Facts & Figures Series – No. 2

THE UNITED NATIONS AND THE PALESTINE QUESTION

April 1947 – April 1965

by

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earch Center * Palestine Liberation Organization
BEIRUT - LEBANON
SEPTEMBER 1966

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I. EXTENT AND DEGREE OF UNITED NATIONS INVOLVEMENT : A STATISTICAL SUMMARY.

The Palestine question was first brought to the United Nations in April, 1947 ; it has been before the United Nations continuously ever since. No other problem has engaged the attention of the World Organization as intensively or as extensively.

The extent and degree of involvement of the United Nations in the fate of the Holy Land may be measured by the following yardsticks :

1) Alone among the scores of problems brought before the United Nations, the Palestine question has been dealt with by *all six* organs designated by the Charter (in Article 7) as *"the principal organs of the United Nations"* :

a) The General Assembly has had the question on its agenda at every regular session it has held

since April 1947 (from the second to the eighteenth, inclusive), and has devoted its two special sessions (of 1947 and 1948) and the first of its emergency special sessions (in 1956) to the situation in Palestine — a total of *twenty sessions.*

b) The *Security Council,* which dealt with the question for the first time at its 222nd meeting, has devoted one out of every four meetings it has held since then to the examination of the situation in Palestine.

c) The *Economic and Social Council* has had the question on the agenda of *four* of its regular sessions.

d) The *Trusteeship Council* has considered some aspects of the question in *five* sessions : four regular and one special.

e) The *International Court of Justice* has held *three public sittings* to examine a legal question arising out of the unfolding of the Palestine question.

f) And, finally, the *Secretariat* has performed the usual services required by the other five principal organs in the course of their preoccupation with the question, and has undertaken additional assignments at their request.

2) The principal organs and their main committees have devoted *985 meetings* to the Palestine question — as follows :

The General Assembly	657
The Security Council	233
The Economic and Social Council	12
The Trusteeship Council	82
The International Court of Justice	1

3) *Five* of the "Specialized Agencies" affiliated with the United Nations have undertaken special programmes directly concerned with the situation in Palestine : WHO, FAO, ILO, UNESCO, and IRO.

4) *Fifty-Five* special *subsidiary agencies* were established for the purpose of dealing, exclusively or mainly, with the Palestine question.

5) During their deliberations on the Palestine question, the principal organs of the United Nations received *over 400 formal proposals* submitted by member-States, individually or in groups, in the form of "draft resolutions", "joint draft resolutions", "amendments", and "joint amendments."

6) Of these, *139 resolutions* were formally adopted by the competent organs of the United Nations, as follows :

The General Assembly	88
The Security Council	37
The Economic and Social Council	3
The Trusteeship Council	10
The International Court of Justice ("Advisory Opinions")	1

7) Some of these resolutions dealt with procedural, organizational, administrative, and/or financial matters ; others contained provisions of a substantive character.

The *substantive resolutions* formally adopted by the competent organs of the United Nations, regarding the Palestine question, were *70* in number :

The General Assembly	35
The Security Council	32
The Economic and Social Council	1
The Trusteeship Council	1
The International Court of Justice ("Advisory Opinions")	1

8) A break-down of the substantive resolutions adopted by the competent organs of the United Nations regarding Palestine, *on the basis of the original authorship of each resolution,* would indicate the relative roles played by the various member-States in influencing the decision-making processes of the United Nations, and in shaping the cumulative body of resolutions formally passed bv the World Organization concerning the Palestine question, over the past eighteen years.

The following table singles out the "Five Permanent Members of the Security Council" for examination of their respective roles in shaping the cumulative body of substantive resolutions on Palestine formally adopted by the General Assembly and the Security Council :

Substantive resolutions regarding Palestine adpoted by :

	The General Assembly (35)	The Security Council (32)
Based on proposals sponsored *solely* by :		
CHINA	—	—
FRANCE	—	1
U. S. S. R.	—	—
U. K.	1	4
U. S. A.	5	8
Based on proposals sponsored, *jointly with other member-States,* by:		
CHINA	—	2
FRANCE	8	12
U. S. S. R.	—	—
U. K.	11	14
U. S. A.	18	12

In short : Of the 67 substantive resolutions on Palestine formally adopted by the General Assembly and the Security Council since 1947,

2 were based on proposals submitted by China,

21 were based on proposals submitted by France,

None was based on proposals submitted by U.S.S.R.,
30 were based on proposals submitted by the United Kingdom, and

43 were based on proposals submitted by the United States.

II. UNITED NATION DECISIONS CONCERNING THE ARAB REFUGEES FROM PALESTINE

1) At the first session it held after the expulsion of the majority of the Arab inhabitants of Palestine from their homeland, the General Assembly endorsed the recommendation of the slain Mediator, count Folke Bernadotte, submitted to it in the form of a draft resolution by the Government of the United Kingdom. Recognizing the right of the refugees to return to their homes, the Assembly directed that they be permitted to do so "at the earliest practicable date" if they so chose, and that compensation be paid for "loss of or damage to" their property.

This recognition of the right of the refugees to repatriation and compensation was contained in Resolution 194 (III) of 11 December 1948, which has become the foundation of all subsequent United Nations pronouncements on the question of the Palestine Refugees. Paragraph 11 of this resolution reads :

> "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 or authorities responsible."

2) At the following regular session (namely, the

fourth session, held in the fall of 1949), the General Assembly explicitly reaffirmed the provisions of the paragraph cited above, stating :

> "Recalling its resolutions 212 (III) of 19 November 1948 and 194 (III) of 11 December 1948, affirming in particular the provisions of paragraph 11 of the latter resolution..." (Resolution 302 (IV) of 8 December 1949, Paragraph 1 of the Preamble).

3) At ifs fifth regular session, held in 1950, the General Assembly further elucidated its intention, adding significant safeguards against possible discrimination "either in law or in fact" against the refugees upon their repatriation. It said :

> "Calls upon the governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination either in law or in fact." (Resolution 394 (V) of 14 December 1950, Paragraph 3).

4) The recognition of the right of the refugees to repatriation in accordance with their free choice has been "recalled" by the General Assembly at every regular session it has held since 1948 - fifteen in all. More especially, it was re-affirmed in Paragraph 1 of the Preamble of each of the following Resolutions.

a) Resolution No. 302 (IV) of 8 Dec. 1949,
b) Resolution No. 394 (V) of 14 Dec. 1950,
c) Resolution No. 512 (VI) of 26 Jan. 1952,
d) Resolution No. 614 (VII) of 6 Nov. 1952,

e) Resolution No. 720 (VIII) of 27 Nov. 1953,
f) Resolution No. 818 (IX) of 4 Dec. 1954,
g) Resolution No. 916 (X) of 3 Dec. 1655,
h) Resolution No. 1018 (XI) of 28 Feb. 1957,
i) Resolution No. 1191 (XII) of 12 Dec. 1957,
j) Resolution No. 1315 (XIII) of 12 Dec. 1958,
k) Resolution No. 1456 (XIV) of 9 Dec. 1959,
l) Resolution No. 1604 (XV) of 21 Apr. 1961,
m) Resolution No. 1725 (XVI) of 20 Dec. 1961,
n) Resolution No. 1856 (XVII) of 20 Dec. 1962,
o) Resolution No. 1912 (XVIII) of 3 Dec. 1963.

That this regular recollection of the original resolution at every session of the Assembly is not a mere formality, is made abundantly clear by the facts contained in the following paragraphs .

5) The General Assembly established a direct relationship between the admission of Israel to membership in the United Nations on 11 May 1949, and the implementation *inter alia* of Resolution 194 (III) adopted five months earlier. **Of some sixty members admitted to membership in the United Nations since its establishment, Israel was the only state the admission of which was predicated on the undertaking to implement specific resolutions of the General Assembly.**

Rsolution 273 (III) of 11 May 1949 states :

"Noting... the declaration by the State of Israel that it ' unreservedly accepts the obligations of the United Nations Charter and undertakes to honour

them from the day when it becomes a Member of the United Nations',

"Recalling its resolutions of 29 November 1947 and 11 December 1948 and 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,

"The General Assembly,

"...

"Decides to admit Israel to membership in the United Nations." (Paragraphs 4 and 5 of the Preamble, and Operative Paragraph 2).

6) Whenever the General Assembly appropriated funds for the relief of the Refugees, or set up new agencies for the administration of such relief, or extended the mandate of existing agencies, or endorsed programmes of public works or rehabilitation - it proceeded immediately to safeguard the rights of the refugees, which it has recognized in paragraph 11 of Resolution 194 (III), by asserting that the interim arrangements in question were **" without prejudice to the provisions of paragraph II of Resolution 194 (III)".** This important safeguard appears, in identical terms, in the following ten resolutions of the General Assembly:

a) Resolution No. 302 (IV) of 8 Dec. 1949, Para. 5
b) Resulution No. 393 (V) of 2 Dec. 1950, Para. 4
c) Resolution No. 513 (VI) of 26 Jan. 1952, Para.

d) Resolution No. 614 (VII) of 6 Nov. 1952, Para. 4 of the preamble
e) Resolution No. 720 (VIII) of 27 Nov. 1953, Para. 1
f) Resolution No. 818 (IX) of 4 Dec. 1954, Para, 1
g) Resolution No. 916 (X) of 3 Dec. 1955, Para. 3
h) Resolution No. 1018 (XI) of 28 Feb. 1957, Paras 3 and 5
i) Resolution No. 1191 (XII) of 12 Dec. 1957, Para. 4
j) Resolution No. 1315 (XIII) of 12 Dec. 1958, Para. 4

7) On at least twelve occasions since 1948, the General Assembly has noted with manifest uneasiness that the provisions of Paragraph 11 of Resolution 194 (III) have not been effected. This failure, and the situation resulting therefrom, have been "noted" by the Assembly with "concern", with "regret", with "grave concern", with "deep regret", with "serious concern", or with different combinations of such feelings, as follows:

a) 394 (V) of 14 Dec. 1950, Para. 2 of Preamble: "concern"
b) 512 (VI) of 26 Jan. 1952, Para. 3: "regret"
c) 818 (IX) of 4 Dec. 1954, Para. 3 of Preamble: "grave concern"
d) 916 (X) of 3 Dec. 1955, Para. 4 of Preamble: "grave concern"
e) 1018 (XI) of 28 Feb. 1957, Para. 5 of Preamble "serious concern"
f) 1191 (XII) of 12 Dec. 1957, Para. 5 of Preamble: "regret " and "serious concern"
g) 1315 (XIII) of 12 Dec. 1958, Para. 4 of Preamble: "deep regret" and "serious concern"

h) 1456 (XIV) of 9 Dec. 1959, Para. 4 of Preamble: "deep regret" and "serious concern"

i) 1604 (XV) of 21 Apr. 1961, Para. 3 of Preamble: "deep regret" and "serious concern"

j) 1725 (XVI) of 20 Dec. 1961, Para. 3 of Preamble: "deep regret" and "serious concern"

k) 1856 (XVII) of 20 Dec. 1962, Para. 3 of Preamble: "deep regret " and "serious concern"

l) 1912 (XVIII) of 3 Dec. 1963, Para. 3 of Preamble: "deep regret" and "serious concern"

8) Far from contenting itself with such repeated expressions of regret and concern, the Assembly has urged the subsidiary agencies directly concerned to labour towards the implementation of the provisions of Resolution 194 (III).

a) In the same paragraph in which it announced the principle of free choice of the refugees and recognized their rights to repatriation and compensation (and, if they chose otherwise, to resettlement and compensation), the Assembly instructed the Conciliation Commission, then established, "to facilitate" the implementation of those provisions and to "maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations." (Part 2 of Paragraph 11 of Resolution 194 (III).

b) In subsequent sessions, the Assembly has found frequent occasion to urge the Conciliation

Commission to "continue its efforts", to "continue its endeavours", to make further efforts", or to "intensify its efforts" towards the implementation of the provisions of Paragraph 11 of Resolution 194 (III):

i. 394 (V) of 14 Dec. 1950, Paragragh 2 (b)
ii. 512 (VI) of 26 Jan. 1952, Paragraph 5
iii. 1456 (XIV) of 9 Dec. 1959, Paragraph 1
iv. 1604 (XV) of 21 Apr. 1961, Paragraph 1
v. 1725 (XVI) of 20 Dec. 1961, Paragraph 1 (a)
vi. 1856 (XVII) of 20 Dec. 1962, Paragraph 2
vii. 1912 (XVIII) of 3 Dec. 1963. Paragraph 4

c) On other occasions, the Assembly has called for coordination and mutual consultation between the Conciliation Commission and the U.N. Relief and Works Agency for Palestine Refugees (U.N.R.W.A.) "in the best interests of their respective tasks, with particular reference to paragraph 11 of general Assembly Resolution 194 (III) of 11 December 1948".

i. 302 (IV) of 8 Dec. 1949, Paragraph 21
ii. 818 (IX) of 4 Dec. 1954, Paragraph 2
iii. 916 (X) of 3 Dec. 1955, Paragraph 2
iv. 1018 (XI) of 28 Feb. 1957, Paragraph 4
v. 1191 (XII) of 12 Dec. 1957, Paragraph 6
vi. 1315 (XIII) of 12 Dec. 1958, paragraph 6

III. FORMAL JUDGEMENTS PASSED BY THE UNITED NATIONS UPON ISRAEL'S INTERNATIONAL CONDUCT.

A. Resolutions formally adopted by the Security Council regarding attacks undertaken by regular armed forces of Israel on territories of neighbouring Arab States:

1) Resolution of 18 May 1951 (S/2157)

The Security Council finds that the "aerial action taken by the forces of the Government of Israel on 5 April 1951" constitutes "a violation of the cease-fire provision provided in the Security Council resolution of 15 July 1948" and is "inconsistent with the terms of the Armistice Agreement and the obligations assumed under the Charter", (Paragraph 11)

Proposed jointly by France, the United Kingdom, the United States and Turkey, this resolution was adopted by ten votes to none, with one abstention.

2) Resolution of 24 November 1953 (S/3139/ Rev. 2) :

The Security Council finds that the "action at Qibya taken by the armed forces of Israel on 14-15 October 1953" constitutes "a violation of the cease-fire provisions of the Security Council Resolution of 15 July 1948" and is "inconsistent with the parties' obligations under the General Armistice Agreement and the Charter." The Security Council therefore "expresses the strongest censure of that action". (Section A).

Proposed jointly by France, the United Kingdom and

the United States, this resolution was adopted by nine votes to none, with two abstentions.

3) Security Council Resolution of 29 March 1955 (S/3378) :

The Security Council "condemns this attack" (which was "committed by Israeli regular army forces against the Egyptian regular armed force" in the Gaza Strip on 28 February 1955) "as a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and as inconsistent with the obligations of the parties under the General Armistice Agreement between Egypt and Israel and under the Charter." (Paragraphs 4 and 5).

Proposed jointly by France, The United Kingdom and the United States, this resolution was adopted by eleven votes to none.

4) Security Council Resolution of 19 January 1956 (S/3538)

The Security Council : (i) "Condemns the attack on 11 Dec. (1955) as a flagrant violation of the cease-fire provisions of its resolution of 15 July 1948, of the terms of the General Armistice Agreement between Israel and Syria, and of Israel's obligations under the Charter" ; (ii) "Expresses its grave concern at the failure of the Government of Israel to comply with its obligations" ; and (iii) warns that it "will have to consider what further measures under the Charter are required to maintain or restore the peace." (Paragraph 3, 4 and 5).

Proposed jointly by France, the United Kingdom and the United States, this resolution was adopted by eleven votes to none.

5) Security Council Resolution of 9 April 1962 (S/5111):

The Security Council: (i) "Reaffirms the Security Council Resolution of 19 January 1956 which condemned Israeli military action"; (ii) "Determines that the Israeli attack of 16-17 March 1962 (Near Lake Tiberias) constitutes a flagrant violation of that resolution"; and (iii) "Calls upon Israel scrupulously to refrain from such actions in the future." (Paragraph 2 and 3).

Proposed jointly by the United Kingdom and the United States, this resolution was adopted by ten votes to none, with one abstention.

On the following day - 10 April 1962 - the Knesset (Parliament) of Israel adopted a resolution which stated, in Paragraph 1, that:

"The Knesset categorically rejects the Security Council resolution of April 9, 1962." *(Israel Digest*, Vol. V, No. 9, of 27 April 1962).

Not once has a similar resolution been adopted by any organ of the United Nations against an Arab State.

B. Resolutions adopted by the General Assembly after the invasion of Egyptian territory in 1956:

1) Resolution of 2 November 1956 (997 (ES-I)):

Noting that "the armed forces of Israel have penetrated deeply into Egyptian territory", and "expressing its

grave concern", the General Assembly urges Israel "promptly to withdraw all forces behind the armistice lines." (Paragraph 1 of the Preamble, and Operative Paragraph 2).

Proposed by the United States, this resolution was adopted by 64 for, 5 against, and 6 abstentions.

2) Resolution of 4 November 1956 (999 (ES-I)) :

"Noting with regret" that compliance with the resolution of 2 November had not been accomplished, the General Assembly "reaffirms" the earlier resolution. (Paragraph 1 of the Preamble, and Operative Paragraph 1).

Proposed jointly by nineteen member-States from Asia and Africa, this resolution was adopted by 59 for, 5 against, and 12 abstentions.

3) Resolution of 7 November 1956 (1002 (ES-I)) :

The General Assembly "reaffirms the above-mentioned resolutions" and calls once again upon Israel immediately to withdraw all its forces behind the armistice lines." (Paragraphs 1 and 2).

Proposed jointly by nineteen member-States from Asia and Africa, this resolution was adopted by 65 for, 1 against, and 10 abstentions.

4) Resolution of 24 November 1956 (1120 (XI)) :

The General Assembly "notes with regret" that "no Israel forces have been withdrawn" and "reiterates its call." (Paragraphs 1 and 2).

Proposed jointly by twenty member-States from Asia and Africa, this resolution was adopted by 63 for, 5 against, and 10 abstentions.

5) Resolution of 19 January 1957 (1123 (XI)):

The General Assembly "notes with regret and concern the failure of Israel to comply with the terms of the above-mentioned resolutions." (Paragraph 1).

Proposed jointly by twenty-five member-States from Asia and Africa, this resolution was adopted by 74 for, 2 against, and 2 abstentions.

6) Resolution of 2 February 1957 (1124 (XI))

The General Assembly: (i) "Deplores the non-compliance of Israel to complete its withdrawal behind the armistice demarcation line despite repeated requests of the General Assembly"; and (ii) "Calls upon Israel to complete its withdrawal behind the armistice demarcation line without further delay." (Paragraphs 1 and 2).

Proposed jointly by seven member-States from Europe, North America, South America and Asia, this resolution was adopted by 74 for, 2 against, and 2 abstentions.

C. Resolutions regarding Israel's actions in Jerusalem:

1) Trusteeship Council Resolution of 20 December 1949 (114 (S-2)):

The Trusteeship Council: (i) is "concerned at the removal to Jerusalem of certain ministries and central

departments of the Government of Israel" on 13 December 1949; (ii) "Considers that such action ignores and is incompatible with the provisions of paragraph II of General Assembly resolution 303 (IV) of 9 December 1949"; and (iii) calls upon Israel "to revoke these measures."

2) Security Council Resolution of 11 April 1961 (S/4785):

The Security Council "endorsed" the decision of the Mixed Armistice Commission of 20 March 1961, "condemning" Israel for a "breach" of the Armistice Agreement in Jerusalem. (Paragraph 1 and 2).

D. Resolutions adopted by the Security Council after the assasination in Israel of the United Nations Mediator, Count Folke Bernadotte:

1) Resolution of 18 September 1948 (S/1006):

The Security Council was "deeply shocked" by the "cowardly act" which was "committed by a criminal group of terrorists". (Paragraph 1 of the Preamble).

2) Resolution of 19 October 1948 (S/1045):

The Security Council: (i) "Notes with concern that the Provisional Government of Israel has to date submitted no report to the Security Council or to the Acting Mediator regarding the progress of the investigation into the assassinations"; and (ii) reminds that government that all its "obligations and responsibilities" must be "discharged fully and in good faith." (Paragraphs 1 and 2).

No other country in the world, whether member or non-member of the United Nations, has been the object of so many rebukes, censures and condemnations by the principal organs of the United Nations - for actions in violation of the Charter, and for non-compliance with decisions of competent bodies of the World Organization.

Research Center

ooo Sadat St., Beirut

Established in February 1965

PUBLICATIONS

1. Palestine chronology 1965 :
   1 - 1 Jan - 15 Feb. (Arabic)
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   3 - 1 April - 15 May (Arabic)
   4 - 16 May - 30 June (Arabic)
   5 - 1 July 15 Aug. (Arabic)
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   2 - The Arabs & the Vatican & Israel (Arabic).
   3 - Liberation - Not Negotiation (English).
6. Six - Color Map of Palestine (100 x 40 cms.)
7. Special Publications :
   1 - The Afro - Asian Institute - Tel - Aviv. (Arabic).