

**FOREIGN POLICY DOCUMENT  
No. 223**

**THE UNITED NATIONS : DOES THE RHETORIC MATTER?  
A CASE HISTORY : PALESTINE 1947-1983**

**October 1983**

**International and Commonwealth  
Section  
Research Department  
Foreign and Commonwealth Office**

**UNITED NATIONS: DOES THE RHETORIC MATTER?  
A CASE HISTORY: PALESTINE**

**INTRODUCTION**

1. The purpose of this paper is to look closely at a major problem with which the United Nations has been associated and to try and assess the influence that the discussion, the resolutions and the voting patterns in the Security Council and the General Assembly have had on the problem itself and/or the way it has been regarded. The following concentrates on the question of UN "rhetoric" but also inevitably discusses the significance of certain UN actions, the most closely related of which are the way countries vote on resolutions.

2. In order to provide a proper assessment the accompanying annex (together with a summary) has been written. This is designed to show how the question of a settlement of the Palestine problem has been tackled by and through the UN since 1947. It looks in particular at the major elements on the problem and how they have been dealt with. These are: sovereignty and territory for two states, or one; which boundaries should the one state or the two states have; the status of Jerusalem; the refugees' rights to repatriation; the acceptance of the Palestinians as a people rather than refugees and their concomitant inalienable rights including the right to return, the right to self determination, and the right to national independence; the discussion of what should be the elements of a just solution; human rights in the occupied territories and the recognition of the PLO as the legitimate representative of the Palestinians. It concentrates on the timing and the reasons for introducing new elements into the debate and the sort of support that the Palestinians and their main supporters (themselves often divided on aims and tactics) have been able to achieve.

**RHETORIC AND ASSENT TO RHETORIC**

3. One definition of "rhetoric" in the Oxford English Dictionary is:

"The art of using language so as to persuade or influence others";

Another is:

"Speech or writing expressed in terms calculated to persuade; hence (often in depreciatory sense) language characterised by artificial or ostentatious expression".

In UN terms the success, or otherwise, of the attempt to persuade can often be judged by the way countries vote in the General Assembly or the Security Council.

4. The kind of language discussed in the annex consists, with one major exception, of language designed to have an impact, in the first place, on governments and subsequently on educated opinion. The sort of language that has such an impact, is the sort that uses political and legal terms in a rational way and is based on widely accepted sources such as the UN Charter or the 1948 Universal Declaration on Human Rights. This is the normal bread and butter of a sophisticated diplomatic community and may, over time, provide the wherewithal for sorting out problems in a non-violent manner.

The use of language is a more emotional way, in a forum like the UN is often, though not always, counter-productive. It may only tend to confirm the emotional bias of those listening, rather than persuading them to change their attitude. The main exception noted in the annex is to be found in Arafat's speech to the General Assembly in November 1974 which commanded world media attention (annex para 39). Much of the language used in this speech was designed for the international diplomatic community and governments. But comments such as those about the "gun and the olive branch" showed an awareness of a wider audience more receptive to certain forms of emotional rhetoric. Some "rights" language is also transferable fairly easily to a wider audience including the news media and students. This again can, and has been, re-used to influence governments in countries where governments are influenced by public opinion.

#### THE UNITED NATIONS

5. The UN is, of course, only one forum among many, where language designed to influence governments can be put forward and gain acceptance. It can also be done at meetings of bodies like the non-aligned (annex para 24) or regional bodies like the Organisation of African Unity (annex para 16) and the European Community (annex para 36). It can be done through important national speeches such as President Reagan's initiative of September 1982 (annex para 64) or bilateral communiques, the most notable in relation to Palestine being the Soviet/United States communique of 1977 (annex para 49).

#### THE GENERAL ASSEMBLY

6. However the UN, though only one of the available fora, is extremely well-suited to advancing language which has impact on governments particularly though in somewhat different ways in the General Assembly and the Security Council. The General Assembly is suitable because it meets annually, because it has now achieved almost universal membership and because most members feel obliged to take a position on the language put forward by voting or abstaining on particular resolutions (non-participation in a vote is possible but is not widely used). Countries are thus forced, often annually, to take up an identifiable public position on major issues. The countries least involved in the issue may well be the ones who are likely to shift their position most, in response to the influence of changing political forces and/or a change in their perception of the merits of the case. Their public commitment to a particular position however may not necessarily reflect a political will to do anything about the commitment. Those principally involved too may also shift their position. The United States has accepted and committed itself to a version of Palestinian rights since 1977 (annex para 49) and the first public reaffirmation of GA resolution 181 II by radical Arab states, including Syria, was made in 1980 by GA resolution (annex para 62).

7. There are two main ways that in which General Assembly rhetoric and the acceptance of General Assembly resolutions have made an impact on the Palestine problem. The first concerns the General Assembly's acceptance of the legitimacy of the Israeli state. This was done by the partition resolution (GA resolution 181 II of 1947 annex para 5) and the acceptance of Israel as a member of the UN in 1949 (GA resolution 273 IV) (annex para 8). Both it should be

noted considered that Israel's boundaries were those defined in GA resolution 181 II. The legitimacy of Israel has also been accepted by most of the newly decolonised states which subsequently joined the UN and the non-aligned movement. They were, as weaker states, more attached to, and paid more attention to the UN, its Charter, and its resolutions than Western states, and therefore found it difficult to attack the right of a state to exist that had been legitimised through the UN itself. Radical Arab countries were not able to persuade the non-aligned as a whole in the 1970s to deny Israel's legitimacy (annex para 41). Indeed since 1969 the non-aligned as a whole may have gone further than this through their endorsement of Security Council resolution 242. This, it can be argued, opens the way for a political solution of the problem by allowing Israel to continue to hold some or all of the land (excluding Jerusalem) that it had acquired by force between 1947 and 1967 (annex para 21).

8. The second way in which General Assembly rhetoric and the acceptance of General Assembly resolutions have made an impact on the Palestine problem concerns the way it has been used by the Palestinians and Arab and Muslim states to re-make the case for Palestinian rights and a Palestinian state which had been accepted in GA resolution 181 II (annex para 5) and persuade others to accept it. Some of the turning points were:

a) the addition by a number of Arab and Asian states of articles on the right of a people to self-determination to the proposed Covenant or Covenants on human rights in 1951 by GA resolution 545 VI (annex para 12);

b) the initiatives taken by Arab and Muslim states within the General Assembly from 1959 onwards to change the perception of the Palestine problem from a "refugee" problem to a "rights" problem (annex para 13) and to ensure that a representative of the PLO began to speak at the UN (annex para 17);

c) the non-aligned effort to gain acceptance of a resolution on Palestinian "inalienable rights" in 1969 (annex para 26) and their right to self-determination in 1970 (annex para 29) and the successful French effort to build on a resolution reaffirming Security Council resolution 242 in 1970 by including a clause on Palestinian rights (GA resolution 2628 XXV annex para 28) recognising "that respect for the rights of the Palestinians is an indispensable element in the establishment of a just and lasting peace in the Middle East";

d) the acceptance by the two European permanent members of the Security Council and a number of Latin American countries in 1972 (before the first major oil price rise) of a resolution containing the clause put forward by the French in 1970 in GA resolution 2949 XXVII (see (c) above - annex para 32). The United Kingdom acceptance of this, in 1972, is not surprising since Sir Alec Douglas Home had called in his Harrogate speech, in October 1970, for a settlement which took account of the legitimate aspirations of the Palestinians;

e) the consolidation of rights language regarding Palestinians in 1974 including the assertion that Palestinian people's inalienable rights included the right to national independence and sovereignty (GA resolution 3236 XXIX) and the acceptance

of the PLO as an Observer at the UN (GA resolution 3237 XXIX) (annex para 40);

f) the reaffirmation in 1980 by radical Arab states of both the partition resolution and GA resolution 194 III (annex para 61).

## THE SECURITY COUNCIL

9. The Security Council provides a public forum where the great powers, the Soviet Union and the United States, are as in the General Assembly, but even more visibly, forced to take positions on language put forward or to take the initiative to put forward language on which they can agree. It too is well suited to develop and approve language which may further the settlement of intractable problems. It can meet at very short notice and has often been summoned in the wake of a recourse to military force. It is often, at least in the short-term, more important than the General Assembly as the great powers often are more able to translate words into action. In UN terms they can do this through enforcement action under Chapter VII of the Charter. The Soviet Union and the United States are the only two permanent members who have used their veto in relation to the Palestine problem: the Soviet Union in 1954 (annex para 12) and the United States on Palestinian rights in 1973, twice in 1976 and in 1980 (annex paras 33, 45, 59). It has also used its veto on the questions of both Jerusalem and the occupied territories in 1976, 1982 and 1983 (annex paras 45, 46, 63 and 64).

10. There have been no problems about the question of Israel's legitimacy in the Security Council as that has been a question on which the five permanent members have been able to agree not to use their vetoes. The main relevant Security Council resolutions are SC resolution 69 (1949) which accepted Israel as a member of the UN (annex para 8) with, theoretically, the boundaries declared in GA resolution 181 II, and SC resolution 242 (1967) which once again affirmed Israel's legitimacy, and opened the way for a political solution of the problem by allowing Israel to continue to hold some or all of the land (excluding Jerusalem) that it had acquired by force between 1947 and 1967 (annex para 21).

11. The problems that have arisen in the Security Council stem from the campaign to press once again for the acceptance of Palestinian rights and the debate about what these entail. SC resolution 242 made reference to the Palestine problem in its call for "a just solution to the refugee problem". Many have subsequently considered this formulation inadequate and the first attempt by non-aligned states to build on this in the Security Council, took place in July 1973. The draft resolution reaffirmed SC resolution 242 and expressed the conviction that a just and peaceful solution to the problems of the Middle East could be achieved only on the basis of a respect for national sovereignty, territorial integrity, the rights of all states in the area and for the rights and legitimate aspirations of the Palestinians (annex para 33). It was voted for by three permanent members of the Security Council (China did not participate) and by all the rest of the members, with the exception of the United States which used its veto. A similar pattern was repeated in January 1976: the United States vetoed a resolution calling inter alia for the setting up of an independent Palestinian state in Palestine (annex para 45) voted

for by two of the permanent members (the Soviet Union and France) of the Security Council plus seven others (the United Kingdom abstained and China did not participate). The next year the United States began to accept "rights" language in relation to the Palestinians (annex para 49) under President Carter and has retained this language under President Reagan (annex para 64). The United States does not now accept the idea of a Palestinian independent state (annex para 64).

## CONCLUSIONS

12. It seems fair to state that the United Nations through its Charter, the changing language in its resolutions, its use by weaker states and occasionally its use by major powers in the world community, has had and continues to have a significant influence on the problem of Palestine and the way it has been regarded. On the one hand both the General Assembly and the Security Council have provided legitimacy for Israel even among third world states: in fact the non-aligned showed in the 1970's that they would not change this view despite pressure from radical Arab states. This legitimacy was, until 1967, confined to the boundaries accepted by the partition plan (GA resolution 181 II). From 1969 onwards even the non-aligned through their acceptance of SC resolution 242, may have opened the way for a political solution of the problem by allowing Israel to continue to hold some or all of the land (excluding Jerusalem) that it had acquired by force between 1947 and 1967 (annex para 21).

13. On the other hand the Arab and Muslim states and the Palestinians have found that the General Assembly has provided them with the major forum (though one among others) for regaining acceptance through cogent arguments of the rights of the Palestinians, their need to be associated with a peace settlement and their claim to statehood all of which were laid down in GA resolution 181 II. The existence of this forum has made it much easier to prevent the problem being settled on terms acceptable to only one of the two main protagonists (eg the Israeli view that it could and should be settled as a refugee problem, or the radical Arab view that Israel should cease to exist). The changes in view on the Palestinian problem by many European and Latin American states, and more slowly by the United States, in the 1970's owe much to the way the campaign was pursued in the United Nations. The United Nations is particularly important as states feel forced to register their positions on major problems there, often on an annual basis. The General Assembly can be and has also been, used successfully to publicize the Palestinian cause. It has served as a morale-booster to the people most closely involved, the Palestinians, through inter alia acceptance of the PLO as a UN Observer in 1974. There is much in common between the way the UN has been used to handle the Palestinian issue and the way it has been used vis a vis Southern Africa. The Southern African case and the UN are usefully discussed in a monograph by Colin Legum - The United Nations and Southern Africa (ISIO Monographs Sussex University 1970).

14. The skillful and deliberate use of language in General Assembly and Security Council resolutions to support a reasonable case ("rhetoric" in the good sense) has much to do with the sort of responses that are and have been elicited from other countries. The United Nations is only one forum among many that can be used.

But governments are aware that their public commitment to a position at the UN on major controversial issues will be noted by other governments, by lobbyists and the main protagonists, and that they need to maintain consistency in relation to the language that they assent to there, and the arguments they use, as in other fora. They therefore tend to scrutinize and use the language with care. Thus for example the French were able to vote for a GA resolution in 1970 recognizing that respect for rights of the Palestinians was an indispensable element in the establishment of a just and lasting peace in the Middle East but were not able to vote for one, the same year, declaring that full respect for the inalienable rights of the people of Palestine was an indispensable element in the establishment of a just and lasting peace in the Middle East. Governments are aware that the commitment to certain sorts of language may not always turn out to be important, but they also realize that it is not possible to predict that this may not be the case, either in the context of the original problem, or of another in which they may be closely involved that has analogies with it. The way, for instance, ideas on self-determination were developed at the UN through the Palestine problem were likely to, and in fact did, influence the way the United Kingdom Government has handled the Falkland Islands problem. The "rhetoric" may not always matter but sometimes it may matter a great deal. It is therefore worth considering with care.

International and  
Commonwealth Section  
Research Department

October 1983

**ANNEX: THE PALESTINE PROBLEM AND THE UNITED NATIONS**

**SUMMARY: (PARAS 1-15)**

**ANNEX: (PARAS 1-65)**

## **ANNEX: THE PALESTINE PROBLEM AND THE UNITED NATIONS**

### **SUMMARY**

### **Paras**

<b>Introduction</b>	<b>1 - 3</b>
<b>The Two State Solution: The Partition Plan GA Resolution 181 II 1947</b>	<b>4</b>
<b>Different One State Solutions Reaffirmed</b>	<b>5</b>
<b>Muslim and Arab Initiatives Inside and Outside the UN 1959 - 1966</b>	<b>6</b>
<b>Non-Aligned Support Gained for Palestinian Rights, the PLO and a Palestinian State 1961 - 1983</b>	<b>7 - 8</b>
<b>The Expression of Non-Aligned Support in General Assembly Resolutions and the Security Council 1969 - 1983</b>	<b>9</b>
<b>UN Based Sources of Material in these Resolutions</b>	<b>10</b>
<b>The Non-Aligned Gain Support within the Movement for a Two State Solution</b>	<b>11</b>
<b>European and Latin American Reactions to Non-Aligned Pressure 1970 - 1983</b>	<b>12 - 13</b>
<b>The United States Reaction</b>	<b>14 - 15</b>

## SUMMARY: THE PALESTINE PROBLEM AND THE UNITED NATIONS

### INTRODUCTION

1. The case study in the annex was written at the request of UKMIS New York. It is designed to assess the extent of influence, if any, of UN "rhetoric" on a major international problem like the Palestine problem which can be simply defined as finding a way to establish "a just and lasting peace in the Middle East". This requires agreement from the major parties to the dispute and their supporters on the main elements of the problem and the principles that need to be followed in order to bring about a solution.

2. The case study attached attempts to give an account of the way the question of Palestine has been dealt with by and through the UN under six major headings.

- 1) United States and Israeli Dominance 1947-1958
- 2) Arabs and Muslims Take the Initiative 1959-1966
- 3) Palestinian Rights Affirmed and Denied 1967-1973
- 4) Growing Recognition of Palestinian Rights, the PLO and the Idea of a Palestinian Mini-State 1973-1977
- 5) The Israelis Regain the Initiative: the struggle over the West Bank (Judaea and Samaria) 1977-1983)
- 6) President Reagan's Speech 1 September 1982.

In particular, the paper tries to make clear the first time a new concept has come into the arena; where it has come from; and the first time it has been accepted in a wider context or taken up by other countries and groups of countries both inside and outside the UN.

### THE TWO STATE SOLUTION: THE PARTITION PLAN GA RESOLUTION 181 II 1947

3. GA resolution 181 II (1947) divided Palestine into two states with Jerusalem as a corpus separatum. In UN terms it is somewhat surprising that most of those countries which voted for the resolution (the United States, the Soviet Union and other Eastern bloc countries, France and a number of other European states, some Latin American states, the old Commonwealth including South Africa and one Asian state the Philippines - annex para 5) were not the first to campaign for a Palestinian state co-located beside the state of Israel. The most consistent country, in this respect, appears to be the Soviet Union which did so, at least as early as 1969 (annex para 26) and has voted for all the major resolutions on Palestinian rights. France has also given some support to Palestinian rights from 1970 onwards (annex para 28) as have Panama and Peru which voted for the inclusion of Palestinian rights in a peace settlement in 1972 (annex para 32) and who co-sponsored a draft Security Council resolution on Palestinian rights in July 1973 (annex para 33). None of these however were initially prepared to take the lead in advocating the Palestinian cause. They reacted to pressure in the UN and elsewhere from those most closely concerned - the Palestinians and the Arab and Muslim states.

#### DIFFERENT ONE-STATE SOLUTIONS REAFFIRMED

4. In fact what happened after the partition solution had been passed was that the countries which most strongly supported a one-state solution (for Palestine - the Palestinians and Arab and some Muslim countries as Jerusalem remains the other major issue in the dispute; and for Israel - the United States and strong lobbies in many Christian countries) spent their main energies primarily in opposing or supporting Israel. Neither side disowned the UN or its Charter. The Israelis recognised that the partition resolution followed by the two membership resolutions (annex para 8) had given it much needed international acceptance. The Arabs recognised the importance and potential usefulness to them of the ideas expressed in the Charter and the Human Rights Declaration despite the partition resolution, and consistently used para 11 of GA resolution 194 III on the right to return (annex para 9) to press for the refugees' right to return despite the fact they had not voted for it. Other countries less strongly engaged in the dispute voted as early as 1950 to seek reintegration for the refugees by resettlement as well as repatriation. A similar blind eye was turned on Israeli annexation of West Jerusalem against the terms of the partition resolution, although GA resolution 303 IV had designated the Trusteeship Council as the administering authority of Jerusalem.

#### MUSLIM AND ARAB INITIATIVES INSIDE AND OUTSIDE THE UN 1959-1966

5. The situation described above remained the norm at the United Nations until the late 1950s when the United States began to lose its dominant position as more and more states which had not been represented at the General Assembly in 1947, became members. This enabled the Palestinians and concerned Arab and Muslim states to take the offensive both inside and outside the UN. The turning point within the UN occurred in 1959 when Muslim states themselves sponsored resolutions strongly pressing for the realisation of the right to return (annex para 13) rather than abstaining on resolutions, sponsored by Western states, emphasising the need for refugee resettlement. Outside the UN the creation of the PLO in 1964 was crucial (annex para 15). The Algerians also nurtured Fatah whose leader, Yasser Arafat, became leader of the PLO in 1969, as a liberation movement in their own image.

#### NON-ALIGNED SUPPORT GAINED FOR PALESTINIAN RIGHTS, THE PLO AND A PALESTINIAN STATE 1961 - 1983

6. From this base, the Arabs and Muslims were able first to enlist non-aligned support at the first non-aligned Summit in 1961 (annex para 14) for the full restoration of all the rights of the Arab people of Palestine in conformity with the Charter and the resolutions of the United Nations. With the addition of 17 more African and three more Arab states, in 1964, the second Summit (annex para 16) endorsed the full restoration of all the rights of the Arab people of Palestine to their homeland and their inalienable right to self-determination, and supported the Arab people of Palestine in their struggle for liberation from colonialism and racism. The PLO was represented at the first non-aligned meeting in 1969 after SC resolution 242 had been passed (annex para 24) when the non-aligned reaffirmed the inadmissibility

of the acquisition of territory by war and called for the withdrawal of foreign troops from all the Arab territories occupied since June 1967 in accordance with SC resolution 242. The third Summit of 1970 (annex para 27) declared that full respect for the inalienable rights of the Arab people of Palestine was a prerequisite to peace in the Middle East.

7. The fourth non-aligned Summit in 1973 (annex para 35) reflected hardening positions. This was in part due to the United States veto of a moderate resolution on Palestinian rights in the Security Council in July (annex para 33). Explicit references were made to the possibility of taking mandatory action against Israel and against the United States for giving support to its policy of aggression. One of the resolutions noted that complete restoration of Palestinian national rights was the basic condition of a just and durable peace, and declared the PLO was the legitimate representative of the Palestinian people. The PLO was accepted as a full member of the movement at the Lima Foreign Ministers meeting in 1975 (annex para 41) and as the sole legitimate representative of the Palestinians. Great concern was expressed there about measures taken by Israel to Judaize Jerusalem and other parts of occupied territories. The Palestinian question was described as the basic cause and core of the struggle against Zionism and Palestinian national rights were said to include the exercise of the right to sovereignty over the territory and the establishment of their independent national authority. It proved however impossible to get the movement as a whole to come out directly against Israel's UN credentials. The sixth Summit (Havana 1979 - annex para 56) reaffirmed seven principles on Palestine including the reaffirmation of the need for the establishment of an independent state in Palestine, and that the City of Jerusalem must be returned to Arab sovereignty. It also condemned the Camp David accords. The seventh Summit (New Delhi 1983) adopted the Fez Plan of 1982 which called for an independent Palestine (annex para 64).

#### THE EXPRESSION OF NON-ALIGNED SUPPORT IN GENERAL ASSEMBLY RESOLUTION AND THE SECURITY COUNCIL 1969-1983

8. Many of the ideas expressed at these meetings were subsequently brought out in General Assembly resolutions from the late 1960's onwards. The non-aligned's inalienable right of self-determination of 1964 became the inalienable rights of GA resolution 2535 XXIV B in 1969 and the self-determination of GA resolution 2672 XXV C of 1970 (annex paras 26 and 29). These two resolutions were subsequently consolidated by GA resolution 3236 XXIX of 1974 (annex para 46) which noted that the Palestinian people's inalienable rights including the right to national independence and sovereignty. The declaration in 1970 that full respect for the inalienable rights of the Palestinians was a prerequisite to peace in the Middle East was translated into GA resolution 2672 C XXV the same year (annex para 28). The acceptance of the PLO as the legitimate representative of Palestinian people at the Algiers Summit of 1973 presaged GA resolution 3237 XXIX of 1974 (annex para 40). Much of the material put into the three draft resolutions tabled in the Security Council in 1976 on Palestinian rights (two) and on Israeli actions in Jerusalem and Israeli settlements in the occupied territories (one), stemmed from the non-aligned Foreign Ministers meeting at Lima (annex para 41), as did requests for the PLO to be concerned with a peace settlement expressed in GA resolutions 3375 XXX and 3376 XXX of 1975 (annex para 44). The

Sixth Summit's condemnation of the Camp David agreement in 1979 was followed by GA resolution 34/65 B the same year (annex para 57).

#### UN BASED SOURCES OF MATERIAL IN THESE RESOLUTIONS

9. However though the non-aligned movement's pressure put these ideas back into the UN system, they had in fact originally been culled from it. The principles of self determination of peoples, universal respect for and observance of human rights and fundamental freedoms, the ensuring in non-self governing territories of the peoples' political, economic, social and educational advancement, their just treatment and their protection against abuses had all been affirmed in the UN Charter. The influential Human Rights Declaration of 1948, particularly its references to inalienable rights and Article 13.2 concerning the right to return to one's country, has also been used as well as the 1960 Declaration on Colonialism GA resolution 1514 XV which inter alia declares that all peoples have the right to self-determination and that,

"the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, and is contrary to the Charter of the United Nations".

And as early as 1951 Arab/Asian states ensured that the right to self-determination was enshrined in the forthcoming Covenant or Covenants on civil, political, economic and social rights (annex para 12).

#### THE NON-ALIGNED GAIN SUPPORT WITHIN THE MOVEMENT FOR A TWO-STATE SOLUTION

10. The non-aligned have not, however, played a merely passive role in their acceptance of ideas about Palestinian rights from Arab and Muslim sources. Major non-aligned countries, in particular India, have themselves tried to use their influence within the movement to ensure the failure of radical Arab proposals which would have undermined the non-aligned commitment to the right of Israel to exist, which the non-aligned had endorsed at their 1969 meeting by affirming SC resolution 242 (annex para 24). Of the two drafts discussed at the crucial 1967 Security Council meeting which produced SC resolution 242 only the non-aligned draft (sponsored by India, Mali and Nigeria) contained the important though limited reference to Palestine refugees which was then incorporated into the final resolution. Further moderate non-aligned pressure could be seen in the draft resolution put forward in the Security Council in July 1973 (annex para 33) by Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia despite the fact that radical Arab States like Algeria, Iraq, and Syria had pointedly refrained from voting for a resolution incorporating a similar clause in the General Assembly the year before (annex para 32). The draft resolution stated inter alia that a just and peaceful solution to the Middle East problem could be achieved only on the basis of respect for national sovereignty, territorial integrity, the rights of all States in the area and for the rights and legitimate aspirations of the Palestinians. This received thirteen affirmative votes but failed to pass because of a United States veto. Following non-aligned endorsement of the concept of a Palestinian state at Lima in 1975 (annex para 41)

after their vote in the 1974 General Assembly (annex para 40), the way was clear for radical Arab acceptance of Israel's right to exist through the reaffirmation in GA resolution 35/169 A of 1980 (annex para 61) of the partition resolution, GA resolution 181 II, and the resolution embracing the right to return, GA resolution 194 III (annex paras 5 and 9). This however limited Israel's boundaries to those set out in the partition plan: the non-aligned, as a whole, have normally accepted SC resolution 242. This, it can be argued, opens the way for a political solution of the problem by allowing Israel to continue to hold some or all of the land (excluding Jerusalem) that it had acquired by force between 1947 and 1967 (annex para 21).

#### EUROPEAN AND LATIN AMERICAN REACTIONS TO NON-ALIGNED PRESSURE 1970-1983

11. Positive European support for Palestinian rights within the United Nations appears to have begun in 1970 when the French were sponsors of a clause recognising

"that respect for the rights of the Palestinians is an indispensable element in the establishment of a just and lasting peace in the Middle East"

which was added to a resolution affirming SC resolution 242 (annex para 28). The final resolution, GA resolution 2628 XXV, was voted for by France and the Soviet Union. The United States voted against it and the United Kingdom abstained. When an identical clause was added to a similar resolution GA resolution 2949 XXVII in 1972, the United Kingdom joined France in voting for it (annex para 32). This was a pointer to the French and United Kingdom vote for a resolution on Palestinian rights in the Security Council in July 1973 (annex para 33) which was vetoed by the United States; the EC declaration of November 1973 on the legitimate rights of the Palestinians (annex para 36); and their subsequent votes and statements (annex paras 43 and 49) leading up to the 1980 Venice Declaration that the PLO would "have to be associated with the negotiations" for a peace settlement (annex para 58).

12. The fact that Cuba was a founder member of the non-aligned movement meant that many Latin American states were wary about becoming members of the movement despite the fact that some Latin American states were Observers from the first Summit onwards. The first Latin American countries to join the movement were three Commonwealth members, Guyana, Jamaica, and Trinidad and Tobago in 1970, and the first non-aligned meeting to be held in Latin America was held at Georgetown in 1972 (annex para 31). The first major Latin American signs of support for the Palestinian cause came about in the vote for GA resolution 2949 XXVII of 1972. This, besides gaining the support of France and the United Kingdom (see above) also gained affirmative votes from Argentina, Chile, Cuba, Ecuador, Guyana, Honduras, Jamaica, Mexico, Peru and Trinidad and Tobago (annex para 32). This was followed by the Peruvian and Panamanian sponsorship of the first draft resolution on Palestinian rights in the Security Council in July 1973 (annex para 33). Latin American support increased during the 1970's: sixteen Latin American states voted for the 1980 General Assembly resolution on Palestine GA resolution 35/169A; one voted against; ten abstained and three were absent. Among the European states only Spain and the three non-aligned European states (Cyprus, Malta, and Yugoslavia) were able to vote for it (annex para 61).

## UNITED STATES REACTIONS

13. The support of the United States, as a great power and a permanent member of the Security Council has been crucial to Israel. Despite the fact the United States pushed GA resolution 181 II through the General Assembly (annex para 6) they have always been extremely reluctant to envisage a two state solution. They were strong supporters of the idea that a settlement of the subsequent refugee problem could be solved through resettlement rather than repatriation. A small breakthrough was made in June 1967 when President Johnson put forward United States ideas about a Middle East settlement which included "justice for the refugees". This idea was later incorporated into Security Council Resolution 242 because of pressure from non-aligned states in the Security Council (annex para 21). Following this United States policy moved from the idea that a just settlement "must take into account the desires and aspirations of the refugees" (Rogers Plan December 1969 - annex para 26) via a veto of a draft in July 1973 calling for a solution based inter alia on the rights and legitimate aspirations of the Palestinians (annex para 33) to Secretary of State Kissinger's statement at the opening of the Geneva Peace Conference in December 1973 that a peace agreement must include "a settlement of the legitimate interests of the Palestinians" (annex para 36).

14. In 1976 the United States vetoed two draft Security Council resolutions: the first affirmed inalienable Palestinian rights including their right to independence and the second expressed concern about Israel's actions in Jerusalem and the establishment of Israeli settlements in the occupied territories (annex para 45). But the new Carter administration which came in at the beginning of 1977, brought a more affirmative approach to the question of the Palestinians. This began with a statement by President Carter in March that a homeland had to be provided for Palestinian refugees (annex para 49). This was followed by the State Department's assertion in September that Palestinian participation in a settlement of the Palestinian question was necessary to ensure the successful outcome of the resumed Geneva Peace Conference, and finally, by a joint statement with the Soviet Union of 1 October 1977 which stated that a comprehensive settlement of the Middle East problem must include "insuring the legitimate rights of the Palestinian people" (annex para 49).

15. This high point was followed by a retreat under Israeli pressure. The Camp David agreements of 1978/9 carried on the "legitimate rights" terminology but left the option of Israeli annexation of the occupied territories wide open. This was followed by a fourth United States veto on the question of Palestinian rights, the first under President Carter in April 1980 (annex para 59) and four more vetoes in 1982/3 under President Reagan (annex paras 62, 63 and 64) on the subject of Israel's annexation of the Golan Heights, and on respectively, Israeli actions in the occupied territories and in Jerusalem. France, the Soviet Union and the United Kingdom voted for these latter three resolutions. President Reagan's speech of 1 September 1982 made United States policy clearer. It referred to the legitimate rights of the Palestinians, and noted that the problem was not a refugee problem. It then went on to state that the United States would not support annexation or permanent control by Israel of the West Bank and Gaza but neither would it support the establishment of an

independent Palestinian state in those territories. It would support self-government by the Palestinians on the West Bank in association with Jordan. President Reagan also affirmed that the United States agreed that the withdrawal provision of Security Council resolution 242 applied to all fronts, including the West Bank and Gaza, in return for peace. Jerusalem had to be undivided but its final status should be decided through negotiations.

\*\*\*\*\*

## ANNEX: THE PALESTINE PROBLEM AND THE UNITED NATIONS 1947-1983

	<u>Paras</u>
INTRODUCTION	1 - 3
UNITED STATES AND ISRAELI DOMINANCE 1947-58	4 - 12
Partition and <u>Corpus Separatum</u> for Jerusalem GA Resolution 181 II November 47	4 - 6
The Security Council 1947 - 8	7
Israel Accepted as a Member of the UN SC Resolution 69 March 49 and GA Resolution 273 III May 1949	8
The Right to Return GA Resolution 194 III December 1948	9 - 10
Palestinian Refugees and the UN 1948 - 58	11
UN Developments of Use to the Palestinians 1948 - 58	12
ARABS AND MUSLIMS TAKE THE INITIATIVE 1959-66	13 - 18
First Non-Aligned Summit Gives Support September 1961	14
The Creation of a National Liberation Movement : the PLO 1964	16
The PLO at the UN	17 - 18
PALESTINIAN RIGHTS AFFIRMED AND DENIED 1967-73	19 - 33
Immediate Reaction to the June War 1967	20
SC Resolution 242 22 November 1967	21 - 22
Yasser Arafat Takes over the PLO 1968-9	23
Growing Third World Involvement	24
The Issue of Jerusalem 1968 - 9	25
The Inalienable Rights of the Palestinian People GA Resolution 2535 B XXIV 1969	26
French Attempts to Build on SC Resolution 242 GA Resolution 2628 XXV 1970	27 - 28

Palestinian Self-Determination GA Resolution 2672 C XXV 1970	29
The Failure of the OAU Mediation Mission 1971	30
King Hussein's Proposals for the West Bank	31
Second Attempt to Build on SC Resolution 242 GA Resolution 2949 XXVII 1972	32
The First US Veto on Palestinian Rights July 1973	33
GROWING RECOGNITION OF PALESTINIAN RIGHTS, THE PLO AND THE IDEA OF A PALESTINIAN MINI-STATE 1973 - 77	34 - 50
PLO Recognised as the Legitimate Representative of the Palestinians by the Fourth Non-Aligned Summit Algiers September 1973	35
Increased Western Recognition of Palestinian Rights and Interests after the October War 1973	36
The Acceptability of a Palestinian Mini-State?	37 - 38
The PLO and the 1974 GA Resolutions 3236 and 3237 XXIX	39 - 40
Continuing International Acceptance of the PLO 1975	41
PLO Association with a Peace Settlement GA resolutions 3414 and 3375 XXX 1975	42 - 43
The PLO and the Security Council 1975	44
The Second and Third US Vetoes on Palestinian Rights and the First US Veto on Jerusalem and Israeli Settlements in the Occupied Territories 1976	45 - 46
Continued Third World Pressure	47
The Soviet Union Proposes the Resumption of the Geneva Peace Conference October 1976	48
Growing Agreement that the Essentials of a Settlement Included Palestinian Representation 1977	49 - 50
THE ISRAELIS REGAIN THE INITIATIVE : THE STRUGGLE OVER THE WEST BANK (JUDAEA AND SAMARIA) 1977 - 1983	51 - 63
The 1977 General Assembly	52
Iraq's Role in Combatting the Camp David Agreements 1978-9	53 - 54

The Security Council and the Occupied Territories SC Resolution 446 March 1979	55
The Condemnation of Camp David: the Sixth Non-Aligned Summit and the 1979 General Assembly GA Resolution 34/65 B	56 - 57
The PLO must be Associated with Negotiations for a Peace Settlement : the Venice Declaration June 1980	58
The Fourth US Veto on Palestinian Rights April 1980	59
The Seventh Emergency Special Session and Israel's Enactment of a Basic Law on Jerusalem June - Dec 1980	60
GA Resolutions 181 II and 194 III Affirmed by the Non-Aligned: the Arab League Summit 1980 and the New Delhi Non-Aligned Ministers of Foreign Affairs Meeting 1981	61
Israel's Annexation of the Golan Heights United States Veto January 1982 Second and Third US Vetoes on Jerusalem and the Occupied Territories April 82	63
PRESIDENT REAGAN'S SPEECH 1 SEPTEMBER 1982	64 - 65

## ANNEX: THE PALESTINE PROBLEM AND THE UNITED NATIONS

## INTRODUCTION

1. The following case study is designed to show how the question of a settlement of the problem of Palestine has been tackled by and through the United Nations. It looks in particular at the major elements of the problem and how they have been dealt with. These are: sovereignty and territory for two states, or one; which boundaries should the one state or two states have; the status of Jerusalem; the refugees' right to repatriation; the acceptance of the Palestinians as a people rather than refugees and their concomitant inalienable rights including the right to return the right to self-determination and the right to national independence; the discussion of what should be the elements of a just solution; human rights in the occupied territories and the recognition of the PLO as the legitimate representative of the Palestinians. It concentrates on the timing and the reasons for introducing new elements into the debate and the sort of support that supporters of the Palestinians (themselves often divided on aims and tactics) have been able to achieve.

2. The study is chronological and divided into six parts. The first looks at the problem of Palestine at the UN between 1947 and 1958 when the United States was able to secure sufficient support for the General Assembly resolution on partition, and to ensure that the subsequent problems of the Palestinians were primarily looked at as refugee problems to be solved by resettlement. The second covers the period 1959 - 1966 and traces the Palestinian, Muslim and Arab efforts to re-emphasise the right to repatriation at the UN; their gaining of non-aligned support at the first non-aligned Summit in 1961; Algerian encouragement of the newly created Fatah; and the Arab League's decision in 1964 to ensure the setting up of the PLO, a representative of which first spoke to the Special Political Committee of the General Assembly in 1965. The third part covers the period 1967 - 1973 and looks at the General Assembly resolutions affirming inalienable Palestinian rights and the right to self-determination after the June war and shows that a divergence had arisen between European and the United States over the question of whether an affirmation of Palestinian rights should be added to the ingredients of a peace settlement laid down in the first major Security Council resolution on the subject, 242, by the early 1970s. It also looks at the way further support for the Palestinian cause was canalised by the formation of the Organisation of the Islamic Conference (OIC) by Muslim states in 1969 concerned about Israeli actions in East Jerusalem and the fact that SC resolution 242 had not dealt with this problem. The fourth part (1973 - 1977) traces the way the PLO achieved increasing recognition by the UN and the third world and discusses the great debate over Palestinian aims (should they accept a mini state mainly or wholly on the occupied territories and recognise Israel within something resembling the de facto boundaries it had acquired in 1949 or should they continue to try to replace the Israeli state). In 1977 the new United States administration under President Carter accepted the Palestinian need for a homeland and that the framework of a comprehensive Middle East settlement included ensuring the legitimate rights of the Palestinian people. The fifth part (1977 - 1982) looks at the way

the new Likud Government of Israel (elected May 1977) seized on the opportunity provided by President Sadat's visit to Jerusalem in November 1977, and succeeded in ensuring that the Camp David agreements, concluded outside UN auspices, were ambivalent about the long term future of the occupied territories, despite the fact that they referred to the legitimate rights of the Palestinians. A new phase may have begun in September 1982 when following the Israeli invasion of the Lebanon, President Reagan noted the Palestinian problem was more than a refugee problem, referred to the legitimate rights of the Palestinians and stated that the United States would not "support annexation or permanent control by Israel" of the West Bank and Gaza. He also announced the United States would not support the establishment of an independent Palestinian state in the West Bank and Gaza.

#### UNITED STATES AND ISRAELI DOMINANCE 1947 - 1958

3. Israeli claims to part of Palestine were immeasurably strengthened by the decision of the General Assembly in November 1947 by GA resolution 181 II to divide Palestine into two states with Jerusalem as a corpus separatum. They were further strengthened by the decision of the General Assembly to accept Israel as a member of the UN by GA resolution 273 IV of May 1949 despite the fact that the, then, current Israeli de facto boundaries included more territory than had been allowed by the partition plan. GA resolution 194 III of December 1948 had made clear that the refugees had a right to repatriation and compensation in its para 11. It had also, however, given support to the Israeli view that only a refugee problem remained to be solved and that this should be achieved by resettlement (a theme taken up in most UN resolutions on the subject after the passing of GA resolution 393 V in 1950). Arabs and Muslims nevertheless made sure that all these resolutions also contained a reference to the right to return. A further potential problem for Israel lay in the fact that Jerusalem had not been given to the Jewish state in the partition plan. The first two resolutions after GA resolution 181 II, on the subject of Jerusalem, were GA resolution 194 III which inter alia resolved to place Jerusalem under effective UN control, besides requesting the Security Council to ensure its demilitarisation, and GA resolution 303 IV which reaffirmed Jerusalem's status as a corpus separatum. These were ignored by the Israelis when they transferred their capital from Tel Aviv to West Jerusalem in 1950.

#### Partition and Corpus Separatum for Jerusalem GA Resolution 181 II November 1947

4. On 2 April 1947 the United Kingdom Government requested a special session of the General Assembly to consider the appointment of a special committee to make recommendations concerning the future government of Palestine. They also asked that the "Question of Palestine" be placed on the agenda of the next General Assembly. This special session was first convened on 28 April. The, then, Arab members of the UN, Egypt, Iraq, Lebanon, Saudi Arabia and Syria failed in their attempt to inscribe an additional item on the agenda on "The termination of the mandate over Palestine and the declaration of its independence". The Special Committee (UNSCOP) was set up on 15 May to submit such proposals to the General Assembly as it might consider appropriate for the solution of the problem of Palestine. Once the second UN General Assembly had been

convened in September 1947, it constituted itself as an Ad Hoc Committee to consider the UNSCOP majority (partition with economic union supported by Canada, Czechoslovakia, Guatemala, Netherlands, Peru, Sweden and Uruguay) and minority plans (a federal state of Palestine - supported by India, Iran and Yugoslavia). At the end of November three resolutions were rejected by the Ad Hoc Committee. The first raised the question of the competence of the UN to recommend any solution contrary to the UN Charter and against the wishes of the majority of the people of Palestine and suggested that an ICJ advisory opinion be sought on a number of questions including:

"i) whether the indigenous population of Palestine has not an inherent right to Palestine and to determine its future constitution and government".

The second called for international co-operation over the resettlement of Jewish refugees in their countries of origin and in the territories of member states and the third called for the establishment of an independent, unified Palestine.

5. On 25 November 1947 the majority recommendation for the partition of Palestine was approved in the Special Committee by 25-13 (Afghanistan, Cuba, Egypt, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Siam, Syria, Turkey and the Yemen - a significant group given the later development of the non-aligned since all but two of these are now non-aligned members - the exceptions are Thailand (Siam) and Turkey) - 17 including Yugoslavia. Both the United States and the Soviet Union voted for the resolution - the other three permanent members of the Security Council abstained. The main vote, in plenary, on 29 November 1947 was 33 (Australia, Belgium, Bolivia, Brazil, Byelorussian SSR, Canada, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Ecuador, France, Guatemala, Haiti, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Sweden, Ukrainian SSR, South Africa, Soviet Union, United States, Uruguay, Venezuela) - 13 (as above though Greece was substituted for Siam which was absent) - 10 (Argentina, Chile, China, Colombia, El Salvador, Ethiopia, Honduras, Mexico, United Kingdom, Yugoslavia). GA resolution 181 (II) constituted a recommendation to the United Kingdom as the mandatory power together with the other UN members to adopt the partition plan. This divided Palestine into eight parts; three going to the Jewish state; three to the Arab state, a seventh (Jaffa) was to form an Arab enclave in Jewish territory and the eighth part (Jerusalem) was to be a corpus separatum under a special international regime.

6. Representatives of Saudi Arabia, Pakistan, Iraq, Syria and Yemen denounced the resolution as being against the UN Charter and declared they regarded the resolution as a recommendation rather than a decision. The UK Permanent Representative wrote in his Annual Review -

"It is unfortunately necessary to state that the solution of the Palestine problem which the United States, influenced by the enormous strength of the Jewish vote in this country and perhaps in a misguided effort to reach agreement on some one question with the Soviet Union, decided to railroad through the Assembly, was totally unacceptable to the Arabs, unworkable in practice without the backing of force, and known to be against the conscience of a considerable number of lesser Powers".

## The Security Council 1947 - 48

7. Armed violence continued and increased in Palestine following the passing of this General Assembly resolution which the General Assembly transmitted to the Security Council on 2 December 1947 requesting the latter to take the necessary measures to implement the partition plan, and to consider taking measures during the transitional period under Articles 39 and 41 of the UN Charter, if they decided a threat to the peace existed. The Security Council met to consider the resolution during the same month but decided to postpone discussion of the matter. In February 1948 a United States' draft proposal to enable the Security Council to act on the General Assembly's request also failed, and the Council by SC Resolution 42 (8 (France, United States, Soviet Union) - 0 - 3 (United Kingdom)) of 5 March was only able to call on the permanent members to make recommendations to the Council as to how to implement GA resolution 181 II and for the end of violence in Palestine. The United Kingdom had meanwhile announced that it was going to terminate its Mandate on 15 May 1948. On 14 May Israel declared its independence relying on "our natural and historic right and on the strength of the resolution of the United Nations General Assembly". By the time the Security Council, after passing a number of other related resolutions, had by SC Resolution 50 called for a cease-fire on 29 May, Israel had extended its occupation of Palestinian territory beyond that allocated by the partition plan. On 15 July the Security Council by a mandatory resolution, ordered a further indefinite truce (SC resolution 54 adopted by 7 (France, United States, United Kingdom) - 1 (Syria) - 3 (Soviet Union)). On 22 September the Provisional Government of Israel passed an Ordinance extending its laws for the State of Israel (ie. the area it should have occupied under the 1947 partition plan) to any part of Palestine which the Minister of Defence had defined by proclamation as being held by the Defence Army of Israel. (In 1950 it passed its Law of Return.) The Security Council decided on 16 November (SC resolution 62) to call on the parties involved under Article 40 to negotiate on the delineation of permanent armistice lines.

## Israel Accepted as a Member of the UN SC Resolution 69 of March 1949 and GA Resolution 273 III May 1949

8. The acting Mediator, Mr Bunche, was able to arrange armistice agreements between Israel on the one hand, and Egypt, Lebanon, Jordan and Syria on the other, between February and July 1949. An application by Israel to join the UN in December 1948 had failed in the Security Council by 5 - 1 (Syria) - 5 (France, United Kingdom). Israel was however subsequently admitted to UN membership by the accepted pattern through Security Council resolution 69 of 4 March which recommended to the General Assembly that it should admit Israel to the UN by 9 - 1 (Egypt) - 1 (United Kingdom) and subsequently by the GA resolution 273 III on 11 May. The preamble to the admission resolution specifically recalled GA resolutions 181 II (para 6) and 194 III (see below)

"taking note of the declarations and explanations made by the representative of the Government of Israel before the ad hoc Political Committee in respect of the implementation of the said resolutions".

This, as regards boundaries, appears to mean that the UN recognised as Israel's boundaries, those laid down in the partition

resolution. The voting was 37 (France, Soviet Union, United States) - 12 - 9 (United Kingdom).

The Right to Return GA Resolution 194 III December 1948

9. This other central, early GA resolution was passed by 35 (France, United Kingdom, United States) - 15 (Afghanistan, Byelorussian SSR, Cuba, Czechoslovakia, Egypt, Iraq, Lebanon, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian SSR, Soviet Union, Yemen and Yugoslavia) - 8 on 11 December 1948. It provided for a Conciliation Committee to continue the functions of the Mediator and the Truce Commission; resolved to place Jerusalem under effective UN control and requested the Security Council to ensure its demilitarisation; and in subparagraph 1 of paragraph 11

"Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments of authorities responsible".

10. The Conciliation Committee for Palestine (CCP) consisting of France, Turkey and the United States was subsequently established in January 1949. This signed separate protocols with both sides on 12 May agreeing to use the partition resolutions' boundaries as a basis for discussion with the Commission. The protocol referred to GA resolution 194 III "regarding refugees, the respect for their rights and the preservation of their property". The Israeli delegation also stated that Israel would continue to recognise Jordan as the de facto military, occupying power on the West Bank. On 24 April 1950 the West Bank had formally been brought under Jordanian control by legislation which confirmed "the reservation of all Arab rights in Palestine". Israel moved its capital from Tel Aviv to West Jerusalem in 1950 despite GA resolution 303 IV of December 1949 which referred to GA resolutions 181 II and 194 III, reaffirmed Jerusalem's status as a corpus separatum and designated the Trusteeship Council as the administering authority. The voting was 38 (France, Soviet Union) - 14 (United States, United Kingdom) - 7. (No agreement could be reached on the Trusteeship Council's report the following year.) In a second phase of talks (July to September) and under pressure from the United States, Israel agreed to the return of 100,000 refugees subject to the limitation that they would be settled in areas where they would not come in contact with the possible enemies of Israel. This offer was eventually withdrawn. Further specific proposals on repatriation and compensation were presented to the CCP in November 1951 after a conference in Paris. Once again these were not approved. The CCP achieved little but it has never been formally wound up.

### Palestinian Refugees and the United Nations 1948 - 1958

11. There was no consistent Arab approach to GA resolution 194 III until 1980 when all the major Arab states except Egypt, signalled their acceptance of it and GA resolution 181 II in GA resolution 35/169A (para 61). Arab governments originally voted against it but it has also been generally used as a basis for right to return arguments. The same General Assembly also adopted GA resolution 212 III on 19 November 1948 authorising the setting up of a Special Fund with a Director to extend aid to Palestine refugees. Subsequent GA resolutions on Palestinian refugees (the first of which, GA resolution 302 IV of 1949 set up UNWRA) all specifically noted relief should be offered without prejudice to paragraph 11 of GA resolution 194 III. GA resolution 393 V of 1950 added to this a reference to reintegration "either by repatriation or resettlement". Later General Assembly resolutions passed with a number of Arab abstentions up till 1958, normally referred to this clause, often through a reference to a paragraph of GA resolution 513 VI. Two Security Council resolutions concerning return were also passed in the early 1950's calling for the return of Palestinian Arabs displaced by the Israelis from demilitarisation zones established by the Armistice Agreements (SC resolution 89 of November 1950 by 9 - 0 - 2 (Soviet Union) and SC Resolution 93 of May 1951 by 10 - 0 - 1 (Soviet Union). Neither were implemented. The normal pattern of operation during this period can be illustrated by reference to the year 1958. Iraq, as usual made sure that a Palestine Arab refugee addressed the Special Political Committee but the only draft resolution put forward was sponsored by the United States with the Netherlands, New Zealand and the United Kingdom. This emphasised resettlement rather than repatriation and was passed (GA resolution 1315 XIII) by 57 - 0 - 20.

### UN Developments of Use to the Palestinians 1948 - 58

12. During the period 1948 to the end of 1958 a number of developments occurred which proved useful to those supporting the Palestinians. First the composition of the UN was becoming more universal and more favourable to those who sought more justice for the Palestinians: the number of Arab states in the UN had for instance increased from six at the end of 1948 to ten with the addition of Jordan and Libya (1955) and Sudan and Tunisia (1956). Secondly thirteen Arab/Asian delegations (Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria, Yemen) had, as early as 1951, proposed that the right of self-determination of peoples should be affirmed in the first Articles in the proposed Covenant or Covenants on civil, political, economic, and social rights. This was supported by many Latin American states and the Soviet bloc and was eventually accepted by 42 - 7 (France, United States, United Kingdom) - 5 (GA resolution 545 VI). This resolution also showed that more Latin Americans might well be able to support the Palestinian cause: this potential was subsequently exploited. A further development worth noting is the development of a more critical policy towards Israel by the Soviet Union which has always consistently supported its right to exist. This was shown as early as March 1954 when the Soviet Union vetoed a draft New Zealand resolution in the Security Council calling on Egypt not to place restrictions on Israeli-bound shipping.

## ARABS AND MUSLIMS TAKE THE INITIATIVE 1959 - 1966

13. A new positive attitude by Arabs and Muslims towards the problems of Palestine both in and outside the UN (the Palestinian National Liberation Movement - Fatah - was being set up at this time probably with support from the Algerian nationalists who had themselves learnt how to use the UN) is noticeable in a small way in 1959. The ten Arab states in the UN circulated a report on 6 October on the Secretary General's proposals about UN assistance to Palestine refugees. This reaffirmed their stand on behalf of the Arab people of Palestine and the right of Arab refugees to return to their homeland and rejected projects for resettlement. Indonesia and Pakistan then put forward a draft resolution in the General Assembly which gave more emphasis to repatriation and compensation for the refugees than resettlement. An amended version of this draft was eventually approved by 80-0-1 (GA resolution 1456 XIV). The main paragraph which was adopted by 54 - 1 - 18 requested the UN Conciliation Committee for Palestine to make further efforts to secure the implementation of para 11 of GA resolution 194 III. The trend was accentuated in 1960 when a further 16 African states joined the UN. In the resumed fifteenth session of the General Assembly held in 1961 two paragraph votes affirming the "property rights of the Arab refugees of Palestine" which required two-thirds majority were just defeated by 44-38-12 and 44-35-15. The final resolution 1604 XV was adopted by only 37 (Soviet Union, United Kingdom, United States) - 17 - 38 (France). The Assembly was notable for the adoption of the seminal UN Declaration on Colonialism (GA resolution 1514 XV by 89 (Soviet Union) - 0 - 7 (France, United Kingdom, United States)). This declared inter alia that the subjection of peoples to alien subjugation, domination and exploitation constituted a denial of fundamental human rights and was contrary to the Charter and that all peoples had the right to self-determination.

### First Non-Aligned Summit gives Support September 1961

14. The growing assertiveness of the third world countries which had sponsored the UN Declaration on Colonialism was carried on by the first non-aligned Summit held in September 1961. It was attended by 25 countries including Algeria represented by the Prime Minister of the Provisional Government, Iraq, Lebanon, Morocco, Saudi Arabia, Sudan, Tunisia and the United Arab Republic. The final Declaration declared non-aligned

"support for the full restoration of all the rights of the Arab people of Palestine in conformity with the Charter and the resolutions of the United Nations".

In doing so it took the line which became standard at non-aligned meetings. The movement as a whole has basically supported a two state solution and has never called for the deprivation of Israel's right to exist.

### The Creation of a National Liberation Movement: The PLO 1964

15. The Arab League Pact of 1945 had made provision for Palestinian representation at its councils and representatives of the "Government of all Palestine" represented Palestinians from 1948 onwards at Arab League meetings. Ahmed Shukairy a Palestinian, who became the first leader of the PLO, was still the Saudi Arabian representative at the UN in 1962. By 1963 he had

become the Chairman of the Palestine Arab delegation representing the Arab people of Palestine which addressed the Special Political Committee in 1963 at the request of 13 Arab states. He stated inter alia

"on the refugee question and on the Palestine problem as a whole, the United Nations should address itself to us, the people of Palestine. The people of Palestine are the principal party to the Palestine problem. The Arab states are under a national duty to defend our cause by all the means at their disposal, but the final destiny of our people, the people of Palestine and the future of our country shall be determined by our people. It is we who accept, it is we who reject".

At the first Arab League Summit at Cairo in January 1964, he was asked to prepare the groundwork for the establishment of a Palestine National Council (PNC). This body representing Palestinian communities throughout the world first met at Jerusalem in May/June 1964 and proclaimed the PLO. Its Executive Committee became its policy arm and a national charter was adopted. The second Summit conference of the Arab League at Alexandria in September 1964 included for the first time Ahmed Shukairy as head of the PLO and representatives of Algeria. The Declaration

"welcomed the establishment of the Palestine Liberation Organisation to consolidate the Palestine Entity, and as a vanguard for the collective Arab struggle for the liberation of Palestine".

It also approved the Organisation's decision to establish a Palestinian Liberation Army. Many of the Arab states who gave support to the creation of the PLO were trying to find a way of containing Palestinian frustrations at the lack of a success of the pan-Arab struggle for the liberation of Palestine. Others, including some of the disparate bodies who made up the PLO, were trying to carry it down a more radical path.

16. The Arab League Declaration at Alexandria had also noted that Arab-African Co-operation was a foundation of Arab policy by virtue of historical and geographical association and common interests and objectives. Given this and the fact that the OAU which had been created in 1963, was represented by an Observer, it is not surprising that the section dealing with Palestine at the second non-aligned Summit at Cairo the following month (October 1964 endorsed):

"1) the full restoration of all the rights of the Arab people of Palestine to their homeland and their inalienable right to self-determination".

2) declared their full support to the Arab people of Palestine in their struggle for liberation from colonialism and racism" (emphases added).

The non-aligned also discussed concerted action for the liberation of dependent countries, solemnly reaffirmed the right of peoples to self-determination and decided to co-ordinate and concert their efforts with those of the OAU.

#### The PLO at the UN 1965

17. Problems about UN finances meant that the General Assembly only discussed matters in Plenary session in 1964. This could only be addressed by representatives of states. The thirteen Arab states therefore had to wait until 1965 before they asked the Special Political Committee to listen to a delegation of the PLO

which was described as "representing the Arab people of Palestine, the principal party to the Palestine question". There was much debate on the question, at which great weight was given to the fact that Mr Tambo had addressed the Committee in 1963 in his capacity as Vice President of the African National Congress of South Africa. It was finally agreed that members of the delegation could speak "on the understanding that this decision does not imply any recognition of the political organisation which they represent".

On 22 October Mr Tannous, a "person" in the PLO delegation, addressed the Committee. In a long, impassioned speech he noted that the attitudes and feelings of the refugees had led to the establishment of the PLO. The Arab people of Palestine wanted to exercise their inalienable rights, including the right to live in freedom in their homes and not the right offered to them in GA resolution 194 III paragraph 11. The establishment of the Palestine Liberation Organisation was an expression of the Palestinian Arabs' determination to continue the struggle for those rights which had been taken away from them by invading British colonialists and Zionists and the United Nations, and given to total strangers from all parts of the world. It was also the turning point in the history of the Palestinian Arabs and a repudiation of the claims of those who would have the UN believe that the question of Palestine no longer existed and that it was only a refugee problem. He attacked the Balfour Declaration; stated that GA resolution 181 II was contrary to the principle of self-determination proclaimed in the Charter, and pointed to the fact that the General Assembly had unjustly rejected the request to refer the matter to the ICJ (para 4).

"Since the UN had failed to remedy the injustice done, the Arab people of Palestine felt free to use all possible means to regain their human dignity and restore their usurped rights".

Representatives of the Palestinian Arabs also continued to speak, as before, to the Special Political Committee. They were often sponsored by Pakistan and Saudi Arabia. Their final appearance was in 1973, the year before the PLO became a UN Observer. In the same year (ie 1965) Fatah with the help of Algerian weapons and training, began guerilla operations. By 1969 its leader, Yasser Arafat, had become Chairman of the Executive Committee of the PLO.

18. Thus by the end of 1966 the PLO had gained a foothold at the UN. Other developments worth noting during the period 1959 - 1966 include the emergence of the Group of 77 which had come to prominence with the setting up of UNCTAD in 1964. It was an alliance for economic purposes of the African, Asian and Latin American groups at the UN which could however be used for the other purposes. It is noticeable that Algeria became host to the first Ministerial meeting of the Group in 1967. Two further useful developments also occurred in 1966. The Security Council was enlarged from 11 to 15 members (this had been proposed at the first non-aligned Summit in 1961) and the two Human Rights Covenants supporting the right of self-determination of peoples were opened for signature.

#### PALESTINIAN RIGHTS AFFIRMED AND DENIED 1967 - 1973

19. The occupation of Arab and Palestinian territories of Sinai, the Gaza strip, the West Bank and the Golan Heights by Israel during the June 1967 war brought the Middle East once again to

world attention. In the following November the Security Council was, for the first time by SC resolution 242, able to agree unanimously on major elements for a just solution to the Middle East problem. Many supporters of the Palestinians however considered that the call for a just settlement of the refugee problem was inadequate and had to decide whether they should therefore reject, or build on and amend, the resolution. Those who considered that SC resolution 242 should be built on must have been encouraged by the fact that by the end of 1972 both the United Kingdom and France had voted for a GA resolution stating that respect for Palestinian rights was an indispensable element in a just and lasting peace in the Middle East. This followed the passing of two important GA resolutions on the inalienable rights of the Palestinians and Palestinian self-determination in 1969 and 1970 respectively. They must however, have been discouraged both by the ambivalent attitude of the United States over Israeli actions in Jerusalem which was not dealt with by SC resolution 242, and its first veto on the issue of Palestinian rights in July 1973. The taking over of the Chinese seat in the Security Council by the People's Republic of China in 1971 was also potentially helpful.

#### The Immediate Reaction to the June War 1967

20. The June war was followed by the fifth Emergency Special Session of the General Assembly (17 June - 21 July) when it was temporarily adjourned) which endorsed (GA resolution 2252 ES V of 4 July 1967) by 116-0-2 SC resolution 237 of 14 June calling on Israel to facilitate the return of refugees from areas where military operations had taken place and to observe the Geneva Conventions governing the treatment of prisoners and protection of civilians in time of war. On the same day it also, by GA resolution 2253 ES V (originally proposed by Pakistan) by 99 (France, Soviet Union, United Kingdom) - 0 - 20 (United States), stated that all measures taken to change the status of Jerusalem were invalid and called upon Israel to rescind them. A further resolution 2254 ES V of 14 July by 99 - 0 18 (United States), deplored the failure of Israel to implement GA resolution 2253 ES V, and reiterated its call to Israel to do so. The United States government's view was that there must be adequate recognition of the special interest of three great religions on the status of Jerusalem and that the United States had never recognised unilateral actions by any of the states in the area as governing the status of Jerusalem. At the subsequent Arab League Summit (Khartoum Aug/Sept) Arab leaders, with the exception of Syria, resolved to seek a political solution to the dispute but endorsed earlier decisions to support the rights of the Palestinian people and not to negotiate directly with Israel or accord it recognition.

#### SC Resolution 242 - 22 November 1967

21. Security Council resolution 242 on major elements for a just solution to the Middle East problem was the product of the amalgamation of two draft resolutions, one put forward by India, Mali, and Nigeria, all non-aligned countries, and one put forward by the United States. It should be noted that only the non-aligned draft contained the reference to the Palestinians: the original United States draft contained no such reference. The final resolution's major points were: withdrawal of Israeli armed forces from territories occupied in the recent conflict; termination of all claims or states of belligerency and respect for and

acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognised boundaries free from threats or acts of force. It also affirmed the necessity of guaranteeing freedom of navigation through international waterways in the area; achieving a just settlement of the refugee problem and guaranteeing the territorial inviolability and political independence of every State in the area through measures which included the establishment of demilitarised zones. It also requested the Secretary General to designate a special representative to promote such an agreement. Ambassador Jarring of Sweden was subsequently so designated.

22. The immediate response of the PLO to SC resolution 242 was expressed at the UN in the PLO representative's speech to the Special Political Committee on 14 December 1967. He noted that the resolution had guaranteed a number of rights and privileges to the Israelis and had confined itself to referring to the Palestinian people as refugees deserving pity and a just solution for their plight. Who had given the Security Council the right to give away the birthright of the Palestinian Arabs? Why were 2 million Palestinian Arabs reduced to the status of refugees and exiles? GA resolution 194 III had recognised the right to return. Palestinian refugees claimed for themselves the right to independence, the right to exist and the natural right to be at home in their own country. The Palestinian problem lay in the fact that a group of people imbued with religious and racist prejudices and colonial ambitions, and supported by a well-organised movement, had taken upon itself to invade a country, to uproot its innocent population and to make it into a Zionist State. The major problem for moderates supporting the Palestinian point of view was that SC resolution 242 could be argued to have opened the way for a political solution of the problem by allowing Israel to continue to hold some or all of the land (excluding Jerusalem) that it had acquired by force between 1947 and 1967. Muslim states were also particularly concerned because it seemed to give legitimacy to the previous Israeli occupation of a part of Jerusalem which surprisingly was not mentioned in SC resolution 242. Israel's response to SC resolution 242 was that movement from the cease fire lines could only be envisaged in the framework of a just and lasting peace.

#### Yasser Arafat Takes over the PLO 1968 - 1969

23. The PLO's political response to SC resolution 242 was followed in March 1968 by a significant victory by Fatah over Israeli troops with the help of Jordanian troops at the Jordanian village of Karameh. The same month an agreement was reached between the PLO, Fatah and the PFLP to give these groups representation on the PNC. The changing status of Fatah was made obvious by the fact that President Nasser took Yasser Arafat with him to Moscow when he visited it in July. The Palestinian National Covenant was agreed by the PNC the same month. It emphasised Palestinian Arab rights, including the Palestinian Arab peoples' legal right to its homeland, and noted that the PLO representing the forces of the Palestinian revolution, was responsible for the movement of the Palestinian Arab people in its struggle to liberate and return to its homeland and exercise within it the right of self-determination. The liberation of Palestine was a defensive act necessitated by the requirements of self-defence. The next

session of the PNC held in February 1969 elected Yasser Arafat as chairman of the PLO's Executive Committee.

### Growing Third World Involvement

24. At the fifth OAU Summit at Algiers in September 1968 OAU States affirmed their support for the United Arab Republic and the withdrawal of foreign troops from all Arab territories occupied since 1967 in accordance with SC resolution 242. The most significant resolution on Palestine passed at the following General Assembly by 60 (Soviet Union) - 22 (United States) - 37 (France, United Kingdom) was GA resolution 2443 XXIII. For the first time this referred to the principle of the right to return as embodied in the Universal Declaration of Human Rights and to SC resolution 237 (para 20) and decided to set up a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. This of course enabled support to be given to the right to return without reference to GA resolution 194 III which might be said to imply Israel's right to exist. President Tito's visit to Algeria in November the same autumn presaged renewed Algerian co-operation with the non-aligned following the Algerian failure to hold a second more radical Bandung conference (on the lines of the first conference held in 1955) in the mid 1960's. Non-aligned co-operation was considered essential in view of the escalation of the Vietnam war, the intensification of guerilla activity in the Portuguese Southern African colonies and the unwillingness of Israel to negotiate a peace settlement. So the PLO attended the non-aligned consultative meeting of special government representatives held in Belgrade in July 1969. The non-aligned, in their final communique reaffirmed their 1964 resolution (para 16) but they did not take the radical line and reject SC resolution 242. Instead, as would be expected given the OAU affirmation of September 1968, the non-aligned reaffirmed the inadmissibility of the acquisition of territory by war and called for the withdrawal of foreign troops from all the Arab territories occupied since June 1967 in accordance with SC resolution 242.

### The Issue of Jerusalem 1968 - 9

25. The importance of the issue of Jerusalem was brought out strongly during this period and led directly to the formation in 1969 of a powerful and more conservative body than the Arab League, the Organisation of the Islamic Conference (OIC) which has subsequently given support to the PLO. The ambivalence of the United States position on Jerusalem had been shown in the first Security Council resolution passed on this subject after the June war - SC resolution 252 of May 1968. This referred to the two emergency special session resolutions on Jerusalem; deplored Israel's failure to comply with them and considered that all the legislative and administrative measures taken by Israel to change Jerusalem's legal status were invalid. It was passed by 13 - 0 - 2 (United States). In July 1969 the United States was able to join in the unanimous SC resolution 267 of censuring Israel for all measures taken to change the status of Jerusalem. But they abstained once again on SC resolution 271 in September, which noted the Council's concern at the damage caused following the arson attempt on the Al Aqsa mosque, called on Israel to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem and condemned Israel for

its failure to comply with the four resolutions passed in the General Assembly and the Security Council on Jerusalem since the June war. The voting was 11 - 0 - 4. Arab League Foreign Ministers immediately decided to convene a conference of Islamic Foreign Ministers after the incident at the Al Aqsa mosque. The PLO was present as an Observer at its first Summit of the Organisation of the Islamic Conference (OIC) at Rabat the same month.

**The Inalienable Right of the Palestinian People GA Resolution 2535 B XXIV 1969**

26. The most interesting resolution on Palestine in 1969 was deliberately sponsored by non-aligned and Islamic states (Afghanistan (OIC and non-aligned), Burundi (non-aligned), Congo (Brazzaville) (non-aligned), Guinea (non-aligned), Indonesia (OIC and non-aligned), Malaysia (OIC and non-aligned), Mauritania (OIC and non-aligned), Pakistan (OIC), Senegal (non-aligned) Somalia (non-aligned) and Yugoslavia (non-aligned)) rather than Arab states. This, for the first time (it passed the General Assembly, by 48 (Soviet Union) - 22 (United States) - 47 (France, United Kingdom)) specifically and formally reaffirmed "the inalienable rights of the people of Palestine" (the term "inalienable rights" is used in the preamble to the Human Rights Declaration - para 16) recognising that

"the problem of the Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights."

The resolution also contained a call to the Security Council to take effective measures to implement these resolutions. This was the beginning of a long campaign to persuade the Security Council to give support to Palestinian rights as it had already done over Jerusalem. The Security Council was not prepared to go as far as this. The United States Rogers Plan of December 1969 put forward after discussion with all the other permanent members of the Security Council except China, was less forthcoming about the Palestinians. It stated that

"a just settlement must take into account the desires and aspirations of the refugees"

and recognised that the problem posed by the refugees would become increasingly serious if their future was not resolved. On Jerusalem, the Plan noted, inter alia that Jerusalem should be a unified city and that there should be roles for both Israel and Jordan in the civic economic and religious life of the city.

**French Attempt to Build on SC Resolution 242 GA Resolution 2628 XXV 1970**

27. Following this successful General Assembly the Arab League Summit at Rabat in December 1969 agreed on the allocation of funds for Palestinian organisations including the PLO and called for the mobilisation of all Arab states against Israel. The PLO was an Observer at the OIC Foreign Ministers meeting at Jeddah in the following March (1970) and in May the Algerians agreed with Libya (under President Ghadafi since September 1969) and Iraq to create a common fund to finance joint oil projects and to offer mutual reinforcement in their relations with Western oil companies: in June Algeria which had joined OPEC in 1969 was the host to the meeting of OPEC oil ministers. These steps made possible the

measures taken in 1971 (para 30) and 1973 (para 37). The third non-aligned Summit at Lusaka in September the first since 1964) confirmed the strategy of equating the PLO with other liberation movements (the PLO and a number of African liberation movements were Observers at the Summit). The most telling new addition to the resolution on the Middle East declared that

"full respect for the inalienable rights of the Arab people of Palestine is a prerequisite to peace in the Middle East".

28. This attempt to add a new ingredient to ideas about the elements of a peace settlement in the Middle East was followed up in the first debate under the agenda item on the Middle East at the General Assembly since 1968. Resolution 2672 C XXV (see below) which declared that

"full respect for the inalienable rights of the people of Palestine is an indispensable element in the establishment of a just and lasting peace in the Middle East"

was obviously too strong to gain any major Western votes. The French however heralded the growing differences between the Europeans and the United States by adding a clause to GA resolution 2628 XXV which reaffirmed resolution 242, recognising

"that respect for the rights of the Palestinians is an indispensable element in the establishment of a just and lasting peace in the Middle East".

The resolution passed by 57 (France, Soviet Union) - 16 (United States) - 39 (United Kingdom).

#### Palestinian Self-Determination GA Resolution 2672 C XXV 1970

29. The confrontation between the PLO and the Jordanians in September 1970 had shown clearly that the interests of the Arab states were not always identical with those of the PLO. This gave an added incentive to the PLO to seek support outside as well as inside the Arab League framework. The campaign at the United Nations however continued to advance. GA resolution 2672 C XXV (para 28) continued the use of the phrase the "people of Palestine" (para 26) as opposed to the "Arab people of Palestine", and acknowledged their entitlement to equal rights and self-determination in accordance with the UN Charter. It was passed by 47 (Soviet Union) - 22 (United States) - 50 (France, United Kingdom). A further resolution GA resolution 2649 XXV (71 - 12 (France, United Kingdom, United States) - 28) brought out the bonds forged at the third non-aligned Summit (para 27). In it the peoples of Southern African and Palestine were linked as peoples being denied the right to self-determination.

#### Failure of the OAU Mediation Mission 1971

30. The stalemate on the issue of Palestine continued into 1971. No Arab League Summit was held and the Jarring talks (para 21) finally broke down. The end of the Vietnam war in April made it more possible to focus on the Middle East: the Tehran agreement of early 1971 had marked the first substantial round of oil increases. The increasing involvement of Latin Americans on third world issues was shown by the holding of the second Ministerial meeting of the Group of 77 in Lima in October/November 1971, and the decision by the standing committee of the non-aligned to hold their next Foreign Ministers meeting at Georgetown. General Assembly resolutions on the subject of Palestine echoed those of 1970 but did not go any further forward. The most interesting move was the

attempt by the OAU to mediate in the dispute which was welcomed by the non-aligned Ministerial meeting at New York in September. The failure of the mission which was finally sent in November 1971 had a powerful effect on decisions by African states to give more support to the Arab cause. Between November 1971 and September 1973 (just before the Algiers non-aligned Summit), six African states broke off diplomatic relations with Israel. A further SC resolution on Jerusalem (298) in September 1971 by 14 (China, France, Soviet Union, United Kingdom, United States) - 1 (Syria) reaffirmed SC resolutions 252 and 267 (para 25) and urgently called on Israel to take no further steps purporting to change the status of the city.

### King Hussein's Proposals for the West Bank 1972

31. Intra-Arab wrangling dominated 1972 though the OIC at their Foreign Ministers meeting at Jeddah (February/March 1972) approved its Charter which defined one of its objectives as:

"to co-ordinate efforts for the safeguard of the Holy Places and support of the struggle of the people of Palestine, and help them to regain their rights and liberate their land".

This was however followed by King Hussein's proposal to establish a federated state of Transjordan and the West Bank under him. The PLO rejected this and persuaded other major states to do the same. By the time of the non-aligned foreign ministers meeting at Georgetown in August the growing strength of those advocating radical solutions to the Middle East problem was noticeable by the fact, that for the first time the resolution on the Middle East contained no reference to SC resolution 242. Full and effective non-aligned support was offered to Egypt, Syria and Jordan "in their legitimate struggle to recover entirely and by every means their territorial integrity". A call was made to refrain from giving Israel "material or moral support likely to strengthen its military potential" and the UN was recommended to take adequate measures against Israel should it persist in disregarding UN efforts.

### Second Attempt to Build on SC Resolution 242 GA Resolution 2949 XXVII 1972

32. The final resolution adopted on the Middle East in 1972 GA resolution 2949 XXVII referred to the 1971 GA resolution 2799 XXVI which had only reaffirmed SC resolution 242. However this time the French clause about Palestinian rights which had been added to GA resolution 2628 XXV in 1970 (para 28) was added once again. The resolution also, for the first time, contained a decision to transmit the resolution to the Security Council for appropriate action. European solidarity was emphasised by the fact that the United Kingdom and other major European countries joined France and the Soviet Union in voting for the resolution which was passed by 86 - 7 - 31 (United States). The voting also shows clearly the first major positive switch of Latin American opinion. Cuba and Chile had voted for this sort of resolution before. They were however joined for the first time by Argentina, Ecuador, Guyana, Honduras, Jamaica, Mexico, Peru, and Trinidad and Tobago. Radical Arab dissension was shown by the fact that Algeria, Iraq and Syria did not participate in the vote. It should be noted that these votes were made before, not after, the major oil price rises of late 1973.

### The First US Veto over Palestinian Rights - July 1973

33. The most important discussion in the Security Council in 1973 before the October war concerned the draft resolution submitted to the Council in July by Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia. This further emphasised the commitment of some Latin American states to the Palestinian cause following the Georgetown meeting of non-aligned Foreign Ministers, at which Peru had been an Observer. Peru joined the movement and Panama became an Observer at the Algiers Summit (September 1973). Peru and Panama had of course both voted for resolution 181 II and Peru had served on UNSCOP (paras 4 - 5). Their draft resolution reaffirmed SC resolution 242 and in operative clause five expressed the conviction that a just and peaceful solution to the problem of the Middle East could be achieved only on the basis of respect for national sovereignty, territorial integrity, the rights of all States in the area and for the rights and legitimate aspirations of the Palestinians. Both the United Kingdom and France were able to vote for this confirming their previous vote on GA resolution 2949 XXVII. However the draft was vetoed on 26 July (13 - 1 (China did not participate in this vote)) as in the United States view it was highly partisan and unbalanced. European/United States differences had been confirmed in the Security Council, as had European/third world convergence.

### GROWING RECOGNITION OF PALESTINIAN RIGHTS, THE PLO AND IDEAS OF A PALESTINIAN MINI-STATE 1973 - 1977

34. Three themes dominate this period. The first concerns the continuing development of Western thinking about Palestinian rights and the need to incorporate them into a peace settlement. By the end of 1973 the EC had recognised that a peace agreement should take account of the legitimate rights of the Palestinians and the United States Government had recognised that a peace agreement must include a settlement of the legitimate interests of the Palestinians and had reiterated its view that a peace agreement must recognise that Jerusalem contained two places considered holy by three great religions. By 1977 both the EC and the United States had recognised the need for a Palestinian homeland and the fact that a comprehensive peace settlement must include Palestinian participation and the ensuring of the legitimate rights of the Palestinian people. The second related to the increased recognition of the PLO as the legitimate representative of the Palestinians. By the end of the period the PLO had become an Observer at the UN; had been accepted as a participant with the rank of head of state and as the sole legitimate representative of the Palestinians by all major third world bodies including the Arab League. The third concerned the split which developed between Iraq and various radical Palestinian factions after October 1973 culminating in the setting up of the Rejection Front in October 1974 which sought to replace the Israeli state; and the PLO and the other major states who, with much hesitation, endorsed the idea of setting up a Palestinian mini-state mainly or wholly in the territories occupied in 1967.

### PLO Recognised as the Legitimate Representative of the Palestinians by the Fourth Non-Aligned Summit Algiers September 1973

35. The OIC Foreign Ministers meeting at Benghazi in March 1973 recognised, in one of their resolutions, the importance of next

non-aligned Summit and urged OIC members to attend. This may well have been responsible for Saudi Arabian attendance - their first since the Cairo Summit in 1964. At the Summit in September the non-aligned developed the more radical line that had been taken at Georgetown (para 31). Explicit references were made for the first time in the Fourth Summit Declaration and resolutions to the question of taking mandatory UN action against Israel under Chapter VII, and against the United States for giving Israel military, economic, political and moral support which had enabled Israel "to pursue its policy of aggression and prolong its occupation of Arab territories".

The resolution on the Middle East also noted that the complete restoration of Palestinian national rights represented the basic condition of a just and durable peace and declared that the PLO was

"the legitimate representative of the Palestine people and their legitimate struggle".

The resolution also called for a boycott of Israel and welcomed the decision of some member countries (para 30) to break off diplomatic relations with Israel. Cuba, Togo, and Zaire all broke off diplomatic relations after the Summit. They were followed by a further 18 countries after the outbreak of the October war.

#### Increased Western Recognition of Palestinian Rights and Interests after the October War 1973

36. The reaction of the Security Council to the war was expressed by SC resolution 338 of 22 October 1973 (14 - 0 China did not participate) which called on the parties concerned to implement the provisions of SC resolution 242 (para 21) and called for urgent negotiations to establish a just and durable peace. Both the EC and the United States subsequently clarified their views about the role of the Palestinians in a peace agreement. The EC countries put out a joint statement on 6 November recognising that

"in the establishment of a just and lasting peace account must be taken of the legitimate rights of the Palestinians".

And in his opening remarks to the Geneva Peace Conference on 21 December the US Secretary of State Kissinger stated that a peace agreement must include inter alia:

"a settlement of the legitimate interests of the Palestinians, and a recognition that Jerusalem contains places considered holy by three great religions"

The Conference was adjourned a month later.

#### The Acceptability of a Palestinian Mini-State?

37. This increasing recognition of Palestinian interests in a peace settlement was matched by the ambiguous language used at the Arab League's Algiers Summit in November 1973 which Iraq did not attend. The Ministers did not call for the destruction of Israel but for the total withdrawal of Israelis from Arab lands occupied in 1967 and "rights of the Palestinian people to their land and home", calls which did not necessarily go against SC resolutions 242 and 338 (paras 21 and 36). The Ministers, also, probably with the Algiers non-aligned Summit resolution in mind, attempted to define the PLO as the "sole legitimate representative of the Palestinian people". Jordan however was not able to agree to this. Ministers also agreed to create a unified Arab military command and to set up financial institutions to help African states affected by the oil supply crisis. The aftermath of the war was settled

Palestinian territory that was liberated. The growing international support for the PLO culminated in Arafat's speech to the UN General Assembly on 13 November when he dramatically brought the Palestinian problem to world attention. He claimed he was a revolutionary rather than a terrorist. His speech was ambiguous as to the extent of the territory the PLO claimed; but did implicitly accept SC resolution 242 by noting that all Security Council decisions and calls by world public opinion for withdrawal from lands occupied in 1967 had been ignored. He discussed Palestine in terms of a secular democratic state including Jews. He noted that the question of Palestine had finally emerged in its true context not merely as a problem of refugees or border disputes but as the question of a people uprooted from its homeland and deprived of its rights as a result of a Zionist plot supported by imperialist powers. He said he had come "bearing an olive branch and a freedom-fighter's gun" and concluded by saying "Do not let the olive branch fall from my hand".

40. The speech was followed by the adoption of two major GA resolutions on Palestine 3236 XXIX and 3237 XXIX. Resolution 3236 adopted by 89 (China, Soviet Union) - 8 (United States) - 37 (France, United Kingdom), reaffirmed the inalienable rights of the Palestinian people including the right to self-determination and the right to national independence and sovereignty; and reaffirmed the inalienable right of Palestinians to return to their homes and property from which they had been displaced and uprooted. Although the language was deliberately ambiguous, the repeated references in the report on the discussion of this resolution, to GA resolution 181 II as well as acknowledgement of Israel itself, suggested that a Palestinian state along the lines proposed in the partition plan was envisaged, and thus only a partial dismantling of the de facto Israeli boundaries. Most of the explanations of vote turned on the question of Israel's right to exist and whether the text allowed for this or not. A further historic GA resolution 3237 XXIX admitted the PLO as an Observer to the United Nations by 95 (China, Soviet Union) - 17 (United Kingdom, United States) - 19 (France).

#### Continuing International acceptance of the PLO 1975

41. The PLO's acceptance as a full member of the OIC (para 38) seems to have occurred by the time of the second Islamic Summit at Lahore in February 1974. This was closely followed by the Lima non-aligned meeting of Foreign Ministers, in August, which also accepted the PLO as a full member of the non-aligned movement and as the sole legitimate representative of the Palestinians. A further indication of the growing importance of the PLO was the fact that the Israelis extracted a commitment from the United States government in September not to talk directly to them. The non-aligned Foreign Ministers at Lima also expressed concern about measures taken by Israel to Judaize Jerusalem and other parts of the occupied territories. They affirmed that the Palestinian question was the basic cause and core of the struggle against Zionism and asserted that Palestinian national rights included their exercise of the right to sovereignty over their territory and their establishment of their independent national authority. The limits of African support over the question of Israeli credentials was also shown at Lima despite the fact that the Algerians had by a procedural device ensured that the South Africans were unable to attend the General Assembly in 1974. All that could be agreed was a request

"to strengthen ... pressure on Israel in the UN and its specialised agencies, including the possibility of eventually depriving it of its membership in these institutions".

PLO Association with a Peace Settlement GA Resolutions 3414 and 3375 XXX 1975

42. The situation in the Middle East was discussed as an agenda item in the 1975 General Assembly for the first time since 1972. The resulting resolution GA-resolution 3414 XXX by 84 (Soviet Union) - 17 (United Kingdom, United States) 27 (France) requested all States to stop giving Israel military and economic aid so long as they continued to occupy Arab territories and deny Palestinian inalienable rights and requested the Security Council to take measures aimed at establishing a just peace

"through a comprehensive settlement, worked out with the participation of all parties concerned, including the Palestine Liberation Organisation".

The Assembly also by GA resolution 3375 XXX (101 (Soviet Union) - 8 (United Kingdom, United States) - 25 (France)) requested the Security Council to take the measures necessary to enable the

Palestinian people to exercise its inalienable national rights; called for

"the invitation of the Palestine Liberation Organisation, the representative of the Palestinian people, to participate in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations, on an equal footing with other parties on the basis of resolution 3236 (XXIX)"

and requested the Secretary General to take all necessary steps to secure the invitation of the PLO to the Geneva Peace Conference on the Middle East. GA resolution 3376 XXX (93 (Soviet Union) - 18 (United Kingdom, United States) - 27 (France)) adopted the same day set up a Committee on the Exercise of the Inalienable Rights of the Palestinian People just as the Committee on Human Rights in the Occupied Territories had been set up in 1968 (para 24). This was asked to consider and recommend a programme to promote the rights of the Palestinian people, and to submit their report and recommendations to the Secretary General by June 1976 for onward transmission to the Security Council.

43. During the debate on the Palestinian question the Italian representative speaking on behalf of the EC moved slightly nearer to the PLO by stating that the right of the Palestinian people to express their national identity had to be recognised. However, they did not vote for either of the resolutions above - some abstained and some voted against.

The PLO and the Security Council 1975

44. The PLO first played a part in Security Council proceedings during Security Council discussions in December 1975 of a draft resolution which would have condemned Israel for its repeated air attacks on the Lebanon. At the outset of the discussion the Security Council invited the PLO to take part in the debate with the same rights as those conferred upon a Member State invited to participate under rule 37, rather than rule 39 under which African liberation movements had appeared before the Security Council.

This was designed to emphasise the PLO's status as the legitimate representative of a people. This motion was procedural and therefore could not according to Security Council rules be vetoed. It was passed by 9 - 3 (United Kingdom, United States) - 3 (France). This formula and kind of vote has been followed at subsequent Security Council debates. The next time it was used was in January 1976. This meeting had been called for in SC resolution 381 (13 - 0 (China and Iraq did not participate in the vote)) of 30 November 1975 which had bound the renewal of the mandate of UNDOF on the Golan Heights to the reconvening of the Security Council in January in order to continue debate on the Middle East problem including the Palestinian question taking into account all relevant UN resolutions.

The Second and Third US Vetoes on Palestinian Rights and the First US Veto on Jerusalem and Israeli Settlements in the Occupied Territories 1976

45. At the resolutions Security Council meeting in January 1976 the sponsors of the draft resolution were Pakistan (OIC) with Benin, Guyana, Panama, and Tanzania (all non-aligned) and Romania. Their draft did not mention the PLO. It affirmed the inalienable rights of the Palestinian people to self-determination and to establish an independent state in Palestine and the right of Palestinian refugees to return. It then affirmed that a just peace must include Israeli withdrawal from the occupied territories; and that the sovereignty, territorial integrity and political independence of all states in the area and their right to live in peace within secure and recognised boundaries. This fairly moderate draft was vetoed by the United States on 26 January by 9 (France, Soviet Union) - 1 - 3 (United Kingdom). The Security Council was convened again in June 1976 to consider the agenda item "The question of the exercise by the Palestinian people of its inalienable rights: the report of the Committee established under a General Assembly resolution 3376" (para 42)

The draft resolution before the Security Council was sponsored by Guyana, Pakistan, Panama and Tanzania. It took note of the Committee's report and affirmed the inalienable rights of the Palestinian people to self-determination including the right to return and the right to national independence and sovereignty in Palestine in accordance with the UN Charter. This debate ended once more in a United States veto by 10 (Soviet Union) - 1 - 4 (France, United Kingdom).

46. The United States also vetoed in March 1976 a resolution on Jerusalem and settlements in the occupied territories. The draft resolution put forward by Benin, Guyana, Pakistan, Panama and Tanzania deplored Israel's failure to stop actions tending to change the status of Jerusalem; called on Israel to respect the Holy Places and desist from expropriation of Arab lands or the establishment of Israeli settlements in the occupied territories. The United States were however able to join in a Security Council statement in November inter alia deploring the failure of Israel to show any regard for SC resolutions 237, 252, and 298 and GA resolutions 2253 ES V and 2254 ES V (paras 20, 25 and 30).

Continued Third World Pressure

47. The fifth non-aligned Summit at Colombo in July 1976 declared the Conference believed that a just and lasting peace in the Middle

East could only be established through the solution of the Palestine question, the root cause of the conflict in the region, in accordance with the UN resolutions. One resolution commented on the misuse of the veto power of permanent members of the Security Council. In September the Arab League Council finally agreed to accept the PLO as a full member of the Arab League even though its original pact had only accepted states as members. At the UN, ECOSOC had agreed in August by 36 - 1 (United States) 11 (United Kingdom) (2026 LXI) to invite the UNDP and other agencies to identify the social and economic needs of the Palestinian people and then to propose concrete projects to ensure their improvement. The General Assembly subsequently considered the report which had been vetoed by the United States in Security Council in June (para 45). GA resolution 31/20 (90 (Soviet Union) - 16 (United Kingdom, United States) - 30 (France)) endorsed the Committee's recommendations as a basis for the solution of the question of Palestine and urged the Security Council to consider the recommendations again.

#### The Soviet Union Proposes the Resumption of the Geneva Peace Conference October 1976

48. On 7 October 1976 the Soviet Government proposed that the Geneva Peace Conference (para 36) should be resumed in October/November with the following agenda:

- 1) withdrawal of Israeli troops from all the Arab territories occupied in 1967;
- 2) realisation of the inalienable rights of the Palestine Arab people, including their right to self-determination and the establishment of their own State;
- 3) preservation of the right to an independent existence and to security of all the States directly participating in the conflict - and the granting to them of appropriate international guarantees; and
- 4) cessation of the state of war between the Arab States concerned and Israel.

The Soviet Union also proposed that the PLO should participate in the work of the Conference from the beginning and with equal status. Resolution GA 31/62 which followed by 122 (France United Kingdom, Soviet Union) - 2 (United States) - 8 called for the early convening of the Peace Conference on the Middle East under the auspices of the UN and the co-chairmanship of the Soviet Union and the United States not later than the end of March 1977.

#### Growing Agreement that Essentials of a Settlement Included Palestinian Representation 1977

49. The advent of the new United States administration under President Carter in January 1977 led to increased diplomatic activity on the Middle East. In March President Carter stated that a homeland had to be provided for Palestinian refugees (this was balanced by the ambiguous endorsement of the idea of a Palestinian mini-state on the West Bank and Gaza by the Palestine National Council the same month), and in September the State Department publicly asserted for the first time that Palestinian participation and a settlement of the Palestinian question were necessary to ensure the successful outcome of a resumed Geneva peace conference. The same month an EC spokesman asserted that a solution to the conflict would only be possible if the

"legitimate right of the Palestinian people to give effective expression to its national identity is translated into fact. This would of course take into account the need for a homeland for the Palestinian people".

And most interestingly on 1 October 1977 a joint US/Soviet statement stated inter alia

"The United States and the Soviet Union believe that within the framework of a comprehensive settlement of the Middle East problem, all specific questions on the settlement should be resolved, including such key issues as withdrawal of Israeli armed forces from territories occupied in the 1967 conflict; the resolution of the Palestinian question, including ensuring the legitimate rights of the Palestinian people; termination of the state of war and establishment of normal peaceful relations on the basis of mutual recognition of the principles of sovereignty, territorial integrity, and political independence".

This was the first major use by the United States of "legitimate rights" in relation to the Palestinians rather than "legitimate interests."

50. Thus, by the beginning of October 1977 the gap between the third world and the United States over the elements of the a just solution had narrowed. The only major issue between them was the question of who should represent the Palestinians at the proposed conference.

#### THE ISRAELIS REGAIN THE INITIATIVE: THE STRUGGLE OVER THE WEST BANK (JUDAEA AND SAMARIA) 1977 - 1982

51. The growing consensus between the Soviet Union, the United States, the European Community and the third world had already alarmed the new Likud government which had come into power in May 1977 and which claimed that Israel had a historical and legal right to claim Judaea and Samaria (the West Bank). They strongly criticised the US/Soviet statement, stating that they could not take part in the Geneva conference if representatives of the PLO were present. However, they were soon able to regain the initiative following President Sadat's visit to Jerusalem in November 1977. This was followed by the Camp David Agreements of September 1978 between Egypt and Israel witnessed by the President of the United States. These comprised inter alia Agreements on a Framework for Peace in the Middle East and a Framework for a Peace Treaty Between Egypt and Israel. The former Agreement referred to the "legitimate rights of the Palestinian people" but gave them only a limited role in relation to the West Bank and Gaza Strip. It also left open the possibility of the annexation of these territories by Israel. This has not yet been implemented. The latter was implemented in March 1979. The Egyptian move once again split the Arab world and led to the setting up of the Arab Front for Steadfastness and Confrontation by Algeria, Libya, South Yemen, Syria and the PLO in December 1977. This impasse eventually led the EC heads of government to declare at Venice in June 1980 that the PLO would have to be associated with negotiations for a peace settlement (para 58).

### The 1977 General Assembly

52. Support for the reconvening of the Geneva Peace Conference (para 36) was widely expressed during the 1977 General Assembly. This was reflected in GA resolution 32/20 which by 102 (Soviet Union) - 4 (United States) - 29 (France, United Kingdom) called again for the reconvening of such a conference with the participation of the PLO. This represented a change of position by the United Kingdom which had voted against similar resolutions in previous years (para 42). The Security Council and the General Assembly also both considered the second report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The Chairman of the Committee addressed the Security Council stating *inter alia* that Israel's right to exist was no longer challenged by anyone, but Israel in turn had to recognise the legitimate rights of its neighbours. He appealed for a positive approach to the question by the Security Council: the Council however decided to adjourn after consultation. The General Assembly then adopted two resolutions on Palestinian rights: the first resolution GA 32/40 A by 100 (China, Soviet Union) - 12 (United Kingdom, United States) - 29 (France) urged the Security Council to take a decision as soon as possible on the recommendations of the Committee on Inalienable Palestinian Rights which it had endorsed; the second GA resolution 32/40 B by 95 (China Soviet Union) - 20 (United Kingdom, United States) - 26 (France) asked the Secretary General to establish a Special Unit on Palestinian Rights in the Secretariat.

### Iraq's Role in Combatting the Camp David Agreements 1978

53. It was in the context of the Egyptian abdication of leadership in the Middle East that Iraq became more prominent in third world and intra-Arab politics. It may well have been influenced by the success of Algeria. First of all it decided not to join the Steadfastness Front set up in December 1977 (para 51). Then it made sure that the non-aligned Foreign Ministers meeting at Belgrade in July 1978 agreed that it, subject to confirmation at the Havana Summit, should be accepted as the host for the following Summit in 1982 (the Seventh Summit was finally held in New Delhi in 1983 not in Baghdad in 1982 because of the Iran/Iraq war). The non-aligned Foreign Ministers referred obliquely to the Camp David talks in the Declaration by affirming that the question of Palestine was the core of the Middle East problem and that the solution of one problem without the other was not possible. They affirmed their determination to maintain unity between the question of Palestine and the situation in the Middle East. A just and lasting peace required Israel's withdrawal from all occupied territories and the recognition of Palestinian inalienable rights. The following General Assembly GA resolution 33/29 (100 (Soviet Union) - 4 (United States) - 33 (France, United Kingdom)) called anew for a Geneva Peace Conference with PLO participation and stated, in response to the 1978 Camp David agreement, that a just and lasting peace must be based on a comprehensive solution under the auspices of the UN, taking into account the attainment of Palestinian inalienable rights and Israeli withdrawal from all occupied Palestinian and other Arab territories. A further resolution GA 33/147 by 102 (China, Soviet Union) - 5 (United States) - 35 (France, United Kingdom) endorsed the ECOSOC proposals

of 1976 and gave UNDP a mandate to assist the Palestinian people (para 47).

54. The final agreements at Camp David in September 1978 had dismayed the Arab world as a whole giving as they did such a limited role to Palestinians on the West Bank and Gaza Strip and leaving open the possibility of annexation by Israel. The reaction on the West Bank was to set up the pro-PLO National Guidance Committees. The Arab League barred Egypt from attending the Arab League Summit at Baghdad in November. The Summit agreed on a collective rejection of the Camp David accords. Egypt was called upon not to sign a unilateral peace treaty with Israel and measures including suspension from the Arab League were taken against them when they did so, in March 79. Egypt was also suspended from the OIC in May. A new fund to benefit Jordan Syria, the PLO and the occupied territories was set up.

The Security Council and the Occupied Territories SC Resolution 446 March 1979

55. The Security Council was finally able to pass a resolution on the question of the occupied territories in March 1979 in a debate initiated by Jordan when it voted by 12 - 0 - 3 (United States, United Kingdom) for SC resolution 446 which determined that the policy and practices of Israel in establishing settlements in Palestine and other Arab territories had no legal validity and established a three man Commission to examine the situation relating to the settlements in occupied territories including Jerusalem. Its report produced in July stated inter alia that 27% of the West Bank had been seized by the Israeli authorities. SC resolution 452 of 20 July by 14 - 0 - 1 (United States) therefore called upon the Government and people of Israel to cease on an urgent basis the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem. The Security Council once again debated the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People between 29 June and 24 August. A draft resolution was put forward by Senegal but was not in the event voted upon because of the resignation of the United States representative to the UN, Mr Andy Young, after he admitted to meeting representatives of the PLO.

The Condemnation of Camp David: the Sixth Non-Aligned Summit and the 1979 General Assembly GA Resolution 34/65 B

56. The sixth non-aligned Summit was held in September 1979 at Havana. This condemned the Camp David accords but took the decision, because of African pressure, to leave the question of the suspension of Egypt from the non-aligned movement until the next Foreign Ministers meeting of the non-aligned. It also reaffirmed the basic principles on the non-aligned on the question of Palestine. These briefly were:

- a) the Palestinian question was the cause of the Arab/Israeli conflict;
- b) the questions of the Middle East and Palestine were an integral whole: no partial agreements were possible;
- c) peace could only be achieved by the withdrawal of Israel from the occupied territories and the establishment of an independent state in Palestine;

- d) the City of Jerusalem must in its entirety be returned to Arab sovereignty;
- e) the PLO was the sole legitimate representative of the Palestinian people;
- f) all Israeli measures taken in the occupied territories were illegal;
- g) the establishment of settlements in occupied territories was illegal and existing ones should be dismantled.

It also decided that an emergency special session of the General Assembly should be held if the United States vetoed any resolution on the implementation of the Palestinian people's inalienable rights.

57. This was followed up at the 1979 General Assembly by GA resolution 34/65 B which by 75 (Soviet Union) - 33 (United Kingdom, United States) - 37 (France) rejected those provisions of the Camp David accords which

"ignore, infringe upon, violate or deny the inalienable rights of the Palestinian people, including the right to return, the right of self-determination and the right to national independence and sovereignty, in accordance with the Charter of the United Nations, and which envisage and condone continued Israel occupation of the Palestinian territories occupied by Israel since 1967",

and declared that the Camp David accords and other agreements

"have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since June 1967."

The PLO Must be Associated with Negotiations in a Peace Settlement:  
the Venice Declaration June 1980

58. The inadequacy of the Camp David agreements in relation to the issue of Palestine led to European efforts to promote a dialogue with the PLO. Yasser Arafat met Willy Brandt, the Chairman of the Socialist International and former West German Chancellor, and Chancellor Kreisky of Austria in Vienna in July 1979. Both claimed afterwards that neither Arafat nor the PLO had any intention of destroying Israel. The Irish Foreign Minister speaking on behalf of the EC in September mentioned the role of the PLO in Middle East peace negotiations and in February 1980 the Irish Government was the first EC country to recognise the PLO and to call for a Palestinian state. In March President Giscard d'Estaing declared support for the principle of self-determination for the Palestinians. The most important development during this period occurred on 13 June when the EC countries at their Venice Summit declared that the PLO would "have to be associated with the negotiations" for a peace settlement. GA resolution 35/207 on the Middle East at the next General Assembly which inter alia reaffirmed that the PLO must participate on an equal footing with the other parties to the conflict in negotiating a just solution was not however supported by EC countries because of other language that they could not accept. The voting was 101 (Soviet Union) 13 (United Kingdom, United States) - 30 (France).

The Fourth US Veto on Palestinian Rights April 1980

59. In March 1980 the United States had voted for SC resolution 465 which renewed the mandate of the commission set up by SC resolution 446 (para 55) and called upon the Israeli government to

cease building settlements in the occupied territories and to dismantle existing settlements. However, when March and April the Council discussed the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian people, the proposed draft resolution which would have decided that arrangements should be established to guarantee the sovereignty, territorial integrity and political integrity of all states in the area, including an independent state of Palestine was vetoed by the United States (10 - 1- 4 (France, United Kingdom)). In May the Security Council by resolution 468 (14 - 0 - 1 (United States)) called on Israel to rescind the illegal measures taken by its military authorities in expelling Palestinian leaders and to return two expelled Mayors and a Judge to the West Bank; and asked the Secretary General for a report on the matter. A similar resolution, SC resolution 469 was passed by the same vote at the end of the month, as was SC resolution 471 in early June. This was concerned to condemn the assassination attempts against two of the West Bank Mayors. SC resolution 484 of December was subsequently passed unanimously. It once again asked for the return of the two Mayors.

The Seventh Emergency Special Session and Israel's Enactment of a Basic Law on Jerusalem June - December 1980

60. At the end of June 1980 the OIC requested a Security Council meeting to examine the dangerous situation arising from the latest decision by the Israeli authorities to annex and declare Jerusalem the capital of Israel. SC resolution 476 of 30 June by 14 - 0 - 1 (United States), reaffirmed the overriding necessity to end the prolonged occupation of Arab territories including Jerusalem; deplored Israel's refusal to comply and reaffirmed that legislative and administrative measures by Israel purporting to alter the character and status of Jerusalem had no legal validity. This was followed by a request from Senegal on 1 July 1980 for an emergency special session of the General Assembly on Palestine because of the US veto of the draft resolution in April (para 59). The seventh emergency special session met between 22 and 29 July and was preceded by an extraordinary session of the OIC at Amman which called inter alia for the removal of all 13 diplomatic missions maintained in Jerusalem and reaffirmed the inalienable rights of the Palestinian people. One resolution adopted by the special session called upon Israel to withdraw completely and unconditionally from all the territories occupied since June 1967 and requested the Security Council to consider the adoption of measures under Chapter VII of the Charter in the event of non-compliance by Israel (ES 7/2 112-7 (United States) - 24 (France United Kingdom)). A further resolution requested the committee on the Exercise of the Inalienable Rights of the Palestinian people to study the reason for the refusal of Israel to comply with relevant UN resolutions (ES-7/3 112 - 5 (United States) - 26 (France, United Kingdom)). This was followed by Security Council resolution 478 of 20 August which by 14 - 0 - 1 (United States), censured Israel's enactment of a "basic law" on Jerusalem and called upon states with diplomatic missions in Jerusalem to withdraw them. All had moved by the end of the year. The OIC met once again in an extraordinary session in September at Fez to discuss the Israeli "basic law". Subsequently a General Assembly resolution GA 35/169 was adopted by 143-1 (Israel) - 4 (United States) censuring the enactment of the "basic law".

GA Resolution 181 II and 194 III Affirmed by the Non-Aligned: The Arab League Summit 1980 and the New Delhi Non-Aligned Ministers of Foreign Affairs Meeting 1981

61. Meanwhile, intra-Arab problems had been exacerbated by the invasion of Iran by Iraq in September 1980. The Arab League Summit of November at Amman was held without the participation of Lebanon, Libya, the PLO and Syria. This inter alia reaffirmed their rejection of Camp David; commented on the inadequacy of SC resolution 242; stressed the need for closer ties with the OIC; and the need to strengthen the role of the non-aligned and Latin American States. This was followed by the non-aligned ministerial meeting in New Delhi in February 1981. The most interesting new development was that the non-aligned singled out the 1980 GA resolution 35/169 A on Palestinian inalienable rights which had passed by 98 (Soviet Union) - 16 (United Kingdom, United States) - 32 (France). This for the first time had given non-aligned acceptance to GA resolutions 181 II and 194 III by recalling and reaffirming them, among others in the preamble. This was yet another indication that the non-aligned including the Arabs accepted a two state solution in Palestine. The non-aligned, as a whole, have normally accepted the boundaries implied by SC resolution 242 (with the exception of Jerusalem). The problem of the suspension of Egypt was shelved until the 1982 Baghdad Summit.

Israel's Annexation of the Golan Heights United States Veto January 1982

62. Apart from General Assembly resolution GA 36/226 B on Israel's decision to apply Israeli law in December 1981 to the Golan Heights, only one major new point was made on the question of Palestine during 1981. The General Assembly by GA resolution 36/120 C decided by 122 (China, Soviet Union) - 4 (United States) - 20 (France, United Kingdom) to hold an International Conference on the Question of Palestine not later than 1984. GA resolution 36/226 by 121 (China, Soviet Union) 2 (United States) - 20 (France, United Kingdom) declared that Israel's decision to apply Israeli law to the Golan Heights had no validity and requested the Security Council to invoke Chapter VII of the Charter if Israel failed to implement the resolution by rescinding its decision. The decision was brought before the Security Council in January 1982. This was preceded both by an emergency session of Arab League countries and the third OIC Summit. The United States vetoed the draft resolution of 20 January (9 - 1 - 5 (France, United Kingdom)). This was followed by the ninth emergency special session of the General Assembly which declared by 86 (China Soviet Union) - 21 (France, United Kingdom, United States) - 34 that the Israeli decision constituted an act of aggression under the Charter and deplored the US vote in the Security Council.

Second and Third US Vetoes on Jerusalem and the Occupied Territories April 1982

63. The United States vetoed two resolutions relating to Jerusalem and the occupied territories in April 1982. The first (13 (China, France, Soviet Union, United Kingdom) - 1 (United States) - 1) called on Israel, the occupying power to rescind its decision disbanding the elected municipal council of El Bireh and its decision to remove from their posts the Mayors of Nablus and Ramallah. The second (14 (China, France, Soviet Union, United

Kingdom) - 1 (United States) - 0) called on Israel to observe and apply the Fourth Geneva Convention and deplored any act of destruction or profanation of the Holy Places in Jerusalem. This followed a shooting incident in the Al Aqsa mosque. These once again emphasised US/European differences which had first been made manifest in the Security Council in July 1973 (para 33).

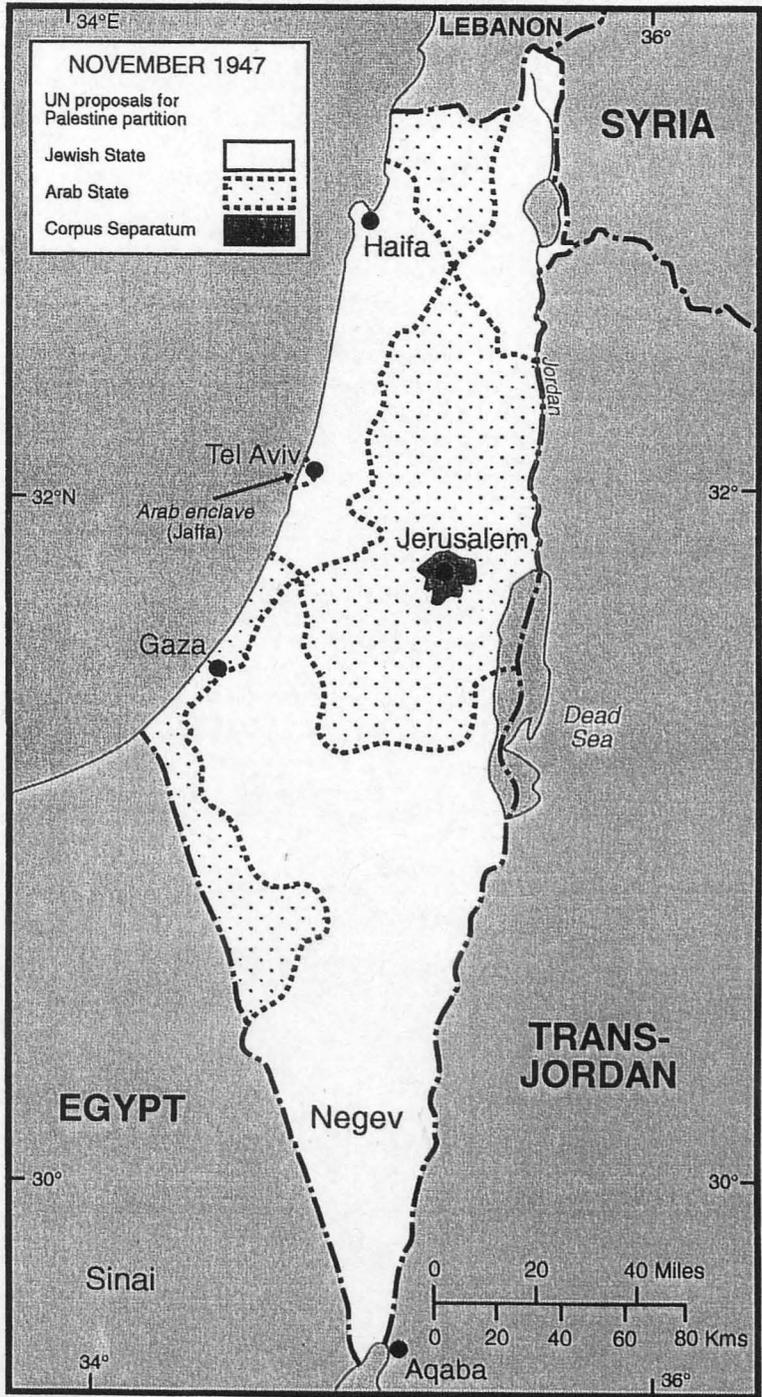
#### PRESIDENT REAGAN'S SPEECH OF 1 SEPTEMBER 1982

64. The Israeli invasion of the Lebanon in early June 1982 followed by its intensive bombing of Beirut and the final evacuation of the PLO forces from Beirut drew world headlines. On 12 August the Security Council finally passed SC resolution 518 unanimously demanding that Israel, and the other parties to the conflict, observed Security Council resolutions relating to the immediate cessation of military activities around Beirut. Three earlier drafts blaming Israel had been vetoed by the United States on 8 and 26 June and 6 August. The EC countries reaffirmed their attachment to their Venice declaration on 30 July (para 58), and on 1 September President Reagan announced a plan designed to take into account the Palestinians "legitimate rights" by calling for a freeze on West Bank settlements; stating that the West Bank must be Arab territory though they looked to a Jordanian government to control it (an idea that harked back to 1972 and to the Rogers plan - paras 27 and 32). This was followed by an early reconvention of the Arab League at Fez which did not combat the United States plan but produced a plan based on the Fahd plan which had failed to get through the Arab League Summit the previous year. This still called for an independent Palestine. The seventh non-aligned Summit in March 1983 accepted the Fez plan: it deliberately did not mention the Reagan Plan.

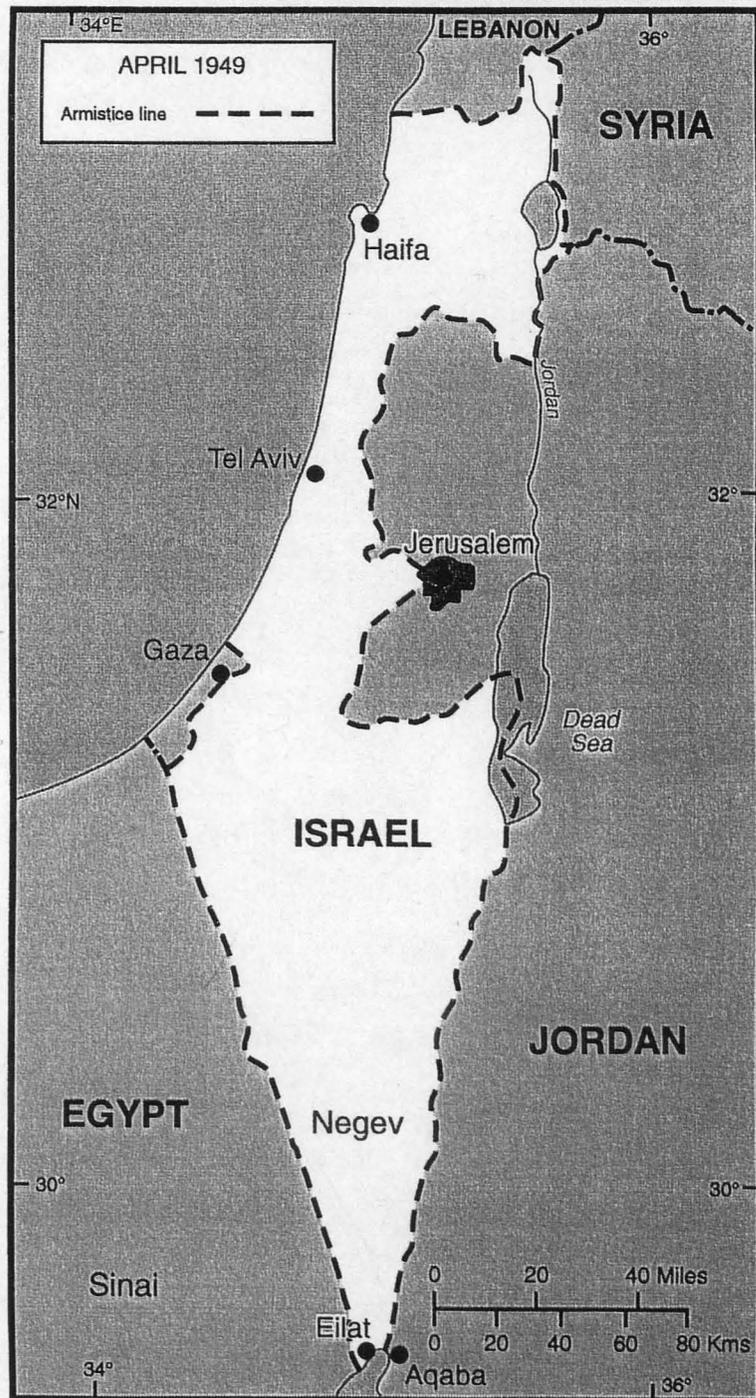
65. The United States cast its fourth veto on the question of the occupied territories in August 1983 (para 63) against a draft SC resolution once again initiated by Jordan (para 55) determining inter alia that the policies of Israel in establishing settlements in Palestine and other territories including Jerusalem had no legal validity. The voting was 13 (China, France, Soviet Union, United Kingdom) - 1 - 1). The International Conference on the Question of Palestine (para 62) was held in Geneva from 29 August - 7 September. Neither the United States or Israel attended. All EC countries (except Greece which was a participant) attended as Observers. The participants produced a Geneva Declaration on Palestine and a Programme of Action for the Achievement of Palestinian Rights. The Declaration stated inter alia that a comprehensive, just and lasting political settlement

"must be based on the implementation of the relevant United Nations resolutions concerning the question of Palestine and the attainment of the legitimate, inalienable rights of the Palestinian people, including the right to self-determination and the right to the establishment of its own independent state in Palestine and should also be based on the provision by the Security Council of guarantees for peace and security among all States in the region, including the independent Palestinian State, within secure and internationally recognized boundaries. The Conference is convinced that the attainment by the Palestinian people of their inalienable rights, as defined by General Assembly resolution 3236 (XXIX) of 22 November 1974, will contribute substantially to the achievement of peace and stability in the Middle East."

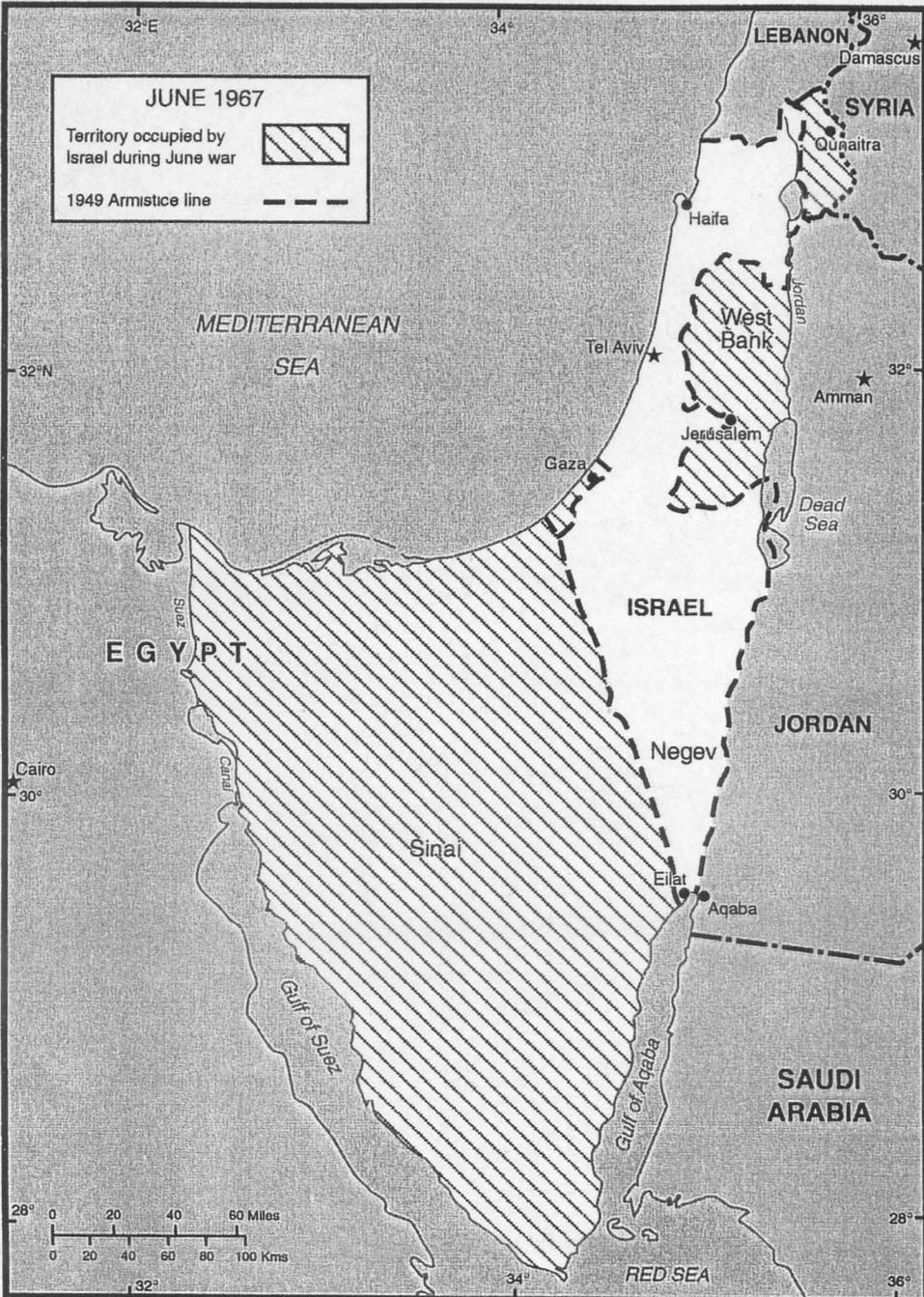
# MANDATORY PALESTINE AND THE PARTITION PLAN



# ISRAEL AFTER THE 1949 ARMISTICE AGREEMENTS



# ISRAEL AND THE OCCUPIED TERRITORIES



# ISRAEL AND THE OCCUPIED TERRITORIES

