the Charter. At no time did this organisation possess any sovereignty or any other right on Palestine. The U.N. could not give what it did not possess.

The General Assembly, however did not think alike. It argued that it could deal with the Palestine Question since it has placed on its agenda as a result of a request made by the mandatory Power for a recommendation to be made under Article 10 of the Charter concerning the future government of Palestine. Article 10 provides:

The General Assembly may discuss any questions or any matters within the scope of the present Charter... and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

However, the power given by Article 10 to the General Assembly to discuss any question or matter within the scope
of the Charter cannot be enlarged so as to imply a power to break up the territorial integrity of a state or to create new states.

In 1947, the Arab States requested the General Assembly to refer the legal issues affecting the Palestine Question, including the question of its competence to recommend or enforce any plan of partition of Palestine, to the International Court of Justice for an advisory opinion. But the political forces which were then attempting to secure a favourable vote on partition were not anxious to have their efforts hampered by an adverse judicial ruling. They were able each time to vote down every proposal to refer an issue to the International Court.

It is no secret that the resolution for the partition of Palestine was obtained by means of Zionist influence and American political pressure. The Zionists gained to their


115. For the several denials in 1947 by the General Assembly of requests of an advisory opinion by the International Court of Justice on the Palestine Question, see UN Documents A/Ac 14/21, 14 October 1947; A/Ac 14/24, 16 October 1947; A/Ac 14/25, 16 October 1947; and A/Ac 14/32, 11 November 1947.
cause President Truman, who put the weight of the U.S. Government in support of partition. In his Memoirs President Truman complains about Zionist pressure:

The facts were that not only were these pressure movements around the United Nations unlike anything that had been seen there before but that the White House, too, was subjected to a constant barrage. I do not think I ever had as much pressure and propaganda aimed at the White House as I had in this instance ... Some of the extreme Zionist leaders were even suggesting that we pressure sovereign nations into favourable votes in the General Assembly.\textsuperscript{116}

However, President Truman does not disclose his own role and his own pressures in favour of Zionism and of the partition plan. He only briefly mentions. "I instructed the State Department to support the partition plan".\textsuperscript{117}

In 1946, the total population of Palestine amounted to 1,972,000 inhabitants comprising 1,203,000 Moslems, 145,000 Christians and 608,000 Jews.\textsuperscript{118} Only one tenth of these Jews


\textsuperscript{117} Ibid., p.155.

\textsuperscript{118} UN Document A/Ac 14/32, p.304, 11 November, 1947.
were part of the original inhabitants and belonged to the country. In fact, the original Jewish Palestinian Community did not favour the partition of Palestine or creation of the Jewish state. The rest of the Jewish population was composed of foreign immigrants originating mostly from Poland, the U.S.S.R. and Central Europe. Only one third of these Jewish immigrants had acquired Palestinian citizenship.\textsuperscript{119}

In terms of land ownership, the Jews then owned, 1,491,699 dunams\textsuperscript{120} of land exclusive of urban property out of a total area of 26,323,023 dunams in Palestine. Thus Jewish land ownership amounted to 5.66 per cent of the total area of the country. In contrast, the Palestine Arabs owned 12,574,774 dunams i.e. 47.77 percent of the area of the country. The rest was public property.\textsuperscript{121}

The partition attributed to the Jews who were less than one third of the population and owned less than six percent

\textsuperscript{119} Cattan, n.114, p.55.
\textsuperscript{120} One dunam equals one thousand square meters.
\textsuperscript{121} Cattan, n.114, p.55.
of the land an area exceeding 14,500 square kilometers and representing 57 percent of the area of Palestine. This meant that the Jews were given a territory which was ten times the area owned by them in the whole of Palestine.¹²²

The partition resolution was basically a political decision which was conceived, engineered and adopted through the efforts and pressures of the Zionists and their friends in violation of principles of law, justice, and democracy. The nullity of the partition resolution should not be rejected as a thing of past. What is happening in Palestine is a result of this unfortunate decision.

¹²². Ibid