Chapter I

PALESTINE IN THE UNITED NATIONS

Britain, after the First World War, was compelled by considerations of strategy and power politics, to support Arab nationalism to dismember Ottoman Empire - an ally of the central powers.

The Middle East was of immense significance for British imperial interest since it served as an "overland route" to India. Britain's imperial interests in the area, which included control over the Suez Canal and keeping the area immuned from Big Power rivalry, were now better served by supporting the Arab's revolt against Turkey. Britain could not maintain her sole and exclusive authority over the area and had to share it with other powers, especially France.

Anglo-French rivalry over Middle East was a serious threat to British hegemony and Britain wanted to ensure her supremacy over the Suez Canal by controlling the Sinai Peninsula and Palestine. The Cold War between Britain and France was intensified in 1916, Palestine was internationalized. British imperialism was now being challenged more than ever and the British statesmen in their last bid to save it, concluded an alliance with Zionist colonialism. The Zionists had secured British support for a Zionist dominated Palestine. The Zionists had a coveted eye on Palestine and were planning to carve out a homeland for the Jews. They preferred Britain over France for the realization of their long cherished dream. Dr Chaim Weizmann gave reason for such a preference when he wrote: (1)

"As colonizers and colonial administrators, the British were superior to the French. It was the Jews who gave substance and reality to the idea of a British protectorate - which afterwards took the form of a mandate over Palestine."

The reciprocal interests of Britain and Zionism have been clearly described by an Arab scholar: (2)

"On the one hand, Britain, by utilizing Zionist influence in the United States and in France, would avert international rule in Palestine, on the pretext that a British sponsored program of Zionist colonization required British rule in Palestine. On the other hand, by playing a catalytic role in bringing about the designation of Britain as the ruling power in Palestine, Zionism would at last be able to embark upon the long awaited program of large scale colonization in the coveted territory under the auspices and protection of a Great Power."

This alliance between British Imperialism and Zionist colonialism found its expression in the Balfour Declaration of 1917 proclaiming its support for the establishment of a "Jewish National Home" in Palestine. At Peace Conference the Zionists recommended British mandatory rule in Palestine.

Britain, during her thirty years' rule, sucked the blood of Palestinian Arabs and rendered them impotent to face organized and planned assault of Zionist terrorists. Britain encouraged Jewish immigration into Palestine because she was committed to help the Jews in carving out a "Jewish National Home". The price for British support to the idea of National Home was Jewish support to the Allied cause. Lloyd George has admitted: (3)

"The Zionist leaders gave us definite promise that if the Allies committed themselves to giving facilities for the establishment of 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".

It was Britain's turn to keep her word which she did at the cost of Arab lives and properties. Britain encouraged Jewish immigration into Palestine. In 1882, the Jewish population in Palestine was 24,000 only. Between 1904 and 1914, another 40,000 Jews came and settled down. By 1918, the Jews in Palestine were 56,671 in number.

From 1919 to 1923 the average of the Jews coming to Palestine was 9,000 per year.

Between 1924 and 1931, 84,000 Jews came from Poland. Between 1931 and 1939, 265,000 immigrants came from Central Europe. The British Government tried to restrict immigration but illegal immigration was encouraged by powerful Jewish agencies like Haganah and other para military organizations.

On 15 May 1948, the number of Jews in Palestine was 649,633.

The Arab people of Palestine were not only deprived of the political control of their own country but also of their country as well. The Jewish immigration posed a grave danger to local Moslem and Christian population of Palestine. The Palestinian Arabs were forced to leave their homes under terror and threat to their lives by the Zionists. Britain failed to fulfil her responsibility as a


5. Ibid.
mandatory power to protect the life and property of peoples of Palestine. Britain had her own interest in the establishment of a Jewish State. According to Nutting: (6)

"World War II had exhausted Britain's resources and she was no longer able to sustain such a base for herself. So, she and her western allies had introduced this alien European State of Israel to do for her and for them what she could no longer do for herself, to take over the garrison role which Britain could no longer sustain and to act as beach head for Britain and western designs upon the Arab world."

The Anglo-Zionist alliance cracked under Zionist pressure during the World War II. Whenever Zionists accelerated and intensified Jewish immigration into Palestine, Britain resisted because it was a threat to her presence in Palestine. The Second World War struck the last nail in Anglo-Zionist alliance coffin.

After the Second World War, Britain was rendered very weak militarily and economically and her withdrawal from India diminished her interest in the Zionist cause. The emergence of sovereign Arab States and their opposition to political Zionism forced Britain to exercise a certain amount of restraint in her support for Jewish National Home in Palestine.

The emergence of the United States of America was the most important post-world war phenomenon. Political Zionism found in the USA a new but very powerful ally. The United States of America wanted to support Zionism because she had her own vested interest in it. Israel could have been the safest bet to counter Arab radicalism which might threaten American oil interests in the Middle East. The

United States of America was supporting Jewish state to contain expanding Soviet communism in West Asia. Winston Churchill showed his concern in his famous "Iron Curtain" speech delivered at Fulton in March 1946. He told his audience that the Soviet Union had succeeded in establishing "in a greater number of countries far from the Russian frontiers and throughout the world communist fifth column". He was well aware of Britain's inability to fight Russian Communism, so he wanted the USA to take up the job. He made an appeal to the USA: (7)

"The United States at this time is at the pinnacle of world power. If you look around you, you must feel not only the sense of duty done but also you must feel anxiety lest you fall below the level of achievement. Opportunity is here now, clear and shining for both our countries".

Secretary Dulles expressed the same feelings when he told the American Senate: (8) "It would be abhorrent and dangerous if that area (the Middle East) were ruled by International Communism; yet that is the present danger".

The Soviet Union was conducting its battle of carving out areas of influence in the Middle East with utmost strategy and caution. It chose to support Jewish claim of a state not because it loved the Zionist cause. Its reason to support the Zionist cause was related to Russia's efforts not to allow Zionist activity within its borders. The Zionist leaders were generally 'progressives' or leftists, and the Kremlin could very well expect the new state to be the advance ground of socialism in an underdeveloped and backward area.


The Soviet leaders could also perhaps believe that the installation of an alien state on Arab soil would disturb the status quo and create trouble and turmoil in the area. The Russian design was to fish in troubled waters and gain a footing in a strategically important area. The Russian support for the Zionist cause was also aimed at strengthening the hands of the Communist Party in Palestine.

Palestine became a hotbed of big power intrigues and Zionist terrorist activities. Great Britain had always supported and cooperated with Jewish para-military organizations. The Arab population of Palestine became the victims of Zionist terror. Britain as a mandatory power failed to fulfil its obligations under the Covenant of the League of Nations. It became victim of its own misdeeds. The monster it created was threatening its own existence in Palestine and its best efforts to bring normalcy in the area and find a solution agreeable to both parties did not bear any fruit. Britain's mandatory government realized its impotency and on February 18, 1947 the British Foreign Secretary announced in the House of Commons that His Majesty's Government had intentions of giving up mandate because it "has proved to be unworkable in practice, that the obligations undertaken to the two communities had been shown to be irreconcilable". (9)

Britain, then, coined with the idea of bringing the issue of Palestine before the United Nations. On April 2, 1947 Alexander Cadogan, the Head of the UK delegation in the United Nations, wrote

9. *Palestine: Supplementary Memorandum to UNSCOP*, p. 27.
a letter to the Secretary-General of the world body requesting him to convene a special session of the General Assembly on Palestine. He wrote that a "special session of the General Assembly" should be summoned "for the purpose of constituting and instructing a special committee" (10) to consider the question of Palestine.

The special session of the General Assembly of the United Nations was called on April 28, 1947 at Flushing Meadows in New York. The first important point before the General Assembly was that of agenda.

The United Kingdom wanted to restrict the agenda to the items submitted earlier by her. The Arab states wanted to broaden it and on April 21 and 22, 1947 five Arab states (Egypt, Iraq, Syria, Lebanon, Saudi Arabia) communicated to the Secretary General the request that the following items be placed on the Agenda of the Special Session of the General Assembly: "The termination of the Mandate over Palestine and the declaration of its independence". (11)

At the 70th meeting held on May 1, 1947 the General Assembly approved the inclusion in the agenda of items submitted by the Government of the United Kingdom. The additional item proposed by five Arab states was denied the inclusion in the agenda of the special session. The agenda accepted and approved by the General Assembly was that submitted by the United Kingdom and it was one of "constituting and instructing a special committee to prepare for the consideration of the question of Palestine at the second regular session". Though

the additional item proposed by five member Arab states was rejected yet it was included for discussion by the General Assembly under Rule 18 of the procedure of the Assembly.

The Arab states were not satisfied with the manner in which Britain had referred the issue of Palestine to the United Nations. "The Arabs feel", as observed by Hadawi, "that both the British action and that of the United Nations were not in conformity with the provisions on self-determination prescribed in the United Nations Charter". (12)

The Arab states had understood the game of Imperial powers backed up by the United States and the Soviet Union. The issue of Palestine was being discussed by the United Nations at a time when the Western bloc had a majority among fifty-five members of the world body. The strength of the Western bloc had been proved many a time in the United Nations. Every resolution sponsored by the United States and her allies was passed. The United States of America was under enormous pressure from the Zionist lobby. The Zionists wanted the Government of the USA to support large scale immigration of displaced Jews from Europe to Palestine. Senator Robert F. Wagner, Democrat of New York and Senator James E. Murray, Democrat of Montana urged President Truman to use his country's influence to gain "unlimited immigration for Jews into Palestine and hearing for the Jewish Agency for Palestine in the United Nations General Assembly. They also sent a telegram to Warren Austin, US representative to the United Nations urging him to take up both the issues in

the world body. (13) The United States of America had lent the Zionists in their expansionist designs against the Arabs not only political and diplomatic support but she had given them financial support as well. The United States contribution to Zionist national fund in 1939-44 was £1,537,000, in Jewish year 1944-45 it rose to £3,989,000 and in 1945-46 it rose further to £5,768,000. (14) On April 23, 1947 Lord Hall told the House of Lords that the American contribution to the Zionist national fund for illegal Zionist purpose was about £7,000,000. (15) The United States formally opposed the proposal aimed at granting a hearing to the Jewish Agency for Palestine yet gave it her blessings and on May 5, 1947 the Zionists scored a tactical victory when the General Assembly adopted a resolution that the First Committee should grant a hearing to the Jewish Agency. The resolution was moved by Poland and Czechoslovakia. It said "that the first committee grant a hearing to the Jewish Agency for Palestine on the question before the committee". (16) The resolution was adopted with 44 votes in favour, 7 against and 3 abstaining while Costa Rica was absent. (17)

15: House of Lords, Parliamentary Debates, 5th vol. 147, col. 114.
17: Those states which voted against the resolution included Afghanistan, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Turkey and those which abstained from voting were India, Iran and Siam (now called Thailand).
The Arab member states reacted very sharply against preferential treatment granted to the Jewish Agency. Faris El Khouri of Syria was betraying the Arab's feeling of resentment when he said that he did not know whether the United Nations was a proper agency to solve the Palestine question. (18) Many members of the United Nations wanted the Arab Higher Committee to appear before the Political and Security Committee and present Arabs case on Palestine. India prepared a draft and submitted the following resolution:

"The First Committee (the Political and Security Committee) resolves that it be proposed to the President of the General Assembly that a plenary meeting be called at once to consider the following resolution that the First Committee grant a hearing to the Arab Higher Committee on the question before the Committee". (19)

The resolution had the support of the Soviet Union but Alexander Codogan of Great Britain redrafted it. According to redrafted resolution "the General Assembly affirms that the decision of the First Committee (the Political and Security Committee) to grant a hearing to the Arab Higher Committee gives a correct interpretation of the Assembly's intentions". (20) The resolution was introduced by Dr Oswald Aranha, the President of the General Assembly and it secured 39 votes in favour, one against while eleven members abstained.

The resolution of the Political and Security Committee granting a hearing to the Arab Higher Committee accorded unequal treat-

19. Ibid.
20. Ibid.
ment to the Arab Higher Committee. Mahmaud Hasan Pasha, Egyptian
Ambassador to Washington, threatened to boycott future meetings of
the UN as a protest against the resolution passed by the General
Assembly. Dr Charles Malik of Lebanon insisted before the final
vote was taken that the General Assembly had discriminated against
the Arab Higher Committee and urged that the General Assembly be
called back into session to vote a resolution "whereby the Arabs
of Palestine will be given their just due". (21) Faced with the
threat of an Arab boycott of its proceedings regarding the Palestine
question, the United Nations General Assembly held an emergency
session on May 7, 1947 and gave recognition to the Arab Higher Com-
mittee granting it equal status with the Jewish Agency for Palestine.

On May 9, 1947 the Jewish Agency's spokesman Dr Silver pre-
sented his case before the Committee. He emphasized and elaborated
the terms "Jewish people" and "the Jewish national home" which
were according to him, "the key terms and basic concepts of the
Balfour Declaration and of the Mandate". "To proceed without rela-
tion to them would be to detour into a political wilderness as far
as Palestine is concerned." He asked the world body to allow Jewish
immigration to Palestine because "A generation ago, the interna-
tional community of the world decreed that the Jewish people should
be given the right, long denied, and the opportunity to reconstitute
their national home in Palestine. The national home is in the mak-
ing, it has not yet been fully established." (22) Dr Silver was asked


22. For full text of the speech see New York Times, May 9, 1947,
p. 4.
many questions. The most important question of them all was asked by Asaf Ali, the Indian Delegete. He asked: (23) "The Nazi Government in Europe has been completely suppressed and Nazi Germany is now under the control of the Security Council or, at any rate, the United Nations. If that is so, is there any reason why these refugees cannot be resettled in their natural German home?"
The representative of the Jewish Agency could not confidently answer this question. On May 12, 1947 Mr Sherfok tried to reply it and said "you cannot settle in a graveyard, nor can you build a dwelling out of heaps of rubble". He said that the Jews were perfectly assimilable in Palestine only. He betrayed Jewish stubbornness when he said: "No one has offered an alternative to Palestine. But even if there were an alternative, they refused to be treated as mere chattels". He insisted that the issue of displaced Jews from Europe was a part of Palestine question and "to treat the issue of Palestine in isolation from the immigration issue would make as much sense as to study the beating of a heart in disregard of blood circulation". (24)

The case of Palestinians was very ably presented by Henry Cattan of Arab Higher Committee. He emphasized the independence of Palestine which the Arabs were not claiming on the basis of assurances, "they are entitled to such independence as being their natural and inalienable right". According to him the "Balfour Declaration

was made without the consent, not to say the knowledge, of the people most directly affected". It was "contrary to the principles of national self-determination and democracy, as also to the principles enunciated in the Charter of the United Nations".

He told the United Nations that: (25)

"It is high time that Palestine's right to independence be recognised and that this tormented country enjoy the blessings of a democratic government. It is high time also that a policy which has been impairing the ethnological and political structure of the country be brought to an end by the highest body in the world."

The United Nations Political and Security Committee, after hearing the Jewish and Arab agencies got bogged down over procedural matters; the most serious conflict arose over the question of terms of reference of the proposed Inquiry Committee on Palestine. The positions of the Jews and the Arabs were irreconcilable. The Jews wanted that the question of displaced Jews from Europe should be linked up with the question of Palestine's independence. Moshe Shertok told the Committee: "The crux of the matter is the problem of Jewish immigration to Palestine". He suggested that the terms of reference should allow the committee of inquiry to keep in mind not only the independence question but also "various other issues connected with the problem of Palestine". (26) The Arabs' point of view was expressed by Haris El Khoury of Syria when he argued that there was no connection between displaced persons and the Palestine problem and that the United Nations had already created the International Refugee Organization to look after the refugees. Mahmud Hasan Pasha

of Egypt said that the Arabs would not agree tying in the European problem with the Palestine controversy. "We cannot", he said, "allow an invasion of Palestine by an alien racial group". (27) The sub-committee was unable to agree on the scope of the proposed United Nations Inquiry Committee on Palestine. The crux of the disagreement in the sub-committee was whether the suggested committee of inquiry shall consider independence for the holy land, where the Arab population was double that of the Jews. The sub-committee in its report, made public on May 11, 1947 presented four alternative proposals on the general question, each concluded in slightly different language:

A) "The Special Committee shall bear in mind the principle that independence for the population of Palestine should be the purpose of any plan for the future of that country".

B) "The Special Committee shall be guided by the principle that independence for the people of Palestine shall be the purpose of any plan for the future of that country".

C) "The Special Committee shall bear in mind the principle that independence for the population of Palestine shall be the ultimate purpose of any plan for the future of that country".

D) "The Special Committee shall be guided by the principle that the independence of Palestine should be the purpose of any plan for the future of that country". (28)

The role of the Big Powers regarding the issue of scope of the Inquiry Committee was pro-Zionist. The USSR had mostly supported Zionist proposals in the procedural battles and also supported the

27. Ibid.
28. Ibid., May 12, 1947.
zionist case regarding the question of European Jews. On the question of independence the attitude of the Soviet Union was far from being unambiguous. She took the Arab side on the issue of independence but it was a mere eye-wash because the wording of her amendment regarding the scope of Inquiry Committee was almost identical to that of the Jewish Agency's proposals. It said that the Inquiry Committee would be directed to study not only conditions in Palestine but also "various other issues connected with the problem of Palestine". It also provided that the Inquiry Committee submits to the General Assembly a proposal "on the question of establishing without delay the independent state of Palestine". (29) The US deputy representative Harschel V. Johnson told the Political and Security Committee of the General Assembly that inclusion of independence in the terms of reference for the suggested inquiry committee would tend to "prejudge" the case and would do "a moral injustice" to zionist opinion. (30)

The second point of serious friction was regarding the composition of the inquiry committee. The USA wanted big powers to be excluded from the Inquiry Committee while the USSR wanted the Big Five to become members of it. The US representative recommended a neutral committee consisting of Canada, Czechoslovakia, Iran, Peru, Uruguay, Sweden and the Netherlands. The US representative explained his Government's stand: "One fear is that opposing views and debate among the permanent members (the Big Five) if they were on the Special Committee - over details, would cause delay by the

The intrusion of other interests which are perfectly obvious here. The attitude of Great Britain was similar to that of the USA but her reasons were different. Alexander Cadogan of the United Kingdom explained the reasons: "My Government are in rather a peculiar position. They would find themselves, if they were members of that committee, at times in the witness stand, and then after that, a moment or two later, would resume their seat with the jury". (31)

The Soviet Union thought that the inclusion of Five Big Powers was necessary because the United Nations would have a better chance of reaching agreement if the Big Five participated in all stages of the work, "from the fact finding of the United Nations Inquiry Committee to the rendering of a judgement by the United Nations General Assembly". (32).

There were three main proposals regarding the composition of the inquiry committee. The USA recommended a neutral committee while Argentina had recommended a committee composing of the Five Big Powers, an Arab state, three American states other than the United States, a pacific state, an African state and an Asiatic state. The third proposal was that of Poland's which included the Big Five, one Arab state preferably Syria, two Latin American states, one African and or Asiatic state, one western European state and one Eastern European state preferably Czechoslovakia. A careful analysis of these proposals will prove one

32. Ibid.
point that the USA and the USSR were conducting their own battles even on the question of the composition of Inquiry Committee. The USSR favoured the Polish proposal for it provided better representation to the Communist bloc. At its 57th meeting on May 13, 1947, the General Assembly's Political and Security Committee adopted an Australian resolution creating United Nations Special Committee on Palestine. The resolution was adopted by a vote of 13 to 11, with 29 abstentions. The recommendation of the First Committee was approved by the General Assembly on May 15, 1947 by a final vote of 45 to 7 with 1 abstention and 2 absent.

The resolution of May 15, 1947 laid down the following provisions:

1. "A Special Committee be created for the above mentioned purpose consisting of the representatives of Australia, Canada, Czechoslovakia, Guatemala, India, Iran, Netherlands, Peru, Sweden, Uruguay and Yugoslavia;"

2. "The Special Committee shall have the widest powers to ascertain and record facts and to investigate all questions and issues relevant to the problem of Palestine;"

3. "The Special Committee shall determine its own procedure;"

4. "The Special Committee shall conduct investigations in Palestine and wherever it may deem useful, receive and examine written or oral testimony, whichever it may consider appropriate in each case, from mandatory power, from representatives of the population of Palestine, from Governments and from such organisations and individuals as it may deem necessary;"

5. "The Special Committee shall give most careful consideration to the religious interests in Palestine of Islam, Judaism and Christianity;"

6. "The Special Committee shall prepare a report for the General Assembly and shall submit such pro-
posals as it may consider appropriate for the solution of the problem of Palestine;"

7. "The Special Committee's report shall be communicated to the Secretary-General not later than September 1, 1947, in order that it may be circulated to the Members of the United Nations in time for consideration by the second regular session of the General Assembly".

The General Assembly

8. "Requests the Secretary-General to enter into suitable arrangements with the proper authorities of any State in whose territory the Special Committee may wish to sit or to travel, to provide the necessary facilities, and to assign appropriate staff to the Special Committee;"

The resolution also

9. "Authorizes the Secretary-General to reimburse travel and subsistence expenses of a representative and an alternate representative from each Government represented on the Special Committee on such basis and in such form as he may determine most appropriate in the circumstances". (33)

The Palestinian Arab strongly objected to the forming of the Inquiry Committee on the Palestine question. The Arab states voted against the resolution and their chief reason for such an attitude were the terms of reference of the inquiry committee. Dr Charles Malik of Lebanon showed "the deepest concern" that was felt over the fact that the committee had broadened the inquiry to provide for the "so-called consideration of the problem of Palestine" instead of its future Government. To him, the Committee's draft was "highly unsatisfactory and unacceptable". (34)

The General Assembly adopted another resolution on May 15, 1947. The resolution for Truce as it is called was proposed by Norway. The chief motivating reason behind Norway's resolution was


the fear that the two contending parties might resort to threat of use of force. The resolution was adopted unanimously with Arab States abstaining. It read: (35)

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

The outcome of the first special session of the United Nations Organization had been disappointing as far as the Arabs were concerned. The Zionists had many strong supporters among forty-five members of the United Nations. The Zionists scored a victory in the United Nations. Their stand was supported and endorsed in the General Assembly. The Big Powers, including the Soviet Union, were supporting the Zionist line. The terms of reference and the composition of UNSCOP, was almost a total victory for Zionists. The United Nations Special Committee would not consider the issue of independence for Palestine; it would visit refugee camps in Europe as well. The Arab States, in spite of their tactical defeat in the United Nations, did not lose their confidence in world organization. Some of the Arab representatives expressed satisfaction with the outcome of the General Assembly's special session. Nehman A. Pasha, Secretary General of Arab League remarked about the special session: "On the whole we feel we are departing from the special session in a better position than when we arrived". According to Syria's representative Faris El Khoury: (36) "This is just the end of the beginning. What is past is nothing".

35. UN Document A/310, p. 7.
The Arabs were in an accommodating mood but not at the cost of self-respect and freedom. They were willing to solve the problem of Palestine with an open heart and open mind but the Zionists in league with their supporters were stubborn. They wanted uncontrolled Jewish settlement in Palestine at the cost of the local Arab population. The United Nations Committee on Palestine was boycotted by the Arab Higher Committee when it visited Palestine on June 14, 15, 1947.

The Arab Higher Committee was requested by the chairman of the committee to co-operate with it in conducting investigations. It was impossible because had the Arabs given cooperation to the committee, it would have meant total negation of their earlier attitude. The Arab Higher Committee wanted to disassociate itself with the investigations of UNSCOP because of the following reasons as laid down in a telegram sent to the Secretary General of the United Nations:

1 - The legal basis for the Mandate has disappeared since the dissolution of the League of Nations. Thus the Mandatory Power is a de facto authority in Palestine. Independence is the real issue and it is of vital importance to apply the principles of the Charter of the United Nations and to declare Palestine as independent. The United Nations refused to include the termination of mandate in the agenda.

2 - The Jewish refugee problem could not be linked with Palestine question since Palestine could not by itself solve the Jewish problem. The World Organization failed to detach the Jewish world refugee question from the Palestine problem.

3 - The transgression of the wishes and interests of the great
majority of the people of Palestine in the name of religious interests.

The Arab Higher Committee then pointed out that the Palestine Arabs' natural rights to their country were self-evident and could not continue to be subject to investigation but deserved to be recognized on the basis of the principles of the United Nations Charter. Throughout the period of the committee's inquiry, the Zionists carried out terrorist activities with the sole motive of discrediting and sabotaging British power in Palestine. After the Committee's tour of Haifa on June 19 a dynamite laden truck had exploded, (38) and the Committee had to pass a resolution condemning, though mildly, the activities of Zionists. The resolution said: (39)

"The members of the committee, taking note of the public reports of acts of violence committed in Palestine since their arrival in the country, record their sense that such acts constitute a flagrant disregard of the appeal made in the resolution of the General Assembly of the United Nations of May 15, 1947".

The reign of terror entered a new phase when on August 10, 1947 members of an armed band disguising in Arab dress killed 4 Jews and wounded many Jews and Arabs in a cafe in Tel-Aviv. (40) It was a well calculated plan of the Zionists to rouse world public opinion against the Arabs. The Arab Higher Committee Secretary denied the charge of the Arabs being involved in killing the Jews.

Sometimes later the terrorists in their own writings had confessed that they used to wear Arab dresses and sometimes British service dress. (41) On August 15, the Haganah killed 11 Arabs in a raid on what the Zionists called the headquarters of the Arab attackers. The Zionists had adopted the strategy of attacking Arabs in order to stir up the Arabs against the Jews. They knew that militant Arab reaction had to be met by British forces as a result of which pressure on Haganah would be relieved. On July 29, 1947 the special committee went to Geneva in order to start drafting its report. The committee decided by a vote of 6 to 4 with one abstention to set up a sub-committee to visit the Centres of Jewish refugees and displaced persons in Germany and Austria.

During the visit to refugee centres the sub-committee interviewed at least 100 Jewish inmates of the Centre who were, presumably, selected by the Jewish Agency. The committee reached the conclusion that the majority of Jewish refugees in the Centres wanted to go to Palestine. At one particular centre a poster was found which had the inscription "Palestine—a Jewish State for the Jewish people". The poster had a pictorial design 'showing Jews from Eastern Europe on the march towards Palestine shown as much larger area than the present geographical limits". The report further said: "In the schools in the various centres children are being taught Hebrew and given an intimate historical and geographical knowledge of Palestine". Many organizations like the "Central Committee of the Liberated Jews, the Jewish Agency, the American Joint Distri-

41. AUznik, Memoirs of an Assassin, p. 88.
bution Committee and many other Jewish voluntary organizations" were found in existence which gave "every opportunity for general indoctrination of the idea of settlement in Palestine if such were desired". (42) An objective but careful analysis of the committee's report would not leave anybody in doubt that the Zionists had a definite and organized plan to drive Palestinian Arabs out and replace them with the Jewish immigrants from Europe and other parts of the world.

The Special Committee completed its report on August 31, 1947 and submitted it to the General Assembly which embodied twelve general recommendations, out of them eleven were approved unanimously and the twelfth (with two members, i.e., Uruguay and Guatemala dissenting, and one recording no opinion) provided that "in the appraisal of the Palestine question, it be accepted as incontrovertible that any solution for Palestine cannot be considered as a solution of the Jewish problem in general." (43) The eleven recommendations which were approved unanimously provided for the termination of the Mandate, independence for Palestine after a transitional period during which administration of the country would be the responsibility of the United Nations and for the preservation of the Holy Places. The General Assembly was to undertake immediately the initiation and execution of an international arrangement whereby the problem of the distressed European Jews, of whom approximately 250,000 were in assembly centres, should be dealt

with as a matter of extreme urgency for the alleviation of their plight and of the Palestine problem. Minority rights were to be protected, peaceful relations were to be a pre-requisite to independence, provision was to be made for economic unity, and the abolition of the capitulations, and lastly, an appeal was to be made to both parties to end acts of violence.

The Committee then presented two alternatives:

1. A Plan of Partition with Economic Union supported by seven members of the Committee: Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden and Uruguay. This plan came to be known as the 'Majority Plan', which recommended partition of Palestine into Arab and Jewish States after a transitional two-year period of trusteeship under the United Nations with economic union and an international city of Jerusalem and its environs under the United Nations jurisdiction. The transitional period was recommended to begin on September 1, 1947, and the United Kingdom was to be appointed as the Trustee for the purposes of interim administration. The Arab State was to comprise 4,476 square miles or 42.83 per cent of the total; the Jewish State 5,893 square miles or 56.47 per cent; and the Jerusalem International Zone 68 square miles or 0.65 per cent. As regards population, the Jewish State was to contain 498,000 Jews and 407,000 Arabs. The Arab State was to contain 725,000 Arabs and 10,000 Jews. The Jerusalem International Zone was to contain 105,000 Arabs and 100,000 Jews. In addition there were to be 90,000 Bedounis, cultivators and stock owners, within the Jewish State. (44)

The Jews, according to the Report submitted by the Mandatory power to the United Nations, were holding 1,491,699 dunoms out of a total of 26,323,023 dunoms in Palestine. (45) The Jewish landowner-ship within the frontiers of the Jewish State was less than 10 per cent while in the whole of Palestine it was less than 6 per cent. (46)

2. There was a Federal State Plan supported by three members: India, Iran and Yugoslavia. It came to be known as the 'Minority Plan' which provided, inter alia, that an independent federal state of Palestine with Jerusalem as its capital be established after a transitional period not exceeding three years. The federal state would comprise a federal government and governments of the Arab and Jewish state respectively. The federal government would exercise full powers over such matters as national defence, foreign relations, immigration, currency, inter-state waterways, transport and communications. The Arab and Jewish States would enjoy full powers over local self-government in its various aspects. There was to be a single Palestinian nationality and citizenship, with guaranteed equal rights for all minorities and fundamental human rights and freedoms, as well as free access to the Holy Places. (47)

The Second Annual Session of the General Assembly on September 23, 1947 set up an Ad Hoc Committee to consider "Question of Palestine; Report of the United Nations Special Committee on Palestine", as proposed by U.K., and "Termination of Mandate over Palestine and


46. See Appendix 1.

recognition of its independence as one State", (48) as proposed by Saudi Arabia and Iraq.

On September 25, 1947, the Ad Hoc Committee at its first meeting began its deliberations and decided to invite the Representative of Palestine Arab Higher Committee and the Jewish Agency to present their views on this question.

On September 29, 1947, Palestine Arab Higher Committee's spokesman Rajai el Husseini, stated that it was the sacred duty of the Palestine Arabs to defend their country against all aggression. They were firmly opposed to dissection and partition of Palestine or to give special and preferential rights to the minority. There was no legal or moral basis for Jewish claims on Palestine. The raison d'être of the United Nations was, he said, to assist self-defence against aggression.

The rights and patrimony of the Arabs of Palestine had been the subject of no fewer than eighteen investigations within 25 years and all to no purpose. The Commissions of inquiry had either reduced the national and legal rights of the Palestine Arabs or had glossed them over. The few recommendations, he said, favourable to the Arabs had been ignored by the Mandatory Power. For these and for other reasons already communicated to the United Nations it was surprising that the Arab Higher Committee should have abstained from co-operating with the investigation, of the UNSCOP and refused to appear before it. He accused the Mandatory Power of having overstepped the provisions of Article 6 of the Mandate by permitting

Jewish immigration into Palestine threatening the social, political and economic rights of the Palestine Arabs. The representative of the Arab Higher Committee had refrained from making any direct comments upon the UNSCOP report because the Arab Higher Committee considered its recommendations inconsistent with the United Nations Charter and the covenant of the League of Nations. (49)

The most important reason which made the report totally unacceptable to the Arabs was that it did not consider the validity of the Balfour Declaration. It did not consider the meaning of the term "Jewish National Home", nor it took any account of the validity and scope of the provisions of the Mandate for Palestine thereto. The report of the Special Committee completely ignored the promises made to the Arabs and it lent credence to the Jewish claims on Palestine.

The Arabs were not prepared to accept any proposal based on the Balfour Declaration. The Balfour Declaration had been rejected by the Arabs on various grounds, that it was made without their consent and even knowledge, it was contrary to the principles of self-determination and democracy and furthermore it was morally untenable for it was inconsistent with the pledges made to the Arabs. Although the question of the legality, validity and ethics of the Balfour Declaration was raised in the General Assembly but the special committee neither inquired into it nor expressed any opinion on it. In the general debate of the Ad Hoc Committee's fifth meeting on October 4, 1947, Camille Chamoun of Lebanon warned the Committee that the majority plan, far from supplying a solution would create a new source of friction between the two peoples. According to him "the Arabs

had occupied and possessed Palestine for at least thirteen centuries. The argument concerning the historical association of the Jews with Palestine, was devoid of foundation". (50)

Jamali of Iraq declared that the partition scheme was totally unacceptable and the key to the problem lay in the formula "Palestine for the Palestinians and the Palestinians alone." He also referred to the use of American money in Palestine where "Zionists were relying on dollar diplomacy and extra-territorial rights." He declared that "economic development of another peoples' country did not entitle a foreigner to political rights there. In the modern world technical and economic superiority should not lead to political domination." (51) El Khoury of Syria also made a reference to American economic help to the Zionists in their design on Palestine when he said: "the choice of Palestine to satisfy Zionist aspirations was not based on humanitarian sympathy but on the intention of the Zionists in the United States to launch an economic invasion of the whole Eastern world and to achieve that end by creating a bridgehead in Palestine, to be the headquarters of their activities." (52) Zeinuddin of Syria told the committee that "the United States had declared itself ready to pay for a volunteer force". "Such a force", he claimed, "although established under the United Nations, would be composed of mercenaries in the Zionist cause paid with American money. It would be called a force for the maintenance of order, but it would be used to destroy the very foundations of order.

51. Ibid., pp. 29-30.
52. Ibid., pp. 67-68.
in the Holy Land." (53) The Partition resolution was rejected by the Arabs because it was in violation of the Atlantic Charter's spirit where Roosevelt and Churchill expressed that "they desire to see no territorial changes that do not accord with the freely expressed wishes of the people concerned." (54) The Partition Plan envisaged territorial changes which Palestinian Arabs were opposed to but western powers were pressing it hard upon an unwilling majority of the Arabs. A few honest and objective Jews were also opposed to the partition plan but they were in a hopeless minority. One of such objective and conscientious Jews was Moshe Menuhin who left Palestine because he was completely "disenchanted with political Zionism" which according to him "implied wars of injustice and degeneration of Judaism". To him the "partition plan was merely a foothold for the full realization of Eretz Israel". (55)

The Jewish Agency's representatives supported the Partition Plan with reservations.

Rabi Abba Hillal Silver addressing the Ad Hoc Committee at the fourth meeting on October 2, 1947, praised the Special Committee for its conscientious labours and good faith. He supported ten of the eleven recommendations unanimously adopted by UNSCOP. The exception was number VI dealing with Jewish Displaced persons. He called the committee's attention to the "intense urge" of the overwhelming majority of Jewish displaced persons to proceed to

53. Ad Hoc Committee on the Palestine Question, pp. 79-81.
54. Ibid.
Palestine.

He told the committee that the Minority plan was unacceptable to the Jewish Agency for it made provision only for semi-autonomous centres or provinces. Palestine would, if the plan was accepted, become an Arab State with two Jewish enclaves. The Majority Plan was also not really satisfactory to the Jewish people, he said. He wanted that "the whole of Palestine, including Trans-Jordan" as implied in the Balfour Declaration, "should become a Jewish State". Silver termed the "proposal for an economic union as promising and statesmanlike". According to him "a Jewish state must have in its own hands those instruments of financing and economic control necessary to carry out large scale Jewish immigration and the related economic development". (56)

Shertok of Jewish Agency for Palestine told the committee on October 17, 1947 that "had the Government of the United Kingdom carried out its obligations under the mandate, the whole area of Palestine might have become, in the not too far distant future, through large scale immigration and settlement, an independent Jewish state with a Jewish majority. (57) The last spokesman of Jewish Agency though he no longer held any office, to address the Ad Hoc Committee was Dr Weizmann. "His appearance," according to some writers, "was without precedence and United Nations' documents gave no reason why it was allowed". (58) Weizmann appealed to the

56. Ibid.


United Nations that "the majority plan of the special committee should be endorsed and appealed to the bar of the world's conscience". (59) On October 22, 1947, after long deliberations, the Ad Hoc Committee appointed two sub-committees to report on the findings of UMSPOP Sub-Committee I comprised of Canada, Czechoslovakia, Guatemala, Poland, South Africa, United States, Uruguay, USSR and Venezuela. Sub-Committee I was supposed to study carefully the possibility of reducing Arab minority to smallest fraction that would be included in the Jewish state. According to U.S. representative "it should also consider ways of making the territories of the proposed Jewish and Arab states, to which were now allotted roughly 60 per cent and 40 per cent respectively of the land area of Palestine, more nearly equal." (60)

Sub-Committee 2 comprised of Afghanistan, Columbia, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen. It was entrusted with the task of drafting a detailed plan for the termination of the Mandate over Palestine and its establishment as an independent unitary state. The Sub-Committee 2 felt that the composition of both sub-committees did not do full justice to neutral countries. The chairman of the Ad Hoc Committee was approached in that connection but he could not see his way to accepting that recommendation. The representative of Columbia who was the chairman of Sub-Committee 2 resigned and was succeeded by Sir Mohammad Zafarullah Khan of Pakistan.

The composition of the sub-committees and the uncompromising attitude of the chairman of the Ad Hoc Committee had made the Arabs believe that the Great Powers agreed upon the Partition Plan. The Great Powers wanted to present the Partition Plan before the General Assembly as a fait accompli.

The Sub-Committee 2 proceeded with its work and decided to concentrate on three items, i.e. legal problems, refugee problem and constitutional proposals. Working Groups were established to look into each problem and they were as follows:

A) Legal Problems : Pakistan, Syria and Saudi Arabia
B) Refugee Problems : Afghanistan, Columbia and Lebanon
C) Constitutional Proposals : Egypt, Iraq and Yemen.

After considering the reports of the three Working Groups, the Sub-Committee presented its recommendations to the Ad Hoc Committee in the form of three draft resolutions. According to the first, the General Assembly, before recommending a solution of the Palestine problem, would request the International Court of Justice for an advisory opinion on certain legal questions connected with or arising from that problem, including questions concerning the competence of the United Nations to recommend or enforce any solution contrary to the wishes of the majority of the people of Palestine. The second resolution recommended an international settlement of the problem of the Jewish refugees and displaced persons and stated principles and proposed machinery for the cooperation of Member States in such a settlement. The third resolution provided for the creation of a provisional government of the people of Palestine.
On November 19, 1947 the Ad Hoc Committee met to consider the reports of its two sub-committees. Sir Alexander Cadogan admitted the United Nations' failure to forge conciliation between "the two peoples most directly connected with the future of Palestine". He further stated: "If a scheme of partition were approved and a United Nations Commission set up, the Palestine Government would hand over its authority to that commission". (61)

According to Ninvic of Yugoslavia the minority plan was "the only just democratic and realistic solution of the problem". (62)

The American representative Mr Johnson spoke in a threatening manner saying "the matter could wait no longer. The hour of decision had struck. If there were hesitation, the situation would be worse in a year's time. If actions were decided upon, the United Nations would be equal to the task." (63)

Sir Mohammad Zafarullah Khan of Pakistan said that "since the United Kingdom was relinquishing the Mandate, Palestine, in accordance with Article 22 of the Covenant of the League of Nations, had the right to become independent. The people of Palestine should become free and determine their own future". (64)

The most devastating attack on the Great Powers was launched by Mr Husseini of Arab Higher Committee. He said that "the two great champions of freedom, the USSR and the United States, had joined hands to support the monstrous perversion of the principle

62. Ibid., p. 178.
63. Ibid., p. 181.
64. Ibid., pp. 188, 191-93.
of self-determination in Palestine. They had disagreed on everything constructive in the United Nations and had agreed on only one thing - the partition of Palestine". He appealed to the United Nations to "participate in establishing a democratic state as proposed by the Arabs, nothing would come out of it but prosperity and peace for all". (65)

The recommendations of the Sub-Committee were put to voting on November 24, 1947. First to be put to the vote were the three draft resolutions submitted by Sub-Committee 2: The first part providing for the reference to the International Court of Justice, was rejected by a vote of 25 to 18 with all abstentions. The second part, dealing with the question of the competence of the United Nations was rejected by a bare vote of 21 to 20 with 13 abstentions. (66)

The General Assembly met on November 26, 1947 to consider the report of the Ad Hoc Committee. On November 29, 1947, Chamoun of Lebanon submitted on behalf of the Arab States, the general principles which ought to serve as a basis for a compromise. The six principles were namely:

1) A federal independent state shall be set up in Palestine not later than August 1, 1948.

2) The Government of Palestine shall be federal comprising the federal government and central governments of Jewish and Arab cantons.

3) Very few Arabs or Jewish minorities should be left in each canton.

4) The establishment of the Constituent Assembly elected on the principle of direct universal suffrage.

5) The Constituent Assembly shall be guided by the constitution of the United States of America in its task of defining powers of various government organs.

6) The constitution shall protect Holy Places and safeguard the rights of all religious establishments. (67)

The representative of Iran asked for an adjournment until January 15, 1948 enabling the Ad Hoc Committee to give serious considerations to Chamoun's proposal. The USA and the USSR opposed it. The report was taken up and adopted by 33 votes to 13, with 10 abstentions.

The Partition Resolution divided Palestine into six principal parts, three of which (about 56 per cent of the total area) were reserved for a "Jewish State" and the other three with the enclave of Jaffa for an Arab State (It was 43 per cent of total area). About 0.65 per cent area which included Jerusalem and environs was declared an "international zone" administered by the United Nations.

According to Resolution No. 181 of November 29, 1947 (68)

"The General Assembly:

"Having met in special session at the request of the mandatory power to constitute and instruct a Special Committee to prepare for the consideration of the question of the future Government of Palestine at the second regular session;

"Having constituted a Special Committee and instruct it to investigate all questions and issues relevant to the problem of Palestine, and to prepare proposals for the solution of the problem, and

"Having received and examined the report of the Special Commi-


committee (Document A/364) including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee,

"Considers that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations;

Takes note of the declaration by the mandatory power that it plans to complete its evacuation of Palestine by August 1, 1948.

"Recommends to the United Kingdom, as the mandatory power for Palestine and to all other Members of the United Nations the adoption and implementation, with regard to the future Government of Palestine, of the Plan of Partition with Economic Union set out below;

"Requests that:

"(a) The Security Council take the necessary measures as provided for in the plan for its implementation;

"(b) The Security Council consider, if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists and in order to maintain international peace and security, the Security Council should supplement the authorisation of the General Assembly by taking measures under Articles 39 and 41 of the Charter, to empower the United Nations Commission, (69) as provided in this resolution, to exercise

69. At its hundred and twentyeighth plenary meeting on November 29, 1947, the General Assembly, in accordance with the terms of the above resolution, elected the following members of the United Nations Commission on Palestine: Bolivia, Czechoslovakia, Denmark, Panama and the Philippines.
in Palestine the functions which are assigned to it by this resolution.

"(c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution;

"(d) The Trusteeship Council be informed of the responsibilities envisaged for it in this plan;

"Calls upon the inhabitants of Palestine to take such steps as may be necessary on their part to put this plan into effect;

"Appeals to all Governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations, and

"Authorizes the Secretary-General to reimburse travel and subsistence expenses of the members of the Commission referred to in Part I, Section B; Paragraph I below, on such basis and in such form as he may determine most appropriate in the circumstances, and to provide the Commission with the necessary staff assist in carrying out the functions assigned to the Commission by the General Assembly. The resolution also provided the following safeguards for both Arabs and Jews in their areas:

"(a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the legislature;

"(b) Settling all international disputes in which the State may be involved by peaceful means in such a 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 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 freedom of religion, language, speech and publication, education, assembly and association".

The Resolution also took note of the Holy Places and contained the following provisions for their preservation:

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

"2. 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. 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."

Religion and minority rights were granted and safeguarded in the following manner:

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

"4. 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."

About citizenship and financial obligations the Resolution provided that "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 the independence, become citizens of the State in which they are resident and enjoy full civil and political rights." The Partition Resolution was adopted by the General Assembly by a thin margin of vote. The members had criticized the plan, even those who had voted for it had their own reservations.

The Representative of Philippines while commenting on partition plan said: (70) "My delegation takes part in this final stage in the consideration of the Palestine problem with profound misgivings;"

The Swedish delegate admitted (71) that the Plan "has its weak side and dangerous omissions".

The delegate of Canada said: (72) "We support the Plan with heavy hearts and many misgivings".

The delegate of New Zealand also talked (73) of "grave in-

70. UN Resolution 181 (11), November 29, 1947, pp.1313-14.
71. Ibid., p. 1312.
72. Ibid., p. 1319.
73. Ibid., p. 1357.
The Foreign Minister of Belgium also offered comments on the Partition proposal and said: (74) "we are not certain it is completely just; we doubt whether it is practical; and we are afraid that it involves great risks."

The representative of Cuba, Dihigo opposed the Partition resolution and defended his country's opposition by making the following observation: (75)

"The partition of Palestine is neither legal nor just...the Balfour Declaration, in our opinion is not legally valid because in it the British Government was offering something which did not belong to it and which it had no right to give."

"The partition contravenes the terms of the Mandate, Article 6 of which provides that the rights and position of the non-Jewish population of Palestine shall not be prejudiced when the indigenous population is to be deprived of more than half of its territory and hundreds of thousands of Arabs are to be placed under a Jewish Government, and forced to become a subject people in a land where they were once the rulers."

The Ethiopian representative commented: (76)

"It is my duty to state that the Ethiopian delegation finds itself unable to subscribe to the principle of partition involved. We cannot agree that a solution to the problem of that geographical, historical and economic unity known as Palestine should be sought through a partition drawn along religions or other lines."

On October 11, 1947, Mrs Pandit, the Indian representative to the United Nations said: (77) "Palestine was a predominantly

74. Ibid., p. 1365.
76. Ibid., p. 1405.
Arab country and in any solution that predominance should not be altered to the disadvantage of the Arabs. There should also be recognized the existence in Palestine of a vigorous, active and political conscious Jewish community which, within the framework of the state, should be entitled not only to citizenship rights but also to a life of its own. It was clear, therefore, that a solution could be reached only on the basis of an Arab State in which the Jews in the areas where they were in a majority, would enjoy wide powers of autonomy".

Many writers have written about pressure the USA brought to bear upon member states in order to win their consent for the Partition resolution. Alfred Lilinthal calls the scheme of Partition "unholy" and discusses pressure used in the United Nations. The final vote was to be recorded on November 26 but it was delayed by 48 hours because "the Zionists had ascertained that they lacked positive assurance of the necessary two-thirds". (78) Many members like Philippines, Haiti, etc. were opposed to Partition. The representative of Philippines, Romulo observed that "we cannot believe" that Partition Resolution, "would sanction a solution to the problem of Palestine that would turn us back on the road to the dangerous principles of racial exclusiveness and to the archaic document of theocratic governments... The problem of the displaced European Jews is susceptible of a solution other than through the establishment of an independent Jewish state in Palestine". (79) The United States of America exerted her pressure on these members and

the result was that Philippines, Haiti, Paraguay and Luxumburg cast their affirmative vote on the Partition Resolution. Liberia was also pressurized to vote in favour of the Partition Resolution. (80) "The Firestone Tire and Rubber Company made use of its concessions on Liberia and had transmitted a message to their representative directing him to bring pressure on Liberian Government to vote in favour of partition".

Richard Stevens has observed (81) that had Partition Resolution "been put to the vote" on November 26, "it would have failed to secure the two-thirds majority necessary". The fact of American pressure is well established when Stevens talks of Haiti and how she changed her position. "The vote of Haiti was reportedly secured through Adolph Berle, who used the promise of American economic assistance". "Robert Nathan gave various Latin American delegates to understand that their vote for partition would greatly increase the chances of a Pan-American road project. Nathan went so far as to use the name of the State Department and even of the President in making these promises". (82)

David Horowitz made a self-confession about pressurizing the members of the General Assembly when he wrote: (83)

"The fighting spirit rose in us again. We met at the Agency offices and consulted on ways and means to turn the wheel of events once more. The struggle began again. The telephones rang madly. Cablegrams sped to all parts of the

82. Ibid., p. 179.
world. People were dragged from their bed at midnight and sent on peculiar errands. And, wonder of it all, not an influential Jew, Zionist or non-Zionist, refused to give us his assistance at any time. Everyone pulled his weight, little or great, in the despairing effort to balance the scales in our favour.

Kermit Roosevelt also discusses American pressure in securing votes for the Partition Resolution. According to him the Zionist "rallying a group of influential Americans and selecting their targets with care, they exerted all possible influence - personal suasion, floods of telegrams and letters, and political and economic pressure". (84) on unwilling members of the General Assembly to secure their support in favour of the Partition Resolution.

The Zionists and their supporters celebrated Palestine Resolution adopted by the General Assembly. The American pressure on various members of the General Assembly to secure their support for partition resolution has become a fact of history.

The Arabs felt humiliated and reacted very sharply. The Arab delegates in the United Nations, after the adoption of Partition Resolution, made it clear that they and their countries were not bound by the decision of the General Assembly regarding the Partition of Palestine for such a decision was contrary to the spirit of the United Nations' Charter. The Arabs protested against the partition of Palestine. "An Arab crowd set on fire two petrol lorries of the American Arabian Oil Company in Amman." A three day "protest strike throughout Trans-Jordan began" on December 1, 1947 in solidarity with the Palestine Arabs." (85)


(85) The Hindu (Madras), December 3, 1947.
Ivokrasy Pasha, the Egyptian Prime Minister told the Chamber of Deputies on December 1, 1947 that the "decision (of partition) taken by an unauthorized organisation is valueless" and he emphasized his country's "refusal to recognize it". (86)

The Arab Higher Committee ordered a countrywide three days' strike and in its resolution rejected outright the decision of the United Nations to partition Palestine. The committee also directed a complete boycott of all Jews and resolved "to adopt necessary preliminary measures for implementing a non-cooperation policy in preparation for declaring a state of emergency in Palestine". (87)

On the second day of general strike Arab demonstrators in Jerusalem burnt and looted some Jewish properties and the Zionists also began attacking buildings on the pretext that they were being used by the Arabs as centres of anti-Jewish activities.

The Haganah blew up a flour mill in the village of Beit Safafa a soda water factory at Romema Quarter and also the Supreme Moslem Council headquarters near the American colony. They also burnt down an Arab cinema. (88)

Jaffa and Tel Aviv were in the trip of fierce fighting and Haganah played an active role. The Haganah also requested the United States of America to send arms to the Jews in Palestine to fight against the Arabs. (89) The Zionist agents were spread all over the globe and were busy collecting money and arms. The American Jews had raised several million dollars and helped the Zionists

86: Ibid., 2 December 1947, p. 5.
87: Ibid., 2 December 1947, p. 5.
88: John, Robert & Hadawi, Sami, op. cit., p. 276.
in acquiring necessary heavy machinery. In France the members of Haganah bought six pieces of artillery. The first arms purchase with the communist countries was completed by the end of January 1948 "after protracted discussions between Moshe Shertok and Andrei Gromyko in New York had been concluded in January 1948 and after the Russians had given their approval. Finally Czechoslovakia agreed to sell arms to the Zionists on February 24, 1948. (90) The military strength of the Jews in Palestine by December 1947 was assessed by one writer in the following manner: (91)

"At the beginning of December 1947, the 3,000 permanently mobilised special command groups of the Hagnia and the Palmack, were brought up to a strength of five battalions, about 5,000 including 1,200 women. The Haganah also commenced to mobilise its largest battalions - the Hish, or Field Army, as well as units of HIM**second-line troops used for the static defense of settlements and towns".

The Zionists were planning and preparing well in advance and it became evident with bloodshed and violence initiated by Zionist underground terrorist groups immediately after the adoption of the Partition Resolution. The scheme of well planned massacre of Arab population by the Jewish terrorist groups became a known fact when a Jewish official told a British officer of the Jordan Arab Legion that Arab majority would not be allowed to create internal troubles because "that will be fixed. A few calculated massacres will soon get rid of them". (92)

91. Ibid., p. 278.

* Hish is abbreviation for Hebrew Heyl Sadeh.
** HIM is abbreviation for Hebrew Heyl Matzav.
The method of calculated massacres of Arab population was logically consistent with Ben Gurion's thesis that "Force of arms, not formal resolutions, will determine the issue". (93) The most shockingly inhuman incident was the massacre of Deir Yasin on April 9, 1948 in which the entire village population consisting of 250 men, women and children was wiped out. The "evil deeds" of Deir Yasin have been described by Toynbee as "comparable to crimes committed against the Jews by the Nazis and it "precipitated a flight of Arab population, in large numbers, from districts within the range of the Jewish armed forces and the subsequent deliberate expulsion of the Arab population from districts conquered by the Jewish armed forces". (94)

The Arab villages like Qazaza, Salameh, Sara's, Qastal, Biyar and towns of Jaffa and Acre together with many other villages were attacked and occupied by the Jewish terrorist groups. By the end of March, the situation in Palestine had further deteriorated. The Zionist lobby was very active in the United Nations. They were making hectic efforts to thwart any likely attempt in the Security Council to undo the partition of Palestine. The Zionists were preparing for any eventuality and by accelerating pace and direction of their attack on Palestinian Arabs they wanted to control and occupy as large an area as possible before the meeting of the United Nations in order to present the world body with a fait accompli. The Jews in their expansionist drive attacked and occupied many


Arab areas. A full chronology of events has been presented by a few writers. On May 15, 1948, the date for the termination of British Mandate, many cities, allotted to the Arabs under the Partition Plan, were occupied. On April 19, 1948 Tiberias was occupied, Haifa was occupied on April 22, Jaffa was occupied on April 28 and the Arab quarters in the New City of Jerusalem on April 30, Beisan (95) was occupied on May 10 and Acre on May 14. Rabbi Abba Silver wanted that the Jewish Agency should proclaim that it had ended its existence and handed over all its prerogatives to the provisional "Hebrew" Government of Palestine. He was hopeful that "confronted by a fait accompli, the United Nations will give the government at least the same measure of recognition it was given to the Jewish Agency". (96) The United States of America in particular and other members of the United Nations in general showed great concern over rapidly worsening situation in Palestine and asked for the session of the Security Council which met on March 30, 1948. At the 275th meeting of the Security Council, the United States representative introduced two resolutions. The first resolution adopted unanimously noted "with grave concern the increasing violence and disorder in Palestine". The resolution called for a truce. The second resolution requested the Secretary General of the United Nations "to convene a special session of the General Assembly to consider further the question of the future government of Palestine". (97)

96. John, Robert & Hadawi, Sami, op. cit., p. 351.
The resolution was adopted by nine votes in favour, with two abstentions (Ukrainian SSt and the Soviet Union). The USSR representative opposed the US second resolution because it was to wreck the decision of the partition of Palestine. He said that "the United States had not only refused to support" the decision of Partition "but had raised the question of rescinding it, and, for that purpose, had submitted entirely new proposals". (98) The American policy of trusteeship for Palestine generated a wave of resentment at home. About 250,000 workers threatened to quit work "to demand that the United Nations carry out its original decision for the partition of Palestine". (99) The Secretary General of the United Nations, acting under the provisions of rules 7 and 9 of the rules of procedure of the General Assembly, called the second special session of the General Assembly on April 16, 1948 "to consider further the question of the future government of Palestine".

The General Assembly had referred the matter to the First Committee for consideration and report. Austin of the United States of America opened the debate on April 19, 1948. He told the Committee that acts of violence and threats by the Arabs and the Jews had made it "difficult for the United Nations to find a peaceful solution to the Palestine problem". He suggested trusteeship but "stressed that the temporary trusteeship should not be considered as a substitute for the plan of partition with economic union". (100)

98. Ibid.


According to Rabbi A. H. Silver of the Jewish Agency for Palestine "The Security Council faltered, retreated and capitulated when confronted by defiance" by the Arabs. He warned the United Nations not to take up any new proposal because the Jews "having won statehood after centuries of struggle, they would not surrender their freedom, nor suspend their activities on behalf of a Jewish state". (101)

The Jewish terrorist groups did not suspend their activities, they intensified and increased their pressure on Arab population forcing them to flee from their homes. The massacre of the Arabs of Palestine was not a spontaneous act. It was rather a "coldly calculated plan executed by the Irgun but with the knowledge of the Haganah and the Jewish Agency". (102)

On May 14, 1948, the General Assembly adopted the following resolution by thirty-one vote in favour to seven against with six abstentions:

"The General Assembly

"Taking account of the present situation in regard to Palestine strongly affirms its support of the efforts of the Security Council to secure a truce in Palestine and calls upon all Governments, organizations and persons to co-operate in making effective such a truce;

"1. Empowers a United Nations Mediator in Palestine, to be chosen by a committee of the General Assembly composed of representatives of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, to exercise the following functions:

101. Ibid., pp. 44-47.
"(a) To use his good offices with the local and community authorities in Palestine to:

"(i) Arrange for the operation of common services necessary to the safety and wellbeing of the population of Palestine;

"(ii) Assure the protection of the Holy Places, religious buildings and sites in Palestine;

"(iii) promote a peaceful adjustment of the future situation of Palestine....

The resolution also directed "the United Nations Mediator to conform in his activities with the provisions of this resolution, and with such instructions as the General Assembly or the Security Council may issue;"...

It also "relieves the Palestine Commission from the further exercise of responsibilities under resolution 181 (11) of November 29, 1947". (103)

The Zionists were active both in the United Nations and outside. The terrorist groups like Irgun, Stern, the Haganah and the Palmach were conducting their reign of terror with no less effectiveness even during the session of the United Nations. It was always their strategy to come to the United Nations with a fait accompli. The Zionists were in full control of the situation in Palestine and, during the period from November 29, 1947 to May 15, 1948 they took matters into their own hands and attacked and occupied major cities and towns in Palestine before the termination of the British mandatory rule of Palestine on May 15, 1948. Ben-Gurion was honest enough to have accepted the Jewish forceful infiltration in the following words: (104)

103. UN Doc. A/565, 1948, pp. 5-6, 8-9.
"As April began, our war of independence swung decisively from defence to attack. Operation 'Nach-Shon' ... was launched with the capture of Arab Hulda and of Deir Muheisin and culminated in the storming of Qastel".

Further

"Until the British left, the Haganah captured many Arab positions and liberated Tiberias and Haifa, Jaffa and Safad ... so, on the day of destiny, that part of Palestine where the Haganah could operate was almost clear of Arabs".

The Zionist forces equipped with modern weapons had not only occupied parts of the territory awarded to the "Jewish" state but had also invaded and occupied those parts like Jaffa and Acre which were assigned to the 'Arab' state and parts of international zone of Jerusalem. The withdrawal of the British forces had rendered Palestinian Arabs defenseless and at the mercy of the Jewish terrorists. The Arab States did not intervene in Palestine so long the British Government was responsible for the maintenance of peace and security in Palestine. The Arabs had exhibited remarkable control over their emotions by refraining from intervening in Palestine to save their brothers' lives and properties. They had always respected the United Nations and its resolutions while the Zionists had violated the principle enshrined in the Charter of the United Nations. They had always complied with the United Nations resolutions provided they were not in contravention of the principles of the Charter. The Arab States were accommodating and willing to carry out the decisions of the world body but not at the cost of self-respect and territorial integrity which every state is supposed to maintain. The Zionists had crucified the United Nations and the principles it stood for by their unilateral proclamation of the Jewish State on May 15, 1948. The establishment of Israel on May 15,
1948 was a flagrant violation of the United Nations resolution. The status of Palestine, after the termination of the Mandate, was to be determined by the majority of its population and not by the minority. The provisions of the Partition were to become effective two months after the withdrawal of British forces, i.e. not before July 15, 1948. The United Nations' Mediator was supposed to take over the administration of Palestine from the British authorities. "The establishment of Israel on May 15, 1948 was therefore invalid juridically, and non-binding." (105)

According to one writer "the new 'state of Israel' was the product of brute force, created in violation of the principles of the United Nations Charter, the Universal Declaration of Human Rights, and the very resolution under which the Israelis now claim sovereignty". (106)

On May 15, 1948, the armies of the Arab States entered into Palestine. They had not gone to Palestine to liquidate Israel, their purpose was to protect the lives and properties of their Arab brothers living in Palestine. They wanted to contain Zionist expansionism which was threatening the territorial integrity of neighbouring Arab States. The Arab armies were in Palestine not in defiance of the United Nations resolutions but to "prevent the forcible nullification of parts of that resolution by a State which had been summoned into being by that self-same Resolution." (107)

Governments in dispatching their forces was clearly communicated to the United Nations Secretary General in a cable sent by the Secretary General of the League of Arab States. He informed him that "The recent disturbances in Palestine further constitute a serious and direct threat to peace and security within the territories of the Arab states themselves. For these reasons, and considering that the security of Palestine is a sacred trust for them, and out of anxiousness to check the further deterioration of the prevailing conditions and to prevent the spread of disorder and lawlessness into the neighbouring Arab lands, and in order to fill the vacuum created by the termination of the Mandate and the failure to replace it by any legally constituted authority, the Arab Governments find themselves compelled to intervene for the sole purpose of restoring peace and security and of establishing law and order in Palestine". (108) Glubb Pasha of the Arab Legion confirmed it when he wrote (109) about the intervention by Trans-Jordan: "In 1948, Trans-Jordan became involved in hostilities with Israel. She did not want to do this. She intended only to occupy that part of Palestine awarded to the Arabs, but the Jews were already in the Arab area when the Arab Legions arrived".

The situation in Palestine became very explosive and capable of engulfing the entire Middle East area. The United Nations moved swiftly and on May 22, 1948 the Security Council adopted a resolution calling upon "all Governments and authorities, without prejudice to


the rights, claims or position of the parties concerned, to abstain from any hostile military action in Palestine, and to that end to issue a ceasefire order to their military and para-military forces". (110)

The Security Council resolution of May 22, failed to bring peace to Palestine. On May 29, the Security Council adopted another resolution:

"Desiring to bring about a cessation of hostilities in Palestine without prejudice to the rights, claims and position of either Arabs or Jews,

"Calls upon all governments and authorities concerned to order a cessation of all acts of armed force for a period of four weeks"

The resolution also called on the parties "to undertake that they will not introduce fighting personnel" into the area "during the ceasefire". (111)

Israel accepted the truce with reservations. She violated every provision of the cease-fire orders and used it as a pretext to strengthen her military power for another strike. Israel accepted the truce to gain time and it was evident from Ben Gurion's statement of June 10, 1948: (112)

"Our bounds are set wider, our forces multiply we are administering public services, and daily new multitude arrive... All that we have taken we shall hold. During the ceasefire, we shall organize administration with fierce energy, strengthen our footing in towns and country, speed up colonization and Aliyah (immigration), and look to the army".

The hostilities resumed after four weeks when the ceasefire was over. On July 7, 1948, the Security Council addressed (113) "an

111. UN Doc. S/801, Resolution 50 (1948), May 29, 1948.
urgent appeal to accept in principle the prolongation of the truce for such period as may be decided upon in consultation with the Mediator". On July 15, 1948, the Security Council ordered for an indefinite ceasefire declaring that: (114)

"Subject to further decision by the Security Council or the General Assembly, the truce shall remain in force, in accordance with the present resolution and with that of May 29, 1948, until a peaceful adjustment of the future situation of Palestine is reached".

Israel remained adamant and kept violating the resolutions and pursued her expansionist designs against the Arab world. On August 19, 1948, a new resolution was adopted which introduced new provisions in addition to those embodied in the resolution of May 29, 1948. According to new resolution "each party is responsible for the actions of both regular and irregular forces operating under its authority or in territory under its control". It also stipulated (115) that "no party is permitted to violate the truce on the ground that it is undertaking reprisals or relations against the other party; no party is entitled to gain military or political advantage through violation of the truce".

Israel was not observing any moral scruples and was gaining military strength and advantages to expand its frontiers at the cost of Arab world. According to one Zionist journalist, Jon Kimche: (116) "When the truce ended, a coherent Jewish army with a tiny but effective air force and a small and daring navy was ready to give battle."

The Mediator appointed by the General Assembly submitted his report

on September 16, 1948. He had recommended in his report few revision in the Partition Plan, "according to which the Nageb would become part of the Arab state in exchange for Galilee". (117)

Count Folke Bernadotte was assassinated on September 17, 1948, one day after he had submitted his report to the UN.

The assassination was engineered by Israel and the United Nations asked the provisional government of Israel to submit a report to the Security Council about the tragedy. Israel failed to submit any report and the Security Council in its resolution of October 19, 1948 noted (118) "with concern that the Provisional Government of Israel has to date submitted no report to the Security Council or to the Acting Mediator regarding the progress of the investigation into the assassination".

The truce proved too ineffective to disengage warring parties. The United Nations was very anxious to bring peace to Palestine. On November 10, 1948 the Security Council adopted a resolution which provided more plausible and effective measures to restore peace in Palestine. The resolution gave a new line of action which fell within the jurisdiction of the Security Council. The resolution declared that "the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter. The Security Council "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;

"Calls upon the parties directly involved in the conflict in Palestine ... 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 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". (119)

Before proceeding further it may not be out of place to say a few words about the 'competence' of the United Nations. The question of the competence of the United Nations was raised during the discussion on the Partition Resolution. Entezam of Iran wanted to know whether "it lies within the competence of the General Assembly to recommend either of the two solutions proposed by the majority or by the minority of the United Nations Special Committee on Palestine; or whether it lies within the rights of any member state or group of member states to implement any of the proposed solutions without the consent of the people of Palestine. (120) The Syrian representative El Khouri proposed "the establishment of a further Sub-Committee to be composed of Jurists to advise on the competence of the General Assembly to take and enforce a decision". (121)

The United Nations as an international organization had every right to consider Palestine question but its competence to propose any solution and enforce any decision it fancied was not beyond doubt.

120. Ad Hoc Committee on Palestine question, p. 128.
121. Ibid.
The Palestine question was brought before the United Nations by the United Kingdom. The main reason given for such a step was that the two contending parties i.e., Arabs and Jews were unable to agree on the solution. The United Kingdom, after having failed to bring about a compromise between the Arabs and the Jews, requested for the inclusion of Palestine question on the agenda of the General Assembly's Special Session. Article 10 of the United Nations Charter had given the General Assembly the power to "discuss any question or any matter within the scope of the present Charter" and make recommendations regarding it.

The General Assembly created a special committee on Palestine consisting of eleven nations and its job was to "ascertain" and record facts, and to investigate all questions and issues relevant to the problem of Palestine.

The UNSCOP drew up 'Partition Plan' and the General Assembly set up an Ad Hoc Committee to consider the proposal. Two sub-committees came into existence to accomplish the job of studying UNSCOP proposals. The sub-committee 1 supported Majority Plan of Partitioning Palestine with economic union. The sub-committee 2 submitted three proposals and one of which suggested that the General Assembly should ask the International Court of Justice:

(a) "Whether the United Nations is competent to recommend either of the two plans and recommendations of the majority or minority of the United Nations Special Committee on Palestine, or any other solution involving partition of the territory of Palestine or a permanent trusteeship over any or part of Palestine, without the consent of the majority of the people of Palestine;"

(b) "Whether the United Nations or any of its member states, is competent to enforce or recommend the enforcement of any proposal concerning the Constitution and future Government of Palestine, in particular any plan of partition which is contrary to the wishes or adopted without the consent of the inhabitants of Palestine". (122)

The resolution requesting the General Assembly to seek the advice of the International Court of Justice was rejected.

The Partition Resolution of the United Nations did not express free opinion of its member states. The United States of America had used enormous financial and diplomatic pressure on members of the United Nations to win their support for creating a Jewish state in Palestine. Weizmann had accepted the fact of American pressure being used on various member states in order to get their support for the Partition Plan. He also accepted that the Partition Resolution was passed because of President Truman's intervention and pressure. Le Monde, the French newspaper also refers (123) to "the weight of twenty billion dollars of credits which the United States granted to certain countries at that time".

The Partition Resolution adopted by the General Assembly was ultra vires for it violated the principles laid down in the Mandate and the United Nations Charter. The people of Palestine were, under the Partition Plan, deprived not only of political control over their territory but also of their state itself. The Covenant of the League of Nations had recognized the independent existence of the people of Palestine. The Mandatory power was responsible for looking after the interest of the people of Palestine and was expected to help them towards the goal of complete independence. The United Nations Partition Plan had violated another mandate provision whereby it was provided that at the termination of the mandate the territory of Palestine would be placed under the control of the "Government of Palestine". The United Nations was competent to

deal with the question of Palestine only to the extent it constituted threat to peace and security. Apart from situation involving a threat to peace, the United Nations had no power under the Charter to impair the integrity of Palestine against the wishes of the majority of Palestinians.

The question of the United Nations competence is linked up with the question whether the United Nations was a continuation of the League of Nations as regards the mandate over Palestine.

Many reputed jurists of International Law hold the view that there exists no legal continuity between the Mandate system of the League and trusteeship system of the United Nations. According to Hans Kelson (124) "The United Nations did not succeed to the rights of the League of Nations as regards the former Mandated Territories". Kelson's point of view cannot be accepted because the Charter of the United Nations under Article 80(1) very clearly stipulated that mandates which create rights and obligations for states and peoples would remain in force until they were replaced by an alternate system. The International Court of Justice upheld article 80 when it affirmed: (125)

"From all aspects, the raison d'etre of obligations resulting from mandates and their first objective remains. As the fulfilment of these obligations did not depend on the existence of the League of Nations they could not become obsolete simply because this organ of supervision had ceased to exist, nor could the right of the population to see the territory administered according to three rules be conditional on the existence of the League".

A. McNair, an authority on international legal order said: (126) "The


125. International Court of Justice, July 2, 1950, on South West Africa.

dissolution of the League of Nations has not put an end to Mandates. The competence of the United Nations regarding Palestine is well established and substantiated by well reputed jurists and verdicts of International Court of Justice. The United Nations Charter under Articles 10 and 14 had empowered the General Assembly to step in wherever peace and security were threatened but the United Nations cannot go beyond a limit and such limits are well set by the provisions of the Charter. Article 1, Para 2 sets some limits on the competence of the United Nations. It sanctions the right of self-determination to the peoples and Palestinians were not and should not have been exceptions. Article 1 Para 2 asks the United Nations to work "in conformity with the principles of justice and international law" and to respect "the principles of equal rights and self-determination of the peoples". The United Nations cannot act as a super state empowered to impose its will and decisions on unwilling peoples. According to Brownlie: (127)

"It is doubtful if the United Nations has a capacity to convey title inter alia because the organization cannot assume the role of territorial sovereign... Thus the resolution of 1947 containing a partition plan for Palestine was probably ultra vires (outside the competence of the United Nations) and, if it was not, was not binding on member states in any case".

The General Assembly violated Articles 10 and 14 because there was a distinction between recommending some proposals as a solution and adopting a plan which was against the wishes of the majority of the people. The Partition Plan was a decision which was not mere recommendation but also implied some amount of coercion because it was

provided in the plan that any effort to alter by force the settlement embodied in the Partition Resolution would mean breach of the peace or act of aggression.

The General Assembly would have been acting within its area of jurisdiction had it made recommendations to the United Kingdom. It violated the provisions of the United Nations Charter by creating a Committee to administer Palestine on behalf of the United Nations.

Kelson is of the view that (128) "the decision of the United Nations to administer a territory for the purpose of establishing two states therein cannot be within the competence of the United Nations".

The General Assembly has no competence to implement a decision nor it is empowered to request the Security Council to take enforcement measures by virtue of Article 14. In fact the Council is not competent to implement the recommendations made by the General Assembly.

The General Assembly was expected to have ordered for a plebiscite in Palestine to secure the consent of the peoples of that country. The Assembly did not do it, instead it partitioned Palestine into Jew and Arab States without bothering about the right of self-determination of the peoples of Palestine.

The Charter of the United Nations does not confer any power on the General Assembly to uproot people from their areas and deny people the right of self-determination and the right to exercise power within a political entity. The United Nations failed to act.

impartially and its unfortunate decision of partitioning Palestine into Arab and Jew State brought nothing but miseries and sorrows for the people of the area. The people of Palestine in particular and the people of Middle East in general are still paying the price with their life and property for the folly of the United Nations committed at the bid of the Zionists and their masters, i.e. the USA and the USSR.