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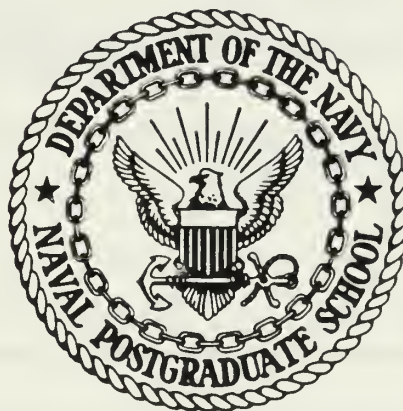
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THESIS

THE KEY TO MIDDLE EAST PEACE:
SOLVING THE ARAB-ISRAEL CONFLICT

by

Luther Bernard Foley

December 1985

Thesis Advisor:

J. W. Amos

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The Key To Middle East Peace:
Solving The Arab-Israel Conflict

by

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Lieutenant Commander, United States Navy
B.S., University of Hawaii, 1976

Submitted in partial fulfillment of the
requirements for the degree of

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ABSTRACT

This thesis analyzes the requirements of Israel and the Palestinians in reaching a settlement of the Arab-Israeli conflict. The author covers previous attempts at settlement, the foundations of which were laid by United Nations Resolutions. The thesis also puts forth a new peace initiative which the author feels is the only hope left for the Palestinian people to regain a portion of their homeland.

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I. INTRODUCTION

The year 1985 began with no sign that the dispute between Israel and the Arabs was any nearer a settlement. It has led to five wars in forty years and the 1982 Israeli invasion of Lebanon has continued intermittently ever since. Behind the fighting seems to lie the assumption on both sides that the dispute can be resolved only by force. I argue that there is no military solution to the Arab-Israel dispute.

Every approach to the crisis, in the Middle East and in the outside world, reflects a military attitude, with the result that the great variety of differences between the two sides is ignored or obscured. The argument between the Arabs and Israel has been reduced to military terms because each side has lost patience with the other and resorted to force. In setting out the historical background of attempted settlements I show that there is much to talk about if Israeli and Arab could contain their mutual impatience. After tracing the origins of the dispute, I examine the requirements of each major player and come to the conclusion that the latest conflict could as well have given birth to negotiation as to fighting.

In the last section I look to the future of Palestine. I believe that the solution to each separate issue between the two sides can come about only by a voluntary

acceptance of the situation by the local powers themselves and not from the outside prompting, persuasion and periodical intervention of the Super Powers.

II. TREATIES, DECLARATIONS AND COMMISSIONS

Palestine lies at the crossroads of three continents; Europe, Asia and Africa. It is a holy land to three major religions; Islam, Christianity and Judaism. Beginning in 1838 with the Anglo-Turkish Treaty to the 1983 Lebanon-Israel Agreement on Troop Withdrawal there have been twenty-four major written attempts to influence conditions in Palestine.

The problem between Israel and the Arabs is a political one, with no military solution. In fact the Middle East has had more opportunities than most other areas of the world of discovering once and for all that disputes cannot be solved simply by the clash of arms. The attempts to influence conditions in Palestine generally failed because their scope of consideration was not broad enough. Each attempt focused on their "piece of the pie" and neglected the affect on the whole.

The attainment of a negotiated peace in the Middle East demands, first and foremost, vigorous American leadership in strict accordance with international law and in full cooperation with the relevant international institutions. The Arab-Israel dispute is more than a contest between opposing armies or even for that matter between opposing societies with strong military orientation.

It is not specifically a product of racial incompatibility between Arab and Jew. The history of Jewish communities in the Arab world is not half so terrible as the history of Jewish tribulations at the hand of Christian or Communist European societies. It is fair to say that Jewish communities have probably flourished culturally and commercially with considerably more security in the Arab world over the last twenty centuries than they have in Europe.

It is therefore more a geopolitical than a social problem, because the friction exists between states as power bodies, not as representatives of different races. The friction does not stem from the existence of an Arab-Jewish incompatibility. The solution to the Arab-Israel problem therefore does not lie in the solution to the problem of world Jewry, but more in a local regional equilibrium between the states in the Middle East, of which Israel is one.

In attempting to work out a negotiated settlement it is important to remember that both sides are so absolutely convinced of the justice of their case that the moral view depends upon from which side you look at it. There would be little point, therefore, in making a moral judgement or seeking to award blame for any particular condition to either side. There have been so many stones thrown, neither side can remember who threw the first stone. So it is imperative that the United States be the strong arbitrator.

Is the United States presently in a position to be a fair and effective arbitrator? As a party to the Geneva Conventions of 1949, the U.S. government has an affirmative obligation under common article 1 to respect and to ensure respect for their observance in all circumstances by other contracting powers, such as Israel. This obligation became irresistibly compelling in a situation where Israel was enabled to invade Lebanon by means of weapons, munitions, and supplies provided by the U.S. government.

Under these and numerous other circumstances of complicity, the Reagan Administration had an absolute duty to employ the tremendous leverage of military and economic aid to secure from Israel and its local allies strict obedience to the humanitarian laws of armed conflict as well as to obtain Israel's immediate and unconditional withdrawal from Lebanon as required by U.N. Security Council Resolutions 508 (1982) and 509 (1982), both of which were legally binding on Israel and the United States under Chapter article 25. Yet the Reagan Administration willfully refused to perform even these most elementary obligations.

The basic principle of international law and politics dictating non-intervention in the domestic affairs of another state indicated quite clearly that the Reagan Administration should have refrained from taking sides. If the U.S. goal is a peaceful settlement, we must arbitrate from a position of

credibility, gained by evenhandedness and a profound sense of fair play toward all participants in the dispute.

In order to get other countries to respect international law the United States must lead the way in respecting those laws and not be unduly influenced by any special interest group. In today's environment we must recognize that the foreign and domestic policies of Lebanon have to be determined by the Lebanese people themselves without interference or compulsion from any external source.

The self-determination of peoples has been a fundamental principle of American foreign policy and of international law and politics since President Woodrow Wilson's famous Fourteen Points Address of January 8, 1918. [Ref. 1: pp. 464-72] There will be no peace in the Middle East until the Palestinian people are given the opportunity to exercise their international legal right of self-determination in whatever manner they choose, not in accordance with a limited set of alternatives preselected for them by the United States in collusion with Israel, Egypt, or Jordan. Recognition of this fact is the keystone of any Middle East policy.

Despite the Camp David Accords, neither Egypt, Israel, the United States nor Jordan has any right under international law to negotiate on behalf of the Palestinian people. [Ref. 2: pp. 9-10] Both the U.N. General Assembly and the League of Arab States recognize the Palestine Liberation Organization (PLO) as the legitimate representative of the Palestinian

people, a fact that must be respected by Israel and the United States [Ref. 3: pp. 18-21] Mutual and simultaneous recognition by Israel and the PLO of their respective rights under international law must be the next stage in the development of the Middle East peace process.

III. WATERS OF THE JORDAN AND LITANI RIVERS

Jordan water has perhaps been the real reason behind past Israeli aggression. The four countries of Syria, Jordan, Lebanon and Israel share the River Jordan. It rises in one, its main tributary is in another, and the third possesses many miles of its banks. The main lake, Lake Tiberias, through which the Jordan flows is bordered by Israel and Syria, though effective control of the lake's outlet belongs to Israel.

From source to end its total length is about seventy miles, more than two-thirds of which are below sea level. Its two main sources are at Dan and Banias and unite below sea level just inside Israel. From there it drops 680 feet in the next nine miles into a delta which opens into the Sea of Galilee (Lake Tiberias). South of the Sea of Galilee the river receives its main tributary, the Yarmuk, which flows in from the east, and various other salt springs rise in the valley as it descends to the Dead Sea, 1,300 feet below sea level.

In the past there was little settlement actually within the Jordan Valley itself, with the exception the Jordan's water is not vital for the farmers on the high ground at either side of the Rift Valley, which has a reasonable rainfall. But it could be important either in the immediate

area of the river, which before the influx of refugees had been populated permanently, or elsewhere in the countries which border on the river. This point really lies at the root of the problem of the Jordan River.

The exodus of refugees from Israel-conquered territory in old Palestine meant that for the first time there was a settled population in the Jordan Valley. That is where they came to rest, and if the area had not been settled much in the past, because other places were preferable, the shortage of alternative choices to the refugees meant that they had to make do with what came their way. The area provided an uncomfortable, though not irretrievable prospect, but their only hope of making it at all palatable was to irrigate the potentially fertile valley and cultivate it, so that they could alleviate their economic distress and make it a more amenable environment in which to live. This meant they required Jordan's water for that area.

Israel, on the other hand, also had a problem of a new settlement in potentially barren country. The influx of new Jewish immigrants could only be borne by the settlement in areas not formerly populated, or cultivated, and the Jewish reclamation of desert areas was a formidable achievement, showing an application for husbandry which possibly startled the immigrants themselves, mostly coming as they did from urban communities in Europe. But for this work they needed as much water as the Arabs. There was obviously not enough

water for all these extra projects, however, particularly when one added the existing areas which had always relied on water from the Jordan in the first place.

This problem was no doubt exaggerated by the fact that it was not just an isolated scrap over who needed most water. The reasons for wanting the water were a highly inflammable political issue on their own, directly involving the question of Arab refugees on the one hand and the Jewish immigration into Israel on the other. Thus they tended to treat the question as a political issue, whereas without those overtones the littoral powers could, or should the countries at the higher end of the river, who obviously have more power over the water supply even if they have less water, be obliged to honour the needs of the other littoral states further downstream?

The question running through the Jordan waters argument between the Arabs and Israel has centered on the right of Israel to divert Jordan water for use outside the immediate Jordan area, and conversely the right of the source countries to retaliate by denying Israel any water, or more than a very little, by a diversion of the mainstream to keep its early passage out of Israeli territory. There are many who have assumed that the only solution will come when water is no longer at such a premium in the area, and when desalination and other sources of power have managed to defuse the problem

of water for an equitable distribution of the Jordan to be arranged.

By 1956, Israel and Jordan were ready to sign an agreement. This stipulated Jordan's primary right to the water, but underlined also Israel's insistence on her right to convey the water to any site chosen in Israel, and not necessarily ones in the catchment area. Agreement was never reached, because of the political explosions and war of 1956. Because of the 1956 war destroying the work toward an agreement, the Israelis were able to complete a scheme for diverting surplus Jordan water from the Huleh marshes, in northern Israel, across Galilee by pipeline to irrigate their new settlement areas in the northern part of the Negev Desert.

In the early 1960's Israel wanted more water. She wanted control of the headwaters of the Jordan, the Hasbani and the Baniyas, both located in the Golan Heights. She was also taking more water from Lake Tiberias and resented Syria bordering part of the Lake. This author feels the "headwaters" issue was the prime reason Israel initiated the 1967 war. In that campaign, Israel captured all the key points that might figure into a future water dispute.

As long as Israel remains in occupation of the present territory she conquered in the 1967 war, there is no water problem of Jordan waters, because neither Jordan nor Syria has control over any of the areas necessary to reinforce their good argument for a share of the water. For Israel, this is

a potent argument for remaining in the occupied territories and it was the main reason for annexing the Golan Heights.

In 1978 the Israeli Army went into South Lebanon. They took their surveyors and water scientists with them. Their objective, which they reached, was the Litani River. They later withdrew. Then in 1982 they invaded again and went to the Litani and beyond. This time they stayed. They have not pulled back below the Litani. Why? The reason they invaded was because their ambassador in London was wounded; the reason they stayed was water.

When I left Israel in July of 1983 the Israelis were building permanent concrete implacements along the Litani. I believe that Israel is in the process of building a military-civilian government for Israeli occupied Lebanon. The same pattern of Israeli infiltration that has been seen in the West Bank territories seems to be evolving in Lebanon. The ultra nationalist extremist group, Gush Emunim, is planning to put Israeli settlements in southern Lebanon.

If Prime Minister Peres follows Mr. Begin's past action, he will not denounce these settlements for fear of criticism from hardline Israeli factions that are the bedrock of his political support. Instead he will see that the bootleg settlements are hooked up to electricity and water. This water will come from the Litani! Water has and will continue to be a major factor in Israeli actions, manipulations and negotiations.

On August 14, 1984, the Israeli newspaper Ha'aretz reported that Tahal, the Israeli water planning authority, had devised a means for diverting Hasbani water to Israel via the defunct tapline oil pipeline which once transported oil from Saudi Arabic to Jordan, Syria and Lebanon [Ref. 4]. After Israeli forces occupied Syria's Golan Heights in 1967, all but the Saudi-Jordanian leg of the pipeline ceased to function. The basic Israeli scheme consists of a series of channels, aquaducts, siphons and tunnels which would divert and carry Litani waters from southern Lebanon into Israel for distribution via the National Water Carrier. Additionally, Israel has buried pipes in the area of Marjayoun.

These pipes are probably being used to syphon underground water from an aquifer fed by seepage from the Litani and Hasbani Rivers and by underground streams from Mt. Hermonv. [Ref. 5:p. 23]

Israeli demands for water continue to exceed supply. Israel now faces a serious water shortage, aggravated by its intensification of agriculture in the Negev and its settlement policy in both the West Bank and Israel itself. The country's water deficit will likely reach 450 mcm by the end of 1985, and there are no new unexploited water resources within Israel itself to alleviate this shortage. [Ref. 6]

Israeli water policy continues to blatantly contradict all commonly accepted international standards. If past history is any guide, little hope remains that the Lebanese might

regain control over their southern water resources. Until the reality of Israeli water policy is addressed by U.S. policy-makers in the context of a negotiated settlement, efforts to further peace in this troubled region will remain an exercise in futility.

IV. ISRAELI REQUIREMENTS FOR SETTLEMENT

Jews have always lived among the mainly Arab Muslim population of Palestine. But in the 1880's a new type of Jewish immigration began, mainly from Eastern Europe, inspired by the Zionist ideal of a Jewish national home; this soon aroused the hostility of Ottoman officials and part of the population.

This hostility sprang from the attempt to implant a new society in a land already occupied by an old one. When the settlers came they found a complete society already there: farmers, craftsmen and merchants, ancient towns and villages, religious institutions, a culture expressed in Arabic, a leadership which formed part of the Arab Ottoman elite.

The new Jewish society, by the nature of the Zionist ideal, was to be a complete and exclusive one. Its aim was to create a wholly Jewish economy: land bought by the Jewish National Fund became the inalienable property of the Jewish people and no non-Jew could ever be employed on it. As numbers grew, the idea of a Jewish national home turned into that of a Jewish State. This bad situation grew worse and in 1948 there happened what the Arabs had feared for so long and with it, War.

All wars create refugees, but after the armistice agreement of 1949 Israel refused to allow the Arab refugees

to return. By refusing to consider the refugee problem except in the framework of a peace settlement with the surrounding Arab States, they linked together two matters which had no moral connection; for the return of the refugees was an obligation which they owed not to the surrounding Arab States but to the Palestinian Arabs themselves, as inhabitants of the land they had conquered. To make such a connection was the more tempting because Israel did not really wish the refugees to return; for what it wanted was to have the land without its inhabitants, so as to settle its own immigrants. This was Israel's stand forty years ago and it continues through today. It is the very essence of Israel's problems.

What does Israel want in a settlement? They want to keep the land, all of it. The Israelis know that to keep the land they must not go to a settlement and they do everything they can to keep from being compelled by international institutions to participate in settlement talks.

The key issue being debated in Israel today is what to do about the West Bank and Gaza and the people who live there. Israel does not like any of her options:

- Withdrawal as specified in U.N. Resolution 242 and as envisioned in the Camp David accords, including self-determination for the Palestinians at least to the extent of full autonomy in the territories under some kind of confederation with Jordan.
- A forcible annexation of the area and its legal absorption into Israel, which would give large numbers of non-Jewish citizens the right to vote and live as equals under the law. Any official action to take the occupied territories would directly violate the Camp David accords, on which the

Egyptians consider the peace treaty to be based, and at the same time would result in the establishment of a dual or binational society, with the two million Palestinians comprising 40 percent of its inhabitants and destined to grow to 50 percent by the end of this century--whether or not they are granted the basic rights of citizenship. In either case, Israel would likely be further isolated and condemned by the international community, with no remaining chance to end hostilities with any appreciable part of the Arab world.

- Continuing military occupation of the Palestinian land with possible legal absorption after the Arab population has been substantially reduced by emigration. With or without legal annexation, full citizenship would not be granted to the Palestinians. Many believe that this is the basic policy followed by the Likud government. Its opponents in Israel deride the racist connotation of prescribing permanent second-class status for the Palestinians.
- Some form of shared sovereignty, perhaps with Jordan, or a division of the land into small communities, with equal rights for all those dwelling in the area. This would involve either granting independence to the Palestinians or giving equal authority to Jews and Arabs in small locations scattered throughout the occupied territories. Administration would be very, but not impossible if Israelis, Jordanians, and Palestinians ever decide to cooperate.
- Granting genuine autonomy and the right of self-determination to the Palestinians within most of the West Bank and Gaza areas, provided substantial demilitarization of the area occurs and there are adequate guarantees that Israel's and Jordan's security will not be threatened [Ref. 7:pp. 48-49].

The Israelis are hoping it's true that possession is nine-tenths of the law. It is supporting this theory by continuing to build more settlements on the West Bank. Before they were building on vacant hilltops but now they're building in the center of Hebron. They have the military might to suppress any opposition.

In Israel there is broad agreement among nearly all political parties that there can be no total withdrawal to the pre-June 1967 borders and no negotiating with the PLO.

Even if the PLO were to modify its charter to recognize Israel and to renounce terrorism, much of the Likud, the opposition Labor Party, and the National Religious Party, Israel's three major political combinations, would still oppose negotiations with the PLO out of concern they would lead inevitably to establishment of a revanchist Palestinian state in the West Bank and Gaza Strip.

Another hot point of contention in any settlement talks is compensation for refugees. Israeli Jews have received millions of dollars in compensation from Germany. However, most Israeli parties adamantly reject any compensation for those Palestinians who fled in the 1948 and 1967 wars. Both Labor and Likud parties would probably agree to the return of a limited number of refugees to the West Bank and Gaza as part of a final Peace agreement. The Israelis have stated the present status of Jerusalem is not open for negotiation. An overwhelming percentage of Israelis reject sharing sovereignty over the city with the Arabs.

Today in Israel we see the Peres government's pre-occupations with Lebanon and with Israel's economic crisis and its tenuous hold on political power discourage it from addressing directly the divisive issue of territorial compromise on the West Bank. The Labor party recognizes that peace is impossible unless Israel displays flexibility on sovereignty. Labor envisages returning to Jordan approximately 60 percent of the West Bank and Gaza as part of a peace

agreement Amman. In any negotiated settlement, Israel requires that its sovereignty extend to all the remaining areas:

- The Jordan River valley, including the areas northwest of the Dead Sea and the western approaches to the valley.
- East Jerusalem and its environs, as annexed by Israel after the 1967 war.
- The Etzion bloc of settlements between Jerusalem and Hebron.
- Certain areas along the western edge of the West Bank, including the Latrun salient, Qalqiliya, and Tulkarm.
- Southern Gaza abutting the Sinai.

Labor leaders believe these provisions would return to Jordanian control approximately 85 percent of the Arab inhabitants of the occupied territories. Labor and Likud leaders do not see much room for compromise with Syria on the Golan Heights.

Israel's national unity government has taken no official position on any existing peace plan. Certain provisions of existing peace plans have aroused specific Israeli objections. Israelis oppose, for example, provisions contained in the Fez and Soviet proposals calling for an international peace conference and the creation of an independent Palestinian state. They oppose an international peace conference because they believe the participation of the PLO and Soviet Union would dilute the U.S. role in protecting Israeli interests.

Labor and Likud differ over the Reagan initiative of September 1982. Likud adamantly rejects the proposal as a deviation from the Camp David Accords. Labor disagrees with some aspects of the proposals, such as those dealing with Jerusalem, but most Labor Party leaders regard the plan as consistent with the party's negotiation strategy based on Resolution 242.

In today's environment, I believe the only possible settlement is to have the West Bank demilitarized and a United Nations Force set up on the West Bank. The goal here is to first get the Israeli occupation troops out. Then with the cessation of guerrilla acts, a return of the refugees could begin. The Palestinians would then be able to seek the basic human rights of freedom of expression, equal treatment under the law, an end to military rule and the right of self determination. After a few years of peaceful coexistence with Israel they could become a Palestinian state, with the backing of the international community.

Yasir Arafat said in 1974, "We are ready to establish our independent state in any part from which Israel will withdraw." Chairman Arafat must control his radical elements for the proposed settlement to work. The key here is to prove to the world that the security of Israel would not be threatened. In all probability the Peace Now movement in Israel would support a settlement that guarantees Peace and the security of Israel.

Chairman Arafat and his executives would have to deal with the problem that most PLO members have no intention of recognizing Israel's right to exist unless it is willing to grant equal rights to the Palestinians and they insist that all U.N. resolutions dealing with the Middle East, many of which are highly favorable to the Palestinian cause, must be accepted by the Israelis if the Palestinians are to embrace Resolutions 242 and 338.

Therefore the United States must arbitrate and pressure both sides to come to a settlement. The U.S. has the power and the moral responsibility to do so. It may require the U.S. to withhold aid, to bring Israel to the bargaining table. The United States must remember that Israel could have peace tomorrow but she doesn't want to share the land. She continues to take, to reach for "Biblical" Israel. If not stopped soon, Israel will have gone beyond the point of no return and the Palestinian refugees will never be able to return to their homeland, a land that they have tilled for centuries. They must return; it is their birthright.

The PLO should recognize Israel now, then Israel would have to act in response. A genuine move by the PLO towards peace might bring rich dividends by arousing support in the United States and other nations. There are many Israelis who believe that the Palestinians deserve a homeland and that their basic rights, including the right of self-determination should be honored. The fate of four million Palestinians

depends on whether the PLO chooses to pursue its goals by peaceful means or by continued bloodshed.

Israel claims to be a democracy but it is not. Israel is a racist state for if you are not a Jew you are not welcome to live there and indeed by law you can not. Nevertheless, her government is democratically elected and the ability of that government to trample on the carefully cultured instincts of the people of Israel is therefore very circumscribed. We know, in the main, what those instincts are. They are to keep Israel a strong independent and Jewish state. The concessions involved would amount to about the limit of Israel tolerance.

Israel must heed the lessons learned from the failure of the May 17, 1983 Agreement on Troop Withdraw. [Ref. 8] Hailed by the Begin government as an Israeli-Lebanese "peace treaty" it was procured by the one-sided negotiations that were imposed upon President Gemayd by Israel and brokened by U.S. diplomats. Because it was procured by means of the threat and use of force in violation of the most basic principles of international law, it was void "abinitio" under article 52 of the 1969 Vienna Convention on the Law of Treaties. [Ref. 9]

As a direct result of the Israeli invasion, over 20,000 people were killed in Lebanon, including almost 650 Israeli soldiers and 300 American servicemen and diplomats, all of whom needlessly lost their lives. [Ref. 10:pp. 3, 16-18] The United States has a moral obligation to bring about a negotiated settlement to the Arab-Israeli conflict to prevent future crimes against humanity.

V. PALESTINIAN REQUIREMENTS FOR SETTLEMENT

Palestinian nationalism started by opposing the British military presence. There was no link between this opposition and the later antagonism towards Zionism other than the link between suspected British imperialism, sharpened when the implications of the Balfour Declaration came to suggest Jewish statehood rather than merely a Jewish community. [Ref. 11:p. 3] By 1935, the annual immigration of Jews into Palestine reached over 61,000 causing great unrest among the Palestinians. [Ref. 12:p. 44] This went further when Britain appeared reluctant to grant Palestine independence, like Iraq, and Egypt, which had their independence granted during the 1930's and subsequently also Transjordan in 1946. "Why not Palestine?" asked the Palestinians. Why not grant Palestine independence, and in that case insure that the part in the Balfour Declaration about the interests of the local population was itself assured by the existence of a Palestinian regime in Palestine?

The Palestinians were peasants until 1948, then became refugees and re-emerged after 1967 as militants and revolutionaries. Before 1948, the Palestinians lived full lives despite backwardness and poverty. Then a vibrant and complex village society was destroyed as the land, carefully tended for countless generations, was "miraculously" cleared. Of

the four million Palestinians scattered throughout many nations, more than half now live under Israeli administration. Also there is a large Palestinian population in Southern Lebanon, which is occupied by Israeli forces.

Between 1948 and 1964 thousands of Palestinians were corralled in destitution. In 1964 the Palestinians realized that lack of any response to their plight would keep them confined to isolated refugee camps and they would become political pawns for other Arab states. In June 1964, the Palestine Liberation Organization was formally organized, with its own military force, to represent the Palestinian people. [Ref. 13:p. 50]

There are three basic views about a possible reconciliation between the Jews and the Palestinians. One is that the Palestinian question is the core of Arab-Israeli hostility, and with some form of parity and self-determination for the Palestinians, the conflict will begin to evaporate as the Arab world accepts Israel's political reality. Another view is that following a solution to the broader Arab-Israeli dispute, including the unequivocal acceptance of Israel's existence by a major portion of the Arab world, the Palestinian element of the conflict will be more easily solved. The gloomiest, most pessimistic view is expressed by those who say that no permanent peace can come to the Middle East so long as a Jewish state exists in the heartland of an Arab world, or on the other hand, that granting any element of

self-determination to the Palestinians will inevitably be the first step toward the destruction of Israel. In 1974, the United Nations General Assembly declared the PLO to be recognized as the legitimate and sole representative of Palestinian people. [Ref. 14:p. 295-296]

The PLO has become widely recognized by foreign governments. They are elated over the many U.N. resolutions supporting Palestinians and highly favor Resolutions 242 and 338. They feel, without a doubt, that the non-resolution of the Palestinian problem has been the direct and indirect cause of all the Arab-Israeli wars. They feel "land accumulation" is behind Israel's refusal to negotiate on the basis of Resolution 242. Especially since they claim Israel's right to exist was stated to the world in the Fez statement of 1982.

Former President Carter feels the realities are:

The Palestinian issue is a basic cause of the continuing Middle East conflict, and it must be addressed successfully if there is ever to be peace in the region.

The PLO, with Yasir Arafat as its elected leader, is the entity responsible for the political future of the Palestinians and for negotiations to secure their rights; no one else can assume these functions without specific authorization from the PLO.

In order to find peace with justice in the Middle East, the United States must play a major role, but, in honoring a commitment made to Israel in 1975, American officials are pledged not to recognize or negotiate with the PLO until it recognizes Israel's right to exist and acknowledges the applicability of U.N. Resolution 242 in resolving the differences in the Middle East.

The PLO sees U.N. Resolution 242 as seriously defective because its only passing reference to the Palestinians is the word "refugees," while many other resolutions of the

U.N. cover the issue much more definitively and are not supported by Israel. Furthermore, to recognize Israel in a unilateral and unreciprocated act would be playing a major political card that would be needed in future negotiations to bargain for their own fate [Ref. 7:pp. 126-127]

The PLO has lost much of its Egyptian support since Camp David and the Israeli-Egyptian peace treaty. It now seems to be pursuing these basic goals:

- Independent authority free from domination by any single Arab power.
- Cohesion within the organization.
- Acceptance as the sole representative of the Palestinian people.
- The maintenance of an uncompromising commitment to liberate as much of Palestine as possible.
- No clear recognition of Israel's right to exist.
- The re-establishment of Arab unity, which involves bringing Egypt back into the Arab fold.
- Increasing support from other peoples for the PLO and its members.

In 1969, Yashir Arafat ammended certain provisions of the Palestine National Charter of 1964. Article 6 of the 1969 Charter considered Jews, who resided in Palestine before 1948, as Palestinians. However, no new reference was made which would allow for a Jewish return into Palestine after its liberation as had existed in the earlier Charter. [Ref. 4:p. 27]

The PLO must accept the realization that the state of Israel is here to stay. If they would clearly recognize Israel, world opinion would swing in their favor and Israel would have to respond with the eyes of the world on her.

VI. A NEW PEACE INITIATIVE AND THE FUTURE OF PALESTINE

In the late 1940s, the American government helped an oppressed people (the Jews) oppress another people (the Palestines). The creation of Israel actually gave rise to the problem of an Arab displacement almost as large as the Jewish displacement the whole thing was expected to solve.

Political activity over the Middle East has concentrated mainly on the United Nations, in spite of the Israelis determination to bring Arab nations to a direct face-to-face negotiation with themselves. The United Nations' efforts culminated in a British-sponsored resolution in November 1967 which received the unanimous approval of the Security Council. It called for the withdrawal of the Israeli forces from occupied territories; an end to the state of belligerence between the parties; respect for the territorial integrity and sovereignty of all states in the area; freedom for navigation through international waterways; a just settlement of the refugee problem; and the establishment of demilitarized zones.

The political situation has been mostly concerned with attempts by outside powers to persuade the Middle Eastern nations involved in the dispute to agree to some basis for negotiation towards a settlement.

There was an almost continuous series of other efforts either on a two-power basis between Russia and the United States or occasionally on a four-power basis which included France and Great Britain. These attempts foundered not only on the impossibility of persuading either an Arab Government or an Israeli Government to make the first move--withdrawal by Israel or comprehensive recognition of Israel by the Arabs--but also on the fundamentally opposite conceptions of settlement which the two sides brought to the question.

In April 1968, President Nasser announced his support for the Palestinian guerrillas while Israel based her policy of reprisals on the contention that Arab leaders--particularly King Hussein--could discipline the Palestinian guerrillas if they wanted to.

American peace plans have gradually moved toward Arab desires and consequently provoke predictably unwelcome responses from Israel. Many formulae have been put forward either by the Soviet Union or the United States, but such initiatives seem to make no difference to the situation on the ground. Israel's continuing ability to hold on to the occupied territories and to do so until Israel feels the Arabs are prepared to come forward and negotiate with them alone, is a major obstacle to the peace process.

In the background to this political situation, the Palestinian movement has emerged as a gradual increasing threat to the chances of settlement being reached between

Israel and the Arab governments. The political implications of the growth of a separate Palestinian movement are realized more by the Israelis than by other Arab governments. The emergence of a strong and coordinated Palestinian element in the situation has made it less likely that either Amman or Cairo will have the power or authority to sign a treaty which would also bind the Palestinians. This is caused by the increased physical and military independence which has been shown by the Palestinians.

The psychological impact of the Palestinian movement had the effect of projecting the whole argument on to a new basis--no longer in terms of a straight Israel/Egyptian or Israel/Jordanian contest, but more in terms of some solution to the problem of Palestine, which involves something more than the relationships between these states. It has renewed emphasis on Palestine which is unwelcome to the Israelis, whose spokesmen largely ignore the Palestinian element by continuing to insist on direct government-to-government negotiations with other Arab nations.

In this context, I believe that progress towards a settlement is in fact bedevilled by the terms in which it is discussed. I would go further and say that any settlement along the lines currently being put forward will be artificially concluded and will not in the long term cure the endemic nature of conflict in the area. This is because a settlement along the present lines is based on the supposed necessity to guarantee Israel's security.

Today Israel is the fourth strongest military power in the world and is stronger than any combination of Arab states. So Israel's military security should not be seriously at issue. If any agreements were to be reached simply on the basis of a physical guarantee for Israel, they would overlook all the other fundamental differences which continue to exist between the two sides.

If Israel's basic security were the only necessary ingredient to a solution, then a formula could possibly be found whereby the Golan Heights and the West Bank of the Jordan could be demilitarized. Israel would then be insulated on every frontier from the unwelcome attention of her Arab neighbors, and could hardly ask for more.

The military security of a nation which has shown that she can--even without international guarantees or assistance--completely dominate her neighbors should not be allowed to occupy our minds to the exclusion of the other issues in the dispute. Any settlement which was based merely on the achievement of such a guarantee would simply be a reversion to a political situation being similar to that which existed before 1967. An opportunity to make a really radical attempt to solve some of the points of contention would have solved nothing except Israel's territorial military security.

Yet, even that formula would be incomplete in the sense that it would be forced to ignore the unchangeable facts of geography and the jet age. Supersonic aircraft tend to put

business of frontier security and frontier agreements into rather a false perspective. No formal guarantee could alter the fact that the cities of Israel and most of her Arab neighbours are only a few minutes away from each other as the modern bomber flies. So an agreement which simply attended to Israel's frontier security would signify a positive decision to solve only what Israel considered to be the most important part of the situation, while ignoring the other indivisible parts of the dispute.

A solution to the refugee problem is essential not only because of their plight, but because without it one would avoid any final determination of the position which Israel will occupy within the Arab world. It is the nature of that position which at present contains the elements of combustion. It is the nature of Israel's position as an outpost, or as something apart from rather than in and of the world immediately around her, which seems to arouse such animosities in the Middle East.

It is not only that the Israelis are a highly technical people; it is not only that they have achieved such agricultural success, visibly presented by the pleasing spectacle of forests rising on the formerly eroded hills west of Jerusalem, and the neat pattern of reclamation in the desert. It is also their great culture which has, after all, enriched European life during the centuries of the Jewish dispersion and which now, concentrated in a national context, is all the

more impressive. It is the fusion of many Jewish sub-cultures brought in from the various communities both in and outside Europe which give a kind of kaleidoscopic aspect to a society which yet remains so obviously united. It is, perhaps above all, the fascinating achievement of the language of Hebrew, undeniably Israel's national language and now the first language of her citizens, although most of them were probably brought up and educated in some other language.

All these things seem to emphasize the stark contrast between modern Israel and the Arabs, and which conditions many Western minds into believing that any nation which possesses such characteristics--so obviously superior to its neighbors--cannot very well be in the wrong. But though there is no moral issue about this, I believe that nations as a whole have to accept that their behavior cannot be totally isolated from their neighbors. A nation has a choice either to adjust itself to the general pattern of the regional community to which it belongs, or else to accept the consequences, one of which might be expulsion or ostracism from that community, while another might be the subjugation of the community by the so-called "outsider" who would then force the other members to adjust themselves to it.

Without an adjustment of some kind, however, there will be no natural balance and instead there is likely to be the kind of regional tension, one way or the other, which exists between Israel and the Arab states even before one starts

looking for specific issues which divide them. It exists because Israel is strong, Westernized, co-ordinated, volubly political and yet united, in an area where the Arabs are seldom these things, and instinctively resent the presence among them of one who is so different.

Israel has never acknowledged the principle of allowing the return of any of the Palestinians. Although the implementation of any such principle would be hard, nobody believes that, in practice, it would have to extend very far. But it is the principle of exclusiveness which Israel practices to a greater extent than any other nation today--with the possible exception of South Africa--which certainly acts as one of the major irritants in the Middle East. Israel was founded as a Jewish state, and its laws and customs are essentially Jewish. The Balfour Declaration provided for a Jewish community, and the U.N. partition agreement provided for two half countries representing the Jewish and Arab communities, joined in an economic union. But Israelis say that only through statehood can the Jewish community be certain of guaranteeing their existence, and that nothing else could be "secured in public law." Therefore, they see any erosion of that statehood, such as might come about by an ethnic trend which eventually would lead to the Jews being a minority, as a threat to their community as a whole and so to their ultimate existence. The Israelis argue that as Jews they have been a minority group long enough, and they are

now determined to remain a majority, even if it means keeping out the real majority by force.

One would indeed find many quarters in Israel who would argue that there was no point in retreating at all from the present position. They would argue that the Arabs by their aggression asked for all that they received, and that if Israel can now maintain her position why should she not do so. But generally speaking, I think we can take it that any solution which fitted in with the instincts of the Israeli people would be inadequate in terms of political satisfaction to the Arabs. They might be forced to accept it, but unwilling acceptance of a situation under duress is something with which the Arabs have been quite familiar during the last sixty years of Palestine's history, and there is no sign yet that they are ready to bow to force majeure.

Israel appears to be hoping for a change of heart, but I believe that such a change of heart will not, indeed cannot, come until there is a change in the internal policy identity of Israel itself. The difficulty lies in the fact that any such change within Israel would have to be an involuntary one, because it would totally undermine the present principle of a Zionist state.

It must first be made clear that the world can neither ask nor expect the government voluntarily to commit suicide by agreeing to any settlement which flouted the principles on which the state is based. Whatever one may think of these

principles, and however responsible for the present state of affairs one may consider them, they are nevertheless securely based in law, and upheld by an elected and internationally recognized government. Moreover, the Israeli government with the nation behind it at present has the power to insist on the retention of those exclusive features of their society even if they attract the hostility of peoples around them.

Israel has shown that, in the final analysis, she is powerful enough to neutralize that hostility. The Arabs are thinking along totally different lines, but there is nothing the Arabs can do. Israeli power cannot be successfully challenged now, and I doubt whether it could be in the foreseeable future, no matter what new equipment is delivered to the Arabs. So long as Israel retains first of all the ability to hit back--and that will always be guaranteed to her by the United States to balance off any Soviet arms deliveries to the Arabs--and secondly her possession of her present frontiers, she can present her neighbors with a very real threat of invasion leading to their collapse, if they overdo their hostility to her.

How can this difficulty be resolved? How could the people of Israel, so wary of change, and so ready to rule out as unacceptable any development which undermines their Zionists' principles, nevertheless be induced to accept a new situation in Palestine which does not merit the hostility of the Arabs? Does the world have to face the prospect of

enduring another long period of strife and frustration in the Middle East before a settlement could be achieved? We have already endured three generations, and it may well be that now there is much chance of the dispute being satisfactorily settled. Is there any way it could be settled other than the Arabs eventually overrunning Israel and causing a dispersion comparable to the original dispersion when Jerusalem was sacked? I regard that prospect as inconceivable with more than three and a half million Jews now in Israel. On the other hand, I do not believe any solution to the problem is possible without a much closer relationship between the two races within in it than is contemplated today.

That may sound heresay to the Zionists and propagators of a purely theoretic state in Israel. It may sound inconceivable to those who say that under no condition can the two races come closer, whose experience of Palestine under the Mandate, or the West Bank since the 1967 occupation, has convinced them that Jewish and Arab communities can only work together if there is some higher authority over them to see that they do.

The success of such an arrangement might hinge on the question whether or not the dynamism of the Israelis could first of all exist without that particular extra stimulus which it has received from nationhood, and if that was possible, then secondly whether it could do so without inspiring the defensive hostility of those Arabs who, though

not part of it, nevertheless would be closely enough involved to feel uncomfortable about its force.

There seems to be no reason why all the impressive elements in Israel should be lost if that country became part of a Middle Eastern state--a binational state--or even an Arab state with a large Jewish minority within it. Over a period of a generation or two, the ethnic developments suggest that the Oriental Jews and the Arabs together will outnumber the Jews from Europe. It is inconceivable that the nature of Israel would not change to reflect that trend. Hitherto the Jews have been able to keep the Arabs out, but it would be a different matter to hold them down.

It is in this context that the emergence of the Palestinian movement is of such significance. Its full dimensions may be exaggerated, but it is certainly of a dimension which will make it extremely hard for Arab governments to come to an agreement with Israel which ignored the Palestinian claims. Even if the provisions of such a settlement with Israel could be possible, it presupposes the resubmersion of the Palestinian identity into the general Arab personality and its total assimilation within the existing Arab states. While this might have been possible before 1967 and even for some time afterwards, the accretion of political and military power by Palestinians as Palestinians, rather than as the representatives of other Arab states, has made it extremely hard to imagine a situation where they could once more be submerged.

The Palestinian movement springs from the Palestinian dispersion, which is spread throughout the Middle East and some parts of Western Europe and which was in danger of being accepted as a permanent feature. Many Palestinians deny that their identity was in fact being lost through a total assimilation with other Arab communities and claim that it was analogous only to the Jews prior to the state of Israel--that is to say, some were more assimilated than others. Leaders of the Palestinian movement now say that the twenty-year period from 1948 was a period in which they put their faith in the ability of Arab governments to secure an agreement with Israel which would have overcome for the Palestinians the disasters caused by the 1948 war. Owing to the failure of Arab governments to succeed for them, they say they have come to the conclusion that they have no alternative than to carry on the struggle themselves, as Palestinians.

The Palestinian movement is of significance to Israel and to the Arab states because it projects the whole dispute on to an entirely different basis, hardly considered since before 1948, and because it takes away from Arab governments the initiative for conducting the argument. It has additional significance to both sides because part of the main Palestinian ideology is a revolutionary one which claims that the problems of the whole area cannot be solved without a whole-scale revolution, and indeed blames Arab governments' failure to triumph over Zionism on the fact that the Arab

world itself is in need of a revolution before it can successfully overcome the Zionist state.

Thus, there is a basic and inherent conflict of interest likely to develop between those Palestinians who believe they are part of an overall Arab revolution which will incidentally sweep Zionism away in its path and those Arabs who believe that the Arab society is basically and structurally sound but is threatened by the Zionist enclave. At some stage it must be the Palestinian intention to persuade enough Jewish citizens within Israel that they would be better off accommodating the Palestinians in something like a bi-national state than preserving the Zionist state of today with the high price in terms of conflict which that would involve.

It is not clear whether the Palestinians base their expectation of ultimate victory on the probability of an internal conversion within Israel, leading to an accommodation and to the creation of a bi-national Palestinian state, or whether they accept that such a solution can only be imposed after a long battle. If it is after a conversion that they believe a settlement will come, one has to examine the circumstances in which such a conversion could take place.

At present, the Palestinian view is that a peace movement will develop among Israeli Jews as a result of the continuous military pressure exercised from outside by Palestinians, combined with a general wish among Israeli Jews to live in peace and end what has already been a sixty-years war. This

wish will first find expression in the attempts to put an end to the war unilaterally--for instance by continuing the policy of retaliation and suppression in the occupied area. However, the Palestinians maintain that at some later stage the manifest failure of this policy will cause Israel to reevaluate her position and once this process starts, the move away from Zionism will itself start.

This thinking is based on the most optimistic prospect of the future. But there are several other probabilities. The Arab-Jew confrontation within the context of Palestine is not taking place in a political vacuum elsewhere in the Middle East. The interactions of Arab governments and the Palestine movement will have just as much influence over a future course of events as any interaction between Arab and Jew within Palestine.

Some Palestinians argue that the Israeli conversion which they seek will not be achievable by Palestinians alone through the technique of gradual and continuous guerrilla activity. They recognize that this may simply encourage the siege mentality among Israeli Jews which is so easily stimulated by the Israeli government. In their search for some other method of stimulating this mass conversion within Israel they believe that some kind of military shock treatment, by an Arab government, might also have the desired effect. They believe that this military activity would not necessarily lead to the defeat of Israel as such--and indeed

it could not do so on the ground. But a military setback might of itself break the over-confidence of the Israelis enough to make them reconsider the possibility of an accommodation with the Arabs.

But as far as the Palestinians are concerned, there is a danger in this approach. In creating the conditions necessary for giving the Israelis a real shock they would require great cooperation and military mobilization from Arab governments. As a result, they would themselves lose the essentially Palestinian nature of the problem which they have succeeded in creating in the years since the 1967 war. This seems to be the central dilemma of the Palestinian movement. For twenty years they relied on Arab governments to solve the problem for them, and that reliance was ill-placed. So they came to recognize that they would have to solve it for themselves, though they expect their own revolution also to have a contagious effect on Arab states.

Naturally enough, existing Arab governments are reluctant to espouse completely a cause which proclaims that the effects of its own revolutionary fervour will be to cause revolution in other Arab states. But one thing the Palestinians themselves seem to ignore is that a too-close partnership with existing governments would itself lead to the submersion of their identity within the overall Arab personality and to a solution of the Israeli problem along government-to-government lines which would be unlikely to involve the creation of a

separate and independent state of Palestine. It is thus in the Palestinians' own interest to keep detached from Arab governments and to pursue their political objective without too much categorical support from the host governments of those Arab countries adjacent to Israel. Otherwise, the dispute settles back to one between Israel and her neighbors, to the exclusion of any Palestinian element--and this, I believe, could only lead to an artificial and unnatural settlement.

I do not actually believe that the conquest of Israel is possible by force of arms as it appears the Palestinians do. What is possible, however, is that the pressure exercised politically and militarily against Israel, continuously from the outside, might over a long period induce the Israeli population itself to take political actions which could reduce that pressure without affecting their military security. This is a difficult exercise for the Palestinians to conduct. With one hand they have to brandish the threat of an increased rate of guerrilla activities while with the other they have to hold out the possibility that they would agree to some political accommodation of a genuine nature offered by an Israeli government, which would help to reduce the military pressure and would pave the way to a more lasting arrangement between Jews and Arabs within the area of Palestine.

It is my contention that the conflict between the two communities cannot be considered a moral one owing to the

moral conviction of both sides. Since this conviction exists, the chances of any rational switch of policy as a result of intellectual persuasion are almost non-existent. It is a problem of power, not of morality. When looking at the future and as the possibility of an ideal structure developing, based on a bi-national state in the area of Palestine, one therefore has to see if it is possible to detect a point at which progress towards the ideal can develop indirectly as a result of a position on the ground--by induction from physical factors rather than by promotion from the mind.

Within the Camp David framework, Israeli colonization policies in the Occupied Territories have been changing the situation on the ground so rapidly that before long the physical basis of a Palestinian settlement will have been removed for all time. No Arab regime (including Egypt) can be reconciled to the permanent loss of the Occupied Territories. Israeli retention of the West Bank, the Gaza Strip, and East Jerusalem maximizes the probability of Arab reaction. The religious ferment in the region could reconfirm Jerusalem's credentials as a catalyst for crusaders. Continued public silence by Washington on Israel's colonization policies is no asset to the United States in the Arab world. It reinforces the already formidable Israeli constituency against the evacuation of the Occupied Territories.

In closing, one should remember that no amount of diplomacy in the past has managed to prevent the Palestine

problem being endemic to Middle East tensions in some form or other for the last sixty years. However, Israel must remember that in the course of history, "the pendulum swings."

APPENDIX A

ARTICLE 22 OF THE COVENANT
OF THE LEAGUE OF NATIONS,
28 June 1919

Article 22. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized

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

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of Mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

APPENDIX B

THE MANDATE FOR PALESTINE, 24 JULY 1922

"The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connexion of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the aforementioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said Mandate, defines its terms as follows:

Article 1

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

Article 2

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Article 4

An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist Organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

Article 5

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

Article 6

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their

entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Waqfs shall be exercised in accordance with religious law and the dispositions of the founders.

Article 10

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Article 11

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public

works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilized by it for the benefit of the country in a manner approved by the Administration.

Article 12

The Mandatory shall be entrusted with the control of the foreign relations of Palestine, and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Article 13

All responsibility in connexion with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the

Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Article 15

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject

only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

Article 16

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Article 17

The Administration of Palestine may organize on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save

with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think

best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Article 20

The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a

Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations...

Article 22

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

Article 23

The Administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

Article 24

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Article 25

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the

Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

Article 26

The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 28

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the

League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two."¹

¹The Palestine mandate came into force on 29 September 1922.

APPENDIX C

RESOLUTION 181 (II) ADOPTED BY THE GENERAL
ASSEMBLY ON 29 NOVEMBER 1947 CONCERNING THE FUTURE
GOVERNMENT OF PALESTINE

A

The General Assembly,

Having met in special session at the request of the mandatory Power to constitute and instruct a special committee to prepare for the consideration of the question of the future government of Palestine at the second regular session;

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

Having received and examined the report of the Special Committee (document A/364)² including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee,

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

Takes note of the declaration by the mandatory Power that it plans to complete its evacuation of Palestine by 1 August 1948;

²See Official Records of the Second Session of the General Assembly, Supplement No. II, Volumes I-IV.

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

Requests that

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

(b) The Security Council consider, if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace and security, the Security Council should supplement the authorization of the General Assembly by taking measures, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this resolution, to exercise in Palestine the functions which are assigned to it by this resolution;

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

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

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

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

Authorizes the Secretary-General to reimburse travel and subsistence expenses of the members of the Commission referred to in Part I, Section B, paragraph 1 below, on such basis and in such form as he may determine most appropriate in the circumstances, and to provide the Commission with the necessary staff to assist in carrying out the functions assigned to the Commission by the General Assembly.

B³

The General Assembly,

Authorizes the Secretary-General to draw from the Working Capital Fund a sum not to exceed \$2,000,000 for the purposes set forth in the last paragraph of the resolution on the future government of Palestine.

Hundred and twenty-eighth plenary meeting, 29 November 1947.

At its hundred and twenty-eighth plenary meeting on 29 November 1947 the General Assembly, in accordance with the terms of the above resolution, elected the following members of the United Nations Commission on Palestine:

Bolivia, Czechoslovakia, Denmark, Panama and Philippines.

³This resolution was adopted without reference to a Committee.

PLAN OF PARTITION WITH ECONOMIC UNION

PART I

Future Constitution and Government of Palestine

A. TERMINATION OF MANDATE, PARTITION AND INDEPENDENCE

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

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

The mandatory Power shall advise the Commission, as far in advance as possible, of its intention to terminate the Mandate and to evacuate each area.

The mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a seaport and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than 1 February 1948.

3. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948. The boundaries of the Arab State, the

Jewish State, and the City of Jerusalem shall be as described in parts II and III below.

4. The period between the adoption by the General Assembly of its recommendation on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

B. STEPS PREPARATORY TO INDEPENDENCE

1. A Commission shall be set up consisting of one representative of each of five Member States. The Members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.

2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission; which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.

In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

The mandatory Power shall not take any action to prevent, obstruct or delay the implementation by the Commission of the measures recommended by the General Assembly.

3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in part II of this plan are to be modified in such a way that village areas as a rule will not be divided by state boundaries unless pressing reasons make that necessary.

4. The Commission, after consultation with the democratic parties and other public organizations of the Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

If by 1 April 1948 a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the Members of the United Nations.

5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulation.

6. The Provisional Council of Government of each State, acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the Mandate and the establishment of the State's independence.

7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.

8. The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State, sufficient in number to maintain internal order and to prevent frontier clashes.

This armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.

9. The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold elections to the

Constituent Assembly which shall be conducted on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for this election shall be persons over eighteen years of age who are:

(a) Palestinian citizens residing in that State and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish states respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic constitution for its State and choose a provisional government to succeed the Provisional Council of Government appointed by the Commission. The constitutions of

the States shall embody chapters 1 and 2 of the Declaration provided for in section C below and include inter alia provisions for:

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

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

(c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

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

(e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security, provided that each State shall control residence within its borders.

11. The Commission shall appoint a preparatory economic commission of three members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in section D below.

12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the Mandate, the mandatory Power in Palestine shall maintain full responsibility for administration in areas from which it has not withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying out of these functions. Similarly the mandatory Power shall co-operate with the Commission in the execution of its functions.

13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in the charge of the Provisional Councils and the Joint Economic Board, respectively, acting under the Commission, there shall be a progressive transfer, from the mandatory Power to the Commission, of responsibility for all the functions of government, including that of maintaining law and order in the areas from which the forces of the mandatory Power have been withdrawn.

14. The Commission shall be guided in its activities by the recommendations of the General Assembly and by such

instructions as the Security Council may consider necessary to issue.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective unless the Commission has previously received contrary instructions from the Security Council.

The Commission shall render periodic monthly progress reports, or more frequently if desirable, to the Security Council.

15. The Commission shall make its final report to the next regular session of the General Assembly and to the Security Council simultaneously.

C. DECLARATION

A declaration shall be made to the United Nations by the provisional government of each proposed State before independence. It shall contain inter alia the following clauses:

GENERAL PROVISION

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

CHAPTER 1

Holy Places, Religious Buildings and Sites

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

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

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

3. Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular Holy Place, religious building or site is in need of urgent repair, the Government may call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.

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

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

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

CHAPTER 2

Religious and Minority Rights

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

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

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

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

5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

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

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

7. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse,

in commerce, in religion, in the Press or in publications of any kind, or at public meetings.⁴

8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State)⁵ shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

CHAPTER 3

Citizenship, International Conventions and Financial Obligations

1. Citizenship. Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights. Persons over the age of eighteen years may opt, within one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State,

⁴The following stipulation shall be added to the declaration concerning the Jewish State: "In the Jewish State adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the Courts and in the administration."

⁵In the declaration concerning the Arab State, the words "by an Arab in the Jewish State" should be replaced by the words "by a Jew in the Arab State."

providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jew residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will be taken to include the wives and children under eighteen years of age of persons so opting.

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

2. International conventions. (a) The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

(b) Any dispute about the applicability and continued validity of international conventions or treaties signed or adhered to by the mandatory Power on behalf of Palestine shall be referred to the International Court of Justice in accordance with the provisions of the Statute of the Court.

3. Financial obligations. (a) The State shall respect and fulfill all financial obligations of whatever nature

assumed on behalf of Palestine by the mandatory Power during the exercise of the Mandate and recognized by the State. This provision includes the right of public servants to pensions, compensation or gratuities.

(b) These obligations shall be fulfilled through participation in the Joint Economic Board in respect of those obligations applicable to Palestine as a whole, and individually in respect of those applicable to, and fairly apportionable between, the States.

(c) A Court of Claims, affiliated with the Joint Economic Board, and composed of one member appointed by the United Nations, one representative of the United Kingdom and one representative of the State concerned, should be established. Any dispute between the United Kingdom and the State respecting claims not recognized by the latter should be referred to that Court.

(d) Commercial concessions granted in respect of any part of Palestine prior to the adoption of the resolution by the General Assembly shall continue to be valid according to their terms, unless modified by agreement between the concession-holder and the State.

CHAPTER 4

Miscellaneous Provisions

1. The provisions of chapters 1 and 2 of the declaration shall be under the guarantee of the United Nations, and no

modifications shall be made in them without the assent of the General Assembly of the United Nations. Any Member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this declaration shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

D. ECONOMIC UNION AND TRANSIT

1. The Provisional Council of Government of each State shall enter into an undertaking with respect to Economic Union and Transit. This undertaking shall be drafted by the Commission provided for in section B, paragraph 1, utilizing to the greatest possible extent the advice and co-operation of representative organizations and bodies from each of the proposed States. It shall contain provisions to establish the Economic Union of Palestine and provide for other matters of common interest. If by 1 April 1948 the Provisional Councils of Government have not entered into the undertaking, the undertaking shall be put into force by the Commission.

The Economic Union of Palestine

2. The objectives of the Economic Union of Palestine shall be:

(a) A customs union;

(b) A joint currency system providing for a single foreign exchange rate;

(c) Operation in the common interest on a non-discriminatory basis of railways; inter-State highways; postal, telephone and telegraphic services, and ports and airports involved in international trade and commerce.

(d) Joint economic development, especially in respect of irrigation, land reclamation and soil conservation;

(d) Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities.

3. There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The foreign members shall be appointed in the first instance for a term of three years; they shall serve as individuals and not as representatives of States.

4. The functions of the Joint Economic Board shall be to implement either directly or by delegation the measures necessary to realize the objectives of the Economic Union.

It shall have all powers of organization and administration necessary to fulfill its functions.

5. The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

6. In the event of failure of a State to take the necessary action the Board may, by a vote of six members, decide to withhold an appropriate portion of that part of the customs revenue to which the State in question is entitled under the Economic Union. Should the State persist in its failure to cooperate, the Board may decide by a simple majority vote upon such further sanctions, including disposition of funds it has withheld, as it may deem appropriate.

7. In relation to economic development, the functions of the Board shall be the planning, investigation and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem, in the event that Jerusalem is directly involved in the development project.

8. In regard to the joint currency system the currencies circulating in the two States and the City of Jerusalem shall be issued under the authority of the Joint Economic Board, which shall be the sole issuing authority and which shall determine the reserves to be held against such currencies.

9. So far as is consistent with paragraph 2 (b) above, each State may operate its own central bank, control its own

fiscal and credit policy, its foreign exchange receipts and expenditures, the grant of import licenses, and may conduct international financial operations on its own faith and credit. During the first two years after the termination of the Mandate, the Joint Economic Board shall have the authority to take such measures as may be necessary to ensure that--to the extent that the total foreign exchange revenues of the two States from the export of goods and services permit, and provided that each State takes appropriate measures to conserve its own foreign exchange resources--each State shall have available, in any twelve months' period, foreign exchange sufficient to assure the supply of quantities of imported goods and services for consumption in its territory equivalent to the quantities of such goods and services consumed in that territory in the twelve months' period ending 31 December 1947.

10. All economic authority not specifically vested in the Joint Economic Board is reserved to each State.

11. There shall be a common customs tariff with complete freedom of trade between the States, and between the States and the City of Jerusalem.

12. The tariff schedules shall be drawn up by a Tariff Commission, consisting of representatives of each of the States in equal numbers, and shall be submitted to the Joint Economic Board for approval by a majority vote. In case of disagreement in the Tariff Commission, the Joint Economic

Board shall arbitrate the points of difference. In the event that the Tariff Commission fails to draw up any schedule by a date to be fixed, the Joint Economic Board shall determine the tariff schedule.

13. The following items shall be a first charge on the customs and other common revenue of the Joint Economic Board:

- (a) The expenses of the customs service and of the operation of the joint services;
- (b) The administrative expenses of the Joint Economic Board;
- (c) The financial obligations of the Administration of Palestine consisting of:
 - (i) The service of the outstanding public debt;
 - (ii) The cost of superannuation benefits, now being paid or falling due in the future, in accordance with the rules and to the extent established by paragraph 3 of chapter 3 above.

14. After these obligations have been met in full, the surplus revenue from the customs and other common services shall be divided in the following manner: not less than 5 per cent and not more than 10 per cent to the City of Jerusalem; the residue shall be allocated to each State by the Joint Economic Board equitably, with the objective of maintaining a sufficient and suitable level of government and social services in each State, except that the share of either

State shall not exceed the amount of that State's contribution to the revenues of the Economic Union by more than approximately four million pounds in any year. The amount granted may be adjusted by the Board according to the price level in relation to the prices prevailing at the time of the establishment of the Union. After five years, the principles of the distribution of the joint revenues may be revised by the Joint Economic Board on a basis of equity.

15. All international conventions and treaties affecting customs tariff rates, and those communications services under the jurisdiction of the Joint Economic Board, shall be entered into by both States. In these matters, the two States shall be bound to act in accordance with the majority vote of the Joint Economic Board.

16. The Joint Economic Board shall endeavour to secure for Palestine's exports fair and equal access to world markets.

17. All enterprises operated by the Joint Economic Board shall pay fair wages on a uniform basis.

Freedom of Transit and Visit

18. The undertaking shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations; provided that each State and the City shall control residence within its borders.

Termination, Modification and
Interpretation of the Undertaking

19. The undertaking and any treaty issuing therefrom shall remain in force for a period of ten years. It shall continue in force until notice of termination, to take effect two years thereafter, is given by either of the parties.

20. During the initial ten-year period, the undertaking and any treaty issuing therefrom may not be modified except by consent of both parties and with the approval of the General Assembly.

21. Any dispute relating to the application or the interpretation of the undertaking and any treaty issuing therefrom shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

E. ASSETS

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

2. During the period between the appointment of the United Nations Commission and the termination of the Mandate,

the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal or encumbering of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State lands or any other asset.

F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

When the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, as envisaged in this plan, have been signed by either of them, sympathetic consideration should be given to its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

PART II

BOUNDARIES
[omitted]

PART III

CITY OF JERUSALEM

A. SPECIAL REGIME

The City of Jerusalem shall be established as a corpus separatum under a special international regime and shall be administered by the United Nations. The Trusteeship Council

shall be designated to discharge the responsibilities of the Administering Authority on behalf of the United Nations.

B. BOUNDARIES OF THE CITY

The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern Shu'fat, as indicated on the attached sketch-map (annex B).

C. STATUTE OF THE CITY

The Trusteeship Council shall, within five months of the approval of the present plan, elaborate and approve a detailed Statute of the City which shall contain inter alia the substance of the following provisions:

1. Government machinery; special objectives. The Administering Authority in discharging its administrative obligations shall pursue the following special objectives:

(a) To protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish and Moslem; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem;

(b) To foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peaceful development of the mutual

relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. Governor and administrative staff. A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the City and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen whenever practicable from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. Local autonomy. (a) The existing local autonomous units in the territory of the city (villages, townships and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of special town units consisting, respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. Security measures. (a) The City of Jerusalem shall be demilitarized; its neutrality shall be declared and preserved, and no para-military formations, exercises or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-cooperation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the protection of the Holy Places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. Legislative organization. A Legislative Council, elected by adult residents of the city irrespective of nationality on the basis of universal and secret suffrage and

proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the Statute of the City, nor shall any law, regulation, or official action prevail over them. The Statute shall grant to the Governor a right of vetoing bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary ordinances in case the Council fails to adopt in time a bill deemed essential to the normal functioning of the administration.

6. Administration of justice. The Statute shall provide for the establishment of an independent judiciary system, including a court of appeal. All the inhabitants of the City shall be subject to it.

7. Economic union and economic regime. The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decisions of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the City.

The Statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all Members of the United Nations and their nationals.

8. Freedom of transit and visit; control of residents. Subject to considerations of security, and of economic welfare

as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the City shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the city for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. Relations with the Arab and Jewish States. Representatives of the Arab and Jewish States shall be accredited to the Governor of the City and charged with the protection of the interests of their States and nationals in connexion with the international administration of the City.

10. Official languages. Arabic and Hebrew shall be the official languages of the city. This will not preclude the adoption of one or more additional working languages, as may be required.

11. Citizenship. All the residents shall become ipso facto citizens of the City of Jerusalem unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed notice of intention to become citizens of the Arab or Jewish State respectively, according to part I, section B, paragraph 9, of this plan.

The Trusteeship Council shall make arrangements for consular protection of the citizens of the City outside its territory.

12. Freedoms of citizens. (a) Subject only to the requirements of public order and morals, the inhabitants of the City shall be ensured the enjoyment of human rights and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and Press, assembly and association, and petition.

(b) No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language or sex.

(c) All persons within the City shall be entitled to equal protection of the laws.

(d) The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

(e) Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

(f) The City shall ensure adequate primary and secondary education for the Arab and Jewish communities respectively, in their own languages and in accordance with their cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language,

while conforming to such educational requirements of a general nature as the City may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

(g) No restriction shall be imposed on the free use by any inhabitant of the City of any language in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

13. Holy Places. (a) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired.

(b) Free access to the Holy Places and religious buildings or sites and the free exercise of worship shall be secured in conformity with existing rights and subject to the requirements of public order and decorum.

(c) Holy Places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular Holy Place, religious building or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

(d) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from

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

14. Special powers of the Governor in respect of the Holy Places, religious buildings and sites in the City and in any part of Palestine. (a) The protection of the Holy Places, religious buildings and sites located in the City of Jerusalem shall be a special concern of the Governor.

(b) With relation to such places, buildings and sites in Palestine outside the city, the Governor shall determine, on the ground of powers granted to him by the Constitutions of both States, whether the provisions of the Constitutions of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected.

(c) The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community in respect of the Holy Places, religious buildings and sites in any part of Palestine.

In this task he may be assisted by a consultative council of representatives of different denominations acting in an advisory capacity.

D. DURATION OF THE SPECIAL REGIME

The Statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to reexamination by the Trusteeship Council in the light of the experience acquired with its functioning. The residents of the City shall be then free to express by means of a referendum their wishes as to possible modifications of the regime of the City.

PART IV

CAPITULATIONS

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection, as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce any right pertaining to them to the

re-establishment of such privileges and immunities in the proposed Arab and Jewish States and the City of Jerusalem.

APPENDIX D

RESOLUTION 186 (S-2) OF THE GENERAL ASSEMBLY
DATED 14 MAY 1948 CONCERNING THE
APPOINTMENT OF A UN MEDIATOR

The General Assembly,

Taking account of the present situation in regard to Palestine,

I

Strongly affirms its support of the efforts of the Security Council to secure a truce in Palestine and calls upon all Governments, organizations and persons to co-operate in making effective such a truce;

II

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

(a) To use his good offices with the local and community authorities in Palestine to:

- i. Arrange for the operation of common services necessary to the safety and well-being of the population of Palestine;
- ii. Assure the protection of the Holy Places, religious buildings and sites in Palestine;
- iii. Promote a peaceful adjustment of the future situation of Palestine.

(b) To co-operate with the Truce Commission for Palestine appointed by the Security Council in its resolution of 23 April 1948.

(c) To invite, as seems to him advisable, with a view to the promotion of the welfare of the inhabitants of Palestine, the assistance and co-operation of appropriate special agencies of the United Nations, such as the World Health Organization, of the International Red Cross, and of other governmental or non-governmental organizations of a humanitarian and non-political character;

2. Instructs the United Nations Mediator to render progress reports monthly, or more frequently as he deems necessary, to the Security Council and to the Secretary-General for transmission to the Members of the United Nations;

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

4. Authorize the Secretary-General to pay the United Nations Mediator an emolument equal to that paid to the President of the International Court of Justice, and to provide the Mediator with the necessary staff to assist in carrying out the functions assigned to the Mediator by the General Assembly;

III

Relieves the Palestine Commission from the further exercise of responsibilities under resolution 181 (11) of 29 November 1947.

APPENDIX E

CABLEGRAM DATED 15 MAY 1948 FROM THE
FOREIGN SECRETARY OF THE PROVISIONAL GOVERNMENT
OF ISRAEL TO THE SECRETARY-GENERAL
(UN DOCUMENT S/747)

[Original text: English]
15 May 1948

Have honour inform you that National Council for Jewish State consisting of members of elected representative Jewish bodies Palestine which had applied to United Nations Palestine Commission for recognition as Provisional Council Government under part one B four of resolution of General Assembly on 29 November 1947 met yesterday 14 May and issued proclamation declaring following:

"On 29 November 1947 General Assembly of United Nations adopted resolution for establishment of independent Jewish State in Palestine and called upon inhabitants of country to take such steps as may be necessary on their part to put the plan into effect. This recognition by United Nations of right of Jewish people to establish their independent State may not be revoked. It is moreover self evident right of Jewish people to be a nation as all other nations in its own sovereign State. Accordingly we members of National Council representing Jewish people in Palestine and Zionist movement, met together in solemn assembly today, day of termination of British Mandate for Palestine, by virtue of natural and historic right of Jewish people and of resolution of General Assembly hereby proclaim establishment of Jewish State in Palestine to be called Israel. We hereby declare that as from termination of Mandate this night of 14 to 15 May 1948 and until setting up of duly elected bodies of State in accordance with constitution to be drawn up by constituent assembly not later than 1 October 1948 present National Council shall act as Provisional State Council and its executive organ shall constitute Provisional Government of State of Israel. State of Israel will be open to immigration of Jews from all countries of dispersion, will promote development of country for benefit of all inhabitants,

will be based on precepts of liberty, justice, and peace, will uphold full social and political equality of all citizens without distinction race, creed or sex, will guarantee full freedom of conscience, worship, education, culture and language, will safeguard sanctity and inviolability of shrines and Holy Places of all religions and will dedicate itself to principles of United Nations Charter. State of Israel will be ready to co-operate with organs and representatives of United Nations in implementation of resolution of Assembly of 29 November 1947 and will take steps to bring about economic union over whole of Palestine. We appeal to United Nations to assist Jewish people in building of its State and to admit Israel into family of nations."

Accordingly I beg declare on behalf of Provisional Government of State of Israel its readiness to sign declaration and undertaking provided for respectively in part one C and part one D of resolution of Assembly and beg hereby to apply for admission of State of Israel to membership family of nations.

Behalf Provisional Government of Israel

Moshe Shertok
Foreign Secretary

APPENDIX F

RESOLUTION 194 (III) OF THE GENERAL ASSEMBLY
DATED 11 DECEMBER 1948 CONCERNING THE
CONCILIATION COMMISSION, THE INTERNATIONAL REGIME
OF JERUSALEM, AND THE RETURN OF REFUGEES

The General Assembly,

Having considered further the situation in Palestine,

1. Expresses its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. Establishes a Conciliation Commission consisting of three States Members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;

(b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. Decides that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. Requests the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. Calls upon the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948 and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

6. Instructs the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;

7. Resolves that the Holy Places--including Nazareth--religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. Resolves that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern Shu'fat, should be accorded special and separate treatment

from the rest of Palestine and should be placed under effective United Nations control;

Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;

The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;

9. Resolves that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. Instructs the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area,

including arrangements for access to ports and airfields and the use of transportation and communication facilities;

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 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;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;

12. Authorize the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number

of guards for the protection of the staff and premises of the Commission;

13. Instructs the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. Calls upon all Governments and authorities concerned to cooperate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;

15. Requests the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

APPENDIX G

RESOLUTION 273 (III) OF THE GENERAL ASSEMBLY
DATED 11 MAY 1949 CONCERNING THE
ADMISSION OF ISRAEL TO UN MEMBERSHIP

Having received the report of the Security Council on the application of Israel for membership in the United Nations,⁶

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

Noting that the Security Council has recommended to the General Assembly that it admit Israel to membership in the United Nations,

Noting furthermore 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,"⁷

Recalling its resolutions of 29 November 1947⁸ and 11 December 1948⁹ and taking note of the declarations and explanations made by the representative of the Government of

⁶See document A/818.

⁷See document S/1093.

⁸See Resolutions adopted by the General Assembly during its second session, pages 131-132.

⁹See Resolutions adopted by the General Assembly during Part I of its third session, pages 21-25.

Israel¹⁰ before the ad hoc Political Committee in respect of the implementation of the said resolutions,

The General Assembly,

Acting in discharge of its functions under Article 4 of the Charter and rule 125 of its rules of procedure,

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

2. Decides to admit Israel to membership in the United Nations.

207th plenary meeting,

11 May 1949.

¹⁰ See documents A/AC.24/SR.45-48, 50 and 51.

APPENDIX H

RESOLUTION 303 (IV) OF THE GENERAL ASSEMBLY
DATED 9 DECEMBER 1949 CONCERNING THE
INTERNATIONAL REGIME FOR JERUSALEM

The General Assembly,

Having regard to its resolutions 181 (II) of 29 November 1947 and 194 (III) of 11 December 1948,

Having studied the reports of the United Nations Conciliation Commission for Palestine set up under the latter resolution,

I

Decides, in relation to Jerusalem,

Believing that the principles underlying its previous resolutions concerning this matter, and in particular its resolution of 29 November 1947, represent a just and equitable settlement of the question,

1. To restate, therefore, its intention that Jerusalem should be placed under a permanent international regime, which should envisage appropriate guarantees for the protection of the Holy Places, both within and outside Jerusalem, and to confirm specifically the following provisions of General Assembly Resolution 181 (II): (1) the City of Jerusalem shall be established as a corpus separatum under a special international regime and shall be administered by the United Nations; (2) The Trusteeship Council shall be designated to discharge the responsibilities of the Administering Authority...; and

(3) the City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western 'Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, as indicated on the attached sketch-map;

2. To request for this purpose that the Trusteeship Council at its next session, whether special or regular, complete the preparation of the Statute of Jerusalem, omitting the new inapplicable provisions, such as articles 32 and 39, and, without prejudice to the fundamental principles of the international regime for Jerusalem set forth in General Assembly resolution 181 (II) introducing therein amendments in the direction of its greater democratization, approve the Statute, and proceed immediately with its implementation. The Trusteeship Council shall not allow any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem;

II

Calls upon the States concerned to make formal undertakings, at an early date and in the light of their obligations as Members of the United Nations, that they will approach these matters with good will and be guided by the terms of the present resolution.

APPENDIX I

RESOLUTION 237 OF THE SECURITY COUNCIL
OF 14 JUNE 1967 CONCERNING RESPECT FOR HUMAN RIGHTS
IN THE OCCUPIED TERRITORIES

The Security Council,

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

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

Considering that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict,

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

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

3. Requests the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council.

APPENDIX J

RESOLUTION 2252 (ES-V) OF THE GENERAL ASSEMBLY
DATED 4 JULY 1967 CONCERNING
HUMANITARIAN ASSISTANCE

The General Assembly,

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

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

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

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

(c) Considered that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949¹¹ should be complied with by the parties involved in the conflict;

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

¹¹United Nations, Treaty Series, vol. 75 (1950, No. 972.

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

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

2. Notes with gratitude and satisfaction and endorses the appeal made by the President of the General Assembly on 26 June 1967;¹³

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

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

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

¹²Ibid., Nos. 970-973.

¹³See Official Records of the General Assembly, Fifth Emergency Special Session, Plenary Meetings, 1536th meeting, paras. 29-37.

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

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

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

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

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

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

1548th plenary meeting,

4 July 1967.

APPENDIX K

RESOLUTION 2253 (ES-V) OF THE GENERAL ASSEMBLY
DATED 4 JULY 1967 CONCERNING MEASURES TAKEN BY ISRAEL
TO CHANGE THE STATUS OF JERUSALEM

The General Assembly,

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

1. Considers that these measures are invalid;
2. Calls upon Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem;
3. Requests the Secretary-General to report to the General Assembly and the Security Council on the situation and on the implementation of the present resolution not later than one week from its adoption.

1548th plenary meeting,

4 July 1967.

APPENDIX L

RESOLUTION 2254 (ES-V) OF THE GENERAL ASSEMBLY
DATED 14 JULY 1967 CONCERNING MEASURES TAKEN BY ISRAEL
TO CHANGE THE STATUS OF JERUSALEM

The General Assembly,

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

Having received the report submitted by the Secretary-General,¹⁴

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

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

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

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

1554th plenary meeting,

14 July 1967.

¹⁴A/6753. For the printed text of this document, see Official Records of the Security Council, Twenty-second Year, Supplement for July, August and September 1967, document S/8052.

APPENDIX M

RESOLUTION 242 OF THE SECURITY COUNCIL
DATED 22 NOVEMBER 1967 CONCERNING THE SITUATION
IN THE MIDDLE EAST

The Security Council,

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

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

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

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

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

2. Affirms further the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

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

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

Adopted unanimously at the 1382nd meeting.

APPENDIX N

RESOLUTION 252 OF THE SECURITY COUNCIL
DATED 21 MAY 1968 CONCERNING MEASURES TAKEN BY
ISRAEL TO CHANGE THE STATUS OF JERUSALEM

The Security Council,

Recalling General Assembly resolutions 2253 (ES-V) and
2254 (ES-V) of 4 and 14 July 1967,

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

Having heard the statements made before the Council,

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

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

Reaffirming that acquisition of territory by military
conquest is inadmissible,

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

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

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

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

APPENDIX O

RESOLUTION 259 OF THE SECURITY COUNCIL
DATED 27 SEPTEMBER 1968 CONCERNING HUMAN RIGHTS
IN THE OCCUPIED TERRITORIES

The Security Council,

Concerned with the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel following the hostilities of 5 June 1967,

Recalling its resolution 237 (1967) of 14 June 1967,

Noting the report by the Secretary-General, contained in document S/8699, and appreciating his efforts in this connexion,

Deploring the delay in the implementation of resolution 237 (1967) because of the conditions still being set by Israel for receiving a Special Representative of the Secretary-General,

1. Requests the Secretary-General urgently to dispatch a Special Representative to the Arab territories under military occupation by Israel following the hostilities of 5 June 1967, and to report on the implementation of resolution 237 (1967);

2. Requests the Government of Israel to receive the Special Representative of the Secretary-General, to co-operate with him and to facilitate his work;

3. Recommends that the Secretary-General be afforded all co-operation in his efforts to bring about the implementation of the present resolution and resolution 237 (1967).

Adopted at the 1454th meeting
by 12 votes to none, with 3
abstentions (Canada, Denmark,
United States of America).

APPENDIX P

RESOLUTION 2443 (XXIII) OF THE GENERAL ASSEMBLY
DATED 19 DECEMBER 1968 CONCERNING HUMAN RIGHTS
IN THE OCCUPIED TERRITORIES

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and by the Universal Declaration of Human Rights,

Bearing in mind the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,¹⁵

Mindful of the principle embodied in the Universal Declaration of Human Rights regarding the right of everyone to return to his own country and recalling Security Council resolution 237 (1967) of 14 June 1967, General Assembly resolutions 2252 (ES-V) of 4 July 1967 and 2341 B (XXII) of 19 December 1967, Commission on Human Rights resolution 6 (XXIV) and Economic and Social Council resolution 1336 (XLIV) of 31 May 1968, in which these organs of the United Nations called upon the Government of Israel, inter alia, to facilitate the return of those inhabitants who have fled the area of military operations since the outbreak of hostilities,

Recalling the telegram dispatched by the Commission on Human Rights on 8 March 1968, calling upon the Government of

¹⁵United Nations, Treaty Series, Vol. 75, No. 973, 1950.

Israel to desist forthwith from acts of destroying homes of the Arab civilian population in areas occupied by Israel,

Recalling also Security Council resolution 259 (1968) of 27 September 1968, in which the Council expressed its concern for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel, and deplored the delay in the implementation of resolution 237 (1967),

Noting resolution I on respect for and implementation of human rights in occupied territories, adopted by the International Conference on Human Rights on 7 May 1968, in which the Conference, inter alia:

(a) Expressed its grave concern for the violation of human rights in Arab territories occupied by Israel;

(b) Drew the attention of the Government of Israel to the grave consequences resulting from disregard of fundamental freedoms and human rights in occupied territories;

(c) Called upon the Government of Israel to desist forthwith from acts of destroying homes of the Arab civilian population inhabiting areas occupied by Israel and to respect and implement the Universal Declaration of Human Rights and the Geneva Conventions of 12 August 1949 in occupied territories;

(d) Affirmed the inalienable rights of all inhabitants who have left their homes as a result of the outbreak of hostilities in the Middle East to return, resume normal

life, recover their property and homes, and rejoin their families according to the provisions of the Universal Declaration of Human Rights,

1. Decides to establish a special committee of three Member States to investigate Israeli practices affecting the human rights of the population of the occupied territories;

2. Requests the President of the General Assembly to appoint the members of the special committee;

3. Requests the Government of Israel to receive the special committee, to co-operate with it and to facilitate its work;

4. Requests the special committee to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

5. Requests the Secretary-General to provide the special committee with all the necessary facilities for the performance of its task.

APPENDIX Q

RESOLUTION 267 OF THE SECURITY COUNCIL
DATED 3 JULY 1969 CONCERNING MEASURES TAKEN BY
ISRAEL TO CHANGE THE STATUS OF JERUSALEM

The Security Council,

Recalling its resolution 252 of 21 May 1968 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 respectively concerning measures and actions by Israel affecting the status of the City of Jerusalem,

Having heard the statements of the parties concerned on the question,

Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. Reaffirms its resolution 252 (1968);
2. Deplores the failure of Israel to show any regard for the General Assembly and Security Council resolutions mentioned above;
3. Censures in the strongest terms all measures taken to change the status of the City of Jerusalem;
4. Confirms that all legislative and administrative measures and actions by Israel which purport to alter the status of Jerusalem including expropriation of land and properties thereon are invalid and cannot change that status;

5. Urgently calls once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

6. Requests Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of this resolution;

7. Determines that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what further action should be taken in this matter;

8. Requests the Secretary-General to report to the Security Council on the implementation of this resolution.

APPENDIX R

RESOLUTION 271 OF THE SECURITY COUNCIL
DATED 15 SEPTEMBER 1969 CONCERNING ARSON AT
AL AQSA MOSQUE AND THE STATUS OF JERUSALEM

The Security Council,

Grieved at the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel,

Mindful of the consequent loss of human culture,

Having heard the statements made before the Council reflecting the universal outrage caused by the act of sacrilege in one of the most venerated shrines of mankind,

Recalling its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, concerning measures and actions by Israel affecting the status of the City of Jerusalem,

Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

1. Reaffirms its resolutions 252 (1968) and 267 (1969);
2. Recognizes that any act of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem or any encouragement of, or connivance at, any such act may seriously endanger international peace and security;
3. Determines that the execrable act of desecration and profanation of the Holy Al Aqsa Mosque emphasizes the

immediate necessity of Israel's desisting from acting in violation of the aforesaid resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem;

4. Calls upon Israel scrupulously to observe the provisions of the Geneva Conventions¹⁶ and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem, including any cooperation that Council may desire from countries with predominantly Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem;

5. Condemns the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions;

6. Reiterates the determination in paragraph 7 of resolution 267 (1969) that, in the event of a negative response or no response, the Security Council shall convene without delay to consider what further action should be taken in this matter;

7. Requests the Secretary-General to follow closely the implementation of the present resolution and to report

¹⁶ Geneva Conventions of 12 August 1949 (United Nations, Treaty Series, vol. 75 (1950), Nos. 970-973).

thereon to the Security Council at the earliest possible date.

Adopted at the 1512th meeting
by 11 votes to none, with 4
abstentions (Colombia, Finland,
Paraguay, United States of
America).

APPENDIX S

RESOLUTION 2535 (XXIV) B OF THE GENERAL ASSEMBLY
DATED 10 DECEMBER 1969 AFFIRMING THE INALIENABLE RIGHTS
OF THE PEOPLE OF PALESTINE

The General Assembly,

Recognizing 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,

Gravely concerned that the denial of their rights has been aggravated by the reported acts of collective punishment, arbitrary detention, curfews, destruction of homes and property, deportation and other repressive acts against the refugees and other inhabitants of the occupied territories,

Recalling Security Council resolution 237 (1967) of 14 June 1967,

Recalling also its resolution 2252 (ES-V) of 4 July 1967 and its resolution 2452 A (XXIII) of 19 December 1968 calling upon the Government of Israel to take effective and immediate steps for the return without delay of those inhabitants who had fled the areas since the outbreak of hostilities,

Desirous of giving effect to its resolutions for relieve the plight of the displaced persons and the refugees,

1. Reaffirms the inalienable rights of the people of Palestine;

2. Draws the attention of the Security Council to the grave situation resulting from Israeli policies and practices in the occupied territories and Israel's refusal to implement the above resolutions;

3. Requests the Security Council to take effective measures in accordance with the relevant provisions of the Charter of the United Nations to ensure the implementation of these resolutions.

1827th plenary meeting,

10 December 1969.

APPENDIX T

RESOLUTION 2546 (XXIV) OF THE GENERAL ASSEMBLY
DATED 11 DECEMBER 1969 CONCERNING VIOLATIONS BY ISRAEL
OF HUMAN RIGHTS IN THE OCCUPIED TERRITORIES

The General Assembly,

Guided by the purposes and principles of the Charter of
the United Nations,

Bearing in mind the provisions of the Geneva Convention
relative to the Protection of Civilian Persons in Time of War
of 12 August 1949 and the provisions of the Universal Dec-
laration of Human Rights,

Recalling the humanitarian resolutions regarding the
violations of human rights and fundamental freedoms in the
territories occupied by Israel, especially Security Council
resolutions 237 (1967) of 14 June 1967 and 259 (1968) of
27 September 1968, Commission on Human Rights resolutions 6
(XXIV) of 27 February 1968 and 6 (XXV) of 4 March 1969, and
the relevant resolutions of the International Conference on
Human Rights held at Teheran in 1968, the Economic and Social
Council, the United Nations Educational, Scientific and Cul-
tural Organization and the World Health Organization,

Further recalling its resolutions 2252 (ES-V) of 4 July
1967 and 2443 (XXIII) and 2452 (XXIII) of 19 December 1968,

Concerned that the provisions of these resolutions have
not been implemented by the Israeli authorities,

Gravely alarmed by fresh reports of collective punishments, mass imprisonment, indiscriminate destruction of homes and other acts of oppression against the civilian population in the Arab territories occupied by Israel,

1. Reaffirms its resolutions relating to the violations of human rights in the territories occupied by Israel;

2. Expresses its grave concern at the continuing reports of violation of human rights in those territories;

3. Condemns such policies and practices as collective and area punishment, the destruction of homes and the deportation of the inhabitants of the territories occupied by Israel;

4. Urgently calls upon the Government of Israel to desist forthwith from its reported repressive practices and policies towards the civilian population in the occupied territories and to comply with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, the Universal Declaration of Human Rights and the relevant resolutions adopted by the various international organizations;

5. Requests the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, established under General Assembly resolution 2443 (XXIII), to take cognizance of the provisions of the present resolution.

1829th plenary meeting,

11 December 1969.

APPENDIX U

RESOLUTION 2628 (XXV) OF THE GENERAL ASSEMBLY
DATED 4 NOVEMBER 1970 CONCERNING THE SITUATION IN THE
MIDDLE EAST AND RESPECT FOR THE RIGHTS OF THE PALESTINIANS

The General Assembly,

Seriously concerned that the continuation of the present grave and deteriorating situation in the Middle East constitutes a serious threat to international peace and security,

Reaffirming that no territorial acquisition resulting from the threat or use of force shall be recognized,

Deploing the continued occupation of the Arab territories since 5 June 1967,

Seriously concerned that Security Council resolution 242 (1967) of 22 November 1967, which was unanimously adopted and which provides for a peaceful settlement of the situation in the Middle East, has not yet been implemented,

Having considered the item entitled "The situation in the Middle East,"

1. Reaffirms that the acquisition of territories by force is inadmissible and that, consequently, territories thus occupied must be restored;

2. Reaffirms that the establishment of a just and lasting peace in the Middle East should include the application of both the following principles:

(a) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

(b) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and its right to live in peace within secure and recognized boundaries free from threats or acts of force;

3. Recognizes 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;

4. Urges the speedy implementation of Security Council resolution 242 (1967), which provides for the peaceful settlement of the situation in the Middle East, in all its parts;

5. Calls upon the parties directly concerned to instruct their representatives to resume contact with the Special Representative of the Secretary-General in order to enable him to carry out, at the earliest possible date, his mandate for the implementation of the Security Council resolution in all its parts;

6. Recommends to the parties that they extend the cease-fire for a period of three months in order that they may enter into talks under the auspices of the Special Representative of the Secretary-General with a view to giving effect to Security Council resolution 242 (1967);

7. Requests the Secretary-General to report to the Security Council within a period of two months, and to the General Assembly as appropriate, on the efforts of the

Special Representative and on the implementation of Security Council resolution 242 (1967);

8. Requests the Security Council to consider, if necessary, making arrangements, under the relevant Articles of the Charter of the United Nations, to ensure the implementation of its resolution.

APPENDIX V

RESOLUTION 2672 (XXV) C OF THE GENERAL ASSEMBLY
DATED 8 DECEMBER 1970 CONCERNING EQUAL RIGHTS AND
SELF-DETERMINATION OF THE PALESTINIANS

The General Assembly,

Recognizing that the problem of the Palestinian Arab Regugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling its resolution 2535 B (XXIV) of 10 December 1969, in which it reaffirmed the inalienable rights of the people of Palestine,

Bearing in mind the principle of equal rights and self-determination of peoples enshrined in Articles 1 and 55 of the Charter of the United Nations and more recently reaffirmed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

1. Recognizes that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter of the United Nations;
2. Declares 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.

APPENDIX W

RESOLUTION 2727 (XXV) OF THE GENERAL ASSEMBLY
DATED 15 DECEMBER 1970 CONCERNING VIOLATIONS BY ISRAEL
OF HUMAN RIGHTS IN THE OCCUPIED TERRITORIES

The General Assembly,

Guided by the purposes and principles of the Charter of
the United Nations,

Bearing in mind the provisions of the Universal Declara-
tion of Human Rights and the provisions of the Geneva Conven-
tion relative to the Protection of Civilian Persons in Time
of War of 12 August 1949,¹⁷

Recalling Security Council Resolutions 237 (1967) of
14 June 1967 and 259 (1968) of 27 September 1968,

Recalling also its resolutions 2252 (ES-V) of 4 July
1967, 2443 (XXIII) of 19 December 1968, 2452 A (XXIII) of
19 December 1968, 2535 B (XXIV) of 10 December 1969 and
2672 D (XXV) of 8 December 1970,

Further recalling Commission on Human Rights resolutions
6 (XXIV) of 27 February 1968,¹⁸ 6 (XXV) of 4 March 1969¹⁹ and
10 (XXVI) of 23 March 1970,²⁰ the telegram of 8 March 1968 to

¹⁷United Nations, Treaty Series, vol. 75 (1950), No. 973.

¹⁸Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 4 (E/4475), chapter XVIII.

¹⁹Ibid., Forty-sixth Session, document E/4621, chapter XVIII.

²⁰Ibid., Forty-eighth Session, Supplement No. 5 (E/4816) chapter XXIII.

the Israeli authorities,²¹ the relevant resolutions of the International Conference on Human Rights held at Teheran in 1968,²² Commission on Status of Women resolution 7 (XXIII) of 9 April 1970²³ and the relevant resolutions of the Economic and Social Council, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,²⁴

Noting with regret that the provisions of these resolutions have not been implemented by the Israeli authorities,

Gravely concerned for the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel,

1. Expresses its sincere appreciation to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and to its members for their efforts in performing the task assigned to them;

²¹Ibid., Forty-fourth Session, Supplement No. 4 (E/4475), para. 400.

²²See Final Act of the International Conference on Human Rights (United Nations publication, Sales No. E.68.XIV.2) chapter III.

²³Official Records of the Economic and Social Council, Forty-eighth Session, Supplement No. 6 (E/4831), chapter XII.

²⁴A/8089.

2. Calls upon the Government of Israel to immediately implement the recommendations of the Special Committee embodied in its report,²⁵ and to comply with its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, the Universal Declaration of Human Rights and the relevant resolutions adopted by the various international organizations;

3. Requests the Special Committee, pending the early termination of Israeli occupation of Arab territories, to continue its work and to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the human rights of the population of the occupied territories;

4. Urges the Government of Israel to receive the Special Committee, co-operate with it and facilitate its work;

5. Requests the Special Committee to report to the Secretary-General as soon as possible and whenever the need arises thereafter;

6. Requests the Secretary-General to provide the Special Committee with all the necessary facilities for the continued performance of its tasks;

7. Decides to inscribe on the provisional agenda of its twenty-sixth session an item entitled "Report (or reports) of

²⁵Ibid., paras. 145-156.

the Special Committee to Investigate Israeli Practices
Affecting the Human Rights of the Population of the Occupied
Territories."

APPENDIX X

RESOLUTION 298 OF THE SECURITY COUNCIL
DATED 25 SEPTEMBER 1971 CONCERNING MEASURES TAKEN BY
ISRAEL TO CHANGE THE STATUS OF JERUSALEM

The Security Council,

Recalling its resolutions 252 (1968) and 267 (1969) and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of July 1967 concerning measures and actions by Israel designed to change the status of the Israeli-occupied section of Jerusalem,

Having considered the letter of the Permanent Representative of Jordan on the situation in Jerusalem (S/10313) and the reports of the Secretary-General (S/8052, S/8146, S/9149 and Add.1, S/9537 and S/10124 and Add.1 and 2), and having heard the statements of the parties concerned on the question,

Reaffirming the principle that acquisition of territory by military conquest is inadmissible,

Noting with concern the non-compliance by Israel with above-mentioned resolutions, Israel has taken further measures designed to change the status and character of the occupied section of Jerusalem,

1. Reaffirms Security Council resolutions 252 (1968) and 267 (1969);

2. Deplores the failure of Israel to respect the previous resolutions adopted by the United Nations concerning

measures and actions by Israel purporting to affect the status of the city of Jerusalem;

3. Confirms in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the city of Jerusalem including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section are totally invalid and cannot change that status;

4. Urgently calls upon Israel to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the City, or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace;

5. Requests the Secretary-General, in consultation with the President of the Security Council and using such instrumentalities as he may choose, including a representative or a mission, to report to the Security Council as appropriate and in any event within 60 days on the implementation of this resolution.

APPENDIX Y

UNITED NATIONS SECURITY COUNCIL RESOLUTION 338,
OCTOBER 21-22, 1973

The Security Council

1. Calls upon all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;

2. Calls upon the parties concerned to start immediately after the cease-fire the implementation of Security Council Resolution 242 (1967) in all of its parts;

3. Decides that, immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

APPENDIX Z

JOINT U.S.-SOVIET STATEMENT ON THE MIDDLE EAST,
NEW YORK, OCTOBER 1, 1977

Having exchanged views regarding the unsafe situation which remains in the Middle East, U.S. Secretary of State Cyrus Vance and Member of the Politbureau of the Central Committee of the CPSU, Minister for Foreign Affairs of the U.S.S.R. A. A. Gromyko have the following statement to make on behalf of their countries, which are cochairmen of the Geneva Peace Conference on the Middle East:

1. Both governments are convinced that vital interests of the peoples of this area, as well as the interests of strengthening peace and international security in general, urgently dictate the necessity of achieving, as soon as possible, a just and lasting settlement of the Arab-Israeli conflict. This settlement should be comprehensive, incorporating all parties concerned and all questions.

The United States and the Soviet Union believe that, within the framework of a comprehensive settlement of the Middle East problem, all specific questions of 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 insuring 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.

The two governments believe that, in addition to such measures for insuring the security of the borders between Israel and the neighboring Arab states as the establishment of demilitarized zones and the agreed stationing in them of U.N. troops or observers, international guarantees of such borders as well as of the observance of the terms of the settlement can also be established should the contracting parties so desire. The United States and the Soviet Union are ready to participate in these guarantees, subject to their constitutional processes.

2. The United States and the Soviet Union believe that the only right and effective way for achieving a fundamental solution to all aspects of the Middle East problem in its entirety is negotiations within the framework of the Geneva peace conference, specially convened for these purposes, with participation in its work of the representatives of all the parties involved in the conflict including those of the Palestinian people, and legal and contractual formalization of the decisions reached at the conference.

In their capacity as cochairmen of the Geneva conference, the United States and the U.S.S.R. affirm their intention, through joint efforts and in their contacts with the parties concerned, to facilitate in every way the resumption of the work of the conference not later than December

1977. The cochairmen note that there still exist several questions of a procedural and organizational nature which remain to be agreed upon by the participants to the conference.

3. Guided by the goal of achieving a just political settlement in the Middle East and of eliminating the explosive situation in this area of the world, the United States and the U.S.S.R. appeal to all parties in the conflict to understand the necessity for careful consideration of each other's legitimate rights and interests and to demonstrate mutual readiness to act accordingly.

APPENDIX AA

A FRAMEWORK FOR PEACE IN THE MIDDLE EAST
AGREED AT CAMP DAVID

DOCUMENTS AGREED TO AT CAMP DAVID,
SEPTEMBER 17, 1978

Muhammad Anwar al-Sadat, President of the Arab Republic of Egypt, and Menachem Begin, Prime Minister of Israel, met with Jimmy Carter, President of the United States of America, at Camp David from September 5 to September 17, 1978, and have agreed on the following framework for peace in the Middle East. They invite other parties to the Arab-Israeli conflict to adhere to it.

PREAMBLE

The search for peace in the Middle East must be guided by the following:

-- The agreed basis for a peaceful settlement of the conflict between Israel and its neighbors is United Nations Security Council Resolution 242, in all its parts. (The texts of Resolutions 242 and 338 are annexed to this document.)

-- After four wars during thirty years, despite intensive human efforts, the Middle East, which is the cradle of civilization and the birthplace of three great religions, does not yet enjoy the blessings of peace. The people of the Middle East yearn for peace so that the vast human and natural resources of the region can be turned to the pursuits of peace

and so that this area can become a model for coexistence and cooperation among nations.

-- The historic initiative of President Sadat in visiting Jerusalem and the reception accorded to him by the Parliament, government and people of Israel, and the reciprocal visit of Prime Minister Begin to Ismailia, the peace proposals made by both leaders, as well as the warm reception of these missions by the peoples of both countries, have created an unprecedented opportunity for peace which must not be lost if this generation and future generations are to be spared the tragedies of war.

-- The provisions of the Charter of the United Nations and the other accepted norms of international law and legitimacy now provide accepted standards for the conduct of relations among all states.

-- To achieve a relationship of peace, in the spirit of Article 2 of the United Nations Charter, future negotiations between Israel and any neighbor prepared to negotiate peace and security with it, are necessary for the purpose of carrying out all the provisions and principles of Resolutions 242 and 338.

-- Peace requires respect for the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force. Progress toward that goal can accelerate movement toward a

new era of reconciliation in the Middle East marked by cooperation in promoting economic development, in maintaining stability, and in assuring security.

-- Security is enhanced by a relationship of peace and by cooperation between nations which enjoy normal relations. In addition, under the terms of peace treaties, the parties can, on the basis of reciprocity, agree to special security arrangements such as demilitarized zones, limited armaments areas, early warning stations, the presence of international forces, liaison, agreed measures for monitoring, and other arrangements that they agree are useful.

FRAMEWORK

Taking these factors into account, the parties are determined to reach a just, comprehensive, and durable settlement of the Middle East conflict through the conclusion of peace treaties based on Security Council Resolutions 242 and 338 in all their parts. Their purpose is to achieve peace and good neighborly relations. They recognize that, for peace to endure, it must involve all those who have been most deeply affected by the conflict. They therefore agree that this framework as appropriate is intended by them to constitute a basis for peace not only between Egypt and Israel, but also between Israel and each of its other neighbors which is prepared to negotiate peace with Israel on this basis. With that objective in mind, they have agreed to proceed as follows:

A. WEST BANK AND GAZA

1. Egypt, Israel, Jordan and the representatives of the Palestinian people should participate in negotiations on the resolution of the Palestinian problem in all its aspects. To achieve that objective, negotiations relating to the West Bank and Gaza should proceed in three stages:

(a) Egypt and Israel agree that, in order to ensure a peaceful and orderly transfer of authority, and taking into account the security concerns of all the parties, there should be transitional arrangements for the West Bank and Gaza for a period not exceeding five years. In order to provide full autonomy to the inhabitants, under these arrangements the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of these areas to replace the existing military government. To negotiate the details of a transitional arrangement, the Government of Jordan will be invited to join the negotiations on the basis of this framework. These new arrangements should give due consideration both to the principle of self-government by the inhabitants of these territories and to the legitimate security concerns of the parties involved.

(b) Egypt, Israel, and Jordan will agree on the modalities for establishing the elected self-governing authority in the West Bank and Gaza. The delegations of Egypt and Jordan may include Palestinians from the West Bank

and Gaza or other Palestinians as mutually agreed. The parties will negotiate an agreement which will define the powers and responsibilities of the self-governing authority to be exercised in the West Bank and Gaza. A withdrawal of Israeli armed forces will take place and there will be a redeployment of the remaining Israeli forces into specified locations. The agreement will also include arrangements for assuring internal and external security and public order. A strong local police force will be established, which may include Jordanian citizens. In addition, Israeli and Jordanian forces will participate in joint patrols and in the manning of control posts to assure the security of the borders.

(c) When the self-governing authority (administrative council) in the West Bank and Gaza is established and inaugurated, the transitional period of five years will begin. As soon as possible, but not later than the third year after the beginning of the transitional period, negotiations will take place to determine the final status of the West Bank and Gaza and its relationship with its neighbors, and to conclude a peace treaty between Israel and Jordan by the end of the transitional period. These negotiations will be conducted among Egypt, Israel, Jordan, and the elected representatives of the inhabitants of the West Bank and Gaza. Two separate but related committees will be convened, one committee, consisting of representatives of the four parties which will negotiate and agree on the final status of the West Bank and

Gaza, and its relationship with its neighbors, and the second committee, consisting of representatives of Israel and representatives of Jordan to be joined by the elected representatives of the inhabitants of the West Bank and Gaza, to negotiate the peace treaty between Israel and Jordan, taking into account the agreement reached on the final status of the West Bank and Gaza. The negotiations shall be based on all the provisions and principles of U.N. Security Council Resolution 242. The negotiations will resolve, among other matters, the location of the boundaries and the nature of the security arrangements. The solution from the negotiations must also recognize the legitimate rights of the Palestinian people and their just requirements. In this way, the Palestinians will participate in the determination of their own future through:

- 1) The negotiations among Egypt, Israel, Jordan and the representatives of the inhabitants of the West Bank and Gaza to agree on the final status of the West Bank and Gaza and other outstanding issues by the end of the transitional period.
- 2) Submitting their agreement to a vote by the elected representatives of the inhabitants of the West Bank and Gaza.
- 3) Providing for the elected representatives of the inhabitants of the West Bank and Gaza to decide how they shall govern themselves consistent with the provisions of their agreement.
- 4) Participating as stated above in the work of the committee negotiating the peace treaty between Israel and Jordan.

2. All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond. To assist in providing such security, a strong local police force will be constituted by the self-governing authority. It will be composed of inhabitants of the West Bank and Gaza. The police will maintain continuing liaison on internal security matters with the designated Israeli, Jordanian, and Egyptian officers.

3. During the transitional period, representatives of Egypt, Israel, Jordan, and the self-governing authority will constitute a continuing committee to decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern may also be dealt with by this committee.

4. Egypt and Israel will work with each other and with other interested parties to establish agreed procedures for a prompt, just and permanent implementation of the resolution of the refugee problem.

B. EGYPT-ISRAEL

1. Egypt and Israel undertake not to resort to the threat or the use of force to settle disputes. Any disputes shall be settled by peaceful means in accordance with the provisions of Article 33 of the Charter of the United Nations.

2. In order to achieve peace between them, the parties agree to negotiate in good faith with a goal of concluding within three months from the signing of this Framework a peace treaty between them, while inviting the other parties to the conflict to proceed simultaneously to negotiate and conclude similar peace treaties with a view to achieving a comprehensive peace in the area. The Framework for the Conclusion of a Peace Treaty between Egypt and Israel will govern the peace negotiations between them. The parties will agree on the modalities and the timetable for the implementation of their obligations under the treaty.

C. ASSOCIATED PRINCIPLES

1. Egypt and Israel state that the principles and provisions described below should apply to peace treaties between Israel and each of its neighbors--Egypt, Jordan, Syria and Lebanon.

2. Signatories shall establish among themselves relationships normal to states at peace with one another. To this end, they should undertake to abide by all the provisions of the Charter of the United Nations. Steps to be taken in this respect include:

- (a) full recognition;
- (b) abolishing economic boycotts;
- (c) guaranteeing that under their jurisdiction the citizens of the other parties shall enjoy the protection of the due process of law.

3. Signatories should explore possibilities for economic development in the context of final peace treaties, with the objective of contributing to the atmosphere of peace, cooperation and friendship which is their common goal.

4. Claims Commissions may be established for the mutual settlement of all financial claims.

5. The United States shall be invited to participate in the talks on matters related to the modalities of the implementation of the agreements and working out the timetable for the carrying out of the obligations of the parties.

6. The United Nations Security Council shall be requested to endorse the peace treaties and ensure that their provisions shall not be violated. The permanent members of the Security Council shall be requested to underwrite the peace treaties and ensure respect for their provisions. They shall also be requested to conform their policies and actions with the undertakings contained in this Framework.

For the Government of the Arab Republic of Egypt:

A. Sadat

For the Government of Israel:

M. Begin

Witnessed by:

Jimmy Carter
President of the United States
of America

Framework for the Conclusion of a Peace Treaty
Between Egypt and Israel

In order to achieve peace between them, Israel and Egypt agree to negotiate in good faith with a goal of concluding within three months of the signing of this framework a peace treaty between them.

It is agreed that:

The site of the negotiations will be under a United Nations flag at a location or locations to be mutually agreed.

All of the principles of U.N. Resolution 242 will apply in this resolution of the dispute between Israel and Egypt.

Unless otherwise mutually agreed, terms of the peace treaty will be implemented between two and three years after the peace treaty is signed.

The following matters are agreed between the parties:

- (a) the full exercise of Egyptian sovereignty up to the internationally recognized border between Egypt and mandated Palestine;
- (b) the withdrawal of Israeli armed forces from the Sinai;
- (c) the use of airfields left by the Israelis near El Arish, Rafah, Ras en Naqb, and Sharm el Sheikh for civilian purposes only, including possible commercial use by all nations;
- (d) the right of free passage by ships of Israel through the Gulf of Suez and the Suez Canal on the basis of the Constantinople Convention of 1888 applying to all nations; the Strait of Tiran and the Gulf of Aqaba are international waterways to be open to all nations for unimpeded and non-suspendable freedom of navigation and overflight;

- (e) the construction of a highway between the Sinai and Jordan near Elat with guaranteed free and peaceful passage by Egypt and Jordan; and
- (f) the stationing of military forces listed below.

STATIONING OF FORCES

A. No more than one division (mechanized or infantry) of Egyptian armed forces will be stationed within an area lying approximately 50 kilometers (km) east of the Gulf of Suez and the Suez Canal.

B. Only United Nations forces and civil police equipped with light weapons to perform normal police functions will be stationed within an area lying west of the international border and the Gulf of Aqaba, varying in width from 20 km to 40 km.

C. In the area within 3 km east of the international border there will be Israeli limited military forces not to exceed four infantry battalions and United Nations observers.

D. Border patrol units, not to exceed three battalions, will supplement the civil police in maintaining order in the area not included above.

The exact demarcation of the above areas will be as decided during the peace negotiations.

Early warning stations may exist to ensure compliance with the terms of the agreement.

United Nations forces will be stationed: (a) in part of the area in the Sinai lying within about 20 km of the

Mediterranean Sea and adjacent to the international border, and (b) in the Sharm el Sheikh area to ensure freedom of passage through the Strait of Tiran; and these forces will not be removed unless such removal is approved by the Security Council of the United Nations with a unanimous vote of the five permanent members.

After a peace treaty is signed, and after the interim withdrawal is complete, normal relations will be established between Egypt and Israel, including: full recognition, including diplomatic, economic and cultural relations; termination of economic boycotts and barriers to the free movement of goods and people; and mutual protection of citizens by the due process of law.

INTERIM WITHDRAWAL

Between three months and nine months after the signing of the peace treaty, all Israeli forces will withdraw east of a line extending from a point east of El Arish to Ras Muhammad, the exact location of this line to be determined by mutual agreement.

For the Government of the Arab Republic of Egypt:

A. Sadat

For the Government of Israel:

M. Begin

Witnessed by:

Jimmy Carter
President of the United States
of America

Letters Accompanying the Documents Agreed To
at Camp David, September 22, 1978

September 17, 1978

Dear Mr. President:

I have the honor to inform you that during two weeks after my return home I will submit a motion before Israel's Parliament [the Knesset] to decide the following question:

If during the negotiations to conclude a peace treaty between Israel and Egypt all outstanding issues are agreed upon, "are you in favor of the removal of the Israeli settlers from the northern and southern Sinai areas or are you in favor of keeping the aforementioned settlers in those areas?"

The vote, Mr. President, on this issue will be completely free from the usual Parliamentary Party discipline to the effect that although the coalition is being now supported by 70 members out of 120, every member of the Knesset, as I believe, both on the Government and the Opposition benches will be enabled to vote in accordance with his own conscience.

Sincerely yours,

(signed)
Menachem Begin

[The President, Camp David, Thurmont, Maryland]

September 22, 1978

Dear Mr. President:

I transmit herewith a copy of a letter to me from Prime Minister Begin setting forth how he proposes to present the issue of the Sinai settlements to the Knesset for the latter's decision.

In this connection, I understand from your letter that Knesset approval to withdraw all Israeli settlers from Sinai according to a timetable within the period specified for the

implementation of the peace treaty is a prerequisite to any negotiations on a peace treaty between Egypt and Israel.

Sincerely,

(signed)
Jimmy Carter

Enclosure: Letter from Prime Minister Begin
[His Excellency Anwar el-Sadat, President of the Arab Republic
of Egypt, Cairo]

September 17, 1978

Dear Mr. President:

In connection with the "Framework for a Settlement in Sinai" to be signed tonight, I would like to reaffirm the position of the Arab Republic of Egypt with respect to the settlements:

1. All Israeli settlers must be withdrawn from Sinai according to a timetable within the period specified for the implementation of the peace treaty.
2. Agreement by the Israeli Government and its constitutional institutions to this basic principle is therefore a prerequisite to starting peace negotiations for concluding a peace treaty.
3. If Israel fails to meet this commitment, the "Framework" shall be void and invalid.

Sincerely,

(signed)
Mohamed Anwar El Sadat

[His Excellency Jimmy Carter, President of the United States]

September 22, 1978

Dear Mr. Prime Minister:

I have received your letter of September 17, 1978, describing how you intend to place the question of the future of Israeli settlements in Sinai before the Knesset for its decision.

Enclosed is a copy of President Sadat's letter to me on this subject.

Sincerely,

(signed)
Jimmy Carter

Enclosure: Letter from President Sadat
[His Excellency Menachem Begin, Prime Minister of Israel]

September 17, 1978

Dear Mr. President:

I am writing you to reaffirm the position of the Arab Republic of Egypt with respect to Jerusalem:

1. Arab Jerusalem is an integral part of the West Bank. Legal and historical Arab rights in the City must be respected and restored.
2. Arab Jerusalem should be under Arab sovereignty.
3. The Palestinian inhabitants of Arab Jerusalem are entitled to exercise their legitimate national rights, being part of the Palestinian People in the West Bank.
4. Relevant Security Council Resolutions, particularly Resolutions 242 and 267, must be applied with regard to Jerusalem. All the measures taken by Israel to alter the status of the City are null and void and should be rescinded.
5. All peoples must have free access to the City and enjoy the free exercise of worship and the right to visit and transit to the holy places without distinction or discrimination.
6. The holy places of each faith may be placed under the administration and control of their representatives.
7. Essential functions in the City should be undivided and a joint municipal council composed of an equal number of Arab and Israeli members can supervise the

carrying out of these functions. In this way, the City shall be undivided.

Sincerely,

(signed)
Mohamed Anwar El Sadat

[His Excellency Jimmy Carter, President of the United States]

17 September 1978

Dear Mr. President,

I have the honor to inform you, Mr. President, that on 28 June 1967--Israel's Parliament [The Knesset] promulgated and adopted a law to the effect: "the Government is empowered by a decree to apply the law, the jurisdiction and administration of the State to any part of Eretz Israel [land of Israel--Palestine], as stated in that decree."

On the basis of this law, the Government of Israel decreed in July 1967 that Jerusalem is one city indivisible, the Capital of the State of Israel.

Sincerely,

(signed)
Menachem Begin

[The President, Camp David, Thurmont, Maryland]

September 22, 1978

Dear Mr. President:

I have received your letter of September 17, 1978, setting forth the Egyptian position on Jerusalem. I am transmitting a copy of that letter to Prime Minister Begin for his information.

The position of the United States on Jerusalem remains as stated by Ambassador [Arthur] Goldberg in the United Nations General Assembly on July 14, 1967, and subsequently

by Ambassador [Charles] Yost in the United Nations Security Council on July 1, 1969.

Sincerely,

(signed)
Jimmy Carter

[His Excellency Anwar el-Sadat, President of the Arab Republic of Egypt, Cairo]

September 17, 1978

Dear Mr. President:

In connection with the "Framework for Peace in the Middle East," I am writing you this letter to inform you of the position of the Arab Republic of Egypt with respect to the implementation of the comprehensive settlement.

To ensure the implementation of the provisions related to the West Bank and Gaza and in order to safeguard the legitimate rights of the Palestinian people, Egypt will be prepared to assume the Arab role emanating from these provisions, following consultations with Jordan and the representatives of the Palestinian people.

Sincerely,

(signed)
Mohamed Anwar El Sadat

[His Excellency Jimmy Carter, President of the United States. The White House, Washington, D.C.]

September 22, 1978

Dear Mr. Prime Minister:

I hereby acknowledge that you have informed me as follows:

- A) In each paragraph of the agreed framework document the expressions "Palestinians" or "Palestinian People" are being and will be construed and understood by you as "Palestinian Arabs."

B) In each paragraph in which the expression "West Bank" appears, it is being and will be, understood by the Government of Israel as Judea and Samaria.

Sincerely,

(signed)
Jimmy Carter

[His Excellency Menachem Begin, Prime Minister of Israel]

APPENDIX BB

PRESIDENT REAGAN'S ADDRESS TO THE NATION ON THE
WEST BANK AND THE PALESTINIANS,
SEPTEMBER 1, 1982

Today has been a day that should make all of us proud. It marked the end of the successful evacuation of the P.L.O. from Beirut, Lebanon. This peaceful step could never have been taken without the good offices of the United States and, especially, the truly heroic work of a great American diplomat, Ambassador Philip Habib. Thanks to his efforts, I am happy to announce that the U.S. Marine contingent helping to supervise the evacuation has accomplished its mission. Our young men should be out of Lebanon within two weeks. They, too, have served the cause of peace with distinction and we can all be very proud of them.

But the situation in Lebanon is only part of the overall problem of conflict in the Middle East. So, over the past two weeks, while events in Beirut dominated the front page, America was engaged in a quiet, behind-the-scenes effort to lay the groundwork for a broader peace in the region. For once, there were no premature leaks as U.S. diplomatic missions traveled to Mideast capitals and I met here at home with a wide range of experts to map out an American peace initiative for the long-suffering peoples of the Middle East, Arab and Israeli alike.

It seemed to me that, with the agreement in Lebanon, we had an opportunity for a more far-reaching peace effort in

the region and I was determined to seize that moment. In the words of the scripture, the time had come to "follow after the things which make for peace."

Tonight, I want to report to you on the steps we have taken, and the prospects they can open up for a just and lasting peace in the Middle East.

America has long been committed to bringing peace to this troubled region. For more than a generation, successive U.S. administrations have endeavored to develop a fair and workable process that could lead to a true and lasting Arab-Israeli peace. Our involvement in the search for Mideast peace is not a matter of preference, it is a moral imperative. The strategic importance of the region to the United States is well known.

But our policy is motivated by more than strategic interests. We also have an irreversible commitment to the survival and territorial integrity of friendly states. Nor can we ignore the fact that the well-being of much of the world's economy is tied to stability in the strife-torn Middle East. Finally, our traditional humanitarian concerns dictate a continuing effort to peacefully resolve conflicts.

When our Administration assumed office in January 1981, I decided that the general framework for our Middle East policy should follow the broad guidelines laid down by my predecessors.

There were two basic issues we had to address. First, there was the strategic threat to the region posed by the Soviet Union and its surrogates, best demonstrated by the brutal war in Afghanistan; and, second, the peace process between Israel and its Arab neighbors. With regard to the Soviet threat, we have strengthened our efforts to develop with our friends and allies a joint policy to deter the Soviets and their surrogates from further expansion in the region, and, if necessary, to defend against it. With respect to the Arab-Israeli conflict, we have embraced the Camp David framework as the only way to proceed. We have also recognized, however, that solving the Arab-Israeli conflict, in and of itself, cannot assure peace throughout a region as vast and troubled as the Middle East.

Our first objective under the Camp David process was to insure the successful fulfillment of the Egyptian-Israeli peace treaty. This was achieved with the peaceful return of the Sinai to Egypt in April 1982. To accomplish this, we worked hard with our Egyptian and Israeli friends, and eventually with our friendly countries, to create the multinational force which now operates in the Sinai.

Throughout this period of difficult and time-consuming negotiations, we never lost sight of the next step of Camp David, autonomy talks to pave the way for permitting the Palestinian people to exercise their legitimate rights. However, owing to the tragic assassination of President Sadat and other

crises in the area, it was not until January 1982 that we were able to make a major effort to renew these talks. Secretary of State [Alexander] Haig and Ambassador [Richard] Fairbanks made three visits to Israel and Egypt this year to pursue the autonomy talks. Considerable progress was made in developing the basic outline of an American approach which was to be presented to Egypt and Israel after April.

The successful completion of Israel's withdrawal from Sinai and the courage shown on this occasion by Prime Minister Begin and President Mubarak in living up to their agreements convinced me the time had come for a new American policy to try to bridge the remaining differences between Egypt and Israel on the autonomy process. So, in May, I called for specific measures and a timetable for consultations with the Governments of Egypt and Israel on the next steps in the peace process. However, before this effort could be launched, the conflict in Lebanon pre-empted our efforts. The autonomy talks were basically put on hold while we sought to untangle the parties in Lebanon and still the guns of war.

The Lebanon war, tragic as it was, has left us with a new opportunity for Middle East peace. We must seize it now and bring peace to this troubled area so vital to world stability while there is still time. It was with this strong conviction that over a month ago, before the present negotiations in Beirut had been completed, I directed Secretary of State [George] Shultz to again review our policy and to consult a

wide range of outstanding Americans on the best ways to strengthen chances for peace in the Middle East.

We have consulted with many of the officials who were historically involved in the process, with members of the Congress, and with individuals from the private sector, and I have held extensive consultations with my own advisers on the principles I will outline to you tonight.

The evacuation of the P.L.O. from Beirut is now complete. And we can now help the Lebanese to rebuild their war-torn country. We owe it to ourselves, and to posterity, to move quickly to build upon this achievement. A stable and revived Lebanon is essential to all our hopes for peace in the region. The people of Lebanon deserve the best efforts of the international community to turn the nightmares of the past several years into a new dawn of hope.

But the opportunities for peace in the Middle East do not begin and end in Lebanon. As we help Lebanon rebuild, we must also move to resolve the root causes of conflict between Arabs and Israelis.

The war in Lebanon has demonstrated many things, but two consequences are key to the peace process:

First, the military losses of the P.L.O. have not diminished the yearning of the Palestinian people for a just solution of their claims; and second, while Israel's military successes in Lebanon have demonstrated that its armed forces

are second to none in the region, they alone cannot bring just and lasting peace to Israel and her neighbors.

The question now is how to reconcile Israel's legitimate security concerns with the legitimate rights of the Palestinians. And that answer can only come at the negotiating table. Each party must recognize that the outcome must be acceptable to all and that true peace will require compromises by all.

So, tonight I am calling for a fresh start. This is the moment for all those directly concerned to get involved--or lend their support--to a workable basis for peace. The Camp David agreement remains the foundation of our policy. Its language provides all parties with the leeway they need for successful negotiations.

I call on Israel to make clear that the security for which she yearns can only be achieved through genuine peace, a peace requiring magnanimity, vision and courage.

I call on the Palestinian people to recognize that their own political aspirations are inextricably bound to recognition of Israel's right to a secure future.

And I call on the Arab states to accept the reality of Israel, and the reality that peace and justice are to be gained only through hard, fair, direct negotiation.

In making these calls upon others, I recognize that the United States has a special responsibility. No other nation

is in a position to deal with the key parties to the conflict on the basis of trust and reliability.

The time has come for a new realism on the part of all the peoples of the Middle East. The State of Israel is an accomplished fact; it deserves unchallenged legitimacy within the community of nations. But Israel's legitimacy has thus far been recognized by too few countries, and has been denied by every Arab state except Egypt. Israel exists; it has a right to demand of its neighbors that they recognize those facts.

The war in Lebanon has demonstrated another reality in the region. The departure of the Palestinians from Beirut dramatizes more than ever the homelessness of the Palestinian people. Palestinians feel strongly that their cause is more than a question of refugees. I agree. The Camp David agreement recognized that fact when it spoke of the legitimate rights of the Palestinian people and their just requirements. For peace to endure, it must involve all those who have been most deeply affected by the conflict. Only through broader participation in the peace process, most immediately by Jordan and by the Palestinians, will Israel be able to rest confident in the knowledge that its security and integrity will be respected by its neighbors. Only through the process of negotiation can all the nations of the Middle East achieve a secure peace.

These then are our general goals. What are the specific new American positions, and why are we taking them?

In the Camp David talks thus far, both Israel and Egypt have felt free to express openly their views as to what the outcome should be. Understandably, their views have differed on many points.

The United States has thus far sought to play the role of mediator. We have avoided public comment on the key issues. We have always recognized, and continue to recognize, that only the voluntary agreement of those parties most directly involved in the conflict can provide an enduring solution. But it has become evident to me that some clearer sense of America's position on the key issues is necessary to encourage wider support for the peace process.

First, as outlined in the Camp David accords, there must be a period of time during which the Palestinian inhabitants of the West Bank and Gaza will have full autonomy over their own affairs. Due consideration must be given to the principle of self-government by the inhabitants of the territories and to the legitimate security concerns of the parties involved.

The purpose of the five-year period of transition which would begin after free elections for a self-governing Palestinian authority is to prove to the Palestinians that they can run their own affairs, and that such Palestinian autonomy poses no threat to Israel's security.

The United States will not support the use of any additional land for the purpose of settlements during the transition period. Indeed, the immediate adoption of a settlement freeze by Israel, more than any other action, could create the confidence needed for wider participation in these talks. Further settlement activity is in no way necessary for the security of Israel and only diminishes the confidence of the Arabs that a final outcome can be freely and fairly negotiated.

I want to make the American position clearly understood: The purpose of this transition period is the peaceful and orderly transfer of domestic authority from Israel to the Palestinian inhabitants of the West Bank and Gaza. At the same time, such a transfer must not interfere with Israel's security requirements.

Beyond the transition period, as we look to the future of the West Bank and Gaza, it is clear to me that peace cannot be achieved by the formation of an independent Palestinian state in those territories. Nor is it achievable on the basis of Israeli sovereignty or permanent control over the West Bank and Gaza.

So the United States will not support the establishment of an independent Palestinian state in the West Bank and Gaza, and we will not support annexation or permanent control by Israel.

There is, however, another way to peace. The final status of these lands must, of course, be reached through the

give-and-take of negotiations. But it is the firm view of the United States that self-government by the Palestinians of the West Bank and Gaza in association with Jordan offers the best chance for a durable, just and lasting peace.

We base our approach squarely on the principle that the Arab-Israeli conflict should be resolved through negotiations involving an exchange of territory for peace. This exchange is enshrined in United Nations Security Council Resolution 242, which is, in turn, incorporated in all its parts in the Camp David agreements. U.N. Resolution 242 remains wholly valid as the foundation stone of America's Middle East peace effort.

It is the United States' position that--in turn for peace--the withdrawal provision of Resolution 242 applies to all fronts, including the West Bank and Gaza.

When the border is negotiated between Jordan and Israel, our view on the extent to which Israel should be asked to give up territory will be heavily affected by the extent of true peace and normalization and the security arrangements offered in return.

Finally, we remain convinced that Jerusalem must remain undivided, but its final status should be decided through negotiations.

In the course of negotiations to come, the United States will support positions that seem to us fair and reasonable compromises, and likely to promote a sound agreement. We will also put forward our own detailed proposals when we

believe they can be helpful. And, make no mistake, the United States will oppose any proposal--from any party and at any point in the negotiating process--that threatens the security of Israel. America's commitment to the security of Israel is ironclad.

During the past few days, our Ambassadors in Israel, Egypt, Jordan, and Saudi Arabia have presented to their host government the proposals in full detail that I have outlined here tonight.

I am convinced that these proposals can bring justice, bring security and bring durability to an Arab-Israeli peace.

The United States will stand by these principles with total dedication. They are fully consistent with Israel's security requirements and the aspirations of the Palestinians. We will work hard to broaden participation at the peace table as envisaged by the Camp David accords. And I fervently hope that the Palestinians and Jordan, with the support of their Arab colleagues, will accept this opportunity.

Tragic turmoil in the Middle East runs back to the dawn of history. In our modern day, conflict after conflict has taken its brutal toll there. In an age of nuclear challenge and economic interdependence, such conflicts are a threat to all the people of the world, not just the Middle East itself. It is time for us all, in the Middle East and around the world, to call a halt to conflict, hatred and prejudice: it

is time for us all to launch a common effort for reconstruction, peace and progress.

It has often been said--and regrettably too often been true--that the story of the search for peace and justice in the Middle East is a tragedy of opportunities missed.

In the aftermath of the settlement in Lebanon we now face an opportunity for a broader peace. This time we must not let it slip from our grasp. We must look beyond the difficulties and obstacles of the present and move with fairness and resolve toward a brighter future. We owe it to ourselves, and to posterity, to do no less. For if we miss this chance to make a fresh start, we may look back on this moment from some later vantage point and realize how much that failure cost us all.

These, then, are the principles upon which American policy towards the Arab-Israeli conflict will be based. I have made a personal commitment to see that they endure and, God willing, that they will come to be seen by all reasonable, compassionate people as fair, achievable, and in the interests of all who wish to see peace in the Middle East.

Tonight, on the eve of what can be a dawning of new hope for the people of the troubled Middle East--and for all the world's people who dream of a just and peaceful future--I ask you, my fellow Americans, for your support and your prayers in this great undertaking.

APPENDIX CC

EXCERPT FROM THE ARAB LEAGUE [FEZ] DECLARATION,
SEPTEMBER 9, 1982

Following is the portion of the Arab League declaration, issued on September 9, dealing with the resolution of the Arab-Israeli conflict. The declaration also dealt with Lebanon, the Persian Gulf war, and the Ethiopia-Somalia conflict:

The summit paid homage to the resistance of the forces of the Palestine revolution, the Lebanese and Palestinian peoples and the Syrian Arab armed forces, and reaffirmed its support to the Palestinian people in the struggle to recover its inalienable national rights.

The summit, convinced of the power of the Arab nation to achieve its legitimate objectives and put an end to the aggression on the basis of the fundamental principles laid down by the Arab summits and in view of the desire of the Arab countries to pursue action by every means for the achievement of a just peace in the Middle East, taking account of the plan of His Excellency President Habib Bourguiba which considers international legality to be the basis for the solution of the Palestinian question, and of the plan of His Majesty King Fahd ibn Abdul Aziz concerning peace in the Middle East, and in the light of discussions and observations made by their majesties, excellencies and highnesses, the kings, presidents, and emirs, the summit adopted the following principles:

[1]

The withdrawal of Israel from all Arab territories occupied in 1967 including Arab Al Qods [Jerusalem].

[2]

The dismantling of settlements established by Israel on the Arab territories after 1967.

[3]

The guarantee of freedom of worship and practice of religious rites for all religions in the holy shrines.

[4]

The reaffirmation of the Palestinian people's right to self-determination and the exercise of its imprescriptible and inalienable national rights under the leadership of the Palestine Liberation Organization, its sole and legitimate representative, and the indemnification of all those who do not desire to return.

[5]

Placing the West Bank and Gaza Strip under the control of the United Nations for a transitory period not exceeding a few months.

[6]

The establishment of an independent Palestinian state with Al Qods as its capital.

[7]

The Security Council guarantees peace among all states of the region including the independent Palestinian state.

[8]

The Security Council guarantees the respect of these principles.

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